

EAST BERLIN BOROUGH COUNCIL

128 Water Street
East Berlin, PA 17316

December 3, 2008

The first monthly meeting of the East Berlin Borough Council was held December 3, 2008 at the East Berlin Borough Hall. The meeting was opened with the Pledge of Allegiance at 730 PM.

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

Members Absent: None

Also Present: Mayor Keith Hoffman; Borough Manager Bill Starry; Office Clerk Crystal Topper; Solicitor Shultis; Craig Zack of KPI Technology; Phil Keener; Rosann Hoffman; Earl Bollinger; John Cleary; Frank Chronister, Ken Young; Charles Krall; Tammy Anslow; Bev Jadus; Bill Powell; Sarah McGee; Toby Bowden; Jan Hoffman, Debbie Shearer; John Schlaline; Gene Swartz; Pat Dixon; Perry Shearer; Deb Bowden; and Erin James, Evening Sun Reporter.

Correction to the Minutes: President Richards would like the Resolution 10-2008-5 that was made for appointment of Karen Cleary be put into the November 5, 2008 minutes. Janet Bollinger made the motion to accept the minutes of November 24, 2008 and Robert Clayton seconded the motion. **Motion Carried with all voting in favor of.**

President Richards discussed the bills for the beginning of December in the amount of \$5,533.82. *(Charles Philips made a motion to approve the payment of bills for the beginning of December in the amount of \$5,533.82. Robert Clayton seconded the motion. Motion Carried with all voting in favor of.*

Robert Clayton made a motion to make payment of the Act 537 Loan in the amount of \$456.50. Charles Philips seconded the motion. Motion Carried with all voting in favor of.

Constituents Addressing Borou2b Council

Ken Young, 203 Beaver Street, thanked Robert Clayton for the investment in the new microphone. Mr. Young had purchased a tape and was very pleased with the sound. Mr. Young mentioned a board meeting at the East Berlin Area Community Center on Monday, December 15, 2008 at 7 PM. Mr. Young talked to the new President Bob Todd about putting the East Berlin Borough Council, East Berlin Park and Recreation, the skateboarders and their parents on the agenda. Mr. Young also stated that December 15th is the deadline date that President Richards *was to have submitted a letter to DEP on the Bernie Tucker purchase of the TYCO plant without cleanup of the ground contamination, regarding the clean-up of the chemical spill* and the release of the well monitoring reports in 2001. Mr. Young stated that there is a lack of records, permits, uncountable money, and disposing of the Ken Young file. He feels that there should be an investigation also including the Pennsylvania Attorney General's Environmental Crime section. Mr. Young has received a complaint number 0710253 from the Homeland Security Center. ~~attention to Glenn A. Fine for a thorough review.~~ Mr. Young wants Council to authorize Solicitor Shultis to write a supportive letter for a thorough investigation.

John Schlaline, 118 Abbottstown Street, said the water and sewer authority is a second Borough council. Mr. Schlaline commented that Mr. Thoman is supposed to be part-time but he still runs this town. He is requesting an update on the Trespass Ordinance.

Frank Chronister from the Liberty Fire Company reported that there were 19 fire calls and 54 EMS calls in November.

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

Solicitor's Report: President Richards directed Solicitor Shultis at the last meeting to advertise the Floodplain Ordinance. It is ready to be approved on the 29th of December. **Prior to the continuation of the Solicitor's report, Councilman Eisenhart indicated the Authority was considering leaving the Borough Hall.** Mr. Shultis had talked to the Authority's Solicitor about three matters which includes the equipment ease, office lease, and shared employees. The Authority gave two options; one is to lease part of the Borough Hall or the Authority can find a space somewhere in the borough to work out of. The authority would like to also either share or divide the equipment that is still in the Borough Hall. Right now the Authority is paying \$100.00 for the lease of the Borough Hall. President Richards would like to work out some kind of arrangement. Discussion continued. President Richards needs to know what the lease terms are. President Richards proposes to meet with the Authority to discuss these matters. *David Woodward made the motion to discuss the proposal with the Authority and Robert Clayton seconded the motion.* **Motion Carried with all voting in favor of.** President Richards suggested that at least three people meet with the Authority. President Richards, David Woodward, and Robert Clayton will be attending.

Borough Manager's Report: Mr. Starry stated that the sweeper is repaired; and the new police cruiser is getting detailed, and the equipment is being installed.

Committee Reports

Finance: The budget is being advertised

Streets: None

IT: Robert Clayton is still looking into the public address system.

