

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

September 1, 2009

The first monthly meeting of the East Berlin Borough Council was held September 1, 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; Robert Clayton; Charles Philips; and Doris Sabine

Members Absent: Janet Bollinger; David Woodward; Charles Eisenhart; and Mayor Hoffman

Also Present: Secretary/Treasurer Darlene McArthur; Solicitor Timothy Shultis; Andrew Raymond; Frank Schuhart; Tim Stonesifer, Reporter for The Evening Sun; P. Fazzini; Bill Powell, Bev Jadus; and Pat Young

Correction to the Minutes: There are no corrections to the meeting minutes of August 19, 2009. President Richards stated that approval of the minutes would be postponed pending the addition of the minutes of the Executive Session following the regular council meeting of August 19, 2009.

Payment of Bills: President Richards reviewed a summary of bills for the beginning of September totaling \$7,965.10. *A motion was made by Robert Clayton to pay the bills; seconded by Charles Philips. Motion carried with all voting in favor.* There was a review of the summary of deposit accounts totaling approximately \$612,000.00. President Richards requested a motion to pay the Act 537 loan payment. *Charles Philips motioned to pay the loan payment; seconded by Robert Clayton. The motion was approved.*

Constituents Addressing Borough Council: Patricia Young of 203 Beaver Street addressed Borough Council on the subject of storm water drainage issues on her property stating that these issues are due to poor planning of the surrounding development. It was reported that over \$45,000.00 (forty-five thousand dollars) has been paid by the Youngs for engineering, legal, and contractor fees. Mrs. Young stressed her grievous disappointment in the Council's failure to respond to requests for assistance and restitution, alleging obstructionist behavior by Council President David Richards. A letter of apology was requested from Mr. Richards, and a reasonable offer of restitution toward the \$38,000.00 (thirty-eight thousand dollar) contractor bill from the Borough Council. Mrs. Young declared that if these requests were not met, full recompense would be sought for all actual expenses by means of legal action.

Mayor's Report: Mayor Hoffman was absent from this evening's meeting. A report of 47 (forty-seven) police incidents for the month of August was submitted.

Fire Chief's Report: Fire Chief Frank Chronister was absent from this evening's meeting.

Engineer's Report: Nothing to report.

Solicitor's Report: Solicitor Shultis reported several Right to Know requests were received Bernard Tucker including one request each to individual Council Members. Doris Sabine requested clarification of the requests and was advised to carefully read the request and comply. Solicitor Shultis asked that all Council Members comply with the requested information as soon as possible.

Solicitor Shultis reported that the Zoning Board Hearing for sign violation by Tucker Industries is scheduled for Wednesday, September 9, 2009, at Liberty Fire Company. Doris Sabine voiced concerns of the need for Zoning Hearing Board alternates. President Richards stated that there is no provision for alternates since the three (3) member board was changed to a five (5) member board.

Solicitor Shultis noted that Conewago Enterprises, the contractor for Phase One of the Community Park project, requested use of the Borough's tax-exempt status but decided against pursuing this action. It was suggested that this practice be implemented when bidding future projects in consideration of cost savings.

It was also mentioned that the Zoning Board Hearing for Hogwild Catering and BBQ Carryout is tentatively scheduled for September 22, 2009. Solicitor Shultis additionally reported that the municipal claim against Earl Brown II has not yet been served and requested Office Grim to attempt service.

Committee Reports:

Finance: President Richards presented Guarantor Omnibus Certificate #73-131 for Council Member signature to guarantee the East Berlin Area Joint Authority's sewer facility Pennvest loan. The year-to-date profit and loss statement was reviewed noting that income was down for real estate tax transfers, taxes, and interest. Refuse receipts are up due to the quarterly billing increase that will now cover current costs. Auditing fees were increased due to the separation of the Joint Authority from the Borough, and legal fees are up due to ongoing cases. The unemployment compensation plan was received from the Pennsylvania State Association of Boroughs stating a slight increase to 1.75% on the first \$8,000.00 earned due to additional claims.

Streets/Public Safety and Maintenance: Robert Clayton reported that Kimbob is in the process of completing street projects in the Borough. A revised invoice was received from Swam Electric for work on the traffic signal; Robert Meminger is researching these costs to obtain compensation for damage to the loop sensors in March. Curb painting is ongoing, with line painting to begin soon. It was reported that on an inspection by DEP, it was discovered that an oil separator and cap drain are needed for a drain in the garage. Mr. Clayton urged that the Borough Engineer should review this. It was noted that the crosswalk pedestrian sign south of the Fire Hall has gone missing three times and been replaced.

