

Borough of Alburtis

Meeting Minutes

July 26, 2023

The July 26, 2023, meeting of Borough Council was called to order by Council President Ron DeIaco at 7:10 p.m. in the Borough Hall, 260 Franklin Street, Alburtis, PA. The meeting was also live streamed on Zoom.

Council members in attendance:

Ron DeIaco Steve Hill Mehmet Birtek Chad Atkins
Hector Moss Ashlynn Rivera John Aleszczyk

Associates of Alburtis in attendance:

Dave Knerr, Solicitor Stephen Nemeth, Borough Manager
Kathleen Palmer, Mayor Mike Preston, Borough Engineer

Visitors in attendance: Gary DeRoner, Steve Werley, Sherri Oels, Ashley,
Brooke, Tom, Janelle’s Iphone, Doug Jolley- FRA

PUBLIC COMMENT – Sherri Oels mentioned that she has been a member of the community for 60 years; active member in many of the borough organizations for over 40 years; has given her heart and soul to the community, wanted to remind everyone that the AACC is a private nonprofit organization not run by the borough. Thankful for everything that the borough has done over the years. Several concerns with council members are now active at the AACC. The borough spent countless dollars on an ordinance to reorganize the recreation committee to only have it taken over by the AACC. People are already confused by the relationship of the AACC and the council. People are already confused on the relationship of the AACC and the council. Sherri mentioned she was confused when a police officer stated that she should setup a meeting with the mayor over an issue at the pool. Feels like there are lines being crossed, wanted to voice her concerns and make all of council aware. Ron DeIaco mentioned that you are correct that although we work closely together the AACC is a separate organization. Kathy Palmer mentioned that she is confused why her name was brought up, Sherri mentioned that because a police officer handles the issue at the pool, Kathy mentioned that she requested the officer respond to make sure a report was filed when a criminal act takes place it gets reported. Wherever it is being said the mayor is involved it is a straight up lie. Mehmet asked, “We are a separate entity from the AACC? Mehmet mentioned he has been contacted by people on the phone and Facebook about the AACC and why the council was not commenting about the issue at the pool. Ron mentioned has not been informed on the particulars of this matter; but wants to emphasize we are two separate entities, and when a matter reaches the police it becomes a police matter, never comes to council unless it becomes a borough issue. Sherri mentioned just seems like a lot of lines are being crossed. Chad mentioned as for the community page he started that prior to becoming on council and keeps it separate; Mehmet mentioned that he has been hearing a lot about the pool. Ron mentioned if any council member receives a question in reference about the AACC just redirect them, Ron asked Steve Nemeth to write something on the borough Facebook page mentioning AACC and Borough are separate and direct them to a contact. Steve Nemeth asked who they should direct them to, Ron agreed that could be confusing if the calls got directed to Hector. Dave Knerr asked if there was a separate phone for the AACC; Sherri replied yes and it’s the AACC coordinator Hector that controls that line.

MAYOR’S REPORT – No report or comment.

MEETING MINUTES OF July 12th, 2023 – Chad Atkins made a motion to approve the Minutes of July 12, 2023, Mehmet Birtek 2nd, and a unanimous vote followed. Motion passes 7-0

DeIaco- yay	Hill- yay	Moss-yay	Aleszczyk- yay	Atkins- yay	Birtek- yay	Rivera- yay
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BILLS FOR PAYMENT – July 26th, 2023 – John asked everyone if they had an opportunity to look at the engineer bill, mentioned that he highly recommends that everyone look at it, we have a blank check to the engineers. Kathy Palmer mentioned how do you recommend that we fix it, John mentioned that we put a cap on it or something. Kathy mentioned that everyone has had all the numbers for a long period of time, this is something that should have been thought about and discussed then. John mentioned that he said in January that our biggest crisis was the franklin street and bicentennial village projects. Ron said that we budgeted 217,000 for the year in engineering and we are halfway through the year, and we are at 107,000 spent halves in 6 months. John said where all the engineering comes from, Ron said we approved it in our budget. John said he doesn't want to hear it when we must raise taxes next year.

Mehmet Birtek made a motion to pay the bills of July 26, 2023, Ashlynn Rivera 2nd, and followed by a nonunanimous vote followed, concluding with a 6-1 vote in favor of the motion.

DeIaco- yay	Hill- yay	Moss-yay	Aleszczyk- nay	Atkins- yay	Birtek- yay	Rivera- yay
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TREASURER'S REPORT – Chad Atkins made a motion to accept the Treasurer's Report, Mehmet Birtek 2nd and a unanimous vote followed.

