

East Berlin Borough Council

May 2, 2007

President Charles Eisenhart called the meeting to order at 7:30 PM in the Municipal Building. The meeting opened with the Pledge of the Allegiance.

Members Present: President Charles Eisenhart, Janet Bollinger, Forrest Brehm; Gregory Green, Jacque Hoffman, and Gerald Mummert.

Members Absent: Rick Saxon and Julie Swanger, Secretary-Treasurer, Officer J. Michael Grim

Also Present: T. Michael Thoman, Borough Manager; Mayor Keith Hoffman; Solicitor Matthew Battersby; State Trooper Graham; Hanna Furst, Office Secretary; Bruce Hulshizer, Buchart-Horn; Ken Furst, Ken Young, David Richards, Freda Lennon, Doris Sabine, Fred Sauter, Carol Mayer, Lou Ann Van Lieu, Dave Woodward, John Schlaline, Gene Swartz, John Cleary, Rocco DeVita, Gerald E. Mummert, and Shannon Morehead and son DJ.

The minutes of the previous meeting were approved.

On a motion by Gregory Green, seconded by Jacque Hoffman and passed, payment of the bills for the month of April was approved.

A motion was made by Forrest Brehm to draw on our loan for the Act 537 for a bill to Buchart-Horn, Inc. for \$3893.55 plus interest; it was seconded by Gerald L. Mummert and approved.

Constituents from the community that wish to address council are as follows with a five (5) minute allotment.

Ken Young, 203 Beaver St., gave a 5 minutes speech on how he feels the East Berlin Borough Council has been continuously violating his civil rights of free speech.

Doris Sabine, 504 West King St., she has started a newsletter called "Need-To-Know" News and read the information for the audience. She mentioned speeding cars & trucks; crosswalk lines and fire hydrants. She also feels that people that speak before council are being unfairly picked on in retaliation. She showed pictures of ordinance violations for residence on South Ave. President Eisenhart responded to the mention of the crosswalks, that the paint is not holding up well, however the Borough Manager is looking into other alternatives and pricing. Some of the hydrants have been flushed and they are being checked.

Gerald E. Mummert, 30 Fish & Game Road, stated that the noise from the blowers at Zeigler's Mill is still a constant annoyance. He thanked Mr.G.L. Mummert and Mike Thoman for going to Zeigler's Mill and talking to the management and getting back to him. Since the fire at Zeigler's Gardner's plant, they have to do most of their production at this plant now. Councilman Gerald L. Mummert was told the plant would be running like this for at least a year, until the Gardner plant is back up and running. Mr. G.E. Mummert stated that the Borough must have a noise ordinance. President Eisenhart stated that the Borough's noise Ordinance is the same as DEP's. Mr.G.E. Mummert stated DEP doesn't have noise regulations; it is the responsibility of the governing body. Attorney Battersby stated that is an industrial area, and the police department doesn't have equipment to measure the noise level to cite them for a violation of an ordinance; and that you would have to prove your case by scientific measurements, and feels the Borough cannot do anything, but he will check into it further. Attorney Battersby will get back to council, but other municipalities are struggling with the same problem.

Mayor's Report: The Mayor gave a police report for the month of April stating there were a total of 56 incidents. The PA State Police responded to 33 calls from January to April in the Borough.

Solicitor's Report: Attorney Battersby stated he checked out the cable TV rates, it's like a battle between the titans. The bills are in the House and state Senate. There are more than 30 million consumers that subscribe to pay TV providers other than cable. The Borough cannot regulate the cable rates, but the borough can get up to 5% for the franchise fee. Comcast owns 30% of the US market.

The next issue Attorney Battersby brought to the table is the Joint Municipal Authority with Hamilton Township. The Borough Council will need to appoint 4 out of 5 members to the Municipal Authority. Attorney Battersby entertained a motion to adopt **Ordinance No. 2007-1, An Ordinance Authorizing The Borough Council of East Berlin Borough to Execute An Intermunicipal Agreement with Hamilton Township Under The Authority Of The InterGovernmental Cooperation Act.** *The motion was made by Gregory Green and second by Jacque Hoffman to Authorize The Borough Council of East Berlin Borough to execute the Intermunicipal Agreement with Hamilton Township Under The Authority Of The InterGovernmental Cooperation Act.* A discussion concerning this Ordinance was explained to council. This is to facilitate the formation of a Municipal Authority. Hamilton Township will be passing the exact same thing at their May 7th meeting. This is just the first step of many more steps. *Motion Carried. The Ordinance is made a part hereof.*

