

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

April 7, 2009

The first monthly meeting of the East Berlin Borough Council was held April 7, 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; Janet Bollinger; and David Woodward

Members Absent: Charles Philips

Also Present: Secretary/Treasurer Darlene McArthur; Mayor Keith Hoffman; Solicitor Timothy Shultis; Police Chief Michael Grim; Fire Chief Frank Chronister; Robert Meminger; John Schlaline; Earl Bollinger; John Cleary; Paul Scozzaro; Wayne Krout; Bev Jadus; William Powell; Phil Keener; Doris Sabine; Doc Swartz; and Andrew Raymond

President Richards announced that flags in the Borough would be flown at half-staff through Saturday, April 11, 2009 in honor of the police officers killed in the line of duty in Philadelphia.

Correction to the Minutes: There are no corrections to the meeting minutes of March 18, 2009. *A motion to accept the Minutes was made by David Woodward with a second by Robert Clayton. Motion carried with all voting in favor.*

Payment of Bills: It was remarked that the Borough's quarterly payment to York Waste Disposal is due in the amount of \$26,972.73. The bills detail is to be added to the meeting minutes as a matter of record. The Act 537 Loan payment will be discussed later in the meeting. *A motion was made by Janet Bollinger to pay the bills for the end of March; seconded by David Woodward. Motion carried with all voting in favor.*

Mayor's Report: Mayor Keith Hoffman reviewed Police activity for the month of March totaling forty-seven incidents.

Fire Chief's Report: Fire Chief Frank Chronister reviewed forty-one ambulance calls and nineteen fire calls for the month of March.

Engineer's Report: KPI Engineering has submitted a report to the Borough on the status of the streets to be reviewed by Council. This report includes repairs needed to a storm sewer.

Solicitor's Report: Solicitor Shultis attended an Executive Session of Council on April 3, 2009 regarding personnel issues.

A copy of a letter to Attorney Eastman was submitted to Council for file.

The revised zoning ordinance amendment regarding internally lit signs has been sent to Adams County Office of Planning and Development. The revision states that internally lit signs shall be prohibited in Residential and ~~historical~~ **Village Trade** districts, but allowed in mixed-use districts. Phil Keener questioned the use of lit vending machines, stating that these could be an issue unless subject to a grandfather clause. Solicitor Shultis responded that this is correct; internally lit vending machines would be prohibited under the new amendment.

Per the recent meeting between the East Berlin Area Joint Authority and the Borough, Solicitor Shultis will submit a proposal to amend the agreement between these parties by the April 14, 2009 Joint Authority meeting.

Borough Maintenance Report: The Borough's new maintenance person, Robert Meminger, was introduced and provided some personal and professional background. Mr. Meminger stated that he would communicate with

Council through cell phone, email, and a daily log of activities. The email address for Borough Maintenance will be added to the Borough's website for comments and suggestions from the residents. Additionally, documentation will be kept of vehicle maintenance, inventories, etc. A designated member of Council is needed for direct contact with maintenance. Mr. Meminger is currently becoming acquainted with the tools, equipment, building maintenance, street maintenance, and use of the town announcement board. Michael Wallen of the Joint Authority has provided guidance on operation of the street sweeper. Mr. Meminger stated that he is ready to begin mowing within the Borough, but requires clarification of the locations.

Doris Sabine remarked appreciation of the effective placement of crosswalk signs.

Karen Cleary commented that Mr. Meminger is to approach Council regarding the purchase of tools and equipment when needed for maintenance. Mr. Meminger suggested the possibility of purchasing a weed trimmer.

