

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

February 3, 2009

The first monthly meeting of the East Berlin Borough Council was held February 3, 2009 at the East Berlin Borough Hall. The meeting was opened with the Pledge of Allegiance at 7:00 PM.

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

Members Absent: Charles Eisenhart

Also Present: Borough Manager Bill Starry; Secretary/Treasurer Darlene McArthur; Mayor Keith Hoffman; Earl Bollinger; Doris Sabine; Ken Young; Phil Keener; Frank Chronister; Jane Snyder; John Cleary; Toby Bowden, Sr.; Robert Crum; Joseph Kinsey; Teresa Kinsey; John Schlaline; Bev Jadus; and Bill Powell

Correction to the Minutes: There are no corrections to the meeting minutes of January 21, 2009. *A motion to accept the Minutes was made by Charles Philips with a second by Robert Clayton. Motion carried with all voting in favor.*

Payment of Bills: Several bills were questioned and satisfactorily reviewed. *Charles Philips moved to pay the bills for the beginning of February, seconded by Robert Clayton. Motion carried with all in favor.*

Mayor's Report: Mayor Hoffman remarked that there were seven (7) citations written for snow removal violations and reviewed various incidents reported for the month of January with forty-eight (48) in total. Mayor Hoffman stated that the new Police cruiser went into service February 3, 2009.

Engineer's Report: Nothing to report.

Solicitor's Report: Solicitor Timothy Shultis stated that the Monteleone property has sold. The debt owed to the Borough against this property was previously paid in full per records furnished to Solicitor Shultis. A letter is to be written to the Adams County Tax Bureau releasing the Borough's lien on this property. *A motion to write this letter was made by Charles Philips and seconded by Robert Clayton. The motion was carried unanimously.*

Solicitor Shultis requested the adoption of an Amendment to the Zoning Ordinance regarding signs within the Borough for adoption March 18, 2009. *The motion to advertise this intention was motioned by David Woodward, seconded by Charles Philips. Motion carried with all in favor.*

Solicitor Shultis mentioned two topics, the Toxic Trespass and the proposed withdrawal from the Intermunicipal Agreement, to be discussed in Executive Session following tonight's Borough Council meeting. Council agreed.

Borough Manager's Report: Borough Manager William Starry remarked on the new Police cruiser recently put into service as a positive measure for the Borough.

Manager Starry stated that a manhole cover at the intersection of Route 194 and Route 234 had been reportedly removed by a Penn DOT snow plow during recent snow removal activities. Borough Maintenance responded to replace the cover. A few days later, more issues with the damaged cover necessitated further repairs. As recommended by Borough Engineer Craig Zack of KPI Technology, Manager Starry and Maintenance Helper Toby Bowden welded the cover as a temporary solution until more permanent repairs can be employed. President Richards inquired if these repairs are the responsibility of the State, but it was stated that the Stormwater System, including manhole covers, is the responsibility of the Borough. Manager Starry will pursue aid from Penn DOT with KPI Technology.

Manager Starry thanked Office Grim for his assistance with snow removal activities for the Borough stating that complaints from the residents had been quickly addressed. It was requested that citizens call the Borough Office with any snow or ice removal issues.

Doris Sabine asked when the fire hydrants within the Borough had last been checked. Manager Starry directed Doris to submit a Records Request to the Joint Authority.

Committee Reports:

Finance: President Richards commented on the financial standing of the Borough for 2009 in comparison with 2008, now separated from the financial activities of the Joint Authority. This will reveal a more accurate depiction of the true Revenue and Expense of the East Berlin Borough.

Streets: Charles Philips thanked Officer Grim, Borough Manager William Starry, and Toby Bowden for their efforts in snow and ice removal. Mr. Philips suggested the possibility of mandating Routes 194 and 234 as Snow Emergency Routes for more efficient snow removal with no parked vehicles, and will discuss this further with Manager Starry.

IT: Robert Clayton announced that the Borough would employ the services of A & L Computer Services for technical issues. In a study of comparable services, it was determined that A & L Computer Services offers the best rate and has experience in Municipalities, Quick Books, Communications, etc. Mr. Clayton asked that a letter be sent to discontinue the offsite backup services of Barracuda Networks and that Quick Book backups be done by Secretary/Treasurer Darlene McArthur. *President Richards made a motion to accept A & L Computer Services as the Borough's technical service provider; seconded by Dave Woodward. The motion was carried unanimously.*

Robert Clayton stated that the purpose of the electronic recording of the Borough Council Meeting is to assist in the creation of accurate written minutes. With the improved recordings of the MP3 type recordings, the cassette recordings will likely be eliminated completely within six months. Mr. Clayton stated that once Borough Council has

approved the written record of the meeting minutes, the electronic version would be available to the public at a cost of five dollars (\$5.00) for a CD recording. *Robert Clayton motioned to approve; President Richards seconded with all voting in favor.*

Public Safety: Janet Bollinger submitted a letter requesting reports of monitoring wells from the Tyco/Amp Facility to be put on Borough letterhead. President Richards requested clarification on the addressee of the letter and who is to provide the requested information. It was stated that the addressee of the letter is the Department of Environmental Protection and that the letter was written as instructed by Kathy Keyes, the Right-To-Know Officer in Harrisburg.

