

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

**MINUTES**

**PRESENT:** Steven Lusky, President  
Kenneth Templin, Vice President  
Tom Kanuck, Member  
Nancy Kauffman, Member  
Neil McCauley, Member  
Angelene McKinney, Member (absent)  
Robert M. Myers, Mayor  
Aaron J Durso, Borough Manager  
Theodore R. Roth, Chief of Police  
Terry D. Weiler, Esq., Solicitor  
Thomas J. Yuhas, P.E., Borough Engineer

**ALSO PRESENT:** Theodore Morse, Chairman, Birdsboro Municipal Authority

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

Mr Lusky commented on the process to fill the council position vacated by Mr. Durso. President Lusky then turned the floor over to Vice President Templin. Mr Templin reported there were two candidates that returned their paperwork on time. He reported on the recommendation of the committee, comprised of President Lusky, Vice President Templin and councilman Kanuck. The Committee recommended Mr. Anthony Tucci. The motion was made by Mr. Kanuck, seconded by Vice President Templin. A question was posed by Mrs. Kauffman; will the new council person be up for re-election in 2011. Manager Durso will be contacting election services to verify re-election of the position. There was discussion regarding Mr. Tucci currently sitting on the Municipal Authority. Mr. Tucci stated he will resign from the Municipal Authority. The motion went to a vote. The motion carried 3-2. Councilman Kanuck, President Lusky, and Vice President Templin all voted yes. Councilman McCauley and Councilwoman Kauffman both voted no. Mayor Myers led the oath of office for Mr. Tucci.

President Lusky asks for a motion to appoint Manager Durso as the secretary of the Borough of Birdsboro. Councilman McCauley made the motion, seconded by Councilwoman Kauffman. Motion carried 6-0.

President Lusky asked residents for public comments on agenda.

**PUBLIC COMMENT ON AGENDA ITEMS:** None

**MINUTES:**

- a. June 14, 2010: **Motion** to approve June 14, 2010, meeting minutes. Motion to approve- Motion made by Councilman McCauley. Seconded by Councilwoman Kauffman. Councilwoman Kauffman wanted a correction on page two regarding Library appointment. Correction was made. Councilman McCauley commented that on the last page last paragraph needed to be re-worded. Correction was made. Motion carried 5-0 with Mr. Tucci abstaining.

- a. May 10, 2010: **Motion** to approve May 10, 2010, meeting minutes. Motion made by Vice President Templin. Seconded by Councilman McCauley. Motion carried 5-0 with Mr. Tucci abstaining.

President Lusky asked council if they would be willing to bring in a recording secretary to take minutes for the council meetings. After a brief discussion, council decided not to due to the expense. Councilman Tucci requests that council revisit in 2011 budget.

### **BILLS LIST**

- a. Bills List dated July 7, 2010- President Lusky asked for a motion to accept. Mr. McCauley asked a question regarding check #13941-to Overhead Door Co of Reading. Chief Roth gave council an update that the big springs on the police garage door needed to be replaced. Chief Roth also mentioned the whole door will need to be replaced but is hoping it will hold up until the 2011 budget. Mr. McCauley also asked about check # 14410 relating to invoice # 48902. Manager Durso explained that it was a code enforcement issue that went to a court hearing. Mayor Myers asked a question about check # 13937 about Christmas Light storage. He thought the fee was excessive. There was a lot of discussion by various council members regarding the storage of the lights and how to move forward in the future. Councilwoman Kauffman asked President Lusky how much it would cost to just put the lights up. President Lusky responded \$9700.00. To put them up is a very labor intensive, time consuming process. President Lusky said last year's Christmas event was very successful and there is a great interest within the community. Lots of new ideas have been brought to the recreation board. The recreation board will have answers and a time line for the Christmas in Birdsboro in September.

- b. List of bills for ratification dated July 6, 2010

Motion was made by Vice President Templin and seconded by Councilwoman Kauffman to approve both Bills lists. Motion passed 6-0.