President Richards stated that a Webinar is being offered by the state on street lighting. It was noted that while the lighting on the main streets is ample, street lighting in the Beaver Colony area is low. There was some discussion of LED lighting for brightness and cost savings. President Richards also reported that a quote was received from Kimbob for repairs to a drainage area at Schoolhouse Lane for approximately \$8,000.00. The Borough Engineer recommends that this project be advertised for a more competitive price noting a possible delay until 2010. President Richards stated that the drainage swale behind Water Street is not addressed by the new sewage facility plan and will bring this issue to the Joint Authority at their next meeting.

IT: Nothing to report.

Planning/Zoning: President Richards reported that a letter was received from Penn Township in response to his request for a sample of the post card reminder used to notify residents in Penn Township of zoning or code violations prior to official notification. Mr. Richards recommends the use of this type of informal notification for East Berlin Borough residents.

On behalf of absent Council Member David Woodward, Doris Sabine offered a sincere welcome to the new printing business located in the old Nell's building. Mrs. Sabine noted concern of the two one-way signs now gone from the parking lot of the old Nell's building.

Personnel: Robert Clayton reported that part time temporary worker Dustin Becker is working very well in assisting Robert Meminger with curb painting and other projects in the Borough. Mr. Clayton also noted that a utility manhole cover was discovered during a street repair project and will require the purchase of a sleeve ring.

Park/Recreation: It was reported that the Community Park project is underway. Robert Clayton discussed various comments made regarding the pile of dirt on the parkland suggesting that it be tested. President Richards noted that permission was not given by the Borough Council for this dirt to be placed on parkland. Doris Sabine stated that she would request from the Park and Recreation Board how permission was granted.

Unfinished Business: President Richards presented Resolution 9-2009-7, the appointment of delegates to the Adams County Council of Governments and suggested that two (2) alternates be appointed. Robert Clayton will be appointed the main delegate with Doris Sabine as first alternate and Charles Philips as second alternate. *Robert Clayton motioned to adopt Resolution 9-2009-7; seconded by Charles Philips. Motion approved with all voting in favor.*

President Richards reviewed the agreement with York Waste Disposal including fuel price changes on a quarterly basis. The billing from York Waste Disposal will be based on six hundred seventy (670) residential service locations noting that our base count fluctuates due to inactive locations. A customer list is to be exchanged with York Waste Disposal every quarter. President Richards noted that the agreement might need further refinement in the future. *Robert Clayton motioned to approve the agreement; seconded by Charles Philips. Motion approved with no dissenting votes.*

New Business: The Pennsylvania Municipal Retirement System Pension Plan for 2010 was reviewed and discussed by Borough Council. It was noted that a portion of the Minimum Municipal Obligation would be offset by the Act 205 allocation to the Borough.

President Richards will present a letter to the Joint Authority requesting the return of minutes binders removed from the Borough office. Mr. Richards will also be requesting the return of personnel folders of the former Borough employees. Per the state required retention schedule, personnel records must be retained for three (3) years. It was noted that additional effort has been made to obtain Landlord Reports as required by Borough Ordinance in the process of tracking residents and collecting per capita taxes. Mr. Richards also stated that street sweeping will be done for Colonial Day and noted as a charitable contribution to the Historical Preservation Society. The Borough will also note the cost of street lighting for the Lion's Club Christmas lights as a charitable contribution.

Correspondence:

- A letter of vector control code enforcement from the Mayor concerning standing water, along with another letter of the Mayor's official correspondence
- Adams County Erosion and Sedimentation Program as published in the Pennsylvania Bulletin
- Request from the Susquehanna Valley Chapter of the APA to designate Payroll Week
- Meeting of Adams County Borough's Association scheduled September 21, 2009 at 6:15 PM
- Letter from Wm. F. Hill Engineering of Conewago Park Sewerage Project to connect Reading Township to the new East Berlin sewer facility
- Adams County Office of Planning and Development courses offered
- York County Housing and Development Plan received

Andrew Raymond reported on a class action suit against Ford Ambulance and the various problems with this ambulance currently in use by Liberty Fire Company. Mr. Raymond attended a disaster training drill in Adams County and noted that a medical tent would be made available for this year's Colonial Day.

Robert Clayton motioned to adjourn the meeting of Borough Council at 8:20 PM; seconded by David Richards. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council