

**EAST BERLIN BOROUGH COUNCIL MEETING
FEBRUARY 6, 2008**

The meeting was called to order at 7:30 PM at the East Berlin Fire Company by President David Richards. 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: Hannelore B. Furst, Secretary; Officer Michael Grim; Solicitor, Lisa Jo Fanelli-Greer; Ken Young; Doris Sabine; John & Karen Cleary; Freda Lennon; Rosann Hoffman; Forrest Brehm; Phil & Marie Miller; John C. Schlaline; Stacey Gautsh; Lou Ann Von Lieu; Jan Hoffman; Ralph Myers; John Lerew; Erin James, Evening Sun Reporter; Michael Wallen Jr., Herb Walter; Robert Aiello; Jacque Hoffman; Bev Jadus; and Jim Davis.

President Richards entertained a motion to approve the minutes of the previous meeting. *Councilman Clayton made a motion to approve the minutes of the previous meeting as written with and second by Councilman Philips.* **Motion Approved.**

Constituents Addressing Council:

Ken Young, 203 Beaver St., addressed a letter to President Richards concerning his presentation at the Community Center, January 23, 2008. Mr. Young stated the days of East Berlin Water and Sewer Authority, Attorney Matt Battersby, and Buchart-Horn Engineers are numbered, the people of East Berlin spoke through our last election process and more are becoming actively involved. He commended President Richards for the change he has brought to the East Berlin Borough Council meetings. He commented concerning Mr. Keener and Mr. Kemp keeping records at their home.

Mr. Young continued that he has faith that the current East Berlin Borough Council will act on and correct the decades of neglect to the storm water problem at his residence. Mr. Young's five minutes expired, but he continued to speak. He wanted to update Council on the current status of TYCO. It is his understanding TYCO is under contract to be sold and we should be aware of Act 2; and make sure this is enforced pertaining to the ground contamination at TYCO. He then gave documents to Janet Bollinger, Chairman of Public Safety. Mr. Young then gave President Richards a copy of information that he found concerning Jacque Hoffman being part of the Sewer & Water Authority. He received this information when he asked for copies of the November 7th, 2007 minutes. Mr. Young continued that it was either a secretarial mistake or a joke on him. He became very agitated about this. He feels he has been harassed over this issue. Mr. Jacque Hoffman spoke in his defense that he did not care what Mr. Young stated he is not on the Authority. I, Secretary Hanna Furst, tried to clarify the account of what Mr. Young was saying. I stated, Mr. Young did come into the office and discussed the matter with me and he was not clear on the date at the time, so I asked him to bring the paper along to the meeting and I could then see what he was talking about. I showed him the actual minutes in the Authority's Minute Book and it does not show Jacque Hoffman as being on the Authority. Having no other comments the meeting continued.

Charles Philips made a motion to pay the bills for the month of January, Robert Clayton seconded the motion. **Motion Carried.**

President Richards changed the agenda so he could go to the correspondence next. He started with the letter from Adams County Office of Planning and Development.

Adams County Office of Planning & Development sent in their recommendations for the preliminary plans for the Buttercup Farms Development. President Richards commented on their review. The Adams County Office of Planning & Development stated there is a major design problem, since the street system does not connect to the street system in the adjoining Beaver Colony Estates development in East Berlin. Councilman Charles Eisenhart stated the Borough at the time did not want the two systems connecting; then you would have all the traffic taking detours through the developments instead of the main highway. Ken Young stated his concerns on the safety issue of it. President Richards continued the discussion on the safety issue, and stated he would draft a letter stating the Borough's position has not changed on the connection of the 2 developments and distribute it for the work session.

Philip Valenti sent e-mails and there were also phone calls concerning the "Impact of Home Mortgage/Banking Crisis" on Municipal Financing. He was asking for the Borough's support for the Rep. Harold James (D-Phila.). President Richards felt the Borough should not get involved with outside political agendas.

Mr. & Mrs. Englebert sent a letter with their suggestions for the old Nell's building in town.

