

President Harvey Marshall called the September 7, 2021 Council meeting to order at 7:00 pm with the pledge to the flag. Council members present were V.P. Mark Spotts, Mike Martin, Matt Miller, Jamie Burrus and Dean Johnson. Rod Soliday was absent. Also attending the meeting were SHPD Chief Leon Grim, Mayor Randy Gartner, Part-time secretary Victoria Wawrzyniak and Manager Lisa Heilman. Citizens and visitors attending the meeting were David Randler, Vernon Bright, David Bright, Tracy Rice, Randy Criss, Brett and Brenda Keffer and Geneva Berger. A motion was made by Mr. Spotts to approve the minutes of the August 2, 2021 Council Meeting minutes. Mr. Johnson seconded and Council approved unanimously.

VISITORS & CITIZENS: Brent & Brenda Keffer, 34 West Ruth Avenue, brought a complaint to Council regarding the deteriorating condition of the neighboring property (a row home) at 32 West Ruth Avenue owned by Robert Hancock. This property has been vacant and unmaintained for several years. Mr. Hancock has been sent letters to mow his grass nearly every year since he moved out and he only does so when threatened with citation. Mr. Keffer advised Council that part of the roof blew off onto his roof in a recent storm event. He paid a contractor to come out and tack it back down so his side is not affected by the leaky roof. Mr. Burrus advised him that he may be able to go through homeowners insurance to recoup his losses. The Keffers noted they are fearful there may be leaking and mold inside the property that could affect their property as well. Mayor Gartner suggested obtaining an administrative search warrant. It was then decided to contact Kraft Codes to pursue the matter through the International Maintenance Code. Manager was directed to contact Kraft and have them pursue the matter. Mr. Keffer noted they are welcome to go up on a ladder on his property in order to see Mr. Hancock's roof issues. Manager to keep the Keffers informed. Randy Criss was present to ask the status of the proposed Veterans' Group Home at 17 West Penn Avenue. Mr. Criss provided a response to the updated list of conditions indicating his willingness to meet the conditions set forth. The one item on the list he is still questioning is the need for a sprinkler system. Tracy Rice advised Council bench back at the Furnace Triangle property has still not been fixed and now, due to the rain, there is more mulch needed as well. Also, she reminded the Borough that the new NPDES permit cycle will be beginning in 2022. Council advised Ms. Rice they are aware of their permit cycle and thanked her. Mr. Marshall noted that completely forgot about the bench but will have the street crew take a look and repair it before the next meeting. David Bright noted that the Borough may want to take a look at the erosion taking place along Furnace Creek on Furnace Street. He suggested the Borough may want to consider taking some type of streambank stabilization at the section where the erosion has caused the creek to get very close to the road. All other visitors were observing.

MAYOR – Mayor Gartner thanked everyone involved in helping with the very successful Labor Day Car Show. He noted the amount taken in for registrations and advised Council that 39 with Honor would be given 100% of those proceeds. Mayor also asked Council to approve the purchase of two new Yield To Pedestrian signs to be placed in crosswalks in light of the recent tragic hit and run accident in town. Mr. Johnson made the motion to approve the purchase and Mr. Miller seconded. Council approved unanimously. Mayor Gartner advised Council that he was very proud of the community support for the family of the hit and run victim and that the police will be holding a press conference very soon to announce the charges being leveled against the three drivers involved in the hit and run.

SOLICITOR - Solicitor George and Solicitor Rauch presented the following:

RESOLUTION 2021-5

A RESOLUTION OF THE BOROUGH OF ROBESONIA, BERKS COUNTY,
COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE COUNCIL OF THE

BOROUGH OF ROBESONIA TO ENTER INTO A LOAN AGREEMENT WITH THE PENNSYLVANIA INFRASTRUCTURE BANK AND APPOINTING HARVEY MARSHALL, PRESIDENT OF COUNCIL, TO EXECUTE ANY DOCUMENTS NEEDED TO FINALIZE SAID LOAN ON BEHALF OF THE BOROUGH OF ROBESONIA.

Mr. Martin made the motion to pass and Mr. Marshall seconded. Council approved unanimously.