### **TREASURER'S REPORT**

- a. Report for June, 2010: **Motion** to accept Treasurer's report for the month of June, 2010. Motion was made by Councilwoman Kauffman and seconded by Councilman McCauley. Mayor Myers asked a question in regards to the digester problems at the wastewater treatment plant. Manager Durso responded he does have an update regarding the digester issue in his manager's report. Manager Durso also informed Mayor Myers that a meeting took place with the BMA, Manager Durso, the BMA solicitor and Entech Engineering. Various warranty issues were discussed in the meeting. Authority Chairman Morse gave further explanation on how the Authority is moving forward and handling these issues. Motion carried 6-0.

President Lusky brought to council's attention that \$26,000.00 was withdrawn from the line of credit that did not need to be. He asked if council would like to return the money to the LOC or leave in the general fund to cover the 8<sup>th</sup> street paving project. Councilman McCauley stated it should stay in the general fund.

## **MAYOR/POLICE REPORTS**

The mayor complimented Manager Durso on the budget overage report. Councilman McCauley stated he would like to see a report of any items 25% over the fiscal year to date budget. President Lusky stated he would like year to date comparisons of 2009& 2010. Manager Durso stated the report will be ready for the August 9<sup>th</sup> council meeting. The Mayor pointed out an article to council regarding radio upgrades that was in the Reading Eagle. Chief Roth was quoted in the article. There will be meetings regarding the upgrade on July 27<sup>th</sup> -7pm and July 28<sup>th</sup> - 9am. The meetings will be held at the Berks County Communications Center. Mayor Meyers urged council members to attend either meeting. Vice President Templin will be attending the July 27<sup>th</sup> meeting. Councilman Kanuck is unable to attend either meeting. He also urged council members to attend. He is worried about the costs behind the new systems. Councilman Tucci stated he would attend the July 27<sup>th</sup> meeting. Chief Roth mentioned no financial numbers will be announced at the meetings. The county is waiting for the next generation radio models. Chief Roth did state that the new system would severely impact every municipality financially. He also stated the new system will improve county wide communications as it would lesson the dead spots in the county. Chief Roth stated the county is hoping for finite numbers at the end of 2010. Chief Roth reported on the first crime watch meeting which took place on June 28<sup>th</sup>. Nine residents attended. Chief Roth and Sergeant Riegel were the presenters. Sergeant Riegel asked those in attendance to attend the Amity Crime watch meeting on July 15<sup>th</sup>. This would give the residents an opportunity to see an already functioning crime watch. Councilwoman Kauffman will co-chair the crime watch committee.

Chief Roth reviewed the monthly police report. He informed council that the buckle up PA grant money covers the officer's overtime who participated in the program. Chief Roth reported that the 2003 Crown Victoria was sold at a price of \$2550.00. Chief also reported on a donation of \$800.00 from Mr. Glen Miller to purchase one taser and a cartridge. Chief Roth gave an overview of a local scam. Chief Roth reported that the Mainbird park issues are getting better. He also mentioned pavilions #1 & #2 at Rustic Park were damaged. He stated the police department is being vigilant at both Parks. Chief Roth also stated that the police printer/fax/copier needed an imager repair. The repair will cost \$400.00. Both Chief Roth and President Lusky stated the Police department will need a new printer/fax/copier. Councilman McCauley stated the copier is a modular unit therefore this is the reason it has lasted so long. Councilman McCauley then asked if the Borough could outsource its large volume printing. Chief Roth stated due to date changes on signs it is hard to stock pile printed signs. Chief Roth stated how Keith Karlson of the street department has kept signs and reused them as best he could. Chief Roth explained to the residents that there has been no talk of a merger between Robeson Township police department and the Birdsboro Police Department. Chief Roth explained the mutual aid police agreement between Birdsboro and Robeson Township.

## **BOARD VACANCIES**

**Planning Commission:** President Lusky informed council there was a planning commission opening (term expires 12/31/12). Vice President Templin asked Manager Durso if we could put a board vacancy on the Borough sign. Manager Durso stated yes.

Vice President Templin stated council can make the planning commission appointment in August.

**Recreation Board:** President Lusky advised council there was a recreation board vacancy (term expires 12/31/11). Motion was made by Councilwoman Kauffman and seconded by Councilman Tucci to appoint Joe Germani to the recreation board vacancy. Motion carried 6-0.

Councilwoman Kauffman asked if Mr. Germani had filled out a volunteer application. President Lusky stated yes.

