

COUNCIL MEETING  
APRIL 12, 2010, 7:00 P.M. – BIRDSBORO BOROUGH HALL

**MINUTES**

PRESENT: Aaron J. Durso, President  
Steve Lusky, Vice President  
Thomas Kanuck, Member  
Nancy Kauffman, Member  
Neil McCauley, Member  
Angelene McKinney, Member  
Kenneth Templin, Member  
Karen T. Willman, Borough Manager  
Robert M. Myers, Mayor  
Theodore R. Roth, Chief of Police  
Terry D. Weiler, Esq., Solicitor

ABSENT: Thomas Yuhas, P.E., Horizon Engineering  
Theodore Morse, Birdsboro Municipal Authority Representative

**CALL TO ORDER:** Mr. Durso called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance to the Flag.

**PUBLIC COMMENT ON AGENDA ITEMS**

Cindy McGee, Spruce Street, asked for a status update on the dumpster still sitting in front of a home on Spruce Street. Chief Roth stated that there are no ordinances under which the owner of the property can be cited or made to move the dumpster. Mr. Durso suggested contacting the owner of the property to inquire as to how long he anticipates keeping it there. Chief Roth suggested that this issue be covered in the fee schedule, possibly on a per day basis. Mr. Lusky requested that the solicitor check with other municipalities and see how they handle these types of issues. Glen Miller commented that he worked in many other municipalities who have no rules for dumpsters -- you simply let them know how long you plan to use it.

**MINUTES:**

- a. **April 5, 2010:** **Upon motion made** by Ms. Kauffman and seconded by Mr. Lusky, the April 5, 2010, meeting minutes were approved. There are two places where resident "Anna Finn" appears; this should be corrected to reflect that her name is "Emma Finn". **It is noted that Ms. Kauffman abstained from voting because she was not present at that meeting.** Motion passed 6-0-1.

**BILLS LIST:** **Upon motion made** by Mr. Templin and seconded by Ms. Kauffman, Bills List dated 4/12/10, with the exception of Check #171 in the amount of \$2,224.50 to Horizon Engineering, was unanimously approved. The Borough Manager was asked to obtain more detail an clarification on the invoice from Horizon.

**TREASURER'S REPORT:** **Upon motion made** by Ms. Kauffman and seconded by Ms. McKinney, the March 2010 Treasurer's Report was unanimously approved.

**BROWN & BROWN INSURANCE:** Upon motion made by Mr. McCauley and seconded by Mr. Kanuck, Brown & Brown proposal using Option #1 with a maximum disability benefit of \$600 for the Chief of Police and an annual savings of \$960.00, was unanimously accepted, effective May 1, 2010

### **SUBDIVISION AND LAND DEVELOPMENT**

**G.E.M. Storage (LD2010-01):** Glen Miller, applicant, was present. Mr. Durso advised that the borough Planning Commission, the Berks County Planning Commission reviewed the preliminary/final plan and recommended approval. Mr. McCauley referred to the note which states that a variance was granted and questioned if it took place in 1994 or 1995. He also questioned applicant's waiver request for a monument on the northwest corner of the property. All other required outside agency reviews have been completed. With regard to the waiver request for an improvements escrow, it was suggested that applicant be required to submit a \$500 escrow to cover all required inspections.

**Upon motion made** by Mr. Kanuck and seconded by Mr. Lusky, Resolution LD2010-10, granting preliminary/final plan approval, granting all requested waivers and the applicant's posting of a \$500.00 escrow for all required inspections, was unanimously adopted.

**MAYOR/POLICE REPORTS:** Mayor Myers requested that all regional policing surveys be submitted to him in time for submission by the April 30<sup>th</sup> deadline. Ms. Kauffman said she thought that the response was to be from the borough as a whole and not individually. Council consensus was reached on each question; Mayor Myers will prepare the response and submit to the County.

Mayor Myers commented on the audit report of Reinsel Kuntz & Leshner. He said he feels there are some deficiencies with regard to information technology communications between management and the firm. Reinsel is recommending that the borough adopt a disaster recovery plan, which would require a collaboration of the borough manager, the emergency management coordinator and Ridge Support.

Chief Roth summarized his March monthly report which is on file at borough hall. He advised that a commercial vehicle detail was recently conducted and resulted in 11 violations for a total of \$2,995. The chief also advised that a meeting will be held with Commissioner Barnhart on Thursday, 4/15/10, at 2:00 p.m. in the County Commissioners' Board Room; the radio communications issue will be a topic of discussion.

Mr. Durso thanked Chief Roth for his assistance during a medical situation over the weekend. Mr. McCauley requested clarification of police department donations; Chief Roth said \$804 was donated by the Rotary Club for the purchase of one taser and holster and the second donation is from the D.A. for new weapons for the officers.

