

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

March 3, 2009

The first monthly meeting of the East Berlin Borough Council was held March 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; Charles Eisenhart; Robert Clayton; Karen Cleary; Charles Philips; Janet Bollinger; and David Woodward

Members Absent: Mayor Keith Hoffman

Also Present: Borough Manager Bill Starry; Secretary/Treasurer Darlene McArthur; Solicitor Timothy Shultis; Frank Chronister, Jr.; Jane Snyder; Toby Bowden, Sr.; John Schlaline; Doris Sabine; Bev Jadus; Phil Keener; Earl Bollinger; John Cleary; and Jan Hoffman

Correction to the Minutes: There are no corrections to the meeting minutes of February 18, 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: There was a discussion of the Yorko Hopwood invoice for the commercial package insurance. It was stated that the invoice is pending awaiting clarification regarding certain payments due from the East Berlin Area Joint Authority. Additional mention was made of a refund due from the Authority for a January payment. *A motion was made by Dave Woodward to pay the bills for the beginning of March; seconded by Robert Clayton. Motion carried with all voting in favor.*

Fire Chief's Report: For the month of February, Fire Chief Frank Chronister reviewed seventeen Fire Department calls and thirty-six ambulance calls.

Chief Chronister stated that he is working with Kim Frank of Adams County regarding the requested Hazardous Materials Report from Tucker Industries. Karen Cleary stated that an additional contact for this issue is Vicki Redman of Adams County Environmental Services. There was discussion of the purpose, uses, and content of MSDS (Material Safety Data Sheet) documents. President Richards inquired as to the review of these documents as it pertains to fire calls. Chief Chronister replied that the Fire Department is aware of most chemical and fire hazard information relating to fire calls.

Constituents Addressing Borough Council: Doris Sabine inquired as to the status of the Chemical Trespass situation. President Richards stated that the Ordinance would remain tabled. Solicitor Shultis suggested that the matter be sent to a Citizen's group to investigate other options.

Mrs. Sabine requested that the proposed informational letter to the residents be distributed. President Richards replied that the letter is forthcoming.

Mrs. Sabine made inquiry to the reply from the Department of Environmental Protection regarding the request for information well inspections at the Tyco Facility. It was stated that the information would be made available in Harrisburg. Mrs. Sabine volunteered to assist Council Member Janet Bollinger with this task.

On Mrs. Sabine's inquiry as to the progress of the review of Ordinances, David Woodward replied that the review is underway. Mr. Woodward also stated that questions regarding zoning, such as sign requirements, may be addressed to Senior Zoning Officer Rob Thaeler.

Jane Snyder requested an update to the "smoke" issue. David Woodward replied that the matter is being addressed by Zoning Officer Thaeler with Solicitor Shultis.

In response to Jane Snyder's inquiry regarding Stormwater, Mr. Woodward stated that he would discuss this with Zoning Officer Thaeler.

Jane Snyder voiced concerns over a deserted property located on West King Street due to possible break in or fire hazard. Police Chief Grim stated that the vacant building has a broken window due to unknown circumstance but the door cannot be pushed open. Earl Brown, III, the owner, has not responded to requests or taken any action. It was suggested to contact Zoning and that the property should be condemned. Charles Eisenhart added that the East Berlin Area Joint Authority has a lien on this property for unpaid water and sewer bills.

Mayor's Report: On behalf of the Mayor, Charles Philips reviewed Police activity for the month of February totaling seventy-one incidents.

Engineer's Report: Nothing to report.

Solicitor's Report: In response to a request of the Borough's auditing firm, Solicitor Timothy Shultis has provided information regarding possible claims or litigation involving the Borough. Phil Keener requested the status of the bid package for the Community Park. Solicitor Shultis replied that he concurred with the bid package

Borough Manager's Report: Borough Manager William Starry submitted to Council the Personnel and Employee Drug and Alcohol Policies. Manager Starry stated that Met Ed has been contacted regarding the issue of additional lighting needed on Boyer Drive. The concerned resident will be updated on the situation. A representative from Met Ed maintains that installing additional lighting will require two to four weeks to complete.