Engineer's Report:

Buchart –Horn- Bruce Hulshizer stated the plane was in the air to take pictures for mapping. Things are starting to move. No new information on the Act 537 Plan that was submitted to the state. CW Test's engineer contacted Bruce to ask if B-H, Inc would like to design their water facility for CW Test. Bruce Hulshizer stated he is not working for them (CW Test) he is working for the Borough, but a agreement could be drawn up with CW Test to design the water facility the way the Borough wants it. This would eliminate some of the work. President Eisenhart wants to establish some ground work behind this: Our agreement with CW Test was they were going to establish their own water system, but our engineers would have to inspect it, and OK it before we took control of it. President Eisenhart stated we would have to amend our agreement to do this. Bruce Hulshizer stated this was just a question between the engineers and Randy Test had not been contacted yet. Borough Manager Mike Thoman asked Bruce if an agreement could be drawn up stating CW Test is responsible for all bills associated with the water facility. It was stated the expense for CW Test would be less. *A motion was made by Gerald Mummert and 2nd by Gregory Green to allow B-H, Inc to design and get an agreement from CW Test to pay the bills for the water facility for Buttercup Development. Motion carried.*

COMMITTEE REPORTS:

Finance Committee: Gregory Green reported the Loan balance for Beaver Street is \$102,046.79, the Grant for the sidewalks has been closed out, and 24 accounts have paid off their sidewalks with 14 accounts making payments with a balance of \$34,932.26.

The Borough received a letter of credit in the amount of \$224,400 from Adams County National Bank for CW Test for the design phase of the new wastewater treatment plant.

Mr. Green stated there is no competition for cable TV in the Borough, since Comcast acquired Adelphia and SusCom. We received a letter from Comcast about having two different ordinances for the cable company since the buy out. He would like to discuss with the attorney.

The Borough won a judgment of \$3212.95 for water, sewer and refuse bills. This needs to be collected and has asked Attorney Battersby to take charge of this.

Mr. Green stated the Borough needs to upgrade QuickBooks 2004 to QuickBooks 2007 for the auditors.

Lastly, Mr. Green stated he received his York Adams Tax Bureau packet.

Streets Committee: *Councilman Brehm made a motion to advertise Ordinance No. 2007-2 to Amend Appendix F of Chapter 67 Truck Traffic prohibited. Mr. J. Hoffman seconded the motion. Motion Carried.* Borough Manager Mike Thoman made note he talked a Hamilton Township Supervisor about putting the sign on their part of Beaver Street and was given the go ahead.

Sewer & Water Committee: Hydrants and crosswalks were covered earlier.

IT Committee: Covered the QuickBooks 2007 software earlier.

Public Safety: Janet Bollinger stated she received more phone calls concerning the property on 112 East King St. There are fights, dogs barking, and probably drug problems at that address. There are children's bikes there at all hours of the night. The State Police along with the Borough Police will be watching the address more closely. Ms. Bollinger also mentioned that Jeanie Jacobs is still riding her mobile chair on the main streets. There have been some near misses with cars almost hitting her. It has been 4 months since this has been brought to the Mayor's attention, maybe if she paid out of her pocket it would get her attention. It is time for this to be resolved. President Eisenhart instructed the Mayor to look in to it, and feels she should be cited.

President Charles Eisenhart brought up that Mr. Noel from the Eastern Adams Regional Police Department has contacted the East Berlin Borough, Hamilton Township and Reading Township to join their regional police force. President Eisenhart requested that the Borough decide whether they wanted to proceed to investigate the options available if they decided to join or if not to join. *A motion was made by Jacque Hoffman and second by Forrest Brehm to proceed to check out the options.*

A discussion was held concerning the situation. Mr. Mummert stated 5 years ago we voted about a regional police force but it was voted down. Nothing has changed in 5 years so there is no need to check out regional police; there were no major problems, no problems with the police officer or the mayor, and the police reports are consistent. Mr. Mummert feels we are looking at major increase over our present budget, just to get 2 more days of service. President Eisenhart corrected Mr. Mummert stating the Borough would be getting 24/7, which includes 5 days/8 hours; the State Police has 5 days/16 hours and 2 days/24 hours. Mr. Mummert explained we are a small borough and don't need a lot of coverage and no necessity to throw the burden of added money on the borough. He stated the Eastern Adams Police averaged about 33 incidents last month, where Officer Grim did a lot more than that and Mr. Green stated just for this month, and Mr. Jacque Hoffman stated Officer Grim's report this month was the most in ten years. President Eisenhart felt this discussion should come at a later date, we are not joining the Eastern Adams police at this time, and we are just trying to get more information.

