

EAST BERLIN BOROUGH COUNCIL MEETING
MAY 7, 2008

The first meeting of the month of May for the East Berlin Borough Council was held May 7, 2008 at 7:30 PM. The meeting was held at the East Berlin Fire Company, 101 Locust St. East Berlin, PA. The meeting opened with the Pledge of Allegiance.

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

Members Absent: Janet Bollinger.

Also Present: Mayor Keith Hoffman; Secretary/Treasurer Hannelore Furst; Earl Linebaugh; Ken Young; Doris Sabine; Rose Hoffman; LouAnn Van Lieu; John Lerew; Ralph Myers; Mr. & Mrs. Cleary; John Schlaline; Randy Jacobs; Sue Hess; Brandon Yoder; Jeffrey Bowers; David Baker; Michael Baker; Dan Sanchez; Nick Yoder; Bev Jadus; Eli Maley; Jan Hoffman; Bill Powell; Michael Wallen; Nathan Boyer; Jim Davis; Freda Lennon; Gene Swartz; Chris Wicker; and Erin James, Evening Sun.

*Charles Philips made the motion to accept the minutes of April 28, 2008 as written with no corrections. The motion was seconded by David Woodward. **Motion Carried with all voting in favor of.***

*Charles Philips made the motion for payment of bills for early May in the amount of \$1,391.06. Robert Clayton seconded the motion. President Richards reported on the charitable contributions that were stated to be paid last month but was decided to check on the legality of donating to these organizations. He stated they should have been listed as contribution and not bills. He stated under the PA Code Article 12 Section 1202 the following contributions can be paid – East Berlin Senior Center (\$500); Adams County Crime Stoppers (\$200); Adams County Transit Authority (\$200); and the Visiting Nurses Association (\$300) for the total of \$1200.00. Charles Philips made the motion to pay these contributions and Robert Clayton seconded the motion. **Motion Carried with all voting in favor of.***

*Robert Clayton made a motion to advertise the change of the next meeting date from May 26 to May 27 because of the Memorial Day holiday. Charles Philips seconded the motion. There was no discussion. **Motion Carried with all voting in favor of.***

*Robert Clayton made a motion to accept Ordinance 2008-3; An Ordinance Creating the Office of Borough Manager Charles Eisenhart seconded the motion. **Motion Carried with all voting in favor of.** Solicitor Shultis made note that a word was changed from when it was advertised that is in Section 6 C5. The word chief was changed to chairman; this is a minor change and does not need re-advertised.*

Constituents Addressing Borough Council

Ken Young, 203 Beaver Street for his 5 minutes he spoke about the salary of the ex Borough Manager and the systemic problem of the Borough for the past 3 decades. He questioned the hiring of additional employees by the Borough, when bigger towns have fewer employees. Mr. Young continued his speech by addressing the debris accumulated at the pump house over many years.

Mr. Young stated Mike Thoman witnessed the storm water runoff on Beaver Street. He also questioned how Burkentine & Sons contractor were able to build on lots 60 and 61 on Beaver Street. Mr. Young also stated he wanted to know why council never required Mike Thoman to give monthly reports as Borough Manager. He also mentioned that Mike Aiello stated at January 2008 meeting of the Sewer and Water Authority that there are several lawsuits against Buchart-Horn and Mr. Young stated their contract with East Berlin Borough should be over. Mr. Young had some questions concerning the fees associated with the new park.

Doris Sabine, 504 West King Street, Mrs. Sabine addressed her concerns about the Barbeque carry out restaurant across from her house. She stated she and her neighbors have had many problems with the owners of the business. The problems have continued with loud noises, music, and smoke from the cooker. Mrs. Sabine requested the Borough to enforce the Zoning Ordinance pertaining to the hazards which can be found on Page 53 of the Zoning Ordinance Book.

Mrs. Sabine requested the salaries of the Borough employees for 2007. She wanted to know the status of the pedestrian channeling devices and the speed signs for the town. Councilman Philips responded he has received the hourly rates of the employees. Mayor Keith Hoffman responded the channeling devices have been ordered and as far as the speed signs the Borough is on a waiting list.

