

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

November 3, 2009

The first monthly meeting of the East Berlin Borough Council was held November 3, 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: Solicitor Timothy Shultis; Secretary/Treasurer Darlene McArthur; Earl Bollinger; Frank Chronister, Jr.; Patrick Fazzini; Jan Hoffman; and John Schlaline

Correction to the Minutes: The minutes of the meeting of October 21, 2009 were reviewed. *A motion to approve the minutes was made by Janet Bollinger; seconded by Charles Philips. Motion approved with all in favor.*

Payment of Bills: President Richards reviewed a summary of bills for the beginning of November totaling \$2,554.98, the fourth quarter refuse payment to York Waste Disposal in the amount of \$27,900.71, and the Act 537 loan payment in the amount of \$456.50. *A motion was made by Charles Philips to pay the bills for the end of October; seconded by Robert Clayton. Motion carried with all voting in favor.*

Constituents Addressing Borough Council: Jan Hoffman of 412 West King Street stressed the importance of filling out and submitting the questionnaire for the Adams County Comprehensive Plan distributed at the recent meeting held at New Oxford High School. It was reported that twenty-five to thirty (25 -30) people representing six (6) municipalities were in attendance. Blank copies would be available at the Borough Office to be submitted to Adams County November 6, 2009. There was some discussion of the existence of a rail bed in East Berlin. Jan Hoffman noted that a group walk of the rail bed is scheduled for November 29th at 1:00 PM. President David Richards inquired if the proposed rezoning in Hamilton Township had been discussed at the meeting of the Adams County Comprehensive Plan. Ms. Hoffman replied that it had not, but there was a review of the findings of traffic studies in Adams County.

Mayor's Report: Mayor Hoffman was absent from this evening's meeting. The police report for October was distributed to Council Members for review.

Fire Chief's Report: Fire Chief Frank Chronister reviewed nineteen (19) fire calls and fifty-eight (58) ambulance responses for the month of October. Regarding the multi-township cost sharing of workmen's compensation insurance for emergency responders, President Richards inquired for what length of time records of emergency calls are kept on file. It was suggested that these costs should be based on number of calls rather than population. Mr. Chronister stated that these records could be provided for at least the previous two years.

Engineer's Report: President Richards noted that the Borough Engineer is reviewing the drainage issue near Rocco's Pizza. There was some discussion of the swale and drain problem due to the insufficient size of the pipe running beneath the Borough building. A letter addressing this issue has been sent to the East Berlin Area Joint Authority with no reply yet received.

Solicitor's Report: Solicitor Timothy Shultis reported that a Zoning Hearing Board meeting has been scheduled for 7:00 PM, November 17, 2009 to review a sign variance requested by Tucker Industries. As the

Borough will be represented at this hearing, Solicitor Shultis requested a brief Executive Session following this evening's meeting to discuss the Borough's side of the case.

Committee Reports:

Finance: President Richards noted that the proposed increase to the real estate tax mills in the Borough of East Berlin requires that an ordinance be drafted and may not be adopted by resolution. There was some discussion of whether the explanation of this action should be contained in the ordinance or stated in Council Meeting minutes. Doris Sabine suggested that a letter be sent to the residents to clarify the circumstances of the proposed increase. Council discussed the decrease in revenue and increasing expenses affecting the operation of the Borough. Mrs. Sabine inquired if the Park and Recreation Board had submitted estimated maintenance cost for the new Community Park. President Richards replied that they had not. *Doris Sabine motioned that the letter of explanation be mailed to the residents; seconded by Janet Bollinger. Per roll call, President Richards, Charles Philips, Robert Clayton, Janet Bollinger, and Doris Sabine cast affirmative votes. Charles Eisenhart voted not to send the letter referencing the incurred expense and ineffectiveness of bulk mailing. Motion passed with one dissenting vote.*

President Richards presented the proposed 2010 consolidated budget for Council review in both old and new formats. There was additional discussion of declining revenues for the Borough. President Richards noted that the York Adams Tax Bureau would be imposing a two percent (2%) collection fee to cover their loss of revenue. Cable Television franchise payments are also reportedly declining and will continue to decline. President Richard noted that the contract with Comcast Cable is currently up for renewal requiring signature. *Robert Clayton motioned to sign the contract; seconded by Doris Sabine. Motion approved with all in favor.*