Officer Grim received a phone call from Mr. Seifert of Branch Circle. He stated someone's dog is depositing at his mail box again. He stated he had talked to Officer Grim about this problem before and would appreciate it if this problem could be taken care of. He also stated he wanted this information brought to the attention of the higher ups.

President Richards received an anonymous note about an ominous looking man on a bicycle distributing notices on their door; he stated he cannot address the issue if the notes are not signed.

Karen Cleary sent a letter to President Richards requesting South Avenue be made one way east bound from South Water Street to PA 194. President Richards stated this issue will be discussed under Street Committee.

Karen Cleary sent a request to President Richards to be appointed to the Zoning Hearing Board. He will address this under personnel committee.

Lisa Jo Fanelli-Greer sent a letter concerning her appointment as East Berlin Interim Borough Solicitor which included her rates, procedures, and billing policies. The letter was signed by President Richards that he agreed to the terms.

Renee Yelton of the East Berlin Postal Service sent an e-mail concerning the placement of flyers on mail boxes all over town. The e-mail stated curbside mailboxes are to be used for mail only and anything in or on the box should have the corresponding postage.

Councilman David Woodward handed President Richards a request from his wife Jan Hoffman to be appointed to the Zoning Hearing Board. This was also to be discussed under personnel committee.

All correspondence will be placed in the correspondence file in the Borough office.

Mayor's Report:

The mayor reported 51 incidents for the month of January.

Engineer's Report:

None; the Borough does not have a need for one right now.

Solicitor Report:

None; the Borough does not have a full time solicitor at this time.

Committee Reports:

Public Safety:

Janet Bollinger reminded the committee of the meeting February 7, 2008 at 10:00 AM with DEP. Chairman Bollinger stated she had a complaint on January 19, 2008 at 4:00 PM from Lou Ann Van Lieu, concerning the loud radio at Hog Wild Catering. She stated she went there at 4:30 until 5:00 PM, and with her own car radio on she could not hear her radio because of the Hog Wild's radio. The whole time she was there only one customer went in and there was no one outside to enjoy the music. President

Richards felt complaints should be filed with our police department. Doris Sabine stated they have called Officer Grim on numerous occasions and he had a meeting with several of the neighbors, and Mr. Gulan is a very nice man and he is not the problem. When Officer Grim comes by if there is a complaint it didn't seem loud to him. Mrs. Sabine thanked Mrs. Bollinger for the 1st validation of the loud music.

Planning/Zoning:

President Richards stated he has 2 applicants for the Zoning Hearing Board. They are Karen Cleary and Jan Hoffman. They were voted on and both were approved to be added to the Zoning Hearing Board.

Personnel:

Chairman Charles Philips announced he had drafted the proposals for the Borough Solicitor and the Borough Manager positions. He handed copies out to the Council. President Richards entertained a motion to advertise for both positions in the newspaper. *Mr. Philips made the motion and Mr. Clayton seconded the motion to advertise for the Borough Manager position. Motion Carried. Mr. Philips made the motion and Mr. Clayton seconded the motion to advertise for the Borough Solicitor position. Motion Carried.*

Councilman Mummert suggested that Lisa Jo Fanelli-Greer should be voted on as interim solicitor. President Richards stated he had received the rules of conduct and rates from Lisa Jo Fanelli-Greer. *President Richards proposed Lisa Jo Fanelli-Greer as interim solicitor. Mrs. Bollinger seconded the motion.* It was discussed that the permanent solicitor should be hired by April. **Motion Carried.**

Streets:

Chairman Philips discussed the question about South Ave. and the speed, stop signs, and speed humps on South Ave. The speed limit on South and North Avenue's are 25 MPH. The Borough is going to let Officer Grim handle the speed. Mr. Philips continued that they would look into it further about lowering the speed limits to 15 MPH in the alleys.

