

BIRDSBORO BOROUGH COUNCIL MEETING
MAY 3, 2010, 7:00 P.M. – BOROUGH HALL

MINUTES

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

ALSO PRESENT: Theodore Morse, Municipal Authority Chairman

ABSENT: Steve Lusky, Vice President
Angelene McKinney, Council Member

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: None

MINUTES: **Upon motion made** by Ms. Kauffman and seconded by Mr. Templin, the April 12, 2010, meeting minutes were unanimously approved.

BILLS LISTS:

- a. **Bills List dated May 3, 2010:** **Upon motion made** by Ms. Kauffman and seconded by Mr. McCauley, the bills list dated 5/3/10 was unanimously approved.
- b. **May 3, 2010, ratification of invoices:** Upon motion made by Ms. Kauffman and seconded by Mr. Templin, the 5/3/10 list of invoices for ratification was unanimously approved.

MAYOR/POLICE REPORTS

Mayor Myers advised council that Mary Heffelfinger, who is actually ZHB member Roy Feick's mother-in-law, will be turning 100 years of age on May 28, 2010. The Mayor requested that Council adopt a resolution recognizing her for reaching this milestone.

Upon motion made by Mr. Kanuck and seconded by Mr. McCauley, Council unanimously adopted Resolution #2010-13 recognizing Mary Heffelfinger.

Chief Roth advised Council and the public that several unlocked vehicles in the borough have recently been entered. He strongly encouraged all residents of the borough to lock their vehicles before retiring for the evening.

The Chief also advised of a new scam being used on sites such as E-bay and Craig's list whereby scammers are purchasing items and sending and sending payments over and above the purchase price; they then ask the sellers to deposit the money into their account and return the overage to them. When the seller deposits the check or money order into their account, they learn that the instrument is no good. Most of these scammers are from Nigeria.

Chief Roth said that work on the police evidence vehicle has been completed and that it will be driven in the Memorial Day Parade.

ENGINEER'S REPORT

Tom Yuhas, borough engineer, was presented and gave an overview of his activities for the month of April 2010. He said that he is working with the borough manager and PWD foreman toward resolution of two issues cited by the EPA as well as an administrative order from DEP with regard to the MS-4 program.

Mr. Yuhas said that 28 issues having to do with codes and zoning were addressed; and 14 properties were involved in resale transfers. He was also involved in a meeting with General Code in an effort to move the codification project along and worked on code amendments for the codification.

E. First Street Bridge: The final mill and overlay project on E. First Street will be completed in June after school ends.

Rental Inspection Program: The registration process continues and violation letters have been sent to rental property owners that are known to the borough. Other violation notices will be sent to property owners as they are identified.

Milltech Brown's Feed Mill: Mr. Yuhas said he is working with the applicant's engineer to address those outstanding items identified in the preliminary plan approval resolution. Discussion regarding the necessity for the installation of a dry hydrant ensued. Mr. Weiler advised that he sent correspondence to the applicant's attorney advising him of issues that are required to be resolved prior to the placement of the plan on Council's agenda for final plan review.

Public Works Facility Expansion: A bid opening was held today at 4:45 p.m.; a tabulation sheet was distributed to each council member prior to this meeting. Mr. Yuhas said that his initial scope of the project involved floodproofing and design specifications; he requested that council approved \$6,000 for engineering involvement in bidding and construction administration/inspection activities. He said that Kistler Buildings submitted the lowest base bid. There was a problem with the specifications which call for a 32' x 60' concrete floor as an alternate; 32' x 16' is what was actually published. Kistler Buildings is the only one who bid on the correct flooring dimensions. The grand total (base bid and alternate) was \$72,327. Mr. McCauley commented that this bid is too high and that the borough is spending outrageous amounts on engineering than has ever been done in the past. A lengthy discussion ensued after which this issue was tabled to the 5/10/10 council meeting.

Borough Sidewalks: Ms. Kauffman asked Mr. Yuhas for the status of the sidewalk project and said that Vest Pocket Park sidewalks are extremely bad and continue to worsen presenting a tripping hazard. Mr. McCauley said this is another example where the borough is spending exorbitant amounts of money on engineering. Mr. Yuhas reminded council that prevailing wage must be used for this type of project; Mr. McCauley said prevailing wage is not an issue if the work is done in-house. He then suggested that the borough consider hiring a seasonal worker to help with the concrete work so that other maintenance does not suffer since Dave Blank retired.

Ms. Kauffman questioned the status of the burned out building on Furnace Street; after some discussion, it was determined that Mr. Weiler and Mr. Yuhas will be re-citing Mr. Mueller.

