

EAST BERLIN BOROUGH COUNCIL
128 Water Street
East Berlin, PA 17316

November 24, 2008

The second monthly meeting of the East Berlin Borough Council was held November 24, 2008 at the East Berlin Borough Hall. The meeting was opened with the Pledge of Allegiance at 7:30 PM.

Members Present: President David Richards; Janet Bollinger; Robert Clayton; Karen Cleary; Charles Eisenhart; Charles Philips; and David Woodward.

Members Absent: None; President Richards reported that the Solicitor would be late.

Also Present: Mayor Keith Hoffman; Borough Manager Bill Starry; Secretary/Treasurer Hanna Furst; Craig Zack of KPI Technology; Phil Keener; Earl Bollinger; Nathan Boyer; Michael Wallen, Jr.; John Cleary; Mike Cook; Bev Jadus; Bill Powell; Ken & Pat Young; and Jan Hoffman.

Correction to the Minutes:

Under Correction to the Minutes: President Richards stated he didn't know why the following statement was in the corrections: *A motion was made by Charles Philips and seconded by Robert Clayton to appoint Karen Cleary to the vacant council seat by Resolution #10-2008-5.* He asked this to be stricken.

David Woodward wanted the correction of the tally. *Robert Clayton made the motion to accept the minutes of October 27, 2008 with the corrections. The motion was seconded by Janet Bollinger.*

Motion Carried. ~~7-yes's; 1-no.~~ **(Should be 6 yes's and 1 nays)** *Charles Philips made the motion to accept the minutes of November 5, 2008 with the corrections. The motion was seconded by Robert Clayton. Motion carried with a unanimous vote.*

President Richards reported on the bills for November and there was one large bill of \$12,000 for insurance. With no discussion, *Robert Clayton made the motion to approve the payment of the bills for the end of November in the amount of \$18,748.34. Charles Philips seconded the motion. Motion carried with a unanimous vote.*

Constituents Addressing Borough Council

None

Mayor's Report:

Mayor Hoffman reported he received a letter from PennDot on the traffic study to lower the speed limits on Route 194 and Route 234 in East Berlin. The results of the speed study do not justify lowering the speed limit at this time. There was a discussion on this subject.

Engineer's Report:

President Richards discussed the Floodplain Ordinance. He made the numbering sequence to agree with the Borough Code book. The new ordinance is twice the size and more specific. He also submitted it to Adams County for review; but has not received any comment from them yet. Craig Zack suggested that the numbering be discussed with the solicitor.

Solicitor's Report: President Richards reported Solicitor Shultis would be late.

Borough Manager's Report:

Bill Starry asked for Council's direction on the Harleysville Mutual Insurance. This is the flood insurance premium for the Borough building. There are two options to choose from; either \$392 or \$417 and for a difference of \$25 you get \$3,000 more coverage. *Charles Philips made the motion to select the higher insurance for more coverage; Robert Clayton seconded the motion. With a unanimous vote to accept the motion the motion carried.*

The next item Mr. Starry brought before Council was the renewal of the CDL license program; it was suggested and decided not to renew, since there wasn't any equipment that needed a CDL license. Mr. Starry then reported on a contract or agreement with Reading Township to purchase road salt and cinder materials for the year 2008-2009. Reading Township has signed the agreement. The price is \$30.16 per ton and \$10.00 load out fee. *Charles Philips made the motion to sign the agreement with Reading Township so the Borough can purchase the salt and cinders from Reading Township and Robert Clayton seconded the motion.* President Richards reported that it is difficult to get salt right now. He then asked Bill Starry if he was able to get any allocated salt from the State and he replied no. ***After no more discussion, motion carried with all votes in favor of.***

Committee Reports:

Finance: President Richards reported a portion of the General Fund CD (\$30,000) was put into the Capital Reserve Fund for the new police car and the rest of the CD (\$205,734.81) was put into a four month CD with an interest rate of 2.75%.

