

**EAST BERLIN BOROUGH COUNCIL MEETING
MARCH 24, 2008**

The second Borough Council meeting of the month 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: President David Richards; Janet Bollinger; Robert Clayton; Charles Eisenhart; Gerald Mummert; Charles Philips; and David Woodward.

Also Present: Mayor Keith Hoffman; Hannelore Furst, Secretary; Lisa Jo Fanelli-Greer, Interim Solicitor; Rosann Hoffman; Earl Bollinger; John Lerew; Lou Ann Van Lieu; Karen & John Cleary; Freda Lennon; Bill Powell; Bev Jadus; Don Dixon; Randy Tate; Frankie Topper; John Schlaline; Carol Mayer; Eli Mailey; Jan Hoffman; Michael Zittle; Patricia & Ken Young; and Erin James, Evening Sun Reporter.

President Richards asked if there were any corrections to the minutes of the previous meeting.

A correction to the minutes of the previous meeting was presented by Charles Philips. On page 2 paragraph 2, there should be a statement added concerning the lots pertaining to the connectivity. The added statement should read: Mr. Eisenhart stated the one lot that was a right-a-way was divided between the adjoining lots.

President Richards also presented some corrections as follows: Page 4 the second paragraph; which reads: President Richards also reported on the working group with the Authority. This should read President Richards also reported the working group is working on the agreement with the Authority group. Page 4, the first paragraph, fifth line, the statement that starts out: He continued that there was a representative of Tucker Industries at the meeting, etc. President Richards proposed deleting: He continued that there was; capitalizing A and starting the sentence from there A representative of Tucker Industries was at the meeting and gave Tucker Industries view point on the issues, and he was asked whether Tucker would participate in an informal discussion of complaints that are received. Another correction was on Page 4, third paragraph, sixth line; the sentence reads: President Richards stated he didn't anticipate a necessity for two council meetings a month; he evidentially he will cancel what use to be the working session. The sentence was changed by substituting eventually for evidentially and omitting the word he. The next correction is on Page 5, large paragraph, break it down.

Under Personnel: The statement to be corrected is: Mr. Cleary requested if he could submit his application. His request was denied due to the lateness of the application.

Under Park and Rec.: The sentence reads: A citizen of the Borough asked what the status of Park and Rec. was. President Richards requested it be changed to; A citizen of the Borough asked what the status of the new park was.

Page 6 Correction:

Under Correspondence: A letter from Tucker Industry's attorney from the firm of Stock and Leader. Mr. Gerald L. Mummert had a request from Mr. Tucker that the letter would be read to the people in attendance at the meeting. Delete "A copy is made a part hereof"; and add Mr. Mummert read in a portion of the letter as record. The portion of the letter is as follows:

A motion was made by Charles Philips and seconded by Janet Bollinger to adopt the minutes pending the corrections. Motion Carried.

A motion was made by Charles Philips and seconded by David Woodward and passed for the payment of the bills for the month of March was approved.

Gerald L. Mummert had a question about the bills pertaining to the lawyer fees not included in the bills. Interim attorney Fanelli-Greer responded her secretary has been ill and no bill has been sent this month.

Constituents Addressing Borough Council

Pat Young, 203 Beaver St. stated she was here to let you know that she has spent over \$16,000.00 from January 2007 to the present to alleviate the storm water problem. This cost did not include Ken's or her time, the cost of the dirt and rocks, plants or the engineers travel time to attend planning and council meetings. She stated they had been appearing before council since the 1980's.

Ken Young, 203 Beaver St. read a letter he distributed to council asking the council to contact Glenn A. Fine OIG, as he states in his correspondence the PA Attorney General's Office, the Adams County District Attorney and U.S. Justice Dept has neglected their responsibilities. He also reminded council of the oath they took when taking their office.

John Schlaline, Abbottstown St. read his correspondences addressed to Borough Council. His concerns were for the health and safety of the citizens of the town. His main concern is the air quality issues. He stated that Gerald L. Mummert as an elected official has over stepped his boundaries in his relentless support of Bernie Tucker of Tucker Liquid Coatings and hopes that Mr. Mummert will also be willing to come to the East Berlin residents with the same fervor and intensity as he has for Mr. Tucker. Mr. Schlaline continued about an incident at the Park and Rec. committee meeting. Mr. Schlaline wondered what type of relationship existed between Mr. Mummert and Mr. Tucker.

