

**EAST BERLIN BOROUGH COUNCIL MEETING
JANUARY 7, 2008**

REORGANIZATION MEETING

The meeting was called to order at 7:30 PM at the East Berlin Borough Hall by President Charles Eisenhart. The meeting opened with the Pledge of Allegiance.

Members Present: Charles Eisenhart; Gerald Mummert; Janet Bollinger; David Woodward; David Richards; Charles Philips; and Robert Clayton.

Also Present: T. Michael Thoman, Borough Manager; Hannelore B. Furst, Secretary; Bruce Hulshizer, Buchart-Horn; Officer Michael Grim; Lisa Jo Fanelli-Greer, Attorney; Fred Sauter; Ken & Pat Young; Rita Linebaugh; Doris Sabine; Sue Hess; John & Karen Cleary; Monica Clayton; Jason & Jeanie Wood; Earl Bollinger; Freda Lennon; Rosann Hoffman; Gene Swartz; Forrest Brehm; Stan Hollenbaugh; Sarah McGee; Deborah Bowden; Eli Mailey; John C. Schlaline; Marlin & Roberta Householder; Terry R. Morehead Jr.; Michael Gautsh; Phil Keener; Lou Ann Von Lieu; Jan Hoffman; Rocco Devita; and Crystal Topper.

President Eisenhart turned the meeting over to Mayor Keith Hoffman. The mayor administered the Oath of Office to the new Council members: David Richards, Charles Philips, David Woodward, and Robert Clayton.

Mayor Keith Hoffman asked for nominations for President of Borough Council. Robert Clayton nominated Charles Philips for President. David Richards second the nomination. The mayor asked for any other nominations and Charles Philips nominated David Richards and the nomination was seconded by Robert Clayton. There were four (4) no's and one (1) yes for Mr. Philips as President. Mr. Richards was elected President of Borough Council. The Mayor then turned the meeting over to President Richards.

President David Richards asked for nominations for Vice President. Charles Philips nominated Robert Clayton and David Woodward second the nomination. There were no other nominations. Robert Clayton was named Vice President of Borough Council. Robert Clayton nominated Charles Philips as President Pro-Tem and the nomination was second by David Woodward. There were no other nominations. Charles Philips was named President Pro-Tem.

President David Richards handed out his list of committee members. The committees are as follows: Public Safety; Planning /Zoning; Personnel; Park/Rec; IT; Water/Sewer; Streets; and Finance. *A copy is made apart hereof.*

When he came to the Park and Rec. Committee, Phil Keener, Acting Chairman of the Park and Rec. Board presented his list of appointees to the Council. Currently the Board has 3 members whose terms will expire; all three are willing to continue to serve on the Board. They are Mary Beth Levan; Joanne Eisenhart, and Phil Keener. Also, Carole Mayer and Terry Morehead have expressed interest in filling existing vacancies. Mr. Keener stated the Board's By-Laws indicates they can have up to nine members. The members whose terms expire in 2009 are Gerald L. Mummert, Doris Sabine, and Bernie Tucker; and with the reappointments of Mary Beth Levan, Joanne Eisenhart, and Phil Keener, for three year terms; and the new appointments of Carole Mayer and Terry Morehead, to a two year term would bring the Board membership to eight. Mr. Keener stated there is an opening if the Council wishes to have a ninth member.

