

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

March 18, 2009

The second monthly meeting of the East Berlin Borough Council was held March 18, 2009 at the East Berlin Borough Hall. The meeting was opened with the Pledge of Allegiance at 7:00 PM.

Members Present: Charles Eisenhart; Robert Clayton; Karen Cleary; Janet Bollinger; and David Woodward

Members Absent: President David Richards; Charles Philips

Also Present: Borough Manager Bill Starry; Secretary/Treasurer Darlene McArthur; Mayor Keith Hoffman; Solicitor Timothy Shultis; Police Chief Michael Grim; John Schlaline; Earl Bollinger; John Cleary; Keith Baker; James Becker; Carol Starry; and Andrew Raymond

Correction to the Minutes: There are no corrections to the meeting minutes of March 3, 2009. A motion to accept the Minutes was made by David Woodward with a second by Karen Cleary. Motion carried with all voting in favor.

Payment of Bills: A motion was made by Karen Cleary to pay the bills for the end of March; seconded by David Woodward. Motion carried with all voting in favor.

East Berlin Fire Company: Keith Baker, President, East Berlin Fire Company Board of Directors addressed Council regarding the purchase of a utility truck. Approval was requested for the purchase of a 2006 F250 for use as a service vehicle, medical assistance, etc. A cost of \$16,982.50 was quoted from L & L Ford of East Berlin and would require an additional approximate \$3,000.00 to \$4,000.00 in upgrades for Fire Company use. Fire Company meeting approved the purchase, with the cost to be paid by Fire Company funds. As insurance carrier and titleholder, Borough Council must approve the purchase. Solicitor Shultis advised that per Borough Code any purchase over \$10,000.00 in the name of the Borough is subject to the bid process, and will follow up with additional information.

Karen Cleary questioned Mr. Baker on the subject of MSDS (Material Safety Data Sheets), inquiring what governs the updating of these documents to the Fire Company. Mr. Baker responded that there are no regulatory requirements. Mayor Keith Hoffman stated that it is the prerogative of the individual organization to provide this to the Fire Company.

Constituents Addressing Borough Council: No citizens addressed Council.

Mayor's Report: Nothing to report.

Engineer's Report: Nothing to report.

Solicitor's Report: Solicitor Shultis referenced a letter received from the Adams County Office of Planning and Development regarding the Zoning Amendment prohibiting internally lit signs in the Borough. The letter advised the consideration of application by Borough district, not the entirety of the Borough. Solicitor Shultis stated that municipalities may mandate certain specifications in this respect, but cautioned that if this prohibition was successfully challenged, the entire Ordinance

would be thrown out. Solicitor Shultis stated that this prohibition is aesthetically proper in the Historic District, but not in a Mixed Use District, and advised that the affected area be limited. The referenced letter also requested specific definition of an internally lit sign. *It was motioned to amend the proposed Ordinance by Janet Bollinger; seconded by David Woodward. Motion approved with all voting in favor.*

Borough Manager's Report: Nothing to report.

Committee Reports:

Finance: There was discussion of the results of a meeting with the East Berlin Area Joint Authority. Many productive agreements were reached including the joint payment of a general obligation note, joint lease agreements to be cancelled, and reconsideration of rights to the property around the Borough building. Per the meeting, additional discussion was made regarding the payment responsibility of the Act 537 Loan and asset transfers to be determined. An agreement will be amended for review by the Authority and the Borough.

Vice President Clayton noted that the Borough would be accessing reserve funds to cover operating expenses pending receipt of tax revenues. Payment was made for commercial and Worker's Compensation insurance to be partially credited upon determination of the Joint Authority's portion of the bill. Mr. Clayton also stated that per Borough Code, refuse billing is quarterly.

All Committee Chairpersons were advised to see Darlene McArthur to obtain a key to Borough Hall.

Streets: Nothing to report.

IT: Robert Clayton discussed the necessity of a second phone line for the Borough office. The cost was quoted as \$39.95 per month with a one-time installation fee of \$24.95. *It was motioned to install a second phone line by Karen Cleary; seconded by Janet Bollinger. Motion approved with all voting in favor.*

Public Safety: Janet Bollinger stated that the Clean Air Advocacy Group met regarding local pollution issues.

As the likelihood of inclement weather has diminished, Karen Cleary requested the placement of the crosswalk signs. *A motion was made to place the signs by David Woodward with a second by Karen Cleary. Motion carried with all voting in favor.*

Planning/Zoning: The Planning and Zoning Committees are to meet with Adams County Office of Planning and Development on March 20, 2009, to review East Berlin Borough Ordinances.