### **ENGINEER'S REPORT:**

**East 1<sup>st</sup> Street Bridge**-Engineer Yuhas reported the East First Street Bridge project was completed. The project came in \$85000.00 under budget. He also stated it came in under budget even with the additional paving of Water Street.

**GEM Storage**- Engineer Yuhas reported GEM storage is ready for final inspection.

**Cedar Hill Development** - Engineer Yuhas reported on the Cedar Hill development and the re-routing of the storm water under the culverts on Jackson Street. He is 100% in favor of the storm water re-routing.

**East 7<sup>th</sup> & 8<sup>th</sup> Street Paving Project**- Engineer Yuhas reported the road paving bids will be opened on July 21<sup>st</sup> at 10:00 am at Borough Hall.

Engineer Yuhas also reported that he met with Manager Durso and Councilman McCauley about the sidewalks at Vest Pocket Park. Engineer Yuhas informed Council he met briefly with a Mr. Weinhold regarding a property purchased by Mr. Weinhold. The property is located on Cocalico Road. Councilwoman Kauffman asked where the property was located.

**Public Works Facility** - President Lusky asked council where they want the Public Works Building. He also asked them what type of building they are looking for. President Lusky suggested putting the new building by the sandbox. Councilwomen Kauffman questioned where the sandbox was located. President Lusky stated it was the salt shed. President Lusky commented that many members have looked into a pre-engineered building. Councilman McCauley asked about the best option for costs; metal or pole building. He then mentioned we should look at the longevity of each type of building. Councilwoman Kauffman inquired if council was looking into a solar building because she believes there may be grant money available. Councilwoman Kauffman also asked about prevailing wage. Councilman Kanuck emphatically stated we don't need to go to prevailing wage. We must keep the costs under the prevailing wage threshold. Vice President Templin stated council members should go down individually to look things over, make a decision and get the job done. President Lusky asked Manager Durso to have figures for the August meeting. Councilman Kanuck stated very firmly if the Public works dept wants it by the slat building; get the numbers and get it done!!!. A motion was made by Mr. Kanuck seconded by VP Templin to place the public works facility adjacent to the salt shed. Motion carried 5-1. Councilman McCauley was the dissenting vote. Engineer Yuhas stated that council should have the bid based on square footage. President Lusky then read a quote he received for a pole building. The amount was \$17589.00. There was various side bar discussion regarding this matter.

Mayor Myers asked Engineer Yuhas the status of the two burned out buildings on Furnace Street. Engineer Yuhas informed Mayor Myers the Borough has won two court cases at the district level. Both have been appealed to the Court of Common Pleas.

President Lusky asked the Engineer about sidewalks. Engineer Yuhas informed council that the scale of the sidewalk work will be over \$25000.00. Councilwoman Kauffman reported she thinks the sidewalks by Main Bird Park are bad too. Councilman McCauley stated he walked the sidewalks with Manager Durso and reported not all the sidewalks need to be replaced. President Lusky asked Councilman Kanuck, who has prior knowledge, if portions could be replaced. Kanuck replied no, once again things have gotten all turned around. Councilman Kanuck stated this is why things in the Borough never get completed. President Lusky stated we are making residents fix sidewalks so the Borough needs to fix their sidewalks too. Councilwoman Kauffman stated council made a motion to do the sidewalks in the June Meeting. Councilwoman Kauffman asked Councilman McCauley how many slabs will be saved? Councilman McCauley stated roughly 30 slabs, but he needs to refer to his notes. Councilman Kanuck asked Councilman McCauley; who made the decision to only replace sections and not the whole sidewalk. Councilman McCauley replied the committee. Councilman Kanuck asked the engineer his opinion. There were various discussions by council about putting out bids. Councilman McCauley made a motion to solicit bids for the slabs to be replaced. Those particular slabs are marked with paint. Councilwoman Kauffman seconded the motion. Councilman Kanuck asked Councilman McCauley how many yards of linear concrete will need to be used. Councilman McCauley responded about 12 yards. Councilman Kanuck replied you will still have to pay for two loads of concrete, what are the savings? Councilman McCauley replied labor costs are saved. Councilman Kanuck –you are still paying for two loads of concrete. Engineer Yuhas stated council should use Penn Dot requirements for the sidewalk bids. Councilman McCauley asked why Penn Dot requirements-they are too expensive? Engineer Yuhas replied if you do not have a spec, how do you monitor the work? Councilman McCauley replied the Borough already has a sidewalk spec. Engineer Yuhas replied the Penn Dot spec is more thorough. Councilwoman Kauffman stated the Borough should use Penn Dot specs. President Lusky asked Engineer Yuhas will you like the quality of just replacing sections of slabs and not the whole sidewalk? Engineer Yuhas-if it is done right it should be okay. President Lusky asked Engineer Yuhas what it would look like. Engineer Yuhas said you will have different colored cement for at least a year. Engineer Yuhas inquired if there will be a handicapped ramp at the west end of the tennis courts . Councilman Tucci made a motion to add an ADA ramp at the location Engineer Yuhas stated. Councilwoman Kauffman seconded the motion. The motion passed 4-2. Councilman Kanuck & President Lusky were the dissenting votes.

