

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

October 6, 2009

The first monthly meeting of the East Berlin Borough Council was held October 6, 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; Janet Bollinger; Charles Philips; and Doris Sabine

Members Absent: David Woodward

Also Present: Mayor Keith Hoffman; Solicitor Timothy Shultis; Secretary/Treasurer Darlene McArthur; Andrew Raymond; Frank Schuhart; Freda Lennon; Mike Thomas; Sharry Gresens; Tim Stonesifer, Reporter for The Evening Sun; John Cleary; Rose Hoffman; Robbie Teal; and Dan Liberatore

Correction to the Minutes: The minutes of the meeting of September 16, 2009 were reviewed. *A motion to approve the minutes was made by Janet Bollinger; seconded by Robert Clayton. Motion approved with all in favor.*

Payment of Bills: President Richards reviewed a summary of bills for the beginning of October totaling \$49,771.92. It was noted that a portion of the legal services would be expensed as zoning issues. Additional comments were made regarding the Act 205 allocation received in the amount of \$21,896.09 offsetting the pension payment and reimbursement sought from Columbia Gas for a traffic light repair bill paid from Liquid Fuels funds. In a review of the summary of the Borough's asset accounts, President Richards noted that \$90,000.00 (90%) of the DCNR grant was received and deposited to the Park and Recreation fund. Doris Sabine reported that she is still reviewing methods of lowering the cost of street lighting with a Met Ed representative. *A motion was made by Robert Clayton to pay the bills for the beginning of October; seconded by Charles Philips. Motion carried with all voting in favor. A motion was made by Robert Clayton to pay the Act 537 loan in the amount of \$456.50; seconded by Charles Philips. Motion approved with all in favor.*

Constituents Addressing Borough Council: Sharry Gresens of the East Berlin Public Library addressed Council to offer appreciation of the recent donation received and to report the current financial and activity statistics of the library. It was noted that the library's budget would be cut by approximately one third due to diminished state and county funding and that many libraries across the state are closing due to budget restrictions. Ms. Gresens reported on the vital programs offered by the library system and requested the support of the Borough to assist in continuing operations. Additionally, it was noted that a library board member is needed and would be posted on the town's announcement board.

Andrew Raymond mentioned his concern of vehicles parked outside the East Berlin Public Library during closed hours accessing the library's wireless internet service. Ms. Gresens stated that she was unaware of the situation. Robert Clayton advised that the library's wireless router be made secure and stated that he would assist in this procedure.

Mayor's Report: Mayor Hoffman reported Trick or Treat in the Borough would be held Saturday, October 31, from 6:00 PM to 8:00 PM. The police report was reviewed with a total of forty-eight (48) incidents for the month of September.

Fire Chief's Report: Assistant Fire Chief Mike Thomas reported fifteen (15) fire calls and fifty-three (53) ambulance calls for the month of September. Andrew Raymond stated that he would be responding to a survey from Adams County regarding hazard mitigation for the Borough. Mr. Raymond also discussed the pending Fire House warning sign project requesting permission to install the approved signs while awaiting PennDOT approval of the solar powered flashing sign. It was suggested that the Borough consider solar powered street lighting as an option for reducing costs. Robert Clayton proposed that Mr. Raymond speak with Robert Meminger regarding the installation of Fire House warning signs. Mr. Raymond reported that October is fire prevention month and that the

Fire Department would be sponsoring a car show in the parking lot of the former Nell's Market on October 26, 2009 to promote fire education requesting the support of the Borough Council members for this event.

Engineer's Report: Nothing to report.

Solicitor's Report: Solicitor Timothy Shultis reported that a zoning hearing was held for Mr. and Mrs. Gulan of Hogwild Catering and BBQ Carryout regarding signage noting that the Zoning Hearing Board must issue findings within forty-five (45) days and allow the applicant thirty (30) days to respond. It was also reported that Tucker Industries has filed for a variance to display an oversized banner, and has applied for a hearing on two (2) additional zoning issues to be held October 27, 2009 at 7:00 PM in the East Berlin Area Community Center. Attorney Shultis reported that the Borough has responded to several Right to Know requests submitted by Mr. Tucker.

Committee Reports:

Finance: President Richards stated that a financial comparison report would be reviewed at the next Council meeting and that the 2010 budget would be discussed.

