

EAST BERLIN BOROUGH COUNCIL  
JULY 28, 2008

The second monthly meeting of the East Berlin Borough Council was held July 28, 2008 at the East Berlin Borough Hall. Vice President Robert Clayton opened the meeting with the Pledge of Allegiance at 7:30 PM.

**Members Present:** Vice-President Robert Clayton; Janet Bollinger; Charles Philips; Charles Eisenhart; and David Woodward.

**Members Absent:** President David Richards; Gerald L. Mummert; and Solicitor Tim Shultis (Late arrived @ 8 PM)

**Also Present:** Mayor Keith Hoffman; Borough Manager, Bill Starry; Secretary/Treasurer, Hannelore B. Furst; Tim Knoebel of KPI Technology; Earl Bollinger; Bill Powell; Bev Jodus; Ken Young; Mr. and Mrs. John Cleary; John Schlaline; Jan Hoffman; Barron Barley; Doris Sabine; Mr. & Mrs. Den Lawrence, Mr. & Mrs. Steve Loose; Mr. & Mrs. Stanley Hollenbaugh; Donald Dixon; Larry Adams; Karen Wire; Freda Lennon; Linda Heckman; Carole Mayer, Gene Swartz; Gerald E. Mummert; Rosann Hoffman; Wayne Krout; Jim Davis; Charles Hoffman; and Erin James of the Evening Sun.

*Charles Philips made the motion to accept the minutes of July 2, 2008 as written with no corrections. The motion was seconded by Janet Bollinger. Motion Carried with all voting in favor of.*

*The motion was made by Charles Eisenhart to pay the bills of the remainder of July in the amount of \$39,531.91. Charles Philips seconded the motion to pay the bills. Motion Carried with all voting in favor of.*

*A motion was made by Charles Philips to make the Act 537 Loan Payment in the amount of \$456.50. David Woodward seconded the motion to pay the Act 537 Loan Payment. Motion Carried with all voting in favor of.*

**Constituents Addressing Borough Council**

**Ken Young**, 203 Beaver Street, questioned Councilman Eisenhart about a statement that he made regarding Mike Thoman receiving the monitoring reports on the wells at Tyco. A discussion continued.

Mr. Young mentioned again that President Richards did not talk to Janet Bollinger about the Vic Heterman contamination situation at Tyco. Mr. Young will follow up with President Richards.

Mr. Young commented that he went to Department of Environmental Protection in Harrisburg on July 17, 2008 with David Richards for information on the well monitoring reports for AMP/Tyco facility in East Berlin. According to Mr. Young, the records show that PA DEP never investigated the soil contamination at the East Berlin Plant.

Mr. Young also commented that Robert Clayton and Charles Philips were the only council people to support him by faxing a letter to the Homeland Security. He would like all of councils support.

**Karen Wire and Charles Hoffman** representing the Community Center spoke about their concerns on the retaining wall at the Community Center. They came to the meeting to ask council to remember the Community Center when they are working on the budget. They could use some financial aid. The cost to fix the wall is between \$28,000 and \$32,000. Mr. Cleary suggested he may have some contacts that may help. Councilman Clayton stated the Borough has chosen KPI Technology as their engineering firm and they can come down to the Community Center and see what can be done. He continued they have not forgotten about it, they have been talking about it and the Borough will give it whatever they can. Mr. Clayton's wife; who volunteers there; has seen the crack and the leaning wall and brought it to his attention.

**Barron Barley**, 611 W. King St., stated he serves as President of the school board of Zwingli Christian School and he received a copy of the letter President Richards wrote to DEP concerning Tucker Industrial Liquid Coatings on July 1, 2008, which catalogs some of the violations Mr. Richards had come across. They have concerns that the activities at Tucker are harmful.

Robert Clayton stated that this is an area they are looking into, there are several directions the council is going with this. The letter to DEP and several other things Mr. Richards is working on will not be left to slip through.

Mrs. Cleary wanted to know why they are still operating with all the violations. She stated DEP should be shutting them down. Robert Clayton stated we need to reorganize some of our Ordinances so that the council can find out why they are still operating. Mrs. Cleary suggested inviting DEP, Mr. Tucker, and State Representative Steve Nichol. Mrs. Cleary handed out information on what Title 5 is and mentioned that Mr. Tucker just bought Tyco and will be applying for a Title 5 permit.