Mayor's Report: Mayor Keith Hoffman reported 48 incidents for the month of April.

Officer Grim reported that the State Police were in town running radar for over 2 hours and did not get a single violation. Councilman Woodward questioned if the State Police were monitoring the crosswalks. Officer Grim could not answer if they were monitoring the crosswalk or not. Mrs. Sabine informed council about a company that is working with the State that monitors that the crosswalks are painted correctly according to the traffic calming manual. She also gave some suggestions on various ways crosswalks can be painted.

Randy Jacobs of 200 Abbottstown Street; also complained about the traffic on Abbottstown Street. He stated the traffic is not stopping for the pedestrian in the crosswalks.

Solicitor's Report: Solicitor Shultis reported he received a fax from Solicitor Battersby concerning the copies of his records. Attorney Battersby is requesting \$0.25 per page for 1,531 pages for the amount \$382.75 prepaid. *The motion was made by David Woodward and seconded by Robert Clayton to pay \$382.75 to Attorney Battersby for copies of his files.* A discussion was held whether this is a common practice. Attorney Shultis stated lawyers provide their clients with copies. Following the discussion the council voted all in favor and the **Motion Carried.**

Attorney Shultis also reported the Realty Transfer Tax he was researching is not up to date and he prepared a draft to send to the Department of Revenue to take a look at and see if it suits their purpose. President Richards stated he had no problem with Solicitor Shultis submitting the draft to the Department of Revenue.

Committee Reports:

Finance: Nothing else to report. President Richards discussed the donations earlier in the meeting.

Streets: Charles Philips stated he and the new Borough Manager will be discussing the painting of the crosswalks.

IT: Robert Clayton reported the new computer is ordered and expected to be installed this week. Off site back up of the computer system is progressing. He also reported that the new computer for the Borough Manager was estimated at \$799.00 and there is about 4 hours of work for approximately 320 to be it for internet access at that location. *Robert Clayton made the motion to accept the quote for the installation and ordering of the new computer for the Borough Manager. Charles Eisenhart seconded the motion.* **Motion Carried with all voting in favor of.** The replacement cost of the other computer will be shared with the Water and Sewer Authority.

Public Safety: None

Planning/Zoning: President Richards reported the Borough received the minutes from Chairman Keener on the meeting that was held April 30, 2008 concerning the Route 194 Bridge replacement. It was stated that Route 234 Bridge should be starting any time now; the hold up was with Met-Ed moving utility poles. The Route 234 Bridge replacement should be ending as the Route 194 Bridge replacement is starting.

Personnel: Charles Philips introduced William Starry as the new Borough Manager. He also reported he will be working on some changes to the personnel policy and the drug and alcohol policy.

Parks/Recreation: Gerald L. Mummert reported there are some parents and teens that will be planning fund raisers to buy equipment for the skate park. ~~Charles Philips~~ Kenneth Young questioned the \$8,400.00 expense associated with the Park and Recreation. Gerald L. Mummert did not have an answer for him but would look into it. Gerald L. Mummert didn't want to give an answer and have it misconstrued.

Unfinished Business:

President Richards reported Bell Insurance Company would like to give the Borough an insurance quote, so he will contact them next week.

He also reported that at Rutter's grand reopening on May 2, 2008 he gave Rutter's management a list of comments he received as well as his personal observations.

The next item of business President Richards reported on was the work group that he, David Woodward, Charles Eisenhart, and John Lerew are working on between the Borough and the Authority as far as water and sewer rates. The general work has been completed it needs to be polished and finalized. There are multiple signed provisions under one resolution and he is proposing to take all the multiple signatures out and combine it as one document. He expects the document to be ready before next council meeting for the council members. The working group is going to continue working on the water and sewer rates. President Richards also reported he received a letter from the Authority that they would not be participating in a public discussion but the council is welcome to participate in their discussion on June 5, 2008. It was also stated Buchart-Horn engineer would be there to answer questions.

