

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

December 29, 2008

The second monthly meeting of the East Berlin Borough Council was held December 29, 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 Philips; and David Woodward

Members Absent: Charles Eisenhart, Mayor Keith Hoffman, Secretary absent

Also Present: Borough Manager Bill Starry; Craig Zack of KPI Technology; Earl Bollinger; John Cleary; Bev Jadus; Bill Powell; Ken Young; Jan Hoffman; Doris Sabine; Sue Hess; Andrew Hess; John Schlaline; Edward Robbins; and Toby Bowden, Jr.

Correction to the Minutes: Physical corrections to the Minutes of the meeting of December 3, 2009 are in process. *A motion to accept the Minutes as corrected was made by Mr. Philips with a second by Mr. Clayton. Motion carried with all voting in favor.*

Payment of Bills: *Robert Clayton moved to pay the bills for the beginning of December, seconded by Charles Philips. Motion carried with all in favor.*

Constituents Addressing Borough Council: Ken Young wanted to know if the letter to DEP regarding the TYCO pollution had been sent, and expressed displeasure that there has been such a delay in writing DEP. In response, Mr. Richards noted that none of Mr. Young's four written pieces submitted to the Council went through the Borough Secretary, with one not even addressed to Borough Council. One contained a response from the State Office of Attorney General indicating there was insufficient evidence to warrant an investigation of TYCO, the basis of Mr. Young's request. The four letters, if submitted to all Council members, would be included in the Correspondence file only if added by a Council member, or if correctly submitted by Mr. Young.

Doris Sabine had a series of questions: she asked for an update of the sign ordinance (in process); why the trash collection bills had increased (fuel surcharges by contractor); whether a letter to the community summarizing the years' actions would be made (yes); whether the Authority's trash dump had been cleared (their responsibility); what action had been taken on the Chemical Trespass Ordinance (discussed under Solicitor's Report); and whether the fire hydrants had been tested and passed (also an Authority responsibility).

Mayor's Report: Mayor was absent, there was no report.

Engineer's Report: Craig Zack from KPI recommends meeting with DEP on the proper procedure to address the situation with the water and sewer. Funding towards regional plants would be a benefit in receiving grants.

Solicitor's Report: Solicitor Shultis indicated the changes to the Zoning Hearing ordinance, changing the required number of deciding members from three (3) to five (5) members had been duly advertised and was ready for adoption. *Council so moved and adopted the changes with no dissenting votes.*

Solicitor Shultis indicated the material he received on the proposed Chemical Trespass Ordinance from Mr. Price is very light on liability issues. *After discussion, Mr. Philips moved that Mr. Schultis contact Mr. Lindsay and Mr. Price to discuss any expected problems and meet with the Council in Executive Session.* Mr. Woodward seconded the Motion, which was passed unanimously.

Joe Monteleone's land, seized for non-payment of taxes and other bills, was sold at public sale, with the Borough expected to receive over \$2,000.00 to cover past bills for mowing and shoveling snow.

A Public Hearing was opened on Borough Ordinance 2008-10, generally know as the Floodplain Ordinance. While there were several comments regarding the size of the Floodplain itself, there was no dissenting public argument. The Hearing was closed. Mr. Philips moved that Ordinance 2008-10 be adopted, with a second by Mr. Woodward. The Motion carried with no dissenting votes.

President Richards presented Ordinance 2009-1, *An Ordinance Of Withdrawal From The Intermunicipal Agreement With Hamilton Township* for discussion. The Ordinance gives notice it is terminating the agreement allowing for the creation of a municipal authority to provide water and sewer service in East Berlin and a portion of Hamilton Township. Solicitor Shultis is to draft and advertise the public notice, with publication expected to be the second full week of January. *A Motion to adopt was made by Charles Phillips; seconded by Robert Clayton. Roll Call was taken with all Council Members voting (Yes); Charles Phillips; Karen Cleary; David Woodward; Robert Clayton; Janet Bollinger; Dave Richards.*

Borough Manager's Report: Signature cards for general bank accounts are to be updated for new Secretary/ Treasurer and new Council member. All door locks on the Borough Office building have been changed and the Borough Manager will distribute keys accordingly.