Mr. Schlaline stated he has EPA reports, where there shows there are some violations and compliance issues. This information can be found on the EPA website, and is public knowledge. Mr. Schlaline stated Mr. Tucker snubbed Council President David Richards because he wouldn't meet with Mr. Richards informally about the citizen's air quality issues. He wondered what the position of the companies Mr. Tucker is a supplier for would respond to this concerning their involvement with Tucker Industries. Mr. Schlaline then stated Mr. Mummert hasn't done anything wrong in his service to the community as an elected official. He also stated Mr. Mummert has made significant contributions to the community. But Mr. Mummert should examine his position as an elected official on the issues mentioned. Mr. Schlaline further stated he would like to recognize Councilwoman Janet Bollinger for her steady fast efforts and contributions as a government official serving the people. She should enjoy more prestige and commends her for efforts, and will continue to support her.

Doris Sabine, 504 West King St. Her comments are about a letter sent to the Evening Sun Newspaper by Mr. Green, a former member of the East Berlin Borough Council. She gave some background on her attendance at the council meetings. She felt council had a disregard for zoning, environmental issue, general quality of life, and lack of respect for residence at meetings. She stated the PA Borough Council Handbook says council members are the proper recipients of complaints, ideas, and suggestions concerning Borough affairs and are called upon to perform as a problem solver as an agent for the Borough citizens. The council has a role as representing the Borough's communal interest, past, present, and future. She decided to work with other residents to fill the four open spots on the ballot. Mr. Green's statement in the newspaper about the devious agenda or motive was incorrect. She and the other residents only care about the historic town. She encourages the residents to come attend the council meetings. She continued she has two suggestions for Mr. Green, refrain from making obscene gestures, and take Garrison Kealers advice "Try some ketchup, it contains natural mellowing agents."

Randy Tate, 197 Jacobs St. He stated he has a water problem on his property. There is excess water running thru the right-a-way.

He was at the council meeting four years ago, with a neighbor to complain about this problem. Now, the rain is washing the top soil down. He has lived there 25 years; he had some council members there to look at the problem. He then showed some pictures of the past years water problems. The Borough engineer did some plans when the VFW expanded their lot. Mr. Tate would like to see something done about the problem. He stated another neighbor has a sump pump that drains to avoid his house.

Frank Topper, 199 Jacobs St. He is here to complain about the water also. He has young children and is worried about mosquito infestation and bacteria. He stated he would have to build a bridge over the water to get to the wood at his wood pile. He asked if council would check into it.

Gerald L. Mummert asked President Richards if he could respond to John Schlaline's remarks. Mr. Mummert stated he was not defending just Mr. Tucker, but the other two businesses in town; Zeigler Mill and Pennwood. He wasn't really defending them. In his defense, he is not defending them, but the issue- pollution in the air. Council has a governing body over them- DEP. DEP has made their inspections and stated there is no problem. He stated he has checked with the Borough manager in Spring Grove, because of their odor problem and was told the Borough does not get the calls. The residents call DEP directly and DEP handles the problems, they are not breaking the law. Mr. Cleary stated they are only meeting the published standards.

Mr. Schlaline commented about the flyers they publish and distribute thru the town are not targeting the businesses, but are making the residents aware that they complain and monitor the odors in town. DEP regulations may say these businesses are compliant by the EPA states they are not compliant.

Jan Hoffman made a comment that she spoke about compliance on their odors and screening in 2005. Solvent and paint odors are still a problem. Clean up solvents are not regulated. DEP does use the same set of standards no matter where the facility is located.

Council member Eisenhart stated instead of keep talking about the problem, they should make a motion to do something about it. Council member Clayton suggested an independent firm to come in and check the air for a ninety day period. President Richards stated they would have to determine the cost, the placement of the monitor, and the result. Councilman Clayton and Councilwoman Bollinger will check into this further. Councilman Eisenhart suggested checking also what can be done legally also. Interim Solicitor Fanelli-Greer would write a memo, the pros and cons, she would need more information and force government agency to enforce. Councilman Philips stated DEP has nothing to go by to regulate, they go by their smell. Freda Lennon stated DEP comes at the wrong time, when the businesses are not running. Jan Hoffman stated they do not regulate BOC's. She suggested the Borough look at there own Zoning Ordinance under Section 5-11 Performance Standards, and she plans to expand on this at the next meeting.

Mayor's Report: None

Solicitor's Report: She has a draft copy of the letter to send to former solicitor Battersby, requesting copies of his files for the last 5 years. *President Richards made the motion to approve the solicitor to send the request to the former solicitor. The motion was seconded by David Woodward, with no discussion.* **Motion Carried.** She is reviewing the packet of information from Ken Young.

Committee Reports:

Finance Report- President Richards received the draft copy of the 2007 Audit. He will have a handout for the next meeting.