Mr. Lusky asked the Chief if he could make some suggestions which would help in preventing vandalism and referred to a party with over a hundred teenagers at Rustic Park a few weeks ago. Chief Roth said that the officers check the park areas when they are not busy on other calls; since the gate at Rustic is closed, the officers park their vehicles and walk into the park. Chief Roth said that the borough needs the "eyes and ears" of the citizens of the borough and asked that anyone who may witness vandalism to contact the police department and report the incident.

Cindy McGee, Spruce Street, asked if a neighborhood watch could be organized and its members trained. Chief Roth commented that citizen participation, whether organized or not, is required to help eliminate vandalism.

## **MUNICIPAL SERVICES / DEPARTMENT REPORTS**

### **Water Department**

The usual monthly sampling and charting was done, along with routine maintenance work. Both Sediment tanks were drained and cleaned. Water allocation reports were completed from 2007 to present on the new computer program. A new hydrant was installed at West 1<sup>st</sup> Street and Madison. The old hydrant was rebuilt. The quarterly calibration of the turbidity meters was completed. Five trees that were damaged in the storm were cut up and cleaned up. Two big pine trees were removed from the plant property. A new 30 foot pipe was installed at the road going to the big reservoir. The old one washed out and collapsed. New back tires were installed on the back hoe. A 6" water valve was repaired on Rte. 724 and a 4" water main break was fixed at Rte 724 and Mill Street. Repeated alarms are being responded to at the water plant for the filters. Water department is giving their best effort to keep things running smoothly. The backwash trough on filter #1 was repaired. The repair was necessary due to the leaking of the backwash water back into the filter. The metal on the trough is extremely deteriorated so hopefully the patch will hold.

### **Wastewater Treatment Plant**

During the month of February, routine maintenance and repair work was performed. PA One calls were marked throughout the month. The post aeration/digester radar units were reprogrammed by Ives. Eastern Environmental was here to flush out and install flange ends on the digester #1. The February storms caused an extensive clean-up at the treatment plant and the pump stations. Digester #1 was placed back in service on 2/16/10. Sewer vent was repaired at 622 W. 3<sup>rd</sup> street. Robert Takacs finished the flooring in the control building office. He also began installing the ballasts and sockets in the office lighting. Paul painted the floors in the garage, chlorine room, bar screen room, digester building, dry well and utility pump room. An oil change was performed on the John Deere tractor 3320.

### **Streets Department**

In addition to the performance of normal maintenance duties, the street department spent time this month sweeping the streets and fixing potholes. Butch continued to work on the Crime Scene Unit for the police department. Steps were installed at the modular unit. Old street signs were taken apart. PA One calls were marked for the installation of new signs. Limbs were cleaned up at Vest Pocket Park. The picnic tables were repaired at the Rustic Picnic Area. Asphalt was cleaned up from the canal and hauled to the Windsor Plant. The Brush pile was cleaned up and stones were raked out of the grass. Due to the storm, tree damage was sustained. The crew spent time cleaning up the limbs on Cocalico Rd. Butch also spent time repairing equipment for the sewer and water departments.

## **MANAGER'S REPORT**

- a. Alltemp Enterprise, Inc.: Upon motion made by Ms. Kauffman and seconded by Mr. Templin, Alltemp Enterprise, Inc.'s proposal to furnish and install a new secondary drain pan for the a/c system in the meeting room ceiling in an amount not to exceed \$750.00 was unanimously approved.
- b. Line of Credit: Ms. Willman requested authorization for a drawdown on the borough's line of credit in the amount of \$2,224.50 to cover Horizon Engineering invoices for special projects, more specifically the road paving project and the concrete work (sidewalks) on Water Street.

Mr. Lusky asked for further clarification of this invoice. He asked why this amount could not be paid out of the general fund with money we already have rather than paying unnecessary interest on the line of credit. He said that we are under budget in several areas at the current time and if we have the money, why not pay it out of the general fund. Ms. Willman commented that these expenses were discussed at budget time and it was agreed that the road paving project and sidewalks were budgeted out of the special project fund.