Public Safety: None

Planning/Zoning: President Richards wants to change the last sentence in the first paragraph in the Resolution No. 12-2008-6. He wants it to say, "*The Zoning forms and fees are identified by title below, are attached to this Resolution, and shall be used effective immediately.*" Charles Philips *made the motion to adopt the Resolution as written changed.* Janet Bollinger *seconded the motion.* **Motion Carried with all voting in favor of.**

Personnel: ~~Will discuss in Executive Session.~~ **None. (Exec. Session was for a different matter.)**

Park/Recreation: Phil Keener stated that he received two bids; one from Buchart-Horn at \$12,451.00, and the second was from 1st Capital Engineering at an estimated \$3,000.00. Phil Keener asked the Council if they would make a motion to accept the 1st Capital Engineering bid.

Craig Zack from KPI mentioned that they missed the advertisement and they would like to submit a bid. Solicitor Shultis was questioning the 1st Capital Engineering's bid, stating that it is just an estimate and there is a huge bid difference between the two. Discussion continued, it was stated that KPI cannot submit a bid due to the fact that it is passed the deadline. *Charles Philips made the motion to accept 1st Capital Engineering. David Woodward seconded the motion.*
Motion Carried with all voting in favor of.

Unfinished Business: President Richards stated that Karen Cleary and he went to the Adams County Borough Association meeting. The presentation was the common radio frequencies for Adams County. There is a study that is being done that costs approximately \$500,000.00. ~~and~~ In four to five years all emergencies; police fire; ambulance will be changing to ~~this~~ **a common frequency**. The costs in Adams County will be 1 7 million dollars.

New Business: President Richards commented that the gift of \$25.00 and a ham to the borough employees that has been done for several ears is not a good idea. President Richards stated that he has no interest in continuing this. **It was moved to not make such gifts.**

President Richards stated that Joanne Eisenhart from the East Berlin Area Community Center Board of Directors will be retiring. The Community Center would like to appoint Eric ~~McKlintie~~ **McClintic** who lives on Hillside and also volunteers at the Community Center to the position. *David Woodward made the motion to accept David ~~McKlintie~~ **McClintic** for the position at the Community Center. Robert Clayton seconded the motion.* **Motion Carried with all voting in favor of.**

President Richards stated that the Adams County Storm Water Management plan has two phases; they request two meetings in Phase I and several other meetings in Phase II. They need East Berlin Borough to ~~be the~~ **provide** primary municipal representatives. President Richards and Charles Eisenhart are going to be the two primary municipal representatives.

President Richards received a letter from Metropolitan Edison about **paying for** the Christmas lights. The borough will pay for the lights. President Richards stated that he received a letter from Stambaugh-Ness about the services of the rest of the 2008 year. The cost for the auditing will be \$14,000. President Richards wants to find out if it's for the borough and the authority or if it's just for the borough. The price has doubled since last year.

President Richards mentioned that he has received a letter from the York/Adams Tax Bureau and that he needs two people to go to the meeting. President Richards stated that he will get back to that at a later date.

President Richards rented the Community Center Hall for December 16, 2008 to talk about the exchanges of letters between the borough and the authority to the public.

Charles Philips made the motion for Mr. Shultis to talk to Hamilton T ownship's attorney about the withdrawal from the agreement with the Authority. Robert Clayton seconded the motion.
Motion Carried with majority vote.

Correspondence:

- The Municipal Emergency Management Coordinator Training is held on December 10, 2008 by Adams County
- New Floodplain insurance will be effective on February 18, 2009.
- Comcast customers having access to a new tier of cable services -- won't go into the correspondence file.
- * Thank you letter from Braking the Cycle stated that it was held on September 26, 2008 and got \$414,000.00.
- Proposed Open Spaces by Adams County Partnership have been postponed from December to the Spring.
- * Received a notice from Mr. Goodman, Attorney-at-Law, about property valuation of Tucker. It does not affect us.
- Received one letter and two news articles about the new drag racing proposal. The Zoning hearing is on December 17.
- * Received a letter from PennDot on Pennsylvania Community Transportation.
- * Received a quarterly tiling from Local Assistance Program on inspecting bridges.
- * Received a letter from ARRO. It was a solicitation for work and has been discarded.
- Received a letter about wanting to know the number of sex offenders that are in the area. President Richards sent them a letter stating that we don't have any statistics on that.
- * Website called WebMayor costs \$30 an hour. **(Advertisement)**
- CPR Class on December 20, 2008, 9 AM-3 PM on Greenmyer Lane.
- Adams County Department Emergency Services announced that Kim Frank was appointed to the position of Emergency Service Planner/HAZMAT Coordinator.

*Robert Clayton made the motion to go into Executive Session at 9:27 PM. Charles Philips seconded the motion. **Motion Carried with all voting in favor of.***

Respectfully submitted,

Crystal Topper
Office Clerk