**Stanley Hollenbaugh**, 414 W. King St., commented that he wonder why the previous Borough Council allowed Tucker Industries to come to town and operate. Mr. Hollenbaugh continued that about a week ago he found out that in 2007 Tucker Industries released 40 tons of toxic materials into our atmosphere. He is concerned for his grandchildren. He also stated that 4 houses in a row right across from Tucker Industry there are 2 people with cancer, not the inherited kind of cancer; one person has leukemia, and the other person has a brain tumor; maybe this is just a coincidence. He continued that lots of people spend time at the Community Center and the surrounding area and thinks that the toxic material travels east. He stated he doesn't think there is a law requiring people to absorb toxins from companies just so the companies can make a profit. He thinks the Borough regulations should be tougher than the state laws, maybe if they are strict enough then; Tucker will leave town. Mr. Hollenbaugh also stated if Borough Council can't do their job then they should resign.

Robert Clayton mentioned they are working on things concerning Tucker. The discussion continued. Doris Sabine stated the Borough needs to take the initiative. Mr. Clayton stated they have some things started and they will start more.

**John Schlaline**, 118 Abbottstown Street; based on the research he has done, he stated Tucker has been doing business as, what he calls the "Shame on me Approach". He explained this as what you put into your budget an amount to determine how much it is going to cost you in terms of a fine versus doing something right. In his opinion, Tucker is definitely in that mode. He continued there is a bad precedence set, Tucker boasts about working with the big boys such as BAE and the FEDS. Mr. Schlaline suggested Borough Council look into a perpetual corrective action, maybe an injunction. He should be accountable and compel him to do some corrective actions or shut him down.

Mr. Schlaline, stated there should by MSDS sheets for all the chemicals that are stored in the plant. Charles Philips stated there should be a safety manager. He also stated the Fire Co. took a tour and the Fire Chief asked for a list of the chemicals in the building; but to his knowledge the Fire Company did not receive one yet. Charles Philips would check on it.

**Lisa Conklin**, Director of Adams County SPCA, presented a request for funding letter and an animal service contract. This request is for funding starting in 2009, they are asking for \$1.00 per capita. She also thanked Council for their past support. She continued telling the audience about the correlation of abused animals and abused children. She also stated there is no domestic animal control in Adams County except the SPCA, and the PA Game Commission handles the wild animals. The SPCA has a half a million dollar budget a year, and they receive 6% of their annual operating budget from the county and municipalities combined, and the rest of the money comes from bequests. She would like Council to consider the contract for 2009; they need this funding to continue the valuable community services.

**Mayor's Report:** Mayor Keith Hoffman stated he did not receive any information on the crosswalk signs. He also reported he has requested the portable speed information sign for the west end of town. He thanked the Borough Manager and the general laborers for all the help with the carnival set up and the street clean up after the carnival.

**Solicitor's Report:** Solicitor Shultis arrived at 8 PM.

Solicitor Shultis reported he has received the files from Solicitor Matt Battersby, but he has not had a chance to read them yet.

He also reported he distributed a draft of the Realty Transfer Tax Ordinance last meeting, David Richards suggested some changes and he will be making those changes. At the next meeting Council can approve the advertising of the ordinance.

Solicitor Shultis handed out a copy of the letter from Puhl, Eastman & Thrasher, the attorneys for Ken and Patricia Young concerning the Swale Restoration and Remediation Plan (Stormwater Management). He stated that the plan will be coming to the board for action in the near future.

He also reported that a week ago Thursday, he met with CW Test developer and their bank, concerning the financing of sewer treatment plant. He gave an update that the bids came back much higher than anticipated. There is a negotiation as to whether the Borough should contribute any more money. It is going to cost a lot more money than originally thought. The Borough Council and East Berlin Area Joint Authority will decide and they both have the final say.

Robert Clayton stated there will be an Executive Session on Thursday July 31, 2008 at the Borough Hall at 7 PM, between the Council and the Authority. He also stated the Council is trying to work together with the Authority, rather than fighting each other. There will be information presented at the August 6<sup>th</sup> meeting.