President Richards summarized the proposed expenses and revenues for the 2009 budget. In the General Fund for revenues the total is \$391,525.00 and for expenses is \$385,475.00. The Refuse Fund for revenues the total is \$120,200.00 and for expenses is \$120,200.00. The Highway Aid for revenues the total is \$33,821.38 and for expenses is \$33,821.38. President Richards also suggested that the council would review the budget every quarter. President Richards also reported salt purchases with Reading Township would be using Highway Aid fund money. For the refuse fund the current contract will expire in September and has an over ride for fuel prices and the surcharge for fuel is unknown right now and council could address this with the new contract. He also had a request for leaf removal service that could possibly be added to the contract.

President Richards stated the tax rate would remain the same next year.

Charles Philips questioned the receipts for petty cash and whether there are records of the receipts. The discussion continued about whether the salary of a part time patrolman should have been deleted. President Richards entertained a motion that the salary of the part time patrolman stay deleted from the budget. There was no second to the motion. President Richards stated then the budget stands as proposed with no money allocated for a part time patrolman. The discussion continued. Several council members questioned why the salary was removed but the pension wasn't. It was then stated according to the personnel policy; part time employees do not have benefits. Karen Cleary suggested that the part time patrolman be added for the 2010 budget, because of the needed extra protection for the new park. *Karen Cleary made the motion to accept the proposed budget for 2009 and David Woodward second the motion. The motion carried with 6 yes' and 1 nay (Charles Philips).* It was then stated the budget would be addressed quarterly. The budget will be accepted at the December 29, 2008 meeting. *David Woodward made the motion to advertise the proposed 2009 budget; Robert Clayton seconded the motion. Motion carried with 6 yes's and 1 nay (Charles Philips).*

IT: Robert Clayton reported on a meeting, he and Bill Starry attended at the Borough Hall with Town Square Software. He stated they are a company that has open records software. The cost would be \$200 a month service fee with a \$750 start up fee. He summarized what they could do for the Borough and suggested the rest of council should also attend a presentation. A discussion centered on the cost and couldn't someone from the Borough enter the information on the Borough computer. It was suggested this program was probably more beneficial to a larger municipality. It was decided not to employ this company.

Robert Clayton stated he has been contacted by several people that they cannot hear some of the council members speaking at the meetings. He has been checking out some microphones, and the approximate cost of the ones he was checking is from \$3,000 to \$5,000 but will continue checking out other microphones.

Public Safety: Janet Bollinger asked President Richards if he has written the letter to DEP about the TYCO leak. He responded no; but would be writing the letter before December 15, 2008.

Streets: None

Planning/Zoning: President Richards presented a handout about zoning to be reviewed for a resolution at the December 3, 2008 meeting.

There are three positions available on various Borough boards. It was suggested it be placed on the information board on the square and all three positions could be selected by December 29, 2008. Council reviewed a letter from Bill Powell volunteering to be a member of the Zoning Hearing Board. *It was decided to appoint him to the Zoning Hearing Board by a motion from David Woodward and seconded by Charles Philips. With no discussion Bill Powell was appointed by unanimous vote.*

At 8:50 PM Solicitor Shultis arrived.

A discussion ensued concerning Charles Eisenhart being reappointed for a five year term on the East Berlin Area Joint Authority. President Richards suggested that there should be a representative from council on the Authority. President Richards also suggested interested people should apply by December 22, 2008, so council can make a decision. Instead of three appointments there are now only two since Bill Powell was appointed earlier.

Personnel: Nothing more; was taken care of under Planning and Zoning.

Park/Recreation: President Richards reported there were two sealed bids received for the engineering services for the park and recreation. The first bid was from 1st Capital Engineering. Their estimated cost for phase one was \$1,000; phase two \$2,000 for a total of \$3,000 plus \$600 retainer fee. The second bid was from Buchart-Horn, Inc. Their compensation expenses for providing bidding services was \$5841, and the compensation for construction administration services is \$6,610. No decision was made. Phil Keener, Chairman of the Park and Recreation Board suggested to President Richards that he look over the bids and compare apples to apples and would provide a summary at December meeting.