Glen Miller, who was in the audience, asked if Council allowed the owner of 318 W. Main Street to move forward with a land development prior to having been approved by council. Mr. Yuhas commented that the owner requested, and council authorized, to proceed at "his own risk".

MANAGER'S REPORT

- a. Annual street sweeping: Annual street sweeping is scheduled to begin on Monday, May 10th. As was done last year, the borough will use Mascaro's equipment; however, they will need an executed indemnification agreement as well as a certificate of insurance naming them as co-insured in case of damage occurring to their equipment.

Upon motion made by Motion authorizing the Council President to execute the Indemnification Agreement holding Mascaro harmless from any and all claims or damages as a result of the Borough's use of its street sweeping equipment.
- b. Composting: The Borough Manager advised council that she has been in touch with a representative of DEP with regard to the location of the compost pile and its encroachment on the Hay Creek. She said that she is looking at having the compost and leaf drop off moved from the road to an area on Municipal Authority property situated between the sewer plant fence and the recently installed berm. Mr. Morse, who was in the audience, said that the Authority will work with the borough to resolve this situation.
- c. Berks County Manager's Meeting: Ms. Willman indicated that she attended a Berks County Manager's Meeting on Thursday, April 29th. The focus of the meeting was Phase II of the Clean Water Act and MS-4 regulations. Rod Hawthorne, Lower Pottsgrove Township Manager, was present and presented an overview of what the Southeastern Pennsylvania Stormwater Coalition, an organization which was developed by Montgomery Township in Montgomery County. He said that the group has been meeting with DEP in the hopes of delaying the new legislation would could potentially have a severe negative impact on most municipalities.

- d. MS-4 Training Session: The EPA is hosting a one-day training session on MS-4 regulations and reporting requirements on Wednesday, 5/5/10, in Harrisburg, PA. Ms. Willman said she is planning to attend this session and requested that council authorize hotel expenditures for the evening before the session. A discussion regarding this request ensued.

Motion was made by Mr. McCauley and seconded by Mr. Kanuck to authorize the Borough Manager to attend the MS-4 training session, with reimbursable expenses not to exceed \$200.00. Motion passed unanimously.

- e. BARTA: Ms. Willman advised that she met with a BARTA representative and toured the borough exploring alternatives to provide bus service to the borough. BARTA will get back to the borough when they have determined the final route. The service will be free for senior citizens.

Mr. McCauley expressed concern that, while bus service is a good thing for the residents, that the same service will bring more crime to the borough. He asked Chief Roth for his opinion; Chief Roth said that possibility certainly exists.

BIRDSBORO-UNION FIRE DEPARTMENT

Ken Long presented an overview of their monthly report, which is on file at the borough.

SOLICITOR'S REPORT

Mutual Aid: Solicitor Weiler said that the ordinance regarding mutual aid with Robeson Township will be ready for adoption on May 10, 2010.

He advised that the Birdsboro-Union Fire Department has requested that borough council adopt an ordinance recognizing the Birdsboro-Union Relief Association so that state funds received can be deposited into their account. Mr. Weiler will prepare the appropriate ordinance.

Mr. Weiler advised that an executive session is required to discuss a personnel matter with respect to payment of benefits.

COUNCIL/COMMITTEE REPORTS

Mr. Kanuck advised that he attended a meeting of the Tax Collection Committee this past week.

Neil McCauley reported that he attended a Pioneer Landfill meeting last week. A few odor complaints had been received and Pioneer will be taking action to rectify the situation. He also said that the Berks County Regional Implementation Committee meets on Tuesday, 5/4/10 at 6:00 p.m. at Mew Morgan Borough Hall. A new chairman is needed due to a resignation.

PUBLIC COMMENT

Stefan Bostelle, resident, asked if anyone on council had any issues with the dumpster in front of his residence on Walnut Street.

EXECUTIVE SESSION

Council entered into executive session at 8:45 p.m. and reconvened its regular session at 9:30 p.m. Mr. Weiler advised that several employee matters were discussed.

Motion was made by Mr. Cauley and seconded by Ms. Kauffman, authorizing the payments to retiree Sandra Feick for 15 days of vacation and 4 personal days at her regular hourly rate and 63.5 accumulated sick days at \$58.40 per day. Some further discussion ensued. **It is noted that Mr. Kanuck did not indicate yay or nay.** Motion passed.

ADJOURNMENT: Upon motion made by Ms. Kauffman and seconded by Mr. Templin, the meeting was unanimously adjourned at 9:38 p.m.

Respectfully submitted,

Karen T. Willman
Borough Manager