Larry Adams, he is not a resident but a landlord in town and asked if he could speak. He questioned the minimum water and sewer billing and felt the bill for 2 quarters of \$264 was excessive for 450 gallons of water. He was told that price was not just for water, it is for the sewer and trash also. It was also stated the rate structure would be changing with the October billing.

### **Borough Manager's Report:**

Bill Starry commented that they are trying to finish up the piano keys and curbs by the end of August, or by Colonial Day. It was mentioned that Bill and the guys would not be painting any more crosswalks on Rt. 234 without police helping to direct traffic, it is too dangerous. The residents questioned if they could help direct traffic, but there maybe a liability issue if someone is hurt. We may be able to get help from a neighboring police department.

Bill Starry presented 3 proposals to change or modify the front door of the Borough building.

- Allegheny Door Enterprises quote for repair \$1598.00 and replacement was for \$3596.
- Advanced Door Service, Inc. quote for repair \$1617 and replacement was for \$3650.
- Susquehanna Door Service, Inc. quote for modifying existing door was \$1453.42.

*A motion was made by Charles Philips to accept the quote from Susquehanna Door Service, Inc. for \$1453.42. Robert Clayton seconded the motion. **Motion Carried with all voting in favor of.***

Bill Starry presented 3 proposals for the garage doors at the Borough building.

- D & D Overhead Door Co., Inc quote for the replacement of the 4 doors with R=14.86 was \$8352.
- ***D & D Overhead Door Co., Inc quote for the replacement of the 4 doors with R=8.72 was \$7296.***
- Overhead Door Company of Harrisburg-York quote for the replacement of the 4 doors was \$9680.
- Hanover Door Company quote for the replacement of the 4 doors was \$7,193.32

*A motion was made by Charles Philips to accept the quote from Hanover Door Company for \$7,193.32. Janet Bollinger seconded the motion. **Motion Carried with all voting in favor of.***

### **Committee Reports:**

**Finance:** Robert Clayton reported David Richards contacted York Waste Disposal for a copy of the contract with East Berlin. He is interested in the calculation of the fuel surcharge which has increased \$260. He also stated Mr. Richards would be recommending an increase in rates next month.

Robert Clayton reported the Liquid Fuels Fund was audited by the Commonwealth for the years 2005 and 2006; and there were no instances of non-compliance or matters that needed corrected.

He also reported the Borough received the tax collection service bill for 2007 from York Adams Tax Bureau in the amount of \$1022.48, which is approximately \$1,000 less than 2006.

**Streets:** Charles Philips commented that the last Council adopted Resolution # 7-2007-3, which requires property owners to construct sidewalks where there is curbing. The project was divided into quadrants. Mr. Philips stated he would have to get with Mr. Richards to discuss the quadrants.

**IT:** None

**Public Safety:** Janet Bollinger asked if the problem at Clara Eisenhart's property would be checked into now that the Borough has an engineer. Mr. Clayton stated it will be checked into.

**Planning/Zoning:** None

**Personnel:** Charles Philips reported the Personnel Committee interviewed applicants for the engineer's position, and recommends hiring KPI Technology, Civil & Environmental Engineering Consultants from Gettysburg. *Charles Philips made the motion to hire KPI Engineering of Gettysburg as the Borough Engineering firm. Janet Bollinger seconded the motion.* **Motion Carried with all voting in favor of.**

**Parks/Recreation:** None

### **Unfinished Business:**

Robert Clayton stated that David Richards presented at the last meeting a policy on taking of the minutes. He stated Council has had a chance to make any suggestion or corrections, none were received. A motion was made by Charles Philips to accept the Policy on Taking Minutes as written by David Richards and Janet Bollinger seconded the motion. **Motion Carried with all voting in favor of.** A copy will be posted on the bulletin board outside the office.

The policy on Charitable Contributions will be posted on the bulletin board outside the office also. Letters will be sent to the recipients of the 2008 donations with a copy of the policy for applying for donations for 2009.