There were 12 applicants for the advertised secretary/treasurer position.

Old Business:

It was Moved by Mrs. Cleary that the proposed 2009 budget be approved, subject to quarterly review. The motion was seconded by Mr. Philips. *The Motion carried with no dissenting votes.*

It was Moved by Mrs. Cleary that the scheduled meetings for the upcoming year and the reorganization meeting scheduled for January 6, 2009 at 6:30 pm be advertised. *The Motion received a second by Mr. Philips, and carried with no dissenting votes.*

Ms. Hoffman indicated that the Zoning Hearing Board will be holding an interview for a solicitor candidate for the Zoning Hearing Board on January 7, 2009.

Committee Reports:

Finance: Updated banking forms are to be completed.

IT: Other computer services are being considered for IT backups.

Public Safety: None.

Streets: None.

Planning/Zoning: No permits are on file for paving of area by old shoe factory or new area constructed by Tucker Industries. Zoning Officer is to investigate permits for paving and storm water runoff for Tucker Industries. A Motion was made by Robert Clayton; seconded by Charles Phillips, to request the Zoning Officer do so. *The motion carried with all voting in favor.*

Section 507-4 of the Sign Ordinance (internally lit or illuminated signs) was previously proposed to be changed to prohibit those types of signs in the Borough. It was Moved by Dave Woodward; seconded by Charles Phillips for Solicitor Shultis to advertise. *Motion carried with all voting in favor.*

Personnel: Interviewing for the position Secretary Treasurer is complete. *Charles Phillips Moved, with Robert Clayton seconding, to hire an individual to begin before the next Borough Council meeting, subject to approval of the Personnel Committee. Motion carried with all voting in favor.*

Planning Commission will have a vacancy as of January 1, 2009. Two citizens applied for the advertised position; Rick Cashman and Ed Robbins. By secret ballot Mr. Robbins was selected by a vote of five (5) to one (1).

The Council needs to appoint a Member to the East Berlin Area Joint Authority effective January 1, 2009 for an expiring term. The opening on the Authority was advertised, with two candidates applying, Mr. Charles Eisenhart and David Richards. Mr. Richards was selected by secret ballot by a vote of six (6) to zero (0).

Park/Recreation: None.

New Business: By letter of December 18, 2008, the East Berlin Area Joint Authority (Authority) indicated it would vacate the Borough Hall to a new location effective December 31, 2008. The move was to take place in stages. By proposed Resolution No. 12-2008-7 the background, instituting action, and owned joint or specifically assigned equipment that would be transferred to the Authority were inventoried and listed. Materials not to be transferred, among other conditions, were provided by letter to the Authority from the Borough Council on December 15, 2008. *A Motion was made by Robert Clayton; seconded by Dave Woodward to accept the Council's letter of December 15th and Resolution 12-2008-7. The Motion carried with all voting in favor.*

By letter of November 13, 2008, and later repeated, the Authority indicated it would hire all four current Borough employees. *Motion was made by Robert Clayton to accept the Authority's letter taking the employees; seconded by Dave Woodward. Motion carried with all in favor.*

President Richards is to hold a public meeting regarding the Borough-Authority situation tentatively scheduled for Friday, January 16, 2009 at the Fire Hall. President Richards is to contact Mark Charisse of the Evening Sun to advertise.

Mr. John Cleary was asked if he was interested in being the Borough's Emergency Management Coordinator. He indicated that he was. Mr. Cleary will be sent the appropriate Adams County application.

Correspondence:

- ASPCA letter for donations.
- Borough Association meeting at Gettysburg, Adams County.

The scheduled meeting was closed to go into executive session at 10:38 PM.

The meeting was reopened after the completed executive session at 11:10 PM. *Motion was made by Robert Clayton; seconded by Dave Woodward to adjourn. Motion carried with all in favor.*

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council