Streets- None

IT-None

Public Safety- Council member Bollinger stated March 17th she received a call from Clara Eisenhart about the stormwater problem in her backyard and why it ended at Jacque Hoffman's property. Mrs. Eisenhart has problems in the summer time when it's wet. Council member Bollinger continued that Mrs. Eisenhart has brought this up to prior council or the borough employees and no one has done anything about it. Borough Secretary Hanna Furst responds that Mrs. Eisenhart has never informed her of the problem. President Richards stated they will have to get more information since there are no records of the complaint. Question were brought up about the repairs were done at Jacque and Hazel Hoffman's house and why it stopped there. It was stated the street (North Avenue) used to pond right there and that was why it was fixed there. Jan Hoffman stated she and Karen Cleary checked the properties and the rear of the properties along there belong to the Borough as a right of way.

Ken Young stated he is familiar with the problem 12 years ago. The prior Solicitor Kathy Gault brought the problem to council that if you allow people to run their stormwater onto other people's property, you are violating their rights. This has been going on before and during Solicitor Battersby's terms. The Borough and developers were not getting permission to run the stormwater across their properties. Hazel and Jacque Hoffman should have gotten easement rights from the other property owners.

Council member Eisenhart suggested that research be done on swales in PA concerning stormwater damage.

Doris Sabine suggested the pedestrian crosswalk signs be readjusted. She also suggested two for each crosswalk. The mayor stated that a lot of the towns only have one per crosswalk.

The police report is only done once a month.

Planning/Zoning- None

Personnel- Charles Philips stated that after the meeting they will be going into Executive Session to select a solicitor.

Parks and Recreation- None, except the sign at the park ground was hit and disappeared.

Interim Solicitor Fanelli-Greer reported she has another client that could help East Berlin get a grant or money for the skate park.

Unfinished Business- None

Correspondence-

-Received the audit for 2007, summary next meeting

-Adams County Department of Emergency Services-Elected Official Seminar

-DEP Invitation for meeting March 28th in Harrisburg about the Chesapeake Compliance Forum

-Historic Society Colonial Day Committee- listed service to be done

-Adams County West Nile Virus monitoring information

-Mr. Cleary submitted his request for a position on the Planning Committee

A motion was made by Charles Philips. Appointed and seconded by Robert Clayton for appointment to Planning Commission

-A complaint against L & L concerning the lights glaring into a neighbor's area (Paul Scarrozo). Council member Eisenhart suggested Borough look into a part-time Codes Enforcement Officer.

-A letter from William F. Hill Associate who are the engineers for the Young's. The letter is clarified that they were giving an estimate of cost and that information was not to be used for negotiation.

President Richards stated the council is going to delay the process of Mr. and Mrs. Young until the Borough can obtain an engineer.

President Richards received a request from EBEJA for a right-a-way across Borough property for underground water and sewer lines. President Richards saw no reason to refuse the

right-a-way. *A motion was made by Gerald L. Mummert and seconded by Charles Eisenhart to approve the signing of the right-a-way. With no disapproval the motion was carried.*

Mrs. Cleary asked if anyone did an inspection on the Rutter's ground water filtration system. It was stated the inspections are done by the Middle Department Inspection Agency (MDI #) and it has their stamp of approval.

President Richards received a letter from Planning Commission Chairman Phil Keener explaining the revised plans. Rutter's submitted the original plans; the Borough engineer reviewed the plans and required some changes. Those plans were called revised plans. When you hear Rutter's submitted revised plans, there were concerns that they changed things. Even though they changed to meet the requirements of the Borough's engineer. This should clarify these are not new plans, but changes for the engineers.

President Richards stated the Borough will be advertising for a Borough Engineer in the future, and also a Code Enforcement Officer.

Donald Dixon, 200 Jacobs St. - Mr. Dixon asked if the Borough has updated the fire insurance policy for the Community Center. Interim Solicitor Fanelli-Greer, recommended the Community Center board make a list of the improvement so the Borough can submit them to the insurance agency.

Mr. Dixon questioned if the Borough would be donation \$4,000.00 to the Community Center this year like they had for the past 16 years except for last year. He acknowledges receipt of the letter stating why there was no donation last year. The Borough stated the lawn care cost \$2,800.00, the insurance \$4,918.00. This money will be put towards the Borough Park. A discussion continued asking Mr. Dixon to bring the Community Center's financial statement and budget to the Borough Council so it can be considered. President Richards stated that was a good idea, and requested the information from Mr. Dixon. He further continued that Council will not be discussing this today.

The next meeting will be Wednesday April 2, 2008 at 7:30 PM to be held at the Fire Company.

Having no further business, Charles Philips made a motion to adjourn to go into an executive session Robert Clayton seconded the motion. Motion Carried.

Meeting adjourned at 9:15 PM.

Respectfully Submitted,

Hannelore B. Furst
Borough Council Secretary/ Treasurer