

# East Berlin Borough Council

## December 5, 2007

President Charles Eisenhart called the meeting to order at 7:30 PM at the Liberty Fire Company. The meeting opened with the Pledge of the Allegiance.

**Members Present:** President Charles Eisenhart, Janet Bollinger, Forrest Brehm, Gregory Green, Gerald L. Mummert, Jacque Hoffman and Mayor Keith Hoffman.

**Members Absent:** Rodrick Saxon.

**Also Present:** Solicitor Matthew Battersby; Borough Manager T. Michael Thoman, Hanna Furst, Secretary; Crystal Topper, P/T Office Clerk; Bruce Hulshizer of Buchart-Horn; Officer Mike Grim, Earl Bollinger, David Richards, Robert Clayton, Dave Woodward, Charles Philips, John Schlaline, Lou Ann Van Lieu, Ken Young, Pat Young, John Cleary, Fred Sauter, Rosann Hoffman, John Lerew, Ralph Myers, Sue Hess, Mike Cook, Mr. & Mrs. Philip Miller, Jennae Tate, and Sally Hoffman.

The minutes of the previous meeting were approved.

The minutes of the special meeting that was held November 15, 2007 were approved.

*On a motion by Gerald L. Mummert, seconded by Gregory Green and passed, payment of the bills for the month of November was approved.*

*On a motion by Jacque Hoffman, seconded by Gerald L. Mummert and passed, payment of the bills for the month of December was approved.*

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

Jan Hoffman was on the agenda to speak, but was unable to attend, for personal reasons.

Ken Young, 203 Beaver Street, stated the right to know law along with the Sunshine Act forms a legal basis for any citizen access to records of the activities of the East Berlin government. He also stated local government and public agency records should be kept at the Borough Hall. Mr. Young thinks the monthly reports of the borough engineer, zoning commission, and planning commission have not been made available to him. Mr. Young thinks the defunct "Ken Young" file is missing information and that some of the records were selectively chosen to be included in the general correspondence file.

He then questioned how Mrs. Cleary can appeal the zoning commission decision if the records are not publicly available. He also questioned why Mr. Richards can only obtain a little information about the agreement with CW Test and Hamilton Twp. on the Buttercup Farm development.

Mr. Young further stated the citizens of East Berlin have spoken at the last election there is just and proper cause to replace public officials. He believes after twenty (20) years the trust and faith in our East Berlin government will be restored in 2008. He then gave President Eisenhart a packet of letters.

David Richards, 202 Beaver Street, talked about the proposed budget for 2008. Mr. Richards stated the fines are set to high compared to the current levels. He thinks the current engineering fees should be capitalized, not expensed, since they are for the proposed sewer plant. The debt service in the general fund should also be charged to the sewer fund. He also thinks the salaries in the water fund and sewer fund should be deleted. He thinks that the rate changes should be suspended, since there were no discussion of the increase to the current rate and no discussion of proposed alternate rates. The current engineering fees should be capitalized, since they are likely being used for the proposed sewer plant. In closing, Mr. Richards stated in general the budget is actually pretty good.

**Mayor's Report:** Mayor reported the police department responded to 35 incidents during the month of November.

**Solicitor's Report:** Attorney Battersby stated that he was successful in getting a judgment against Mr. Monteleone who owns property near the center of town for his sidewalk repair. Mr. Monteleone owed approximately \$3500.00 and will be making monthly payments of \$500 until it is paid off. If he doesn't follow through with the agreement then it will be a breach of contract, and will have to be taken to court again. Solicitor Battersby stated he is still pursuing Earl Brown for delinquent water, sewer, and refuse bills.

Solicitor Battersby commented that there is a fairly large document in front of all council which is about the transfer of the water and sewer systems agreements from the Borough to the East Berlin Area Joint Authority. Council should review these documents and decide if they want to have a special meeting.

*The motion was made by Gerald L. Mummert to have a special meeting for the purpose of transferring assets and property from the Borough to the East Berlin Area Joint Authority, on Wednesday, December 12, 2007 @ 7:30 PM at the Borough Hall; it was second by Gregery Green and approved.*

Attorney Matthew Battersby announced that after twenty (20) years of service, he would not be seeking an appointment for the upcoming year, and Borough Council should begin the process of seeking another solicitor come January 1, 2008. President Eisenhart thanked Solicitor Battersby for all his years of service.

**Engineer's Report:**

**Buchart-Horn:** Bruce Hulshizer stated everything he has is for the special meeting. He also received the revised plans for the Rutter's Store # 46, where Rutter's addressed the concerns that Buchart-Horn had.