President Richards decided to return to the Solicitor. President Richards reported what was discussed earlier on the Floodplain Ordinance. He also told Solicitor Shultis that DCED suggested a format but it could not be adopted verbatim, that it was just a guide. A discussion continued about the numbering sequence and it was decided to keep our numbers and add the PA state numbers in parenthesis after our numbers. *Charles Philips made the motion that the document would be dually numbered as suggested and advertised; David Woodward seconded the motion. Motion carried with a unanimous vote.* Solicitor Shultis will advertise the Ordinance. President Richards will have the corrected Ordinance at the office by Wednesday November 26, 2008.

The next item discussed was the Open Records Ordinance No. 2008-9; Which enacts an open records policy to meet Act 3 of 2008, the Pennsylvania Right-To-Know Law. President Richards entertained a motion to adopt the Open Records Ordinance 2008-9. Charles Philips suggested adding the record request form that has a carbonless duplicate copy form to the ordinance. He said the form would be donated at no cost and there are 1,000 forms. *The motion was made by Karen Cleary and seconded by Charles Philips to adopt Ordinance 2008-9. Motion Carried by unanimous vote.* A copy is made a part hereof.

Unfinished Business:

President Richards reported he wrote a reply letter to Gerald L. Mummert about his response letter of November 13, 2008 concerning the East Berlin Borough's notice to terminate the Leased Employee Agreement contained in the *Assignment, Dedication and Service Agreement* between the

Borough and East Berlin Area Joint Authority. He wrote about misleading and misstatement of facts. President Richards is asking council for the approval to send this letter. *The motion was made by David Woodward and seconded by Robert Clayton to approve the sending of the letter.* There was no discussion of the letter. **Motion carried with 6 yes's and 1 nay** (Charles Eisenhart).

New Business: None

Solicitor's Report: Solicitor Shultis reported he wrote Ben Price requesting him to give a legal opinion concerning the Toxic Trespass Ordinance. The letter was sent on November 14, 2008 and he has not heard from him yet.

He also reported they had a Zoning meeting with Rob Thaeler and Andy Merkle from Adams County Planning and Zoning.

Solicitor Shultis stated he invited Mr. and Mrs. Young and their attorney to attend an executive session concerning the storm water problem; their attorney was not able to attend.

Correspondence:

President Richards reported he received a letter from DEP concerning Tucker Liquid Coatings. He read paragraph three; which stated Tucker was a repeat violator, slow in correcting the violations and submitted flawed plan approval applications. It also stated DEP will require corrections to the problems before any new permit is granted. The letter was signed by William Weaver, Program Manager, Air Quality Program. President Richards stated there were also some EPA violations. It was asked if Tucker would have to submit an abatement plan. President Richards stated they may or may not have to; we will have to keep checking.

Jan Hoffman read a portion of another letter that Tucker submitted that states they would reevaluate their production demand at current facility and if needed to submit a plan approval application to request higher emission levels. She continued that another part stated the 2007 emissions are a result of cleaning operations and they intended to make changes in that department. Tucker planned on using exempt VOC products. Jan Hoffman pointed out they build and operate then take the slap on the wrist for not getting permits.

Karen Cleary reported she attended a workshop on November 14 and 15, 2008, it was sponsored by the National Trust and Historical Preservation Society in Gettysburg; titled "Journey through Hallowed Ground". The presentation reported it would protect 175 miles on the Route 15 corridor, from Gettysburg thru Virginia, the Civil War Battlefields, National Parks and the Presidential Homes along this corridor. She said they presented information on how preserve the character of your town, architecture, street grants, and protecting the future of our town. She said this was a worthwhile workshop.

The meeting closed to go into an executive session at 9:38 PM; concerning Mr. and Mrs. Ken Young's Stormwater problem.

Respectfully submitted,

Hannelore B. Furst
Secretary/Treasurer of Borough Council

