

**EAST BERLIN BOROUGH COUNCIL MEETING
JUNE 4, 2008**

The first meeting of the month of June for the East Berlin Borough Council was held June 4, 2008 at 7:30 PM. The meeting was held at the East Berlin Area Community Center, 405 North Ave, East Berlin, PA. The meeting opened with the Pledge of Allegiance.

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

Members Absent: None

Also Present: Solicitor Timothy Shultis; (Borough Manager), William Starry; Hannelore Furst, Secretary; Mayor Keith Hoffman; Ken Young; Doris Sabine; Bill Mayer; Carole Mayer; John Lerew; Frank Schuhart; Bev Jadus; Bill Powell; Donald Dixon; John Cleary; Karen Cleary; Randy Test; Andrew Miller; Susan Hess; Andrew Hess; G. Swartz; Jan Hoffman; Erin James, Evening Sun Reporter.

Charles Philips questioned the May 7, 2008 minutes on page 3, Park and Recreation, second sentence. It was changed from Kenneth Young to Charles Philips and Kenneth Young who (both) questioned the \$8,400.00 expense associated with the Park and Recreation. *President David Richards made the motion to change the minutes. The motion was seconded by Charles Philips. Motion Carried with all voting in favor of.*

Charles made the motion for payment of bills for the beginning of June in the amount of \$5,217.32; except the ZEP bill until further investigation. *Robert Clayton made the motion to approve the Loan Payment Act 537 of \$456.50. Charles Philips seconded the motion. Motion Carried with all voting in favor of.*

Constituents Addressing Borough Council

Ken Young, 203 Beaver Street, commented on Bernie Tucker buying the Tyco plant and that Tyco did not submit any Act 2 reports. He questioned whether Councilman Mummert informed Mr. Tucker of the liabilities of any contamination in the future at the Tyco building. Mr. Young continued about his concerns for the environmental problems associated with the Tyco plant.

Doris Sabine, 504 West King Street, She submitted request forms to President Richards for monetary compensation for select employees. Ms. Sabine questioned Mayor Hoffman if he had any information about the pedestrian signs. The Mayor responded he did not receive any information on their arrival time and the speed signs; he did not get a chance to call about them.

Ms. Sabine would like Route 234 speed reduced. She stated that the last letter about reducing the speed on Route 234 was August 2003, and she would like council to write a letter to PennDot on getting the speed reduced. She also questioned whether the area on Fish & Game Road has been cleaned up yet.

Mayor's Report:

The mayor reported 58 incidents for the month of May.

Solicitor's Report:

Mr. Timothy Shultis reported his findings on donations which are and are not allowable. He stated the Borough like any other municipalities derives all of its power from statutes. They have power which is granted to them by the legislature. Pennsylvania law also includes the Borough has the power which is implied by the expressed powers granted to it under the legislature. The Borough has specific

powers upon certain civic organizations. Solicitor Shultis checked the Borough Code if any of this applied. Under other civic projects and programs he found the expenditures for care and control of the Borough finances in the maintenance of peace, good governmental safety and welfare of the Borough in trade and commerce. His view is that the language is sufficiently broad to encompass other civic organizations other than those specifically listed provide its meets the definition he stated. Are these organizations a benefit to the Borough; the Borough must decide if it is a benefit. In Solicitor Shultis view the Borough can fund those four organizations. He recommended to make the donations and suggested to set up a policy for making donations in the future.

Gerald L. Mummert made the motion for donating to the Adams County SPCA(\$275), D.A.R.E. program(\$500), Baseball for Youth(\$600), and the East Berlin Library(\$500) totaling \$1,875 and seconded by Robert Clayton. There was a discussion on which organizations should be selected and how much should be allotted. It was suggested to develop a policy for donations using request forms and stating how it would benefit the town. There was a roll call vote for donating to the above listed organizations for the budgeted amounts, the results are as follows; Eisenhart(Yes), Clayton(Yes), Bollinger(Yes), Richards(No), Woodward(No), Philips(No), Mummert(Yes). **Motion Carried with 4 Yes's and 3 No's.**

Solicitor Shultis reported on the executive session from the last meeting they discussed a letter from Attorney Andrew Miller for CW Test dated May 19, 2008. Solicitor Shultis drafted a response letter and he is requesting authorization to send the response. *Robert Clayton made the motion to give Solicitor Shultis approval to send the letter and David Richards seconded the motion.* There was no discussion. **Motion Carried with all voting in favor of.**

Borough Manager Report:

William Starry reported the ad has not been placed yet on the dump truck, but he has found a lawn bagger that can be advertised also. He will place the ads this week stating the bids will be opened at July 2nd meeting.

Committee Reports:

Finance:

Mr. Starry and Hannelore Furst are requesting to attend a workshop, "Leading the Way to a Secure Future"; on June 24, 2008 at \$40.00 each. There were no objections Mr. Richards applied for a credit card for the borough manager with the limit of \$1,000.00. *A motion was made by Charles Eisenhart and seconded by Robert Clayton to apply for the credit card.* **Motion Carried with all voting in favor of.** President Richards stated there will be a potential increase in refuse rates due to the fuel surcharge. President Richards suggested raising the refuse rates by \$3.00 by September.