**EMERGENCY MANAGEMENT:** Ken Imes, Emergency Management Coordinator, was not present. President Lusky stated that he received an email from Ken Imes stating that he was out of town for tonight's meeting.

**FIRE DEPARTMENT:**

Vice President Templin gave council an update on Tower 7 and why it is out of service. All of council received the monthly report from the Fire department.

**MANAGER'S REPORT:**

- a. Manager Durso asked council for a motion to advertise the Borough Storm Water Ordinance. Motion was made by Councilwoman Kauffman seconded

by Councilman McCauley. Councilman Kanuck said to council before you advertise you (council) need to understand what it is. Montgomery County has a group formed of municipalities that are not trying to stop the regulation but just slow it down. Councilman McCauley asked if it was a mandate. Manager Durso replied yes. He then explained the ordinance would put us in compliance with Act 167. Act 167 will enable the Borough to properly finalize the MS-4 reporting. Mayor Myers asked a question regarding table 149-13-1-D. Solicitor Weiler answered the question by stating council can regulate. Motion passed 3-2. Councilman Kanuck & President Lusky voted no. Councilman Tucci abstained.

- b. Manager Durso informed council of the 1003 Cocalico Road issue. This property has foreclosure proceedings against it. Both Solicitor Weiler and Manager Durso were informed by the owner's attorney that a sale is probable. The hedge on the north side of the property facing Cocalico Road was overgrown causing visibility issues. The overgrowth also made vehicles traveling east on Cocalico Road to swerve into the west bound lane to avoid the hedge. The grass was also 28 inches high, Manager Durso authorized the street dept to trim the hedge and mow the lawn. The man hours the street dept. spent at this property was invoiced to Solicitor Weiler, who in turn filed a lien on the property.
- c. Manager Durso asked council for a motion to pay our Rock Salt expenses from the Liquid Fuels account. Motion was made by McCauley and 2<sup>nd</sup> by Tucci. Motion passed 6-0.
- d. Manager Durso informed council of the meeting he attended with Penn Dot regarding the Route 345 bridge. The bridge will go to design in November 2010. Manager Durso informed council Penn Dot would like the Borough to maintain the street lights on its portion of the bridge. Penn Dot officials explained that Exeter Township has already agreed to maintain the lights on their side. Manager Durso explained to council if the Borough did not agree to maintain the lights on the bridge there would be no lights on the bridge on the Borough's portion. Councilwoman Kauffman made the motion to maintain the lights on the borough portion of the bridge. It was 2<sup>nd</sup> by Councilman Tucci- Motion passed 6-0.
- e. Manger Durso informed council the borough received the \$200,000.00 grant from the county for the E. 1<sup>st</sup> Street Bridge.
- f. Manager Durso explained to council that prior to the East 7<sup>th</sup> & 8th street paving projects the Borough will notify the residents so they can plan accordingly.
- g. Councilwoman Kauffman asked Manager Durso when the lines would be painted on 1<sup>st</sup> Street. Manager Durso informed council that the borough could use heat tape instead of painting the lines. The heat tape can be purchased with Liquid Fuels money. Council discussed various other intersections which heat tape could be used instead of paint. Council asked Manger Durso to work with Street Department Foreman Keith Karlson to get measurements and prices and report to council the information at the August 9<sup>th</sup> meeting.