Streets/Public Safety: Janet Bollinger reported that she received a phone call from Kenneth Young to discuss the installation of sidewalks on Route 234 as the bridgework is nearing completion. President Richards stated that this would be discussed with the Borough Engineer.

Maintenance: Robert Clayton discussed a pool of water beneath the bridge on Route 194 noting that per his discussion with the project superintendent, the pool was there before the bridgework began. It was also reported that a pavement near Rocco's Pizza is cracking and deteriorating. President Richards stated that there appears to be a grading issue and the Borough Engineer would be consulted. Mr. Clayton reported that Columbia Gas has admitted their contractor's responsibility for damage to loop sensor wires in the traffic light and a claim is in process. Alpha Space Control will be replacing thermoplastic markers removed in the project.

Mr. Clayton reported that the two (2) drains in the garage have been plugged per DEP instruction and will be hooked into the new sewer system. Curb painting, mowing, and announcement board updates continue. It was noted that a snow removal plan must be in place by November 1st. The former police cruiser is coming due for inspection. It was noted that once the F250 truck is set up for snow plowing and the F750 for salting, a utility vehicle may be needed for other tasks. There was some discussion of a Borough Code Ordinance regarding street excavation that has not been enforced. The ordinance requires a permit for excavation and requires that the asphalt be restored to its original condition. Doris Sabine remarked on the improved appearance of the newly painted curbs in the Borough.

IT: Robert Clayton reported that the Zoning Hearing Board has requested the use of the Borough's sound system for the upcoming hearing at the Community Center. Mr. Clayton has examined the meeting room and will assist in the sound requirements.

Planning/Zoning: President Richards stated that a postcard form would likely be used to notify residents of future code and zoning issues. Doris Sabine inquired of Mayor Hoffman if he had addressed the issue of trees blocking stop signs in the Crestview area. Mayor Hoffman responded that letters had been sent to the residents involved. There was some discussion of the direction of traffic in the former Nell's Market parking lot. Mayor Hoffman stated that the one-way format was originally enforced for safety reasons and suggested that the current owner, Keystruct, be contacted on this issue. Doris Sabine reported that she had spoken with the Borough's Building Inspector, Ed Strevig, about making some changes. President Richards remarked on Hamilton Township's rezoning of sections of Routes 94 and 194 expanding the commercial areas.

Personnel: President Richards stated that input is needed from personnel for the 2010 budget. Mayor Hoffman requested that an Executive Session regarding a personnel issue be held following Council's regular session.

Park/Recreation: Doris Sabine suggested that the Park and Recreation sign at the town square be moved to the Community Park area. President Richards stated that this would be done after the completion of Phase One of the park. Mrs. Sabine inquired if any information had been submitted on the estimated cost of maintenance for the Community Park. President Richards replied that nothing was received.

Unfinished Business: President Richards discussed budgeting expenses for the upcoming year stating that the cost of electricity is estimated to be fifteen (15) to twenty (20) percent higher. It was noted that per the By Laws of the Park and Recreation Board, an estimated budget should be submitted by September 1st including costs of mowing, security, and trash cleanup. There was some discussion of a proposal to hire additional police help relating to the pending State House Bill Number 1500 requiring eighty-hour (80) per week coverage in the Borough. Officer Grim noted that, if the Bill were passed, the requirements would be staged over a three (3) year period and are based on the number of citizens in East Berlin. Officer Grim currently manages ninety percent (90%) of the calls in the Borough and suggests that additional coverage be budgeted, if deemed necessary, for the future. It was also noted that additional coverage might be obtained or shared through inter-municipal agreements with nearby townships. In consideration of increasing expenses, President Richards suggested that a property tax increase might be advisable. It was noted that the tax mills in East Berlin Borough are significantly lower than similar municipalities in Adams County.