<u>DeIaco- yay</u>	<u>Hill- yay</u>	<u>Moss-yay</u>	<u>Aleszczyk- yay</u>	<u>Atkins- yay</u>	<u>Birtek- yay</u>	<u>Rivera- yay</u>
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FISCAL CONSULTANT'S REPORT –. Chad Atkins made a motion to approve the Fiscal Consultants report, Hector Moss 2nd, and a unanimous vote followed. Motion passes 7-0

DeIaco- yay	Hill- yay	Moss-yay	Aleszczyk- yay	Atkins- yay	Birtek- yay	Rivera- yay
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West Penn Ave Crossing-Ron Mentioned that West Penn Ave is a very dangerous crossing and Church Street is already closed. Doug Jolley from the Federal Railroad Administration was on hand to present. Doug mentioned that the West Penn Ave crossing was brought to their attention by the article by the morning call. Reviewed the data dating back several years, the sku of the crossing, and understands tractor trailers get hung up on the crossing also. Doug stated he is part of a regulatory agency they can not tell somebody to close the crossing, but they can make recommendations to close the crossing. If you choose to close the crossing the PUC has recommended closing the crossing, lower Macungie has no plans to fix the church street bridge for 5-7 years. The money received by PennDOT to close the crossing must be used to close the crossing; money from NFS can be used on anything. Section 130 grant money if you just close West Penn Ave the borough gets 120,000. If just church street gets closed the township gets 80,000. If both crossings get closed the borough gets 140,000 and the township gets 100,000. Dave asked if you only close one how do both municipalities get funds? How did they process this? Doug mentioned that would be a question for Norfolk Southern. Chad mentioned that sounds like it is based on them wanting both crossing closed, and if separate that municipality gets the sum mentioned. Ron Mentioned the overall point is they want us to close the crossing because it is a dangerous crossing. Doug mentioned that the angle of the road is the main reason. John mentioned first there should be no trucks on that street because trucks aren't allowed. Chad mentioned that is another potential issue where the trucks would turn around, potentially backing into cold nose creating a dangerous situation for them. Doug stated that part of the closing would be to create a caldesac and Norfolk Southern would give up part of property to aid in process. Mehmet asked if this is just a recommendation, Doug mentioned this is just the presentation of the facts, can tell you it's a danger; the PUC, PennDOT, and NFS all agree that all the numbers show there is enough data to close this crossing. Dave mentioned why is conversation of church st bridge popping up, Doug mentioned from his understanding it involves expenses and other bridges. The timeline is currently 5-7 years. John mentioned is this an offer that will be coming to us. Doug mentioned that it's all in the email sent to Steve. Steve Nemeth said it is in the packet. Mehmet asked if we could just place crossing arms and adjustments to

crossing, Doug said that all would be on the borough. Ron mentioned that in our meeting yesterday with the entities, they are in favor of closing this crossing. We have the option to say no, we want to leave it open if it is possible that it gets taken to court. John said we can just say no because it is just a recommendation. Doug said, the next level would be the PUC would open an investigation for the safety of the crossing, would then go to a hearing. John question Ron and Steve having a meeting with other entities. Ron mentioned we met with the other entities to bring as much information back to the rest of council. Hector asked if in this meeting were other alternatives discussed such as heading west on front no right hand turns and heading east no left-hand turns. Kathy mentioned how would you do that, it's a PennDOT road. Hector replied you work with PennDOT, put your request to explain your concerns. Hector mentioned other alternatives been discussed rather than closing the crossing. Mehmet's concern was if the businesses on that road have been involved in discussions. Doug mentioned that he setup the meeting, he invited the chief, manager, council president, and the other entities to create a fact-finding session. It was nobody in this rooms doing, took it upon self to get the meeting together. Steve Hill Mentioned what would be the timetable to respond to this. John stated that he would like to see the data again. Steve Hill mentioned would like to hold a public meeting on this. Steve Hill mentioned to Doug Jolley, you just give us the info to think about and discuss. Doug agreed and mentioned that he is just making us aware and in talking to the PUC reps there is a very good chance that an investigation gets opened.