Mr. Green stated some of his concerns. He feels Adams County is one of the fastest growing counties in the State; people are moving here from all over they like the place and we are rapidly losing our rural character. Sooner or latter this is going to put pressure on East Berlin, this has nothing to do with a personality contest. He feels a need to take a look at the situation and evaluate the need, but leaving personality and job security out of it. He wants council to look at the situation now and the future and how soon the future is going to get here. He stated that you should look all around the outskirts of town and see the growth and development going on around us. All those people come through this town; increased traffic, increased population; which puts pressure on our services. In the long run, we need some local response. The State Police do a fine job, but the State Police have their priorities too. Mr. Green feels we should act pro-actively on this situation, and look at it with open minds. Mr. John Cleary questioned why we don't hire a part time officer. President Eisenhart responded if we hired a part timer we would have to train them; the Borough would have to pay for the training; once they are trained and have their certificate they leave and go look for a better job. Mr. Fred Sauter stated you should make sure you check the regional police forces thoroughly because other municipalities have joined regional forces and are now going back to the local municipal police forces. Mr. John Schlaline questioned the length of time of the agreement. Ms. Freda Lennon questioned if council would be having a public meeting, before anything is decided. President Eisenhart responded to Mr. Schlaline that did not have all the information yet, but would be checking that out, and his response to Ms. Lennon was it would be possible but he couldn't really say at this time. If there was a public meeting it could wind up like last time: more about the person. This is only about police protection. The motion was to continue on with Eastern Adams Regional Police investigation to join the region police.

A roll call vote was held: J Hoffman-yes; G Mummert-no; G Green-yes; F Brehm-yes; J Bollinger-no; and C Eisenhart-yes; (4 Yes & 2 No) *Motion carried.*

Planning & Zoning: President Eisenhart read a message from Dick Schmoyer informing council that the Eastern Adams Comprehensive Plan has been approved for a grant by Phil Robbins, they will be using 2007 funding, not 2008 as previously thought, and they will be contacting the municipalities in June. The Dept of Adams County Economical Development Corp. Partners in Progress is having an information sharing session Wednesday May 16, 2007 at 1300 Coline Place, Gettysburg.

Personnel: None

Parks & Recreation: Gerald L. Mummert stated the Park & Rec received donations from Adams Co. Nation Bank for \$2500; Hanover Toyota for \$1250; GA Krug for \$1000; Trinity Lutheran Church for \$500; and Bermudian Springs Elementary School PTO bought a brick. DCNR has approved a grant in the amount of \$100,000, and Mr. G. L. Mummert said Mr. Dick Schmoyer was impressed that we received that much of a grant. He also stated the Park & Rec. Fund is up over \$130,000 with donations, and he changed the thermometer on the square. He also stated they are hoping for ground breaking this year. Mr. John Schlaline questioned that once the park is built, who is going to maintain it perpetually? Mr. G.L. Mummert stated they hope to tie in with the Community Center, and at this point the Borough would be maintaining it. The Park & Rec Committee are hoping to get more grants. The park will be built in 3 phases. Phase I would include the walking trail, riding trail, pavilion and playground. The Park & Rec Committee meets the second Thursday of the month, which will be May 10, 2007 at the Borough Hall and all are invited to attend.

Unfinished Business:

New Business: President Eisenhart informed Council that the Borough Manager Mike Thoman, Michael Wallen and Nathan Boyer completed a course on Drought Contingency Planning.

President Eisenhart informed Council the work session is changed for May and will be held May 21, 2007, same time and place, because of Memorial Day Holiday on May 28, 2007.

Correspondence:

President Eisenhart adjourned the meeting at 8:47 PM. The next regular meeting will be held Wednesday, June 6, 2007, at 7:30 PM, in the Municipal Building.

Respectfully submitted,
Hannelore Furst, Acting Secretary