- c. Meeting with EPA Representative: Ms. Willman advised that she met with Seth Bacon, soils engineer and Tom Yuhas, engineer of record and Todd Lutte of the EPA on Thursday, April 8, 2010. The on-site meeting took place at the old canal area just west of the Optimist ball field. EPA had issued an administrative order to remove all fill placed in the area. The purpose of the meeting was to attempt to negotiate permission to leave the fill in place and obtain an "after the fact" permit. Some fill material was removed with our backhoe which determined that the depth of fill placed by the borough was about 3 ft. in depth. The area to be remediated was flagged by Messrs. Lutte and Bacon and measures approximately .07 acres. This is a very notable positive as it relates to permitting criteria. Mr. Lutte advised that a second on-site meeting, with a DEP representative present, will be required. Mr. Lutte will be in touch with a tentative meeting date.
- d. Clean-up of Rte. 345 Bridge: Ms. Willman said that she had been asked by a council member to have PWD employees clean up the sidewalks on the Route 345 bridge, but thought that getting council consensus would be advisable due to liability issues. Mr. Lusky said that he made the request two weeks ago and asked why this was not on last week's meeting agenda. Ms. Willman said she attempted through e-mail to contact the district municipal services representative. The municipal services rep referred her to the district maintenance supervisor; she is waiting for a return communication to ascertain when PennDOT is scheduled to clean the bridge.
- e. Retirement News: Ms. Willman advised council that David Blank will be retiring and the effective May 1, 2010. Mr. McCauley said that Mr. Blank has been with the borough for a very long time; Mr. Lusky suggested, and council agreed, that the borough manager arrange for a luncheon in recognition of his service.
- f. Breakfast with the Commissioners: Ms. Willman reminded council members of the breakfast with the county commissioners to be held at the Reading Country Club on April 30, 2010.

## **BIRDSBORO-UNION FIRE DEPARTMENT**

Kenneth Long, Treasurer, distributed the department's monthly report which is on file at borough hall.

**EMERGENCY MANAGEMENT:** Ken Imes, Emergency Management Coordinator, was present and advised council members that an initial damage assessment seminar will be held on Wednesday, 4/28/10. He also requested that council authorize the purchase of an internet-based, state-of-the-art surveillance camera for an undisclosed location. The installation, place to mount and internet connection will be donated by a borough business. The cost of the camera is \$1,500.

**Upon motion made** by Mr. Lusky and seconded by Ms. Kauffman, the Emergency Management Coordinator was authorized to purchase a surveillance camera in the amount of \$1,500 to be charged to the emergency management budget.

## **COUNCIL/COMMITTEE REPORTS**

Mr. Kanuck distributed information with regard to the Stormwater Phase II Final Rule, as well as information compiled by the Southeastern PA Stormwater Coalition, a group of 30 Montgomery County municipalities who sought to delay the implementation of the rules. Their next step is to exert influence thereby making the rules more palatable. Mr. Kanuck said that, given the opportunity, Birdsboro should joint this, or another, consortium.

Ms. Kauffman advised council that she has a CD containing an aerial, taken from a helicopter, of the Hopewell Big Woods area. The aerial is of Union, Birdsboro, etc. She also advised that the Schuylkill Scrub will be held on May 21, 2010, should anyone be interested in participating.

Mr. Lusky commented that the Summer Playground program brochure is now available. He commented that the "Taste of Berks" originally scheduled for Saturday, May 8<sup>th</sup>, has been canceled since only one restaurant has expressed interest in participating. Mr. Lusky also advised that the Community Center's carnival will be held on May 22; the duck race will also be held the same day. Proceeds will be split between the Community Center and the Boone Area Library. Mr. Lusky also advised that the Economic and Business Development Committee met on March 25, 2010, at which time a presentation was made on the Liberty Bell Race Track. He said that motorcycle and driver training, cycle education, etc., in addition to a KOA campground would be housed there. Town hall meetings will be begin to be held in the near future.

## **SOLICITOR'S REPORT**

**Proposed Zoning Ordinance:** Solicitor Weiler said that council was given a copy of the Berks County Planning Commission's comments with regard to the proposed zoning ordinance.

**Police Pension Ordinance:** He also said that the Police Pension Plan revision has been reviewed by the police and is in a position to be finalized.

Mr. Weiler stated that we are required to advertise and adopt both of these ordinances separately, but that the other draft ordinances which were passed on to council for review can be adopted as part of the codification.

Executive Session: Mr. Weiler advised that an executive session is required to discuss potential life insurance benefits for deceased officer Robert Rothharpt. Council recessed its regular session and entered into Executive Session at 8:55 p.m. Council returned to its regular session at 9:10 p.m. Mr. Weiler said he was authorized to communicate with the family.

Summer Meeting Schedule: **Motion was made** by Mr. Lusky to hold one council meeting on the second Monday during the months of June, July and August. Mr. Kanuck seconded the motion. Motion passed unanimously.

**BIRDSBORO MUNICIPAL AUTHORITY:** The next meeting is scheduled for 4/19/10

**PLANNING COMMISSION:** The next meeting is scheduled for 4/27/10

**PUBLIC COMMENT:** None

**ADJOURNMENT:** **Upon motion made** by Mr. McCauley and seconded by Mr. Lusky, the meeting was unanimously adjourned at 9:15 p.m.

Respectfully submitted,

Karen T. Willman  
Borough Manager