Robert Clayton recommended Ken Young for the opening on the Park & Rec. Board. Mr. Keener stated that would be depending on Mr. Young's approach to the Park & Rec. Committee, which Mr. Young has voiced his opinion directly opposite to the wishes of the community and his indication is they sell the property and invest in the Rail Trail from East Berlin to Hanover. Mr. Keener asked Mr. Young what his current position is; because he will not serve under those conditions. Mr. Young stated his current position is that he has backed off from selling the property and we still need to reconsider the development of Kuhn's Woods and keep it a trail. Mr. Keener stated that he did not believe the dynamics of the Board is best served by Mr. Young serving on the Park and Rec. Board; but that is up to Council to decide. Gerald L. Mummert stated that he felt the same way Mr. Keener did and feels that Mr. Young doesn't show his true intentions. Mr. Young commented he resents the strong implication that he is incompetent. He stated Mr. Mummert implied the other people are more competent to serve on the Board. Mr. Young stated he is competent and he always had the community at heart. Mr. Richards stated he didn't think Mr. Gerald L. Mummert questioned Mr. Young's competency; what he questioned is whether or not you would be well suited because of your opposition to the Park and Rec. A discussion continued on whether Mr. Young should be on Park and Rec. Committee. Mr. Mummert reminded council they took an oath for the benefit of the community. Mr. Young's view points have been negative; and Mr. Mummert feels there would be major conflicts if Mr. Young were on the Park and Rec. Committee. Mr. Clayton stated that if Mr. Young was on the Board, he could play the devil's advocate and suggested Mr. Young could work on the Kuhn's Woods Park. Mr. Mummert he has no problem with that but he stated the program they are working on presently is the 17 acres of land. Mr. Keener stated the collected money and grant money have already been earmarked for the current park and not the Kuhn's Woods. Mr. John Schlaline spoke in favor of Mr. Young. Mr. Mummert told Mr. Young that he didn't have to be on the committee to come to the meetings; in which he has been doing. His opinions would still be heard. Mr. Mummert requested that Mr. Young not be appointed to the Park & Rec. Committee. President Richards agreed with Mr. Mummert and the meetings are opened to the public, Mr. Young will still be able to make suggestions at the meetings.

President Richards entertained the proposal of Mr. Keener to add Carol Mayer and Terry Morehead for a two year term each; Mary Beth Levan, Joanne Eisenhart, and Phil Keener three year terms and the current members; Gerald L. Mummert, Doris Sabine, Bernie Tucker, and Dave Cataldo on the East Berlin Park & Rec. Board. *A motion was made by Charles Eisenhart and seconded by Gerald L. Mummert for the nine members of the Park and Recreation Board.*
Motion Carried.

President Richards suggested the entire council would be serving on the Water & Sewer Committee and handed out a paper with questions for the council to read over and be prepared to discuss at the next council meeting. Under Finance Committee, President Richards wanted it noted that he felt there was potential for conflict with him being Chairman of Finance Committee and Borough Council President. There will be a new signature card to be signed at the bank and he will make every effort not to sign as many checks, and Hanna will be signing the checks also.

A motion was made by Janet Bollinger and seconded by Charles Philips to approve the minutes of December 5, 2007 meeting. Minutes were approved.

A motion was made by Charles Philips and seconded by Robert Clayton to approve the minutes of the Special Meeting of December 12, 2007 meeting. President Richards stated he has a correction to Resolution #12-2007-10 attached to the Special meeting minutes. Under Section 1; Item #11 the wording should read: providing that the Authority shall have the right of way

belonging to the Borough for the construction, installation and maintenance of water and sewer lines. Minutes were approved with the correction to the wording of the resolution.

President Richards introduced Lisa Jo Fanelli-Greer as the temporary solicitor, since Solicitor Battersby resigned at the end of December. Solicitor Fanelli-Greer spoke about herself, her family and her career. President Richards also reminded Council that the Borough Manager, Mike Thoman would be retiring at the end of January; and instructed Councilman Charles Philips to get information ready to advertise for the Borough Manager position.

President Richards informed the audience and Council that this Council will be following the previous council's rules for speaking at council meetings. He encouraged prior registration for speaking with a time limit of 5 minutes.

There were no registered speakers and President Richards asked the audience if anyone would like to speak. Stan Hollenbaugh, 414 W. King St. asked to speak. He stated he had 3 points for Council to consider, and he feels they are for the protection of the citizens of East Berlin. His 1st point was changing the charter to increase the power of the Mayor. He feels the Mayor should have a right to veto Council decisions. Councilman Charles Eisenhart commented that right is in the State Borough Code Book. The 2nd point would be expenditures over X amount of dollars the residents should have the right to referendum on any large expenditures. The 3rd point for consideration is that Borough Council dissolves the Sewer Authority. President Richards tried to answer Mr. Hollenbaugh's points to consider. The 1st one the mayor does have the authority for veto, but has NOT exercised it. The 2nd point is interesting and would require some discussion. The 3rd point of dissolving the sewer authority is premature since they have not done anything yet and have not really done anything different then this council would have done except with the division of assets. President Richards stated under state law the current authority members are all appointed by council. There are legal remedies the council can take against the authority. The agreement also contains a measure to have discussions between council and the authority. He also stated you might not like the creation of the authority or the water and sewer rates but that doesn't mean that the absolute step of dissolving or reversing the authority is appropriate at this time. Doris Sabine voiced her concern that the former council appointed themselves to the authority. President Richards stated nothing done was illegal and the members appointed were water and sewer members. Because they are not being paid they are not poking into the pocketbook of East Berlin. He feels the 60-40 split is not supported and would be addressing this over the next several months.