President Richards then presented Karen Cleary's request to make South Ave. from South Water St. to PA Rt. 194 one way east. *Mr. Clayton made the motion to make South Ave. from South Water St. to PA Rt. 194 one way east. Mr. Philips seconded the motion.* The discussion continued on the width of South Ave. Mr. Mummert asked President Richards about the discussion that took place at the work session concerning this. He stated they had decided to wait until Rutter's remodeling was completed before any action was going to be taken on this matter. Mr. Clayton felt it was necessary to be brought up now. Mr. Philips stated Zinn Alley was going to be one way from Locust St. to South Ave.; but Jan Hoffman questioned the direction of the one way and Mr. Philips stated he was told by Officer Grim, it would be Locust St. to South Ave. Officer Grim stated he did not make that statement. *Mr. Mummert made a motion to table this decision until Rutter's is completed in April. Charles Eisenhart seconded the motion to table this decision. Motion failed by 3 votes. President Richards then stated the motion before them was to make South Ave. be made one way east bound from South Water St. to Rt. 194.* The vote was 6 to 1. **Motion Carried.** Charles Eisenhart questioned if President Richards knows that they need to write an ordinance and publish it.

Jan Hoffman stated she has the actual transcription of the Rutter's Zoning Hearing and a she has in writing what was approved and what wasn't approved. Charles Eisenhart stated that was only a recommendation. The Borough Council did not make any decision on Zinn Alley.

IT – None

Park/Rec. – None

Planning/Zoning – None

Finance – Auditor's will be here at the end of this month, they will be addressing the revenues and assets division to the Authority.

*A motion was made to pay the interest payment of \$485.50 for the Act 537 Loan by President Richards and seconded by Gerald Mummert. **Motion Carried.***

*The motion was made by President Richards to adopt Resolution 2-2008-1 to change the signer's for the checking accounts. Mr. Clayton seconded the motion. **Motion Carried.***

President Richards stated Secretary, Hannelore Furst would like to attend a seminar at Shippensburg University for Municipal Secretaries, Clerks & Administrators on March 26-28, 2008. She will be attending with another municipality secretary and there is money in the budget. *The motion was made by President Richards and seconded by Gerald Mummert to pay for the seminar for Hanna to attend.* Mrs. Sabine interrupted the Council by asking if Council has had a chance to talk to Hanna about being able to remove her loyalties from the last Borough Council to the new Borough Council. She was wondering if there was any kind of a problem; and if there is, she thinks it needs to be addressed before she is sent to the seminar. President Richards stated he has not had a problem with Hanna; he has gotten all his material. Mrs. Sabine continued by asking the rest of Council the same question, nobody had a problem with Hanna. President Richards stated that Mrs. Sabine's concerns are misplaced. **Motion Carried.**

Unfinished Business – None

New Business – President Richards commented on his talk he gave in January at the Community Center about utility rates. He also stated he thinks there should be some corrections to the Agreement with the Authority. He thinks the 40/60 split should be the reverse of what it is now. The Borough should have the 60% and the Authority should be 40%. He feels the 40/60 split needs to be substantiated; so he has proposed a mileage schedule and a work schedule to be implemented starting next week. President Richards also stated he would like the Authority and Council to have working group to go over the agreement. He will be proposing this at the Authority meeting tomorrow night.

President Richards concluded that he had no more to discuss and asked if anyone else had anything they wanted to bring up.

Doris Sabine asked when the crosswalk signs will be put back out. President Richards felt it was too early yet, to put them out, with the unpredictable weather.

Ken Young asked when Miller Roofing will be doing the Borough Hall roof. Mr. Young also asked if at the work session the Council will be allowing citizens to have an input. President Richards said he wasn't sure when the work will begin on the roof. He also stated he would discourage citizens from talking at the work sessions.

Jan Hoffman asked why the Authority received the correspondence from Richard Schmoyer of the Adams County Office of Planning and Development and the Council members did not receive it. President Richards stated he did receive a copy of the correspondence at the Council meeting. Charles Eisenhart stated that letter was a courtesy to the Borough but it pertains mostly to Hamilton Township.

Having nothing else to discuss President Richards entertained a motion to adjourn the meeting. *Charles Philips made the motion to adjourn and Robert Clayton seconded the motion.*

The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Hannelore B. Furst

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Borough Council Secretary/Treasurer