Streets:

Charles Philips mentioned there are design guidelines for crosswalks. PennDot does not recommend using the diagonal lines. The price for the straight lines are \$240 each and the piano keys are \$620 each using the thermal plastic. The thermal plastic cost is \$3.00 a square foot. The state used thermal plastic at the square approximately 7 years ago and it is starting to show the wear. Charles Philips suggested using paint and doing piano keys style and if necessary paint twice a year. Charles Philips also reported on the pedestrian signs. It was suggested purchasing 35 green hi intense pedestrian crossing signs at \$65 each. They are on 10ft poles and with a base, the base costs \$31.50 each. These are similar to the ones on Beaver Street. Another option would be using post reflectors for the cost of \$17.50 each. A discussion was held concerning the channeling devices and one of the problems mentioned is enforcing speed and pedestrian laws.

Gerald L. Mummert suggested Officer Grim do a 4 week monitoring period at the crosswalks. Officer Grim will stand on the corner and monitor vehicles to see if they are complying with the pedestrian crosswalk laws.

William Starry stated the Borough only has card board signs for when they street sweep. He would like to purchase some signs. The pricing on the signs would be 20 signs at 12 X 18 at \$15.00 each for the white with red lettering; 20 signs at 12 X 12 at \$12.00 each; and 20 bases 42" high 10 pound base at \$24.50. *A motion was made by Charles Philips and seconded by Janet Bollinger to purchase 20 signs and 20 bases.* **Motion Carried with all voting in favor of.**

IT:

Robert Clayton mentioned that Crystal's computer is up and running. The disk drive was replaced with the disk drive from Hanna's old computer. Solicitor Shultis' name needs to be added to the East Berlin Borough website.

Public Safety:

Mrs. Bollinger questioned whether Mr. Devita was cited for shooting BB's in the Borough, it was reported he was cited. She also stated Pennwood is still using golf carts on the road to travel between their buildings.

Planning/Zoning: None

Personnel:

Charles Philips suggested some personnel policy changes. Council was asked to read over the personnel policy. President Richards summarized the personnel policy. He suggested changing the wording of July 4th to Independence Day; add Veterans Day and Labor Day, and add the day after Thanksgiving. He also suggested changing the date the insurance money owed to the Borough from retired personnel be changed to the 15th of the month. A discussion was held and it was stated that the bill is due at the 1st of the month.

Charles Philips stated he will start interviewing for Borough Engineer and Zoning Officer next week.

Park/Recreation:

It was noted everyone received their copy of the park and recreation minutes of May 8th, 2008.

New Business:

President Richards reported he received a memo from Eastern Adams Comprehensive Planning and Steering Committee asking for representatives for the steering committee. Three residents volunteered, they are Karen Cleary, Jan Hoffman, and Kenneth Young.

Correspondence:

- Received a request from Liberty Fire Company to designate more handicapped parking spaces in front of the walk in door of the Fire Hall, and add signs also. *Charles Philips made the motion and Robert Clayton seconded the motion to make more handicap parking at the Fire Company.* **Motion Carried with all voting in favor of.**
- Received information on Innovative Bridge Designs from Shippensburg University.
- Received an invitation to the PA State Assn of Borough Conference, June 8-11th.

Unfinished Business:

Robert Clayton questioned if Gerald Mummert had a chance to talk to Mr. Tucker about supplying the Borough with the information on his approvals from DEP. Mr. Mummert stated he did not ask for information. The information should be available on the DEP website.

President Richards spoke about the agreement with the Authority. He read his proposed changes to the agreement, and summarized it. Attached is his comments on the Consolidated Agreement of

6/11/08. After much discussion, Charles Philips made a motion to instruct Solicitor Shultis to construct an Ordinance to do a take over of the Municipal Authority. Robert Clayton seconded the motion. A discussion continued, with President Richards stating he rather not do that until an attempt is made to correct the agreement, and see if a take over is necessary. President Richards stated he changed the wording of the agreement. It was clarified that the ordinance if constructed would have the Borough assume all the agreements, all the monetary responsibilities, and all of the debts of the Authority. President Richards stated that under the Municipal Authority Act, it would be a transfer of the Authority's assets and debt, taking two entities and making one entity. It was stated that Hamilton Township and CW Test should be considered on this motion. This motion was tabled once before. President Richard felt we should try to fix this agreement first. Some people felt they were never informed.

*President Richards made a motion to table the motion of Solicitor Shultis to construct an Ordinance to do a take over of the Municipal Authority, the motion was seconded by Charles Eisenhart. A roll call vote was taken: Charles Eisenhart(Yes); Robert Clayton(No); Janet Bollinger(Yes); David Richards(Yes); Charles Philips(No); David Woodward(No), and Gerald Mummert(Yes) **The Motion passed to table writing the Ordinance to do a take over, by 4 Yes' and 3 No's.***

Charles Eisenhart asked President Richards if he would be signing the loan request of the Authority for the Susquehanna Bank loan. There was a brief discussion. *A motion was made by Charles Eisenhart to sign the loan paper for the bank. Robert Clayton seconded the motion. **Motion Carried with all voting in favor of.***

Having no further business to discuss Charles Philips made the motion to adjourn, Robert Clayton seconded the motion. Meeting was adjourned at 10 PM, with the next meeting scheduled for June 23, 2008 at the Borough Hall.

David Richards

David Richards, President of Borough Council

ATTEST:

Hannelore B. Furst
Borough Council Secretary