Mrs. Sabine also had a question about Rutter's variances and if they were legally approved. President Richards stated the only way to oppose the variances since construction has started is to sue and the chances of winning are very slim because variances were approved. Mrs. Sabine continued that this has made the concerned residents aware of any zoning hearings. Jan Hoffman commented on the shabby postings of the hearing and a new ordinance should be rewritten concerning the size regulations of postings and the surrounding neighbors get register letter stating the changes. She made a recommendation that this council construct an ordinance to increase the size of notice. President Richard stated if you wanted to be proposed for the Zoning Hearing Board next month, we will be taking recommendations. Sue Hess and Karen Cleary volunteered to be on the Zoning Hearing Board.

Freda Lennon suggested having the next meeting at the Fire Company. Charles Philips will check on the availability of the Fire Company.

Councilman Charles Philips read a Proclamation:

Proclamation dated January 7, 2008

I would like to take this opportunity as a newly elected officer of the East Berlin Borough Council to recognize the voters of our beloved town.

In the November 2007 election, many of those registered to vote in the East Berlin Borough came to the polls and performed their civic duty in a grand fashion. This is affirmed by the fact that East Berlin voters tallied a 40% turnout in comparison to only 21% to 29% in most other areas.

Regardless of which candidates the voters cast their ballots for it should be noted that the interest and participation by the East Berlin voters is commendable and all are to be congratulated on such an outstanding turnout in what was considered to be a minor election. It is my sincere hope that future elections produce an even greater turnout including many more citizens registering as new voters and then consistently voting in all future elections.

In light of this achievement, I believe that our remarkable voter participation and turnout will serve as a model for other voting venues in the state, maybe even the country. I call on Borough Council to make this document part of the public record by including this proclamation in it's entirety in the minutes of this Borough Council meeting via the recording and approval utilized by Borough Council.

Finally, I would like to take this opportunity to personally thank those who have helped in any way to provide me with this delightfully challenging opportunity of representing the people in the Borough of East Berlin, Pennsylvania. I look forward to serving our community in this office in the days ahead.

This document is respectfully submitted.
Councilman Charles Philips

President Richards entertained a motion to pay the routine and non-routine bills for the month of January. The motion was made by Janet Bollinger and 2nd by Charles Philips. **Motion Carried.**

He also entertained a motion to pay the interest payment on the loan for Act 537 for the amount of \$483.51. *Gerald L. Mummert made the motion and Robert Clayton 2nd it.* **Motion Carried.**

Mayor Report: The Mayor reported 31 incidents for the month of December. Councilman Mummert reported there are some vehicles parking the wrong direction on the streets and would like the Mayor to check this out. Councilman Woodward reported to the Mayor that there looks like there was some vandalism at the cemetery, and could this be checked out.

Solicitors Report: Solicitor Fanelli-Green requested the final report of Solicitor Battersby and a copy of his files.

Engineer Report: President Richards first asked a question of Bruce Hulshizer of Buchart-Horn. The question was what kind of clay pipes were used on Water Street. Mr. Hulshizer responded that he did not know; but one of the reasons for the change would be that CW Test would be paying the bill on the new pipes.

Councilman Eisenhart reminded President Richards that council would have to advertise for an engineering firm; Buchart-Horn, Inc. will be retained for the Authority. After a discussion it was suggested to hold off hiring an engineering firm and bid jobs as needed.

Committee Reports:

IT – Nothing – Hanna will put the minutes on the website.

Water/Sewer – Nothing

Personnel – Need an advertisement for Borough Manager and Solicitor's job. Mr. Richards suggested looking at job descriptions and be prepared to put an ad in the newspaper by the next meeting.