ORDINANCE 2021-4

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF ROBESONIA, BERKS COUNTY, PENNSYLVANIA (THE "BOROUGH"), SETTING FORTH ITS INTENT TO ISSUE ITS GENERAL OBLIGATION NOTE, SERIES OF 2021 (THE "NOTE"), AND TO ENTER INTO A CERTAIN INFRASTRUCTURE BANK LOAN AGREEMENT (THE "AGREEMENT") WITH, AND TO DELIVER THE NOTE TO, THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION ("PENNDOT"), PURSUANT TO WHICH PENNDOT SHALL LOAN THE BOROUGH THE AGGREGATE PRINCIPAL AMOUNT OF THREE HUNDRED THOUSAND DOLLARS (\$300,000) EVIDENCED BY THE NOTE, PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, 53 PA C.S. CHS 80-82, AS AMENDED, KNOWN AS THE LOCAL GOVERNMENT UNIT DEBT ACT (THE "ACT"); FINDING THAT A PRIVATE SALE BY NEGOTIATION IS IN THE BEST FINANCIAL INTERESTS OF THE BOROUGH; DETERMINING THAT SUCH NOTE SHALL EVIDENCE NONELECTORAL DEBT OF THIS BOROUGH; SPECIFYING THAT SUCH INDEBTEDNESS IS TO BE INCURRED TO PROVIDE FUNDS FOR THE PLANNING, DESIGN, CONSTRUCTION, REPAIR AND RESURFACING OF THIRTEEN (13) ROADS LOCATED IN THE BOROUGH, AND TO PAY THE COSTS AND EXPENSES OF ISSUING THE NOTE; SETTING FORTH A REASONABLE ESTIMATE OF THE USEFUL LIFE OF THE CAPITAL PROJECT TO BE FINANCED; ACCEPTING A PROPOSAL AT PRIVATE SALE BY NEGOTIATION; PROVIDING THAT SUCH NOTE, WHEN EXECUTED, SHALL CONSTITUTE A GENERAL OBLIGATION OF THE BOROUGH; FIXING THE DENOMINATION, DATED DATE, PAYMENT DATES, MATURITY DATE, INTEREST RATE, REDEMPTION PROVISIONS, MANDATORY REDEMPTION PROVISIONS (IF APPLICABLE) AND PLACE OF PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH NOTE; AUTHORIZING SPECIFIED OFFICERS OF THE BOROUGH TO CONTRACT WITH THE PAYING AGENT; SETTING FORTH THE SUBSTANTIAL FORM OF THE AGREEMENT AND THE NOTE EVIDENCING THE DEBT; AUTHORIZING EXECUTION AND ATTESTATION OF SUCH AGREEMENT AND SUCH NOTE; PROVIDING COVENANTS RELATED TO DEBT SERVICE APPLICABLE TO SUCH NOTE TO THE EXTENT REQUIRED BY THE ACT AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE BOROUGH IN SUPPORT THEREOF; CREATING A SINKING FUND IN CONNECTION WITH SUCH NOTE, TO THE EXTENT REQUIRED BY THE ACT; DESIGNATING THE PAYING AGENT TO BE THE SINKING FUND DEPOSITARY; PROVIDING A COVENANT TO INSURE PROMPT AND FULL PAYMENT FOR SUCH NOTE WHEN DUE; AUTHORIZING THE EXECUTION OF ONE OR MORE INVESTMENT AGREEMENTS BY SPECIFIED OFFICERS OF THE BOROUGH (IF APPLICABLE); AUTHORIZING AND DIRECTING SPECIFIED OFFICERS OF THE BOROUGH TO DO, TO TAKE AND TO PERFORM CERTAIN SPECIFIED, REQUIRED, NECESSARY OR APPROPRIATE ACTS TO EFFECT THE ISSUANCE OF THE NOTE AND THE EXECUTION AND DELIVERY OF THE AGREEMENT, INCLUDING, WITHOUT LIMITATION, THE PREPARATION OF A DEBT STATEMENT AND BORROWING BASE CERTIFICATE, AND THE FILING OF SPECIFIED DOCUMENTS WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, INCLUDING ALL DOCUMENTS NECESSARY TO HAVE THE DEBT EVIDENCED BY THE NOTE OR ANY PART THEREOF EXCLUDED AS SELF-LIQUIDATING DEBT, ALL AS REQUIRED BY THE ACT; DECLARING THAT THE DEBT TO BE EVIDENCED BY SUCH NOTE, TOGETHER WITH ALL OTHER INDEBTEDNESS OF THE BOROUGH, WILL NOT BE IN EXCESS OF ANY APPLICABLE LIMITATION IMPOSED BY THE ACT;

AUTHORIZING PROPER OFFICERS OF THE BOROUGH TO DELIVER THE NOTE UPON THE APPROVAL OF THE DEPARTMENT OF COMMUNITY AND EXONOMIC DEVELOPMENT; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND REPEALING ALL ORDINANCES OF PARTS OF ORDINANCES INSOFAR AS THE SAME SHALL BE INCONSISTENT HEREWITH.

On a motion by Mr. Martin, seconded by Mr. Johnson, Council approved unanimously.

ENGINEER – The Engineer’s Report was included in the agenda packet.

PLANNING COMMISSION – The September Planning Commission meeting is scheduled for September 15 at 7PM, to review the proposed changes to the Joint Zoning Ordinance. Manager will send out to all PC and Joint PC member municipalities. Will also send to BCPC for review.

MANAGER – Manager presented the 2022 Non-Uniform MMO in the amount of \$5,820 for Council’s approval. On a motion by Mr. Miller, second by Mr. Spotts and Council’s unanimous approval, the MMO was approved.

