

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

February 18, 2009

The second monthly meeting of the East Berlin Borough Council was held February 18, 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; Charles Eisenhart; Robert Clayton; Karen Cleary; Charles Philips; and David Woodward

**Members Absent:** Janet Bollinger

**Also Present:** Borough Manager Bill Starry; Secretary/Treasurer Darlene McArthur; Mayor Keith Hoffman; Solicitor Timothy Shultis; Frank Chronister, Jr.; John Cleary; Toby Bowden, Sr.; John Schlaline; Sue Hess; and Jan Hoffman

**Policy on Sending Flowers:** President Richards suggested that an agreement be reached regarding the Borough's policy on sending flowers to Council members, employees, family, etc. It was agreed that flowers would be sent under certain circumstances with a maximum of spending limit of \$50.00. Flowers are to be sent to Janet Bollinger wishing her a speedy recovery.

**Correction to the Minutes:** There are no corrections to the meeting minutes of January 21, 2009. President Richards questioned the reference to a letter to be written to the Adams County Tax Bureau releasing the Borough's lien on the Monteleone property. Solicitor Shultis stated the letter had been sent. President Richards also questioned the situation with the Barracuda Networks' offsite backup service. Robert Clayton stated that the services would continue for a few more months. *A motion to accept the Minutes was made by Charles Philips with a second by Robert Clayton. Motion carried with all voting in favor.*

**Discussion of Public Hearing:** President Richards discussed the possibility of a hearing to discuss Ordinance 2009-X, the proposed withdrawal from the Intermunicipal Agreement with Hamilton Township. There is some concern that the proposed withdrawal may adversely affect the Joint Authority's eligibility for grant funds. *A motion was made by Dave Woodward to "shelf" the Ordinance until the State has made a decision on awarding grant funds. The motion was seconded by Robert Clayton and unanimously approved.*

**Payment of Bills:** It was stated that the monthly heat bill for the Borough building is approximately \$300.00 lower due to the installation of a new thermostat in the garage, in addition to the new programmable thermostat installed in the office. *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 stated that he discussed with Officer Grim two hearings to be held regarding sidewalk snow removal. Borough Manager William Starry remarked on work done to the new police cruiser at no charge by Mike Wiggins. The Borough is greatly indebted to Mr. Wiggins for his services and a letter of thanks is to be written.

**Engineer's Report:** Nothing to report.

**Fire Chief's Report:** Fire Chief Frank Chronister advised the Council of recent changes made to the fire box cards which would be more beneficial to the Borough. Council reviewed the changes, signed off on the document, and returned the original. After some discussion of the function of the cards, President Richards requested two copies; one for Borough file and one for East Berlin Emergency Management Coordinator John Cleary.

Sue Hess stated that East Berlin ambulance cards are not accepted by Abbottstown or New Oxford when responding to calls and supported the purchase of a second ambulance for East Berlin. Fire Chief Chronister commented that the Borough would be responsible for insurance on a second ambulance.

Sue Hess also inquired about accidents at the intersection of Route 194 and Beaver Street. Charles Philips stated that most of these accidents are minor and non-recordable. The street is narrow and there are visibility problems due to pole placement. It was noted that this intersection is in Hamilton Township.

Fire Chief Chronister emphasized that donation are needed for the East Berlin Fire Company.

**Solicitor's Report:** Solicitor Timothy Shultis has reviewed the bid package for the Community Park and will submit a letter for Council approval. Solicitor Shultis has received email from Andy Miller, attorney for C.W. Test, regarding a letter of credit in the amount of \$31,000.00. Solicitor Shultis states that he will address this and the Borough will be notified by the bank.

**Borough Manager's Report:** Borough Manager William Starry suggested that he and Secretary/Treasurer McArthur attend the PSATS Co-Stars training scheduled in March. Cost of training session is \$35.00 per person. This program provides members of the PSAB discount purchasing on equipment and other items. It was stated that this provision may be helpful to Park/Recreation Committee but purchases must be made through the Borough.

Manager Starry addressed the issue of access to the Borough office room stating that any person entering the office must be accompanied by Manager Starry, Darlene McArthur, President Richards, or Officer Grim, due to the sensitive nature of the materials in this room. It was also suggested that a second copier be purchased in the near future to eliminate the need for access to this office.

Manager Starry requested clarification of mowing areas that are the responsibility of the Borough. These were stated as certain areas of the Borough building location, the baseball diamond, the cemetery, and the Community Center. President Richards commented that he would be meeting with members from the Community Center to discuss Borough costs incurred; i.e. mowing, property insurance, building repairs, etc. President Richards asked that Robert Clayton and David Woodward also attend this meeting scheduled for March 23, 2009, at Borough Hall.

As a follow up, Manager Starry inquired about the progress of updates to the Personnel Policy currently under review. This will be covered under Personnel Committee comments.

**Committee Reports:**

**Finance:** Borough Council reviewed the Profit and Loss Statements for January, 2008 in comparison with January, 2009. President Richards commented that the revenues were similar and there was discussion of the differences in expenses. There will be a similar review of this information monthly.

Also reviewed was the Insurance Cost by Category, an annual report of insurance expense. There was discussion of charges to be submitted to the East Berlin Area Joint Authority for the period prior to the separation of the Borough and the Authority. The form will be updated and reviewed again at the next Council meeting.

**Streets:** Charles Philips questioned Manager Starry regarding the existence or necessity of a stop sign at the intersection of Locust and Walnut Streets. Manager Starry stated that no stop sign exists for this intersection. As a nearby resident, Mayor Hoffman noted that drivers do not stop at this intersection creating a possible hazard but with no incidents thus far.