Streets – Nothing

Park/Rec. – Mr. Mummert is still collecting money

Public Safety – Mrs. Bollinger should be meeting in the next 2 weeks with Mr. Heagy at DEP and Mr. Oneo. Her other concern is there are no STOP signs at the alleys, particularly South Avenue. It was stated council would have to change an ordinance or resolution if more stop signs are put up. Officer Grim stated South Avenue is a main alley and it is a straight away, those vehicles are the main flow and do not have to stop at the small intersections. The people using the small intersections should be aware of what the law is. They cannot enter a roadway until safe to do so. Stop sign, yield sign, red light, it doesn't matter. Officer Grim stated the speed on the main street is terrible, but are significantly lower on the side alleys. Mr. Thoman suggested putting stop signs on South Avenue, like they did on North Avenue. Mr. Cleary suggested making North Avenue a one way street.

Finance – Nothing

Council has received their copy of the budget for this year.

Councilman Clayton referenced the PSAB pamphlet that was handed out. *Councilman Clayton made a motion that the Borough of East Berlin fund the training session offered by PSAB. After much discussion there was no second to the motion. Motion Failed.*

President Richards announced the Adams County Borough Association meeting is scheduled for January 21, 2008, in Gettysburg at the Pike Restaurant for 6:15 PM. Hanna will need to know who would like to attend so she can RSVP. Mr. Clayton and Mr. Philips said they would be attending.

New Business:

It was discussed that the East Berlin Area Joint Authority meets on the first Thursday of the month at 7 PM at the Borough Hall. President Richards stated that the Authority is a separate legal entity now. He will be writing a letter to the Authority to discuss the water and sewer rates. He also mentioned that on January 23, 2008; he will be giving a talk at the Community Center and it is open to the public. The talk will be about utility structures.

President Richards stated the Borough will be using the same auditors this year as in previous years.

President Richards opened the bids for the reroofing of the Borough Hall. The 1st bid is from Miller Roofing for \$28,500. The second bid was from McMaster Construction for \$41,000. A discussion was held on possibly rebidding the job. Councilman Philips recommended Miller Roofing, because they did the roof at the Fire Company and it was good quality work. *Councilman Charles Eisenhart made a motion to accept the bid of \$28,500 from Miller Roofing. Councilman Robert Clayton seconded the motion. Motion Approved.*

York Area Tax Bureau needs a representative and an alternate representative from the Borough. Councilman Eisenhart was appointed as the representative and the alternate will be Councilman Richards.

Councilman Philips had a request from John Schlaline to be appointed to the Planning Commission. *Councilman Philips made the motion to appoint Mr. Schlaline to the Planning Commission, and Councilman Clayton seconded the motion. **Motion Approved.*** It was also mentioned that the Zoning Hearing Board has vacancies. There should be 3 members and 2 alternates. Jan Hoffman, Karen Cleary, and Sue Hess showed interest in being on the Zoning Hearing Board. President Richards stated they should put their request in writing.

Having no further business, President Richards asked for a motion to adjourn the meeting. Councilman Clayton made the motion and Councilman Philips seconded the motion. The meeting was adjourned at 9:52 PM.

President of Borough Council

ATTEST:

Hanelore B. Furst, Secretary/Treasurer

COMMITTEES 2008

PUBLIC SAFETY

Janet Bollinger, Chairman
Gerald Mummert
David Woodward
Charles Philips

PLANNING/ZONING

Robert Clayton, Chairman
Gerald Mummert
Janet Bollinger
Charles Philips

PERSONNEL

Charles Philips, Chairman
Gerald Mummert
Charles Eisenhart
David Richards
David Woodward

PARK/REC

Philip Keener, Chairman
Joanne Eisenhart
Mary Beth Le Van
Gerald Mummert
Doris Sabine
Bernie Tucker
David Cataldo

IT

Robert Clayton, Chairman
Janet Bollinger
David Richards
Charles Eisenhart

WATER/SEWER

Entire Council

STREETS

Charles Philips, Chairman
Robert Clayton
Janet Bollinger
Gerald Mummert

FINANCE

David Richards, Chairman
Janet Bollinger
Robert Clayton
Charles Eisenhart
David Richards