Bicentennial Bid sheet – Mike Preston shared a summary of work items, encourages everyone to look at the file and if any questions please feel free to ask. John asked if it's going out to bid. If I'm bidding on this project, how many driveways am I touching. Mike mentioned pretty much every driveway will need field adjustments to adjust the driveways. The intent was never to use the entire 6ft right away of the driveway. Can't guarantee that every driveway will need to be touched. This project is a bit backward compared to traditional, normally you work street towards curb center of the street. The function of the grant is to make new curbs and sidewalk ADA standard. Must make up the difference with the road profile. Hector asked Mike on page 4-line 44 bullet point 8 about the escalator clause is optional; is that just standard practice on projects of this size. Mike said it is on projects this size using a certain quantity of asphalt as a safeguard for the contractor and the borough. Mehmet asked what drives the price of asphalt, Mike replied oil drives the price. Steve Hill mentioned the escalator clause is important in the bid process. John mentioned section that states work must be completed by 10/15, has this ever been enforced in prior projects. Mike said that is an option for the borough to take if they wish Hector mentioned about the concrete property with rebar. What would be the additional cost of replacing entire driveway, if need be, mike said we have a price unit per driveway per address any of that if it happens. Generally, the contractor will do a clean saw cut and gauge it from what is seen. Would have to do a sample of everyone's driveway to see what each is made of the intent is not to go over the 6ft if we can.

Heat pump replacement for borough hall – Ron mentioned that the lowest quote is from D&D heating and cooling. John asked what caused this one to stop, Steve Nemeth replied that the age of the system is the reason. That system has been in since 1999. Mehmet Birtek made a motion to approve the purchase of quote by D&D heating and cooling for a replacement of heat pump at borough hall for the price of \$10,212.50, Ashlynn Rivera 2nd, and a unanimous vote followed. Motion passes 7-0

Delaco- yay	Hill- yay	Moss-yay	Aleszczyk- yay	Atkins- yay	Birtek- yay	Rivera- yay
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Cash Flow Calendar- Steve Nemeth mentioned this is the cash flow chart of when we receive revenue, it was approved by our auditor and that he will be in at the next meeting to answer any questions about our finances. John asked about line items with both street grants listed saying that we won't be getting both this year. Steve Nemeth stated we will be getting the franklin st one and the bicentennial project one will shift to next years budget like we have been doing for the past 4 years. Hector mentioned that there should be a line item for both projects, Steve Nemeth mentioned that the line item in question is from the first page of our budget sheet that we all approved in December. Steve Nemeth mentioned you get the grants back once the work is completed and you submit the documents.

Recommendation to update qualifications in Chapter 13- police civil service – Dave mentioned Chief would like to see us move away from the consortium, Dave agrees this sound like a great idea, with the lack of applicants of late, makes sense to go back to what we used to do. When it comes down to the physical fitness portion, keep what the consortium has in place to prevent legal challenges, leave that section alone. Bonus points for this doesn't think giving bonus points could work city of Lancaster has an amazing list of qualifications and point system, but not sure how would hold up in court. Once you establish a list of applicants it is good for 1 year, we don't hire yearly so the point system wouldn't benefit us. We will need to discuss with the Chief about the verbiage of law enforcement experience qualifications. Ron mentioned not sure he I fine with listing part timer with Alburdis as a requirement; would really limit the pool of applicants. The council agrees to make 3 years of law enforcement experience a requirement. Dave mentioned this recommendation will get sent off to the civil service commission for review.

Speed timing apparatus with camera discussion– Hector Moss requested this on the agenda, wanted to see if we could get an apparatus that takes a photo of the license plate. Mehmet asked how come some cities can have them and others can't. Chad mentioned that only a city of the first class such as Philly is allowed to utilize them in certain circumstances. Kathy Palmer mentioned that most of it revolves around the use of radar bills that are still held up in the house currently. Ron mentioned perhaps we can get one that just flashes, Steve Nemeth mentioned we have one on East Penn Ave currently, Chief would like to get a few more in the near future, perhaps in next year's budget.

Garbage Contract discussion – Dave Knerr mentioned that we have talked about this before, are you wanting to extend the contract into next year; we just need to send a letter wishing to extend. Steve Hill mentioned that he thinks this is a good idea with what he is hearing about prices of other companies going up. Steve Hill made a motion to extend the contract with JP Mascaro into 2024, Ashlynn Rivera 2nd, and a unanimous vote followed. Motion passes 7-0

DeIaco- yay	Hill- yay	Moss-yay	Aleszczyk- yay	Atkins- yay	Birtek- yay	Rivera- yay
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Ron DeIaco mentioned that we would be going into an executive session for litigation matters, with no intention of voting after.

A motion to adjourn at 8:36 p.m. was made by Chad Atkins, 2nd by Mehmet Birtek and a unanimous vote followed.

Meeting minutes were taken and submitted by.

Stephen Nemeth

Stephen Nemeth, Borough Manager.