Committee Reports:

Finance: President Richards discussed service agreements with the Lions Club regarding the cost and installation of Christmas lights in the Borough. The cost of electricity to the Borough is approximately \$650.00 per year. Changes to the proposed agreements were reviewed including a possible cap on this cost to be determined at some point in the future. Doris Sabine inquired who has been responsible for erecting and removing these lights. President Richards responded that the Lions Club with assistance from former Borough employees with the use of Borough equipment. This was reportedly performed on Saturdays, non-paid time to the Borough employees. *A motion to send the amended service agreements to the Lions Club was made by Robert Clayton; seconded by Janet Bollinger. The motion was approved with all voting in favor.*

A service agreement is to be sent to East Berlin Union Cemetery regarding mowing and snow removal. This would be a formalization of the previous practice. *A motion to send the service agreement to the East Berlin Union Cemetery was made by Karen Cleary; seconded by Robert Clayton. The motion was approved with all voting in favor.*

In a discussion of mowing of the ballpark, it was stated that the Borough no longer has the large mower needed for this task. The Lions Club has proposed a joint effort. Solicitor Shultis suggested including the Joint Authority in these tasks but President Richards stated that the Authority has indicated that this service would be outside their charter.

An agreement is to be drafted for services provided by the Borough in connection with Colonial Day for the East Berlin Historical Preservation Society. These services include placing signs, use of the street sweeper, acquiring street closing permits, etc. at a cost of \$600.00 to \$700.00. In consideration of the benefits of the Historical Society and Colonial Day to the Borough, i.e., town beautification, revenue dollars, etc., these services will continue as previously provided with an agreement similar to that with the Lions Club.

Janet Bollinger suggested that a plot of land, owned by the Borough behind apartments across from Kyles Kitchen, was in need of maintenance. She suggested tilling this land for weed and insect control. David Woodward suggested the possibility of a planting to create a twenty-foot buffer. President Richards suggests mowing this property three times per year would be acceptable. This topic is to be reviewed again in early June.

A comparison statement of year-to-date profit and loss for 2008-2009 was reviewed. The comparison reveals little difference in income, with some discussion of expense variances. It was noted that adjustments were made to expense the salary of the Plant Manager from Borough to Water and Sewer in 2008, with the January 2009 to be expensed to the Joint Authority. President Richards announced a meeting with the Yorkco Hopwood Insurance Agency scheduled for 10:00 AM, Monday, April 13 at the East Berlin Area Joint Authority.

Information was provided to Solicitor Shultis regarding a lien to be placed on the property of Earl Brown for refuse payments owed to the Borough.

There was a review of the Act 537 loan payment including the history of payments, withdrawals, and origin of the initial balance. Further investigation of the accounts and statements are needed.

Streets: A Resolution was submitted to the Council from Metropolitan Edison regarding new street lighting to be installed on Boyer Drive. Metropolitan Edison is to be contacted to clarify installation charges, if any.

IT: Robert Clayton stated that a second phone line has been installed at the Borough office to alleviate outgoing call issues on the main line. Also, new cell phones have been received to improve communication with Borough Maintenance and the Secretary/Treasurer. Karen Cleary commented on the savings to the Borough with the completion of the new telephone packages.

Public Safety: Janet Bollinger again noted appreciation of the crosswalk signs providing improved safety for pedestrians.

Planning/Zoning: David Woodward and Robert Clayton have submitted a number of zoning concerns to Senior Zoning Officer Robert Thaeler for review. David Woodward also discussed the need for code enforcement regarding trash, antenna placement, etc. Charlie Eisenhart suggested that these issues go before the Planning/Zoning Committee for review. Officer Grim advised that certified letters should be sent stating compliance requirements and to involve the police if cooperation is not met. It was also suggested that Robert Meminger be aware of Borough Code issues while conducting maintenance throughout the town.

