

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

October 21, 2009

The second monthly meeting of the East Berlin Borough Council was held October 21, 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; David Woodward; and Doris Sabine

Members Absent: None

Also Present: Mayor Keith Hoffman; Solicitor Timothy Shultis; Secretary/Treasurer Darlene McArthur; Earl Bollinger; Frank Schuhart; Rose Hoffman; Wayne Kraut; Clara Eisenhart; Mary Earnst; Craig Schriver; Tim Stonesifer, Reporter for the Evening Sun; Bob Todd; Freda Lennon; Charles Krall; and Andy Raymond

Correction to the Minutes: The minutes of the meeting of October 6, 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 end of October totaling \$13,786.27. There was some discussion of services performed by East Berlin Excavating in leveling an access area to Kuhn's Woods. It was noted that there was considerable expenditure on curb painting this year and would likely not occur every year. *A motion was made by Charles Philips to pay the bills for the end of October; seconded by Doris Sabine. Motion carried with all voting in favor.*

Constituents Addressing Borough Council: Mary Earnst, a resident of Water Street, addressed Council on the issue of storm water runoff behind the Water Street properties presenting a poster board with photographs of the problem. It was stated that this issue was presented to Council in 2008 with no action resulting. Mrs. Earnst reported that the drainpipe is insufficient for the flow of water causing standing water conducive to mosquito activity as investigated by Adams County Conservation District. The area had been sprayed in the prevention of possible West Nile Virus concerns. Additional concerns were voiced of possible basement flooding. Mrs. Earnst questioned Council on several points including waste and debris being deposited into the creek, authorization of the insufficient pipe, and plans to address the situation.

Clara Eisenhart, a resident of Water Street, also addressed Council with concerns of the standing water noting that the East Berlin Joint Authority claims no responsibility for the problem. Robert Clayton concurred, stating that storm water issues are the responsibility of the Borough. President Richards reported that a letter to the Joint Authority has been drafted inquiring how this drainpipe will be affected in the plans of the construction of the new sewer facility and that preferably this pipe would be connected to the storm sewer. Mrs. Eisenhart noted that she had a costly plumbing problem that was due to sewer line issues and not the result of her plumbing. Robert Clayton reported that the Borough Engineer has reviewed the storm water issue and made recommendations. President Richards informed Mary Earnst that Council would address her questions in the form of a letter.

Mayor's Report: Mayor Hoffman reported that Trick or Treat in the Borough would be held Saturday, October 31, from 6:00 PM to 8:00 PM and volunteers should report to the Fire Hall at 5:30 PM.

Engineer's Report: Nothing to report.

Solicitor's Report: Solicitor Timothy Shultis reported that a Zoning Hearing Board meeting has been scheduled for 7:00 PM, October 27th, at the East Berlin Area Community Center to address Tucker

Industries' zoning issues. Robert Clayton noted concern of the insufficient size of the meeting room. President Richards reminded all that this is an issue of zoning and not pollution.

Committee Reports:

Finance: President Richards reviewed a year-to-date profit and loss 2008-2009 comparison statement with some discussion of notable differences. A quarterly profit and loss statement was also reviewed with explanations of some losses in revenue and differences in expenditures. It was noted that expenses are not shared with the Joint Authority in 2009 and that accounting expenses are higher due to the separation of the Joint Authority from the Borough including a \$1,000.00 fee paid by the Borough for the guarantee of the sewer facility loan. It was noted that the services of a less costly auditing firm would be advertised.

President Richards reported his attendance at the Earned Income Tax Meeting of October the 8th chaired by a County Commissioner. It was noted that by 2012, Adams County must have a single tax collector, bids for which are accepted by a "weighted" vote per each municipality based on population. The York Adams Tax Bureau currently collects this tax for East Berlin Borough. The Bureau reports a revenue loss of approximately one million dollars due to loss of interest income and proposes an offsetting collection fee of two percent (2%).

Streets/Public Safety: Janet Bollinger received a request for written confirmation of the Council's verbal permission to relocate the East Berlin Area Community Center's basketball court. A draft letter was presented for Council review. *Charles Philips motioned to approve the letter; seconded by Robert Clayton. Motion approved with no dissenting votes.* Mrs. Bollinger inquired if the East King Street sidewalks had been discussed with the Borough Engineer. President Richards replied that they had not and reported that the grading issue of a street near Rocco's Pizza had been discussed with the Engineer for review and recommendations.

Maintenance: Robert Clayton reported that the Borough's F250 truck is being serviced for winter operations and that the cinder spreader may need repairs of up to one thousand dollars (\$1,000.00). There was some discussion of the necessity of a utility truck. It was noted that the riser needed for the manhole cover on Walnut Street is on order, curb painting continues, and several projects are currently on hold. Mowing continues, Zoning Hearing Board signs have been posted, and a Park and Recreation sign has been brought to the garage for repairs and updates to statistics. Mr. Clayton proposed the service of permanent part-time maintenance assistant to facilitate projects, snow and ice removal, mowing, lifting drain covers, etc. *Robert Clayton motioned to approve the employment of a maintenance helper; seconded by Doris Sabine.* President Richards suggested further discussion of this action requesting a budgeted cost estimate from the Personnel Committee. *Robert Clayton and Doris Sabine withdrew motions with the issue on hold.* Mrs. Sabine stated she would have this information for the next meeting of Borough Council.

IT: Nothing to report.