The passage of Act 32, a directive that each county in the state of Pennsylvania employ a single income tax collection agency, requires the appointment of a delegate and an alternate representative from each municipality. It was noted that Adams County is currently in compliance with this directive utilizing the York Adams Tax Bureau for the collection of income tax. *Robert Clayton motioned that President David Richards be appointed delegate with Charles Philips as alternate; seconded by Doris Sabine. Motion approved with all voting in favor.*

In a discussion of the Mayors Against Illegal Guns organization, President Richards noted that the Council's authorization is not required for Mayor Hoffman to be associated with this group. Doris Sabine disagreed with this statement. Mrs. Sabine questioned the Mayor on his authority to issue a letter of permission to Tucker Industries allowing the display of an oversized banner. Mayor Hoffman replied that he had consulted Attorney Weigle of the Mayor's Association and was informed that he has this right and is awaiting documentation. Doris Sabine reminded Mayor Hoffman of a statement from 2006 asserting that he "works for the Council and makes no independent decisions."

On the matter of the appointment of alternates to the Zoning Hearing Board, President Richards stated that an ordinance amendment is not required; this act may be accomplished by resolution. It was noted that under the current five-member (5) board, a quorum would be present unless three (3) members are absent. As this is unlikely, President Richards recommends against this action. Attorney Shultis agrees that this is unlikely, but if considered, advises an ordinance amendment to reflect this provision. It was noted that in the case of a tie vote, the original findings of the Zoning Officer are not overturned. Attorney Shultis will confirm this statement.

President Richards presented a letter in response to a newspaper editorial regarding the Hogwild sign issue. Attorney Shultis recommended several changes to the letter before submission. A meeting of local businesses was proposed to discuss and clarify the Borough's sign ordinance. Charlie Eisenhart stressed the importance of employing an on-site zoning and code enforcement officer. President Richards reminded Council of the upcoming Adams County Office of Planning and Development meeting to discuss the Joint Comprehensive Plan scheduled for October 8, 2009.

New Business: President Richards suggested that Council consider the adoption of ordinances to address wood fueled boilers and solar panels, stating that he would have sample ordinances for review at the next Council meeting. In discussing the charters of the subcommittees of the Park and Recreation, Planning, and Zoning

Boards, President Richards noted that there are no resolutions to adopt By Laws, policies, or financial controls. Examples of the controls in place by other municipalities to address these issues will be provided.

In a review of a meeting of the Adams County Borough's Association, topics of discussion included Act 32, the state budget, House Bill 1500, the Fall Leadership Conference in Erie, and alternative energy sources. President Richards stated that York Waste Disposal has requested a preference to bill the Borough monthly for contracted services. It was noted that this would not affect residential customer billing to remain quarterly. There was some discussion of the option of purchasing additional bags for trash in excess of the four-bag (4) limit and the recent problems with trash pickup in the Borough.

Doris Sabine made the suggestion of a "Candidates Night" to discuss topics of interest in East Berlin Borough. Concerns were voiced of the Council's involvement in sponsoring a political event. In a review of the Borough newsletter, there were questions raised regarding the scheduling of Trick or Treat night. It was noted that this is scheduled in conjunction with surrounding communities in an effort to keep children in their hometowns for this event. *Robert Clayton motioned to approve the newsletter; seconded by Charles Philips. Motion approved with no dissenting votes.*

President Richards reported that with the resignation of Mr. Lerew from the East Berlin Area Joint Authority, a new board member is needed. October 21st is the deadline to submit an application to Borough Council. It was noted that an additional member would be needed in November. Mayor Hoffman reported that the Fire Company would be utilizing a fire hydrant in upcoming training exercises. In a review of an advertisement to provide meeting minutes and transcriptions, President Richards noted that scheduled daytime meetings are less expensive.

Correspondence:

- PennDOT's quarterly review
- Adams County Office of Aging request for donation in 2010
- PSAT's Parliamentary Procedure Workshop in Enola
- Consumer Protection Training offered by Representative Todd Platts for October 14th
- Hanover YMCA invitation to meeting
- Improving Municipal Operations Training for November 19th
- PSAB's Financing, Loans, and Grants Webinar for October 27th

The minutes of the meeting of the Borough Council were closed at 9:20 PM for an Executive Session on a personnel issue. Council came out of Executive Session at 9:33 PM.

Council President Richards proposed the submission of a letter to the State Legislature to oppose House Bill 1500, which imposes a fee for patrol services provided by the Pennsylvania State Police to municipalities with less than eighty (80) hours of coverage per week. The letter would be circulated to Council via email before being submitted.

Robert Clayton motioned to adjourn the meeting of the East Berlin Borough Council at 9:35 PM; seconded by Charles Philips. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council