PAYMENT OF INVOICES- Motion by Mr. Martin, seconded by Mr. Spotts and unanimously carried, the bills were ordered paid as presented, including those paid prior to the meeting to avoid penalties. Mr. Spotts questioned the check for 100% of the registration proceeds from the Car Show. Mayor Gartner stated that he felt they deserved it since they were much more of a help than the Fire Company had been when they received the proceeds. Mr. Spotts pointed out that Council had voted in November 2020 to approve 80% of the proceeds to 39 With Honor and noted that Council either had to abide by that vote or vote to change it. Mayor asked Solicitor if a new vote could be taken to give 100% of the proceeds. Due to the newly enacted Act 65 of 2021 (an amendment to the Sunshine Act), Solicitor advised him it could not be voted on until the October meeting. Since it could not be voted on until the October meeting, the check will be rewritten for 80% of the proceeds at this time. Should Council vote to provide the 20% balance in October, that check will be written at that time. Mr. Spotts also asked about the Cocalico Tree Service invoice that had not been in the packet at the time of the Finance Meeting. It was explained it was tree work the Shade Tree Commission had done with money in their budget.

COMMITTEE REPORTS-

Finance/Administration – Preliminary 2022 Budget work has begun.

Personnel: No report.

Fire Protection/Safety – Mike Martin advised Council that he so appreciated the teamwork between the Fire Police (who were short-handed), Police and EMS during the recent hit & run accident in town. Due to its location and the need to shut down side streets to keep pedestrians and traffic away from the scene, it required that teamwork and he felt it went extremely well. He thanked everyone involved in helping.

Streets & Highways- Mr. Marshall was asked the status of the PPL Service agreement to convert the street lighting to LED. He advised Council we are still waiting to hear from them on this. Manager to contact and seek status. He also advised Council that he received an email that the leaf picker is in and we should be receiving it in a week or two. He advised Council that our streets and storm sewers held up well during the recent Hurricane Ida rain event.

Parks & Recreation- Vernon Bright advised Council that Mike Speidl, a very nice young man from the Berks County Bulls (and former Reading Phils) is doing a fantastic job on the baseball and softball fields. He is putting in a lot of time and they are looking great!

Library- Mark Spotts asked if the Borough has received any time of financial statement or demographic breakdown from the library. Manager noted she does not recall receiving any for a little while. Carol

Werkheiser noted she will follow up on that at the Library Board meeting and bring back to Council in October.

Police- Chief Grim explained to Council that he was hoping to be able to hold a press conference regarding the charges on the drivers in the hit & run during this week, however, they feel they need just a bit more time to ensure they are going after exactly the right trucking company/driver. He is confident on the straight truck and the car drivers, but needs to be sure all the t's are crossed and I's dotted before charging the tanker truck driver....so the press conference will be delayed a bit longer.

Water/Sewer Municipal Authorities-No report.

Western Berks Joint Planning Commission: The next meeting will be held on October 21st at 7PM in the Robesonia Borough Hall.

COUNCIL MEMBERS:

Marshall- Mr. Marshall handed out paperwork he had just received from South Heidelberg regarding the next proposed 5 year schedule. He asked everyone to look it over before the October meeting in order to be able to discuss it.

Martin- No report.

Soliday- Absent

Johnson- No report.

Spotts- No report

Burrus- No report.

Miller:. No report.

Mayor Gartner- Mayor Gartner advised Council that the Borough won their case against Jay Ibach at the District Justice and that he was fined \$150.00. He notified Council that his niece (Lynn Hatt's niece) will be holding a dog walk fundraiser in the beginning of November.

UNFINISHED BUSINESS – Breininger Property Clean-up: The RIR/CP Report (Remedial Investigation Report/Clean-up Plan) is ready to submit to DEP. Technicon is currently reviewing for our best option prior to submission. A meeting is scheduled with them for 9AM on 9/8/21.

Request from Berks County Department of Emergency Services to sign a new agreement and pass a resolution before December 31, 2021 to fix the annual fee for dispatch services subject only to annual increases based on inflation index. To be passed at the October meeting.

NEW BUSINESS – Manager announced it was Mike Martin's birthday and invited everyone to stay for cake and ice cream to celebrate.

COMMUNICATIONS:

- Womelsdorf-Robesonia Joint Water Authority meeting minutes and Treasurer's reports (July)
- Monthly Police Report. Stats section was included in agenda packet.
- Robesonia-Wernersville Municipal Authority May meeting minutes and engineer's report (July)
- Western Berks Ambulance monthly report-July
- Building Permit List-August
- RMA Meeting Minutes and Treasurer's Report (June)
- Kraft Codes Monthly Report.

On a motion by Mr. Marshall second by Mr. Johnson and unanimously carried, the meeting was adjourned at 8:08 PM.

Attest:

Minutes
Borough of Robesonia
September 7, 2021
Page 5 of 5

Lisa Heilman
Manager/Secretary/Treasurer