Planning/Zoning: David Woodward reported his attendance at a meeting to discuss revisions to the Adams County Joint Comprehensive Plan. A questionnaire was made available for submission to the Borough Office by November 5th to be forwarded to Adams County.

Personnel: Doris Sabine stated that she would be meeting with Committee Members to discuss budget issues. It was noted that end-of-year employee reviews will be due and that the employment of a Code/Zoning Enforcement Officer is under consideration. Mrs. Sabine reported that she met with Mayor Hoffman to review employee salaries for budgeting expense and suggested that this be discussed in Executive Session following regular Council Session.

Park/Recreation: President Richards noted that the Community Park construction is under way.

Unfinished Business: President Richards reported that an increased offer in the amount of nine hundred fifty-eight dollars (\$958.00) was received from Grace Quality Used Cars for the purchase of the Borough's former police cruiser. President Richards noted that the passage of House Bill 1500 would require eighty (80) hours of coverage weekly causing a significant increase in cost for the Borough and proposed a letter be sent to the State Representative to oppose this Bill. After Council's review, it was decided to send the letter. It was noted that if Bill 1500 passes, the old police cruiser might be needed as backup. There was some discussion of a consortium with the Regional Police but it was stated that this arrangement would be unlikely. *Robert Clayton motioned to keep the former police cruiser as backup; seconded by Charles Phillips. Per roll call vote, Charles Phillips, Doris Sabine, David Woodward, Robert Clayton, and Janet Bollinger cast affirmative votes. Charles Eisenhart and David Richards cast negative votes. Motion approved to keep the former police cruiser.*

In the matter of the Board Member appointment to the East Berlin Area Joint Authority to fill the remaining term of John Lerew to begin November 1st, it was noted that there will be an additional opening January 1, 2010. Applicants not selected at tonight's Council meeting would be considered for the latter opening. In the decision to utilize ballot votes, Charles Eisenhart voiced objections to the anonymity of the votes. Solicitor Shultis suggested that each Council Member sign his name on the submitted ballot. President Richards stated that applications were received from Charles Krall, Philip Keener, Robert Clayton, James LeVan, and Rose Hoffman. In addressing Council, Charles Krall stated that he would welcome the opportunity to serve the Borough. Robert Clayton noted his familiarity with the Joint Authority. Rose Hoffman commented on her current membership on the Planning Commission, her long-time residency in the Borough, and her participation in many East Berlin functions. Ballot votes were submitted to Mayor Hoffman and reported as two (2) votes cast for Charles Krall and five (5) votes cast for Robert Clayton. *Doris Sabine motioned to confirm the appointment by ballot vote; seconded by Janet Bollinger. Motion approved by majority vote of Council to appoint Robert Clayton to the Board of the East Berlin Area Joint Authority.*

President Richards noted that the appointment of five (5) Park and Recreation Board Members would be required by January 2010 and would be posted on the town announcement board. Doris Sabine inquired of the status of the Zoning Hearing Board's decision regarding sign issues at Hog Wild Barbeque. President Richards replied that this is currently in the forty-five (45) day process of review and notification.

New Business: There was some additional discussion of the letter to be sent to the Joint Authority concerning the drainpipe behind Water Street. *David Woodward motioned to approve the letter; seconded by Robert Clayton. Motion approved with all voting in favor.* President Richards stated that copies of the letter would be given to residents Mary Earnst and Clara Eisenhart.

Andy Raymond reported on the car show to be held Saturday, October 24th, to raise awareness during Fire Prevention month noting a fund raising goal of one thousand dollars (\$1,000.00). It was noted that Sunday, October 25th would be the rain date. Mr. Raymond commented on the effective ad placed in the Merchandiser and Robert Clayton suggested contacting FOX 43 for additional coverage.

President David Richards presented a draft of the consolidated budget for Council review including a proposed real estate tax increase from 4 mills to 5 mills for 2010. There was review of a decrease in revenues in 2009 and a detailed review of expenditures. It was noted that Park and Recreation accounts would be broken out to properly track income and expense. Other accounts have added to provide further details in some areas. President Richards asked Council to carefully review this draft version for discussion at the next Council meeting noting that personnel figures are needed.

Doris Sabine reported that a "Meet the Candidates" event is scheduled for October 30, 2009, at The East Berlin Area Community Center sponsored by the group Our Town, East Berlin.

Correspondence:

- Adams County Water Resources Advisory Committee letter of financial structure
- Adams County Workshop Planning for Better Times October 28, 2009, in Gettysburg
- Advertisement from Hanover Land Services for Engineering Services

President Richards made a reminder of the Council of Governments meeting for October 22nd, York Adams Tax Bureau next Monday, and the Zoning Board Hearing scheduled for Tuesday, October 27, 2009.

The minutes of the meeting of the Borough Council were closed at 9:00 PM for an Executive Session to discuss employee salaries and other budget issues. Council came out of Executive Session at 9:40 PM.

After a short discussion, a motion was made by Robert Clayton to freeze employee compensation at current levels for 2010, hire a part-time worker not to exceed an average of twenty (20) hours per week at a proposed wage of ten dollars (\$10.00) per hour, and add a part-time patrol officer to the budget at an estimated cost of thirty-four thousand dollars (\$34,000.00). The motion was seconded by Charles Philips and passed with all in favor.

Robert Clayton motioned to adjourn the meeting of the East Berlin Borough Council at 9:55 PM; seconded by David Woodward. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council