### **New Business:**

Robert Clayton read aloud a letter that David Richards sent to the East Berlin Area Joint Authority Chairman, Gerald L. Mummert to advise the authority of several problems he observed at the pump house on Fish & Game Road and the one on Brough Hill Road. The pump houses and area needs to be cleaned up and possible masonry work done. Also there is an emergency generator for the sewer plant that is inoperable and needs to be repaired or replaced.

He then read a response letter from Chairman Gerald L. Mummert to Bill Starry, Borough Manager on the repairs and clean up. Mr. Mummert requested the Borough Manager take care of the repairs at his convenience.

Robert Clayton stated there has been an offer from Mr. Tucker to use the upper parking lot for a temporary skateboard park. Mr. Clayton continued that the lot is out of the public eye, it is buried and would have to increase the police presence there; add trash removal for that area; and provide insurance. According to Mr. Clayton there would be no increase in the insurance payment. Charles Philips read the second paragraph of the letter from Yorkco Hopwood Agency, Inc. stating they recommend the Borough solicitor draft a lease agreement between the property owner and the Borough. The consideration for the lease could be \$1.00 and they would add the property owner under the Borough's policy. Rick Hopwood had contacted the underwriter about the skate park and was told NO additional premiums would be charged. A discussion continued but Mr. Clayton and Mr. Philips did not recommend the Borough doing that. It was stated "Thanks, but no thanks."

The mayor stated he has spoken with Mr. Tucker and he understood Mr. Tucker would be insuring the area. They continued talking about the Community Center and their basketball court and it could shift to a skate park area temporarily.

Bill Powell stated he could not fathom that the Borough Council; after what was said tonight; working in any way with Mr. Tucker.

Ken Young stated the \$4,000 that was not given to the Community Center should be used to construct the basketball court or temporary skate board park.

Jan Hoffman stated she has gone to some skate boarders meetings and they talked about the basketball pad being put in and if it would be big enough and they would help with the funding and construction of the pad so they could use it when the park is built, then they would move and then it would become the basketball court.

The next subject Robert Clayton commented on is the Policy of Service Agreements for civic organizations. At this time the Borough does not have any policy. It was explained that this policy is one the Borough renders for another party. Doris Sabine questioned if this hampers the employees from getting their work done. Charles Philips stated this is putting everything in writing instead of having a verbal agreement. Discussion continued on what services are provided outside the Borough. It was stated that the mowing of Martino's field is the only thing they know of.

Ken Young stated he was given information from Charles Philips concerning the gas bills at Rutter's. He thought the gas usage was high and Council should look at the mowing of grass and the filling up of the trucks. Mr. Clayton stated since the new council has taken over now, there is a new policy on the use of the trucks. The time is accountable and should cut down on just running around uncontrolled. Therefore, there should be better gas allotment.

Jan Hoffman stated the mowing is extensive and she stated that Abbottstown pays \$260 a week for a 7 acre park plus a gas surcharge.

**Correspondence:**

- Received a pamphlet from PA Dept of Community & Economic Development on a one day program; *Developing and Managing Your Municipal Budget*. David Richards plans on attending, if anyone else is planning to attend, they should let the secretary know.
- Received an email from Matthew Stough concerning mosquito control July 9<sup>th</sup>.
- Received an email from Ron Harris, President of the Adams County Borough Association informing council that David Richards has been nominated to serve on the Adams County Water Advisory Committee.
- Received a Thank you letter from the East Berlin Community library
- Received a letter from Miller & Shultis informing the Borough he has received copies of the records from Matt Battersby.

Doris Sabine stated she is impressed with all the work the Council has been working on. She also mentioned the Hogwild Bar BQ place. She stated a friend of hers took pictures of the area around Hogwild and she passed the pictures around. She wants Council to enforce the ordinances on the zoning and permits concerning the signs per building. David Woodward stated that August 6, 2008 will have an answer concerning the cooker, advertising and the truck parking.

Having no further business, Charles Philips made the motion to adjourn and David Woodward second the motion. **All voted in favor of adjourning. Motion Carried.**

The meeting was adjourned at 9:40 PM.

Respectfully submitted,  
Hannelore B. Furst  
Secretary/Treasurer