Additional discussion of budget items included a decrease in the Liquid Fuels allocation, an expected decrease in auditing expense, an increase in refuse income with the new billing amount, and an increase in contracted refuse expense. Other items reviewed were the cost of additional police patrol, additional maintenance help, and the uncertainty of the cost of electricity. President Richards noted that with the inclusion of services donated "in kind," the budgeted amount for contributions exceeded the allowable amount of eight tenths of one percent of the total budget per Borough policy. These services include electricity for the Lion's Club holiday lighting, mowing of Union Cemetery, and services to the Historical Preservation Society for Colonial Day. It was suggested that the donation to the East Berlin Baseball for Youth be dropped from the budget. Solicitor Shultis inquired if the Borough policy on contributions reflected "in kind" services. President Richards stated that it does not and the budgeted contribution items would likely remain.

In a discussion of construction costs for the new Community Park, President Richards noted that the subcommittee boards (Park and Recreation, Zoning Hearing Board, and Planning Commission) should have controlling ordinances in place. Also noted, at least five (5) appointees are currently needed for the Park and Recreation Board. *Robert Clayton motioned to advertise the proposed 2010 budget; seconded by Charles Philips. The motion was approved with no dissenting votes.*

Streets/Public Safety: Janet Bollinger suggested that the proposed sidewalks and curbing on East King Street be discussed with the Borough Engineer. President Richards stated that the Borough Engineer should meet with the Joint Authority for existing diagrams of this area.

Maintenance: Robert Clayton reported on various maintenance issues including the in-house servicing of the riding mower and the inspection due on both the former police cruiser and the F750 truck. It was noted that Robert Meminger participated in a PennDOT webinar which provided software for a traffic sign inventory through the LTAP website. Mr. Clayton noted that Swam

Electric would be forwarding a documented explanation of charges for repairing the damaged loop sensor of the traffic signal. The Borough is attempting to recover these charges from work done for Columbia Gas by Stewart and Tate in March of 2009 that caused damage in the amount of \$3,590.71. Applications are being received for the advertised position of part-time maintenance laborer. Alpha Space Control has completed the crosswalk painting in the Borough. Mr. Clayton suggested that Council consider the purchase of signpost cutting tools to more efficiently maintain traffic signs.

IT: Nothing to report.

Planning/Zoning: John Schlaline reported that the Planning Commission Members have drafted By Laws and submitted them to Solicitor Shultis for review. If approved by Solicitor Shultis, the By Laws will be forwarded to Borough Council for review. President Richards inquired if Council would adopt the By Laws as a policy. Mr. Schlaline responded that the By Laws should be a policy.

Personnel: Doris Sabine reported that the Personnel Committee would meet November 9th at 1:00 PM to review applications and also to review salaries, benefits, etc., of the existing employees.

Park/Recreation: Nothing to report.

Unfinished Business: Doris Sabine inquired if Mayor Hoffman had provided the requested documentation authorizing his permission to Tucker Industries to display the oversized banner. President Richards responded that no documentation was received.

New Business: President Richards proposed the use of a mail rack in the Planning and Zoning Office to properly distribute documents and better organize the office for the members of the Zoning Hearing Board and the Planning Commission.

Correspondence:

- Resignation of Mr. John Lerew from the Board of the East Berlin Area Joint Authority
- A letter from Mr. Kenneth Young regarding tree cutting by the Joint Authority
- Request to Mr. William Weaver for a transcript or recording of the DEP Hearing of 8/27/2009
- Advertised request for proposal from accounting firms
- Training opportunities for newly elected officials
- PA State Association of Borough proposed regulations for outdoor wood-fueled burners
- PSATS training offered – Improving Municipal Operations
- PSATS training offered – Volunteers in Public Service
- Adams County request for any existing Home Owners Associations in East Berlin

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 9:05 PM for an Executive Session to discuss the upcoming Zoning Hearing. Council came out of Executive Session at 9:35 PM with no further items discussed.

Charles Philips motioned to adjourn the meeting of the East Berlin Borough Council at 9:36 PM; seconded by Robert Clayton. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council