Janet Bollinger relayed information regarding Jane Snyder's complaint of wood smoke, new shed placement, and uninspected vehicles filed against her neighbor. Office Grim stated that the recipient of the complaints, Luke Miller, has received late night phone calls about the smoke from Jane Snyder. Office Grim also stated that there is not an unusual amount of smoke and that he would look into the reported vehicle and permit issues. It was also stated that even though Mr. Miller has raised the height of his chimney, cold weather and humidity will cause the smoke to hang low in the air, and that Mr. Miller is burning wood less often due to these complaints.

Fire Chief Frank Chronister reported that activities by firemen at public events must be approved by local government to be covered by Workman's Compensation and suggested a blanket letter. He also stated that firemen attending public functions are to be sworn in.

Chief Chronister stated that the Fire Department is considering the purchase of a second ambulance, a 2008 demonstration model, at a cost of \$150,000.00 versus a new model costing \$175,000.00 to \$190,000.00.

Chief Chronister reviewed the January activity with fifty-seven Emergency Medical Service and twenty-six fire calls. He reported that the new paid EMT is working out well and stressed that donations are needed.

Karen Cleary suggested to Chief Chronister that a letter be written to Tucker Industries requesting information on hazardous materials.

Planning/Zoning: David Woodward stated that a letter had been received from Jane Snyder's attorney regarding the chimney smoke issue and forwarded to Senior Zoning Officer Robert Thaeler. Ordinances are to be reviewed and questions directed to Robert Thaeler at the upcoming Zoning Hearing Board meeting on February 11, 2009.

Personnel: Karen Cleary commented that the review of the General Laborer position is not complete and that a Personnel Policy update is in process. An additional meeting was suggested to further discuss these topics for Monday, February 9, 2009 at 10:00 AM. The Committee agreed.

Park/Recreation: Committee Chairman Phil Keener provided Solicitor Shultis with copies of a draft bid advertisement and the bid package for Phase 1 construction of the new East Berlin Community Park for his review and approval. He also asked for written suggestions from Solicitor Shultis on the issue of skate boarding from a liability standpoint and suggested a sign stating “Skate at Your Own Risk.” There was also a review of the “green” areas of the park proposing removal of the “No Trespassing” signs to be replaced with “No Hunting” signs.

Dave Woodward offered information on a workshop for obtaining grant money to Mr. Keener.

Unfinished Business: None.

New Business: President Richards proposed an annual report from the Borough to the citizens of East Berlin stating the issues, accomplishments, etc. There was discussion of the cost of mailing the report. President Richards asked that any updated information be submitted from Borough Council members.

Doris Sabine inquired as to what could be done about the “dump” at the Pumping Station. She was advised that this issue must be addressed with the Joint Authority.

Correspondence:

- Agreement for electronic access to Penn DOT system
- Pennsylvania government training opportunities
- Park and Recreation Academy class scheduled
- Information on Adams County solid waste hauling program
 - Discussion of York Waste contract regarding fuel surcharges
 - Billing to be handled by York Waste upon next contract
- PSAB Community Conservation Program Workshop
- Steering Committee Office of Planning and Development Projects
- Forest Leaves issue
- Three solicitations for business
- Capital Improvement for March and April, Lehigh and Mercer Counties

There was some discussion of Emergency Management for the Borough. Charles Philips suggested that a letter be written to T. Michael Thoman requesting this plan as it existed for the East Berlin Borough.

Constituents Addressing Borough Council: Ken Young of 203 Beaver Street thanked Janet Bollinger for the meeting of January 27, 2009. Mr. Young quoted the Open Records Law stating that the burden of proof is on the agency and not the requestor. The request of information from the East Berlin Area Joint Authority has been directed by the Borough to the Joint Authority. Mr. Young stated that The Evening Sun will be assigning a new reporter to cover East Berlin, replacing Erin James. The Borough’s Newsletter to the residents was mentioned as requested and needed. Mr. Young inquired as to the letter to be written to Hamilton Township regarding the icy intersection at Beaver Street and Route 194. Mention was made of the 14th Annual 5K Run to

benefit the East Berlin Community Center to be held July, 18, 2009. Mr. Young thanked Borough Manager William Starry for meeting with him January 26, 2009 to discuss the Right to Know Law. There was mention of a continuation of the East Berlin Community Center Nature Trail to be handicap accessible with possible \$4,000.00 grant money. Mr. Young attempted to submit three (3) letters for Borough file. President Richards stated that these letters are Mr. Young's personal pursuits and not the business of the Borough.

Doris Sabine addressed Council on the subject of traffic speed on Route 234, asking if speed traps are being set. Officer Grim replied that speed traps are set as officers are available. Officer Grim also stated that studies have shown that the traffic volume versus the number of accidents does not warrant additional measures.

John Cleary inquired whether classes are required for the Municipal Emergency Management Coordinator. President Richards stated that classes are not required for this position.

The minutes of this evening's Borough Council Meeting were closed at 9:00 PM for an Executive Session.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council