It was noted that the Borough's Senior Zoning Officer is not located in East Berlin to oversee zoning issue violations. Therefore, the implementation of Zoning Enforcement is to be discussed with Police Chief Grim and Mayor Keith Hoffman.

Personnel: Karen Cleary stated that per Borough Council Executive Session of March 10, 2009, Robert Meminger has been selected to fill the position of Laborer. *A motion was made by David Woodward to accept Robert Meminger as Laborer for the Borough; seconded by Charlie Eisenhart. The motion was approved with all voting in favor.*

Park/Recreation: Nothing to report.

As a follow up to the previous discussion of the purchase of the Fire Company service vehicle, Solicitor Shultis stated that even though the payment is made by Fire Company funds, the Borough holds registration and title for the purpose of insuring the vehicle. The purchasing contract is subject to the bid process per Borough Code. It was suggested that the vehicle title be transferred as a gift to the Borough. This process would apply to the new ambulance purchase as well.

Unfinished Business: Vice President Clayton discussed the completion of the annual audit, with the discovery of improper procedure documenting the transfer of funds from the Capital Reserve Account to the Sewer Fund. No official results have yet been reported from the auditing firm.

New Business: A Resolution regarding Sewage Enforcement fees was provided for Borough Council review. There was discussion of the Borough's requirement to name a Sewage Enforcement Officer per the Department of Environmental Protection due to the existence of properties with septic systems on Schoolhouse Lane. *The motion was made by Janet Bollinger to adopt the Resolution; seconded by Robert Clayton. The motion was approved with all voting in favor.*

There was discussion of a letter to the Hopwood Insurance Agency regarding discrepancies in the cost of policies. It was requested that the Borough and the East Berlin Area Joint Authority review these policies and discrepancies. *Motion was made by Karen Cleary and seconded by David Woodward. The motion was approved with all voting in favor.*

Karen Cleary proposed that white parking lines be utilized on West King Street. David Woodward noted that enforcement would require an Ordinance. Solicitor Shultis stated that although the Municipality may dictate parking with limited authority, Route 234 is a State Road and Pennsylvania Code must be referenced.

There was discussion of the hazardous situation of the uninhabited property at 112 East King Street. David Woodward stated that the property is not secure and the Borough must take action to prevent fire, injury, mischief, etc.

For the present, it was suggested that the year-end report to the residents be tabled. *The motion to table the report was made by David Woodward; seconded by Karen Cleary. Motion approved with all voting in favor.*

It was proposed that service contracts be documented for non-governmental services provided by the Borough to organizations such as the Lion's Club.

Correspondence:

- An appreciation card from Janet Bollinger
- Solicitation for donation from a tree farm

- A notification that aides would be campaigning door to door for Jeffrey Cook, Candidate for Judge, Adams County

John Schlaline inquired as to the Chemical Trespass situation. Solicitor Shultis stated that he would forward an email received from Ben Price to Mr. Schlaline.

The minutes were closed at 8:30 PM for Borough Council Executive Session; reopened for motions made per Executive Session at 9:30 PM.

David Woodward motioned that Council direct Borough Manager William Starry to terminate temporary employee Toby Bowden effective immediately; seconded by Robert Clayton. Per roll call vote, David Woodward, Janet Bollinger, Charles Eisenhart, and Robert Clayton approved. Karen Cleary abstained.

David Woodward motioned that if Manager Starry does not perform this directive, Council will terminate Mr. Bowden's employment; seconded by Janet Bollinger. Per roll call vote, David Woodward, Janet Bollinger, Charles Eisenhart, and Robert Clayton approved. Karen Cleary abstained.

It was motioned by David Woodward that Manager Starry be directed to hire Robert Meminger as Laborer; seconded by Robert Clayton. Motion approved by roll call vote with all members present voting in favor.

David Woodward motioned that if Manager Starry does not perform this directive, Council will hire Robert Meminger as Laborer. Motion approved by roll call vote with all members present voting in favor.

It was motioned by David Woodward to rescind Council's previous session motion to hire Robert Meminger in lieu of Executive Session decision and motion; seconded by Charles Eisenhart. Motion approved with all voting in favor.

Motion was made by David Woodward to write a letter to terminate with 30 days notice Borough Manager William Starry effective March 20, 2009 citing reason of budgetary restructuring; seconded by Robert Clayton. Motion approved by roll call vote with all members present voting in favor.

Solicitor Shultis proposed a letter of response be written to Attorney Eastman regarding subject as discussed in Executive Session. *A motion was made by David Woodward to send the letter of response; seconded by Karen Cleary. Motion approved with all in favor.*

Motion was made by Robert Clayton to adjourn Council Meeting at 10:00 PM; seconded by David Woodward. Motion approved with all in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council