**COMMITTEE REPORTS:**

**Finance Committee:**

*The motion was made by Gregery Green to draw on the loan for the Act 537 for an interest payment of \$318.66; it was second by Gerald L. Mummert and approved.*

The 2008 budget for the East Berlin Borough was adopted as follows:

**General Fund:** Revenue - \$395,675.00. Expenses - \$395,675.00. Mr. Gregery Green made the motion to accept the general fund budget, and it was seconded by Jacque Hoffman and passed with a roll call vote as follows: J.Bollinger-yes; F.Brehm-yes; G.Green-yes; J.Hoffman-yes; G. Mummert-yes; and C.Eisenhart-yes. 6-Yes' and 0-No's.

**Refuse Fund:** Revenue - \$94,920.00. Expenses - \$94,920.00. Mr. Gregery Green made the motion to accept the refuse fund budget, and it was seconded by Forrest Brehm and passed with a roll call vote as follows: J.Bollinger-yes; F.Brehm-yes; G.Green-yes; J.Hoffman-yes; G. Mummert-yes; and C.Eisenhart-yes. 6-Yes' and 0-No's.

**Highway Aid:** Revenue - \$32,200.00. Expenses - \$39,000.00. Mr. Gregery Green made the motion to accept the highway aid fund budget, and it was seconded by Jacque Hoffman and passed with a roll call vote as follows: J.Bollinger-yes; F.Brehm-yes; G.Green-yes; J.Hoffman-yes; G. Mummert-yes; and C.Eisenhart-yes. 6-Yes' and 0-No's.

On a motion by Mr. Green, seconded by Mr. Mummert, and passed, the following **2008 Tax Rates** were adopted: Real Estate 4.000 mills; Per Capita \$5.00; Occupation 5%; Wage Tax ½ of 1%, and Real Estate Transfer ½ of 1%, with a roll call vote as follows: J.Bollinger-yes; F.Brehm-yes; G.Green-yes; J.Hoffman-yes; G. Mummert-yes; and C.Eisenhart-yes. 6-Yes' and 0-No's.

The next item on Mr. Green's agenda is a resolution to raise the refuse rates. *Mr. Green made a motion to accept **Resolution # 12-2007-9**; to raise the refuse rate to \$35.00 a quarter pursuant to the 3<sup>rd</sup> year contract price, the*

*motion was seconded by Gerald I. Mummert and passed. A roll call vote as follows: J.Bollinger-yes; F.Brehm-yes; G.Green-yes; J.Hoffman-yes; G. Mummert-yes; and C.Eisenhart-yes. 6-Yes' and 0-No's.*  
A copy of the resolution is made a part hereof.

A motion was made by Gregory Green to accept **Ordinance # 2007-6**, An Ordinance of the East Berlin Borough, Adams County, PA repealing Ordinance # 2006-1 and enacting Ordinance # 2007-6 providing for the assessment, Liability, collection and payment of a LOCAL SERVICE TAX, for exemptions from assessment of the tax, for the use of funds collected, for administration & enforcement of the tax, and the interest, fines, & penalties for violations of this ordinance; the motion was seconded by Forrest Brehm and approved. A roll call vote as follows: J.Bollinger-yes; F.Brehm-yes; G.Green-yes; J.Hoffman-yes; G. Mummert-yes; and C.Eisenhart-yes. 6-Yes' and 0-No's. A copy of the ordinance is made a part hereof.

A motion was made by Mr. Green to release the M & T Bank Letter of Credit (SB-902872-0101) for \$499,000.00 for Tyco Electronics. The motion was seconded by Jacque Hoffman and was passed.

**Street Committee:** None

**IT Committee:** None

**Public Safety:** Janet Bollinger stated she is still receiving complaints about Tucker, Pennwood, and Zeigler Bros.; and she will be contacting Mr. Heagy at the Environmental Protection Agency.

**Planning & Zoning:** President Eisenhart entertained a motion to adopt **Ordinance 2007-7**; which is an amendment to Item A; Section 500 of the Zoning Ordinances on page 37; "Accessory Buildings, Structures, and Fence Regulations. The president of council opened the discussion to the public for comment; nobody had any comments. Janet Bollinger made the motion to accept Ordinance # 2007-7; the motion was seconded by Gregory Green and passed with a roll call vote as follows: J.Bollinger-yes; F.Brehm-yes; G.Green-yes; J.Hoffman-yes; G. Mummert-yes; and C.Eisenhart-yes. 6-Yes' and 0-No's. A copy of the ordinance is made a part hereof.