Gerald L. Mummert requested that the public send in their questions concerning the Authority to the borough office by May 16, 2008, so they can get the answers for the people; and it would help save time. David Woodward stated the question most people are wondering about is do we need the Authority in East Berlin. He wants to know what is the best for the Borough. His personal opinion is that the Borough should take over the Authority. He questioned whether it was economically sound to have a two entity borough.

The discussion continued with President Richards stating there are no public record of decisions that were made that led to the creation of the Authority. The engineer's reports are not available, previous meetings that were held as working sessions did not have minutes taken; all there is, in the minutes, is that the work on the Act 537 Plan is progressing. We don't know the sequence of events, any alternatives, or what was discussed; all we know is the end results. It was stated the people want to be informed.

Solicitor Shultis was asked if the Borough could disband the Authority. He stated there is a process under the Municipalities Authorities Act that municipalities can take the project over from its Authority. This is done but either a resolution or an ordinance, once this is resolution or ordinance is approved, then the Authority must convey the project to the municipality. The municipality then takes over the Authority debt. This is not a disbanding or a dissolution of an Authority, it's a take over of the project. The solicitor warned that doing so could be costly to the borough. Questions and comments continued about this subject. It was asked if the new borough manager could get his sewer and water license. It was stated there is that possibility, and also the other water and sewer plant employees are working on getting their licenses.

President Richards urged caution in approaching a municipal take over, because the interim cost may be higher than the long run cost. *Robert Clayton made a motion to direct Solicitor Shultis to construct an ordinance for a municipal takeover of the Joint Municipal Authority. David Woodward seconded the motion.* The discussion continued, concerning the two governmental bodies. It was stated the Authority thinks they have the priority over the betterment of East Berlin because of the 60/40 split.

Chris Wicker stated he lives just outside of town, and works for Lower Allen Township Authority. Lower Allen Township has a municipal authority and the township supervisors and the two governing bodies works for them, they are looking out for the best interest of the township. The supervisors take care of the government business and the authority takes care of DEP and water regulations. Charles Philips stated that this has been going on since 2001, but there were no public meetings to inform the residents. Gerald L. Mummert stated there was not a special meeting, but all council meeting were open to the public and advertised.

President Richards stated we need to get more information before doing a takeover. He recommended delaying the passing of a resolution or an ordinance. *President Richards made the motion to table the motion of a municipal takeover. The motion was seconded by Gerald L. Mummert.* There was no discussion. A roll call vote was taken to table the motion. The results are as follows: Charles Eisenhart-Yes; Robert Clayton-No; David Richards-Yes; Charles Philips-No; David Woodward-No; Gerald L. Mummert-Yes; and the Mayor voted Yes to break the tie. **The motion was tabled.**

The audience was reminded to get their questions in by the May 16, 2008.

David Woodward reported he has talked to Gerald L. Mummert about the person that would be able to do the noise level readings and Mr. Mummert would be getting back to him. David Woodward also passed out pictures of the debris at the pump house on Fish & Game Rd.

The Borough Engineer and Zoning Officer Job posting were mentioned, but there has not been any interviewing yet. It was suggested the new Borough Manager could be the Zoning Officer.

Correspondence:

The Borough received a letter from DEP concerning Tyco inspection. Tyco passed the inspection, there was no ground testing. This was for chemical storage inspection.

The audit was received for the Fire Relief Fund of the Fire Company.

A fax was received from the Dept of General Services offering a historic bridge for sale.

Received a packet of information from Ken Young.

The 2007 report from the Adams Co. Planning Office containing the building permits was received.

The Borough also received a letter from Hopwood Insurance Agency concerning the insurance on the skate park area for the new park.

There was some discussion on the lighting on canopies and the sound system at the pumps at the remodeled Rutter's Store on Abbottstown Street. Rutter's staff would be working on the suggestions.

Having no further business to discuss; a motion to adjourn was made by Charles Eisenhart and seconded by Gerald L. Mummert. The meeting was adjourned at 9:25 PM.

Respectfully submitted,
Hannelore B. Furst
Secretary/Treasurer of Borough Council