Personnel: Karen Cleary asked that Council remain after session to discuss a ninety-day performance review for Secretary/Treasurer Darlene McArthur. Mrs. Cleary stated that the practice of utilizing compensation time is to be eliminated from policy and procedure. Regarding last Friday's Executive Session to discuss personnel and Council issues, Mrs. Cleary inquired if any further discussions were made. Mrs. Cleary suggested that Council request the resignation of Council Member Charles Philips for reasons relating to recent personnel issues. It was stated that since Mr. Philips is absent and without determination of his involvement, Council would not support this action. Karen Cleary submitted her resignation to Council effective immediately in response to Council's lack of support and action taken on recent events involving personnel and Council in an identity theft issue. Mayor Keith Hoffman stated that he supported Mrs. Cleary's suggestion to request the resignation of Charles Philips. *David Woodward motioned that Council provide "Life Lock" identity protection service to Karen Cleary for a specified period of time; Robert Clayton seconded the motion. Motion approved with all voting in favor.*

Doris Sabine stated that the situation is sad and regrettable, and that Ms. Cleary's resignation is a loss for the town. Mrs. Sabine inquired what Council could have done to prevent this resignation. Mrs. Cleary responded that Council should have been more supportive.

Park/Recreation: Phil Keener reported that the Park and Recreation Committee have held the election of officers. Mr. Keener stated that Council has the right to appoint or allow the Park and Recreation Committee to handle this task. There was some discussion of the recent cancellation of the Planning Committee meeting due to lack of required advertising.

Unfinished Business: Per the recent Executive Session, the possible reassignment of Committees was discussed including the combination of Streets and Public Safety to be headed by Janet Bollinger. Also, the creation of a Maintenance Committee is needed possibly headed by Charles Philips in consideration of his familiarity in this area. This new Committee would also include David Woodward and Robert Clayton. These changes will be decided at a later date.

The proposed letter to the citizens, a review of 2008 accomplishments and other issues, was reviewed for mailing. Robert Clayton submitted a shorter version of the letter for Council review. Karen Cleary and David Woodward urged Council to avoid any negative statements and to promote more constructive issues. Charles Eisenhart suggested that the separation of the Joint Authority and the Borough be left behind to move ahead with Borough business, and that focusing on this issue will accomplish nothing. Other members of Council stated that the questions and concerns of the citizens on this topic should be addressed. *David Woodward motioned to mail President Richard's version of the letter; seconded by Janet Bollinger. Per roll call vote, President Richards approved with one minor change stated; Janet Bollinger, Robert Clayton, David Woodward, Karen Cleary approved; Charles Eisenhart did not approve. The motion passed by majority approval.*

New Business: Mayor Keith Hoffman asked that a computer chip be purchased for the patrol car to allowed access to the Internet. This would cost approximately \$50.00 per month. *Robert Clayton motioned to purchase the access chip; seconded by Janet Bollinger. Motion approved with all voting in favor.*

Correspondence:

- Email received from a prospective resident, comments on the attributes of East Berlin
- Adams County Council of Governments (COGS) requested email addresses of those interested in receiving correspondence
- The Department of Environmental Protection approved the Act 537 Plan for Reading Township with some conditions
- Notice from County Commissioners regarding stormwater, more info to follow, will require an Ordinance
- Phone call received by Karen Cleary from Stanley Wannas requesting that East Berlin Borough unite with New Oxford Borough and Abbottstown Borough in certain joint ventures
- Request from Kenneth Young to be followed up, other items received from Patricia and Kenneth Young were added to the correspondence file

Constituents Addressing Borough Council: John Cleary, Emergency Management Coordinator for East Berlin Borough, stated that the Borough has not had a plan on file in Adams County since 2007. Without a current plan on file, the Borough will not qualify for Emergency Management funding. Mr. Cleary stated that he would be resigning his position as Emergency Management Coordinator and Planning Commission Member in support of Karen Cleary's decision to resign as Council Member.

The minutes were closed at 9:55 PM for Borough Council Executive Session; reopened for motions made per Executive Session at 10:15 PM.

Karen Cleary made a motion to approve the ninety-day evaluation for Secretary/Treasurer Darlene McArthur; second by David Woodward. Motion approved with all voting in favor.

David Woodward motioned to table action on Karen Cleary's letter of resignation; second by Robert Clayton. Motion approved with all voting in favor.

Charles Eisenhart made a motion to adjourn the meeting at 10:30 PM; second by Robert Clayton. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council