Committee Reports:

Finance: President Richards reviewed a letter to be sent to the East Berlin Area Joint Authority requesting accounting costs in the amount of \$2,848.00 for services provided. *President Richards motioned that the letter be sent to the Authority; seconded by Robert Clayton. The motion was approved with one dissenting vote.*

President Richards reviewed a letter to be sent to the East Berlin Area Joint Authority regarding the Authority's share of insurance costs less the amounts paid. *Robert Clayton motioned that the letter be sent to the Authority; seconded by David Richards. The motion was approved with one dissenting vote.*

Review was made of a letter sent to Yorke Hopwood on February 25, 2009, regarding the installation of Christmas lights and other non-governmental functions and services as they relate to liability.

A letter is to be sent by April 1, 2009, to Yorko Hopwood requesting an estimate of insurance costs to the Borough and the Authority. *Robert Clayton motioned that the letter be sent to; seconded by David Richards. The motion was approved with all in favor.*

There was discussion of a withdrawal made against the Borough Employee Pension Fund upon the retirement of former Manager T. Michael Thoman in the amount of approximately \$375,000.00 leaving the fund balance to be overdrawn by \$56,672.28. This is under review. There was also discussion of the legitimacy of the sick pay received by the former Borough employees now employed by the East Berlin Area Joint Authority.

Streets: Charles Philips commented on the well-maintained condition of the Borough streets and the efforts made in obtaining additional street lighting for Boyer Drive.

IT: Robert Clayton stated that the maintenance and technical support for the Continental Billing Systems software would be discontinued. Previously utilized for water and sewer billing, this software is unnecessarily complex for simple refuse billing.

Public Safety: Nothing to report.

Planning/Zoning: There will be a meeting to review Ordinances March 12, 2009 at 2:00 PM. President Richards discussed the listing design of the Borough Code which does not properly reflect revisions. He proposed renumbering the pages per the tariff system. Solicitor Shultis agrees that this change is needed. Jan Hoffman referenced similar Zoning Ordinance Book issues.

Personnel: Karen Cleary stated that the proposed Borough Employee Drug and Alcohol Policy would be revised for further review. It was also stated that references are being checked for the laborer position.

Park/Recreation: Nothing to report.

Unfinished Business: As a follow up, President Richards confirmed that a letter regarding liability of non-governmental services provided by the Borough was sent to Yorko Hopwood.

A letter was received from Adams County Planning and Development regarding the proposed sign Ordinance. There was some discussion of whether the Ordinance should prohibit internally lit signs Borough-wide or only in the historic district of East Berlin. The letter also requested clarification on the definition of an internally lit sign.

On the subject of termination of employer-paid health insurance, it was confirmed that Highmark Blue Shield sent conversion letters to the homes of the former employees of the Borough now in the employ of the East Berlin Area Joint Authority. This action was taken immediately upon notification to Highmark, and offered continued coverage to the terminated employee.

New Business: A letter was received from the Adams County Commissioner's Office requesting participation from the municipalities in a Water Resources Advisory Committee.

Planning Commission Committee Chairman John Schlaline stated that the current membership of the Committee is six (6) members, but seven (7) are needed for voting purposes. The solicitation of

an additional member will be advertised on the town square announcement board. Solicitor Shultis advised that the Planning Commission Committee is subject to the Sunshine Act and meetings must be advertised as a legal notice in the local newspaper. Additionally, Chairman Schlaline requested a key to Borough Hall and the Planning/Zoning Office.

Doris Sabine commented that there would be no increase to real estate taxes for 2009.

Phil Keener reminded Council of the upcoming Park and Recreation Board meeting of March 12, 2009, asking that Council Members attend.

The minutes were closed at 9:30 PM for Borough Council Executive Session.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council