**Personnel:** Jacque Hoffman stated he had two items to discuss, but Solicitor Battersby already mentioned his resignation at the end of December 2007, and read the letter from Matthew Battersby. Mr. Hoffman thanked Mr. Battersby for his service. The next letter Mr. Hoffman read was from the Borough Manager, T. Michael Thoman. Mr. Thoman announced that on January 31, 2008; he will be retiring after 35 years of service; because of his health problems. Mr. Hoffman congratulated Mr. Thoman for all the work he has done for this community in the last 35 years.

Mr. Jacque Hoffman asked President Eisenhart if he may have a few minutes to speak. Mr. Hoffman stated this would be his last official meeting, he spent 36 years on this Borough Council and he is walking out with his head high. He said that he tried to be honest and tried to do a good job, and he feels he has done that, but there comes a time you must step aside and let someone else move forward. He went around the tables and shook everyone's hands and commended them for the good jobs they have done.

Mr. Hoffman continued by addressing the elected in-coming council; he said he knows they want to set the world on fire. For a fire you need a match, but be careful how you handle the match. He stated they should throw their private vendettas away, forget the past and move forward. He said he had a very good piece of advice, they will be approached by people in the community complaining about different situations, write them down, don't tell them that you will take care of the problem, and everything will be fine, you are going to back yourself into trouble. You are to write it down and have the people come to the Borough Council meeting and get it officially on the record, and hopefully you will be able to handle the situations that come up. He also hopes there is a good working relationship between you and the people of the community. Mr. Hoffman stated he is not leaving, he will be watching very closely. He then thanked everyone in the community who saw fit to have elected him. He then continued by say he would have liked to honor his mother Hazel Hoffman, she worked 50 years trying to get good people elected to Borough Council, and we have always had truly good people working in this Borough.

**Parks & Recreation:** None

**Unfinished Business:** Gerald Mummert proposed an amendment to **Resolution 4-2005-2** to add a public comment period of 20 minutes at the end of the regular meeting, with a 3 minute time limit per speaker, governed by the rules and procedures; this would give other people a chance to speak. Mr. Mummert made the motion to amend Resolution 4-2005-2, and Mr. Green second the motion. Motion passed. A copy of the resolution is made a part hereof.

**New Business:** A motion was made by Gerald L. Mummert to advertise for bids to replace roof at the Borough Building per the engineer's specs. The motion was seconded by Forrest Brehm with a roll call vote as follows: J.Bollinger-yes; F.Brehm-yes; G.Green-yes; J.Hoffman-yes; G. Mummert-yes; and C.Eisenhart-yes. 6-Yes' and 0-No's.

**Correspondence:**

The Adams Co. Dept of Emergency Services requested an agreement be signed between the Borough and themselves, to guarantee that the radio system and the radio frequencies are being used solely for the purpose under which these licenses were obtained, and in a truly professional manner. A motion was made by Jacque Hoffman and seconded by Gerald L. Mummert to sign this agreement. Motion carried.

Gerald Mummert asked President Eisenhart to make a clarification on his resolution. He talked to some of the people after the meeting last month and they thought the amendment was ok the way it was; so he did not change anything.

President Eisenhart made the announcement that the January meeting is the re-organizational meeting and will be held on Monday, January 7, 2008 at the Borough Hall, at 7:30 PM pursuant to the state Borough Code. There will be no work session for the month of December, and remember there is a special meeting Wednesday, December 12, 2007.

The Mayor asked if he could do a presentation to Jacque Hoffman. The Mayor Keith Hoffman spoke of Jacque's service to the board for 36 years. Also as an active member of the East Berlin Lion's Club for many years, their motto is "We Serve". He accomplished that by serving the East Berlin Council for 36 years. His family has purchased one of the Jim Eisenhart hand crafted copper lanterns in his honor. The Lion's Club is responsible for these lanterns that beautify our town every Christmas. His lantern will shine for years to come, reminding him and everyone of a service well done. Jenna Tate then presented Jacque Hoffman with his lantern.

Mr. Mummert made the motion to adjourn the meeting, Mr. Green seconded the motion.

President Eisenhart adjourned the meeting at 8:30 PM. The re-organizational meeting will be held Monday, January 7, 2008, at 7:30 PM, at the Borough Hall.

Respectfully submitted,

Hannelore Furst, Secretary