Robert Clayton mentioned the necessity of additional lighting needed on Boyer Drive and noted a report of "suspicious" drivers in the area. Charles Philips suggested a dusk to dawn light and stated that he and Manager Starry would investigate this option.

John Schlaline inquired about an alley near his property as to whether it is private or public as it is not maintained. It was stated that the alley in question is not public and should be blocked to drivers for safety reasons.

Sue Hess questioned when sidewalk and curbing would be installed for Water Street, and mentioned that a patch of road is sinking. Charles Eisenhart responded that the Authority would inspect the reported asphalt problem. Charles Philips responded that the sidewalk and curbing issue would be addressed in the spring.

**IT:** Nothing to report.

**Public Safety:** Nothing to report.

**Planning/Zoning:** David Woodward noted that Robert Thaeler is the Zoning Enforcement Officer for East Berlin Borough and may be reached at (717) 337-9824. In regard to Mr. Thaeler's Gettysburg location, Charles Philips stated that it would be more beneficial to the Borough if the Zoning Enforcement Officer was stationed locally to make observations. Mr. Woodward will mention this to Mr. Thaeler. Mr. Woodward also stated that a review of Ordinances is to be scheduled in the near future.

**Personnel:** Karen Cleary commented that the Personnel Policy update is in process, and that a decision on the hiring of a General Laborer for the Borough would be forthcoming following a review of references, etc.

**Park/Recreation:** Nothing to report.

**Unfinished Business:** As a follow up, President Richards stated that a letter has been sent to Hamilton Township regarding the intersection of Route 194 and Beaver Street ice buildup due to drainage issues.

In response to a letter that was sent to the East Berlin Joint Authority requesting the return of the Act 537 Plan file, the plan itself has been returned but not the additional contents of the file. Pursuant to any future needs, an additional request may be made for the remaining materials.

A letter was sent to Vice President of Commercial Lending Merle Zehr of Susquehanna Bank regarding a withdrawal of the Borough's guarantee of a loan request to the East Berlin Area Joint Authority for \$2,400,000.00. Since the funding agreement with the building contractor for the new sewer plant project has failed, the terms and conditions of the loan application are voided. Charles Eisenhart stated that the Authority did not follow through with the loan request.

President Richards sent a letter to Gerald Mummert, Chairman of the East Berlin Area Joint Authority addressing several issues; the termination of employer paid health insurance to the former members of the Borough now in the employ of the Authority, the Borough's removal of its trash container from the Authority's property, and one item (the sewer tank truck) that was inadvertently excluded from the listing of material removed from Borough Hall by the Authority.

Solicitor Shultis reviewed statements received from the Yorko Hopwood Agency regarding the termination of employer provided health coverage for the employees of the Authority. It was stated that the insurance was cancelled leaving the former employees of the Borough without coverage. Secretary/Treasurer McArthur responded that this statement was erroneous as it is standard practice for insurance companies to offer uninterrupted continued coverage to terminated employees at their expense with notification by conversion letter.

There was discussion of Yorko Hopwood's request that the Borough authorize continued insurance coverage to the Authority as a "spin off" of the Borough. Solicitor Shultis questioned the legal definition of "spin off" requesting clarification from the insurance provider. *A motion was made by President Richards to NOT agree to the "spin off" authorization request; seconded by Charles Philips. The motion to NOT approve the request was passed with one (1) Council Member, Charles Eisenhart, opposed.*

**New Business:** Karen Cleary reviewed new telephone, internet, and cell phone service options available to the Borough. Per Mrs. Cleary, the cost under the existing multi-company service providers is approximately \$488.00 per month. If changing to Verizon as a total service provider the cost would be \$285.00/month; with the cost of switching to a Comcast/Nextel plan to be \$287.00/month. *After some discussion of the details of the plans, Robert Clayton motioned to accept the Comcast/Nextel plan; seconded by Charles Philips. The motion was approved with all voting in favor.*

**Correspondence:**

- The Brockway, Pennsylvania Burn Ordinance for consideration by East Berlin Borough
- Email from a potential resident of East Berlin with concerns regarding the proposed drag strip project
- Announcement of a DCNR grant workshop
- Announcement of a web meeting covering the Freedom of Information Act
- Notification of free yard waste/debris pickup to be provided to municipalities by H & H Contractors

**Constituents Addressing Borough Council:** Sue Hess suggested that the Borough provide a regularly scheduled newsletter to the residents of East Berlin. President Richards voiced concerns of the cost of the project at approximately \$1,000.00 per year for a quarterly publication. There was response that the cost would be acceptable for providing the citizens with information concerning Borough activities. *It was motioned by Dave Woodward that the Borough should provide a*

*quarterly newsletter; seconded by Robert Clayton. The motion was approved with one (1) Council Member, David Richards, opposed.*

Jan Hoffman inquired about the wording of the proposed Ordinance regarding internally illuminated signs. It was stated that some existing signs would be excluded under a “grandfather” clause.

President Richards stated that a letter was submitted by Kenneth Young to be filed. The Borough would retain only the first three pages of the letter as the remainder of the document contained outdated and irrelevant information.

*A motion was made by Robert Clayton to adjourn the Borough Council Meeting at 9:45 PM; seconded by President Richards. The motion was approved with all voting in favor.*

Respectfully submitted,

Darlene McArthur  
Secretary/Treasurer of Borough Council