- h. Manager Durso informed council that Pioneer Crossing Landfill will allow the borough to utilize the vacuum truck so the borough can clean all the catch basins.
- i. Manager Durso reviewed with council the digester expenses for the current year.
- j. Manager Durso spoke to council about purchasing a new backhoe for the streets dept. The current backhoe is 21 years old and is having numerous problems. These problems are causing the borough to accrue repair costs. Manager Durso provided council with a state contract bid for a new backhoe. Council informed Manager Durso that a decision would be made at the August 9<sup>th</sup> meeting regarding the backhoe. Councilwoman Kauffman asked Manager Durso to provide council with payment numbers for the backhoe.

### **SOLICITOR'S REPORT**

- a. Solicitor Weiler asked council for a motion to authorize the adoption of the police pension plan amendment. The amendment would include the DROP program. Councilwoman Kauffman made a motion to accept. It was seconded by Councilman McCauley. The motion passed 5-0. Councilman Tucci abstained.
- b. Solicitor Weiler asked council for a motion to recognize the Birdsboro Relief Association as the Relief Association for the Birdsboro-Union Fire Dept. Motion was made by Councilman Tucci and seconded by Councilwoman Kauffman. Motion passed 6-0.
- c. Solicitor Weiler asked council for a motion to advertise the Borough's new zoning ordinance. Motion was made by Councilwoman Kauffman & seconded by Councilman McCauley. Motion passed 6-0.

### **MUNICIPAL SERVICES / DEPARTMENT REPORTS**

#### **Water Department**

See attached report

#### **Wastewater Treatment Plant**

Councilwoman Kauffman asked if there were any outstanding issues that would keep the plant from running properly. Authority Chairman Morse gave an overview of the plant's status and the Authority's direction for moving forward.

#### **Streets Department**

Councilwoman Kauffman asked if the Borough was going to paint lines on the newly paved road. Manager Durso explained about using heat tape instead of paint. Council agreed to look into the costs of using heat tape vs. paint.

**COUNCIL/COMMITTEE REPORTS**

- a. Councilwoman Kauffman advised residents if they would like to be a part of the new crime watch to leave name and number at Borough Hall.
- b. Councilwoman Kauffman stated she would like to start a 275<sup>th</sup> anniversary committee. Any residents interested in this committee can leave their name & number at Borough Hall. Councilwoman Kauffman stated various community organizations will also be a part of this committee.
- c. President Lusky asked council for a motion to pass the new personnel manual. Councilwoman Kauffman would like to see policies in place regarding retirees as well as specific disciplinary policies. President Lusky stated the manual does address retirement. President Lusky also stated that council does not need to get too specific in regards to disciplinary policies. He told council at will employees should be disciplined at the discretion of the Borough manager. Motion was made by Councilwoman Kauffman and seconded by Councilman McCauley. Motion passed 5-0. Councilman Tucci abstained.
- d. President Lusky asked council if they wanted to send a donation to Southern Berks EMS. Councilman McCauley asked if they were a for profit company. Councilman Tucci explained why they are not. Councilman Tucci made a motion to give \$250 donation out of harms benefit fund to Southern Berks EMS and seconded by Councilman Templin. Motion assed 6-0.

**BIRDSBORO MUNICIPAL AUTHORITY:** The next meeting is scheduled for July 19<sup>TH</sup>.

**PLANNING COMMISSION:** The next meeting is scheduled for July 27th.

Council recessed for an executive session regarding an employee matter. Upon reconvening President Lusky asked council for a motion for the Borough Manager to have a week vacation. Councilman Kanuck made a motion and seconded by Councilman Tucci. Motion passed 6-0.

**PUBLIC COMMENT:** Resident Ted Morse asked council a question regarding the new lights that will be on the Route 345 bridge. He asked if council had an anti glare ordinance. Solicitor Weiler responded no.

**ADJOURNMENT:** **Upon motion made** by Councilman Kanuck and seconded by Councilman Tucci, the meeting was unanimously adjourned at 9:35 p.m.

Respectfully submitted,

Aaron J. Durso  
Borough Manager

**PENDING BUSINESS**

Armorcast Property

Codification

Rental Inspection Registrations

Public Works Facility Expansion

Sidewalk/Curb Project