

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

November 18, 2009

The second monthly meeting of the East Berlin Borough Council was held November 18, 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; Patrick Fazzini; John Schlaline; Frank Schuhart; Curvin Dennis; Rose Hoffman; Craig Schriver; Mary Earnst; Rick Cashman; Freda Lennon; Tim Stonesifer, Reporter for the Evening Sun; Phil Keener; Gretchen C. Davis; Jim Davis; and Andrew Raymond

Correction to the Minutes: The minutes of the meeting of November 3, 2009 were reviewed. *A motion to approve the minutes was made by Charles Philips; seconded by Robert Clayton. Motion approved with all in favor.*

Payment of Bills: President Richards reviewed a summary of bills for the end of November totaling \$20,112.66, commenting on the conscientious actions of a vehicle operator to reimburse the Borough for damage done to a stop sign. *A motion was made by Robert Clayton to pay the bills for the end of November; seconded by Charles Philips. Motion carried with all voting in favor.*

Mayor's Report: Mayor Keith Hoffman stated that he had nothing to report. President Richards commented that he was approached by a citizen complaining of low-hanging tree branches in the public right of way. President Richards requested copies of the notification of violation letters reportedly issued by the Mayor. Mayor Hoffman responded that he would fax them to the Borough Office. President Richards noted that the same citizen complained of trash being set out too early for pick up per Borough Ordinance and the citizen would like to see fines imposed. President Richards noted that there is no efficient method of enforcement. It was suggested that Officer Grim take note of those residents who repeatedly violate this regulation and implement penalties as stated in Chapter 37 of the Borough Code.

Engineer's Report: President Richards reported several topics of discussion with Borough Engineer Craig Zack including the drainage issue near Rocco's Pizza. Mr. Zack advised that the curbing and sidewalk in this area is too low and recommends that Rocco's install new curbing and sidewalk. In addition, the milling of the road should be done to prevent improper drainage. Regarding the storm sewer that runs beneath the Borough building, damage was done to the pipe during excavation of the new sewage facility but repaired. President Richards stated that the Borough and Joint Authority Engineers would determine how best to address this issue to avoid standing water conducive to mosquito infestation. It was also reported that a delay in the firehouse warning sign project is due to PennDOT's refusal to accept GPS to locate the sign, requesting that surveying work be done.

Solicitor's Report: Solicitor Timothy Shultis stated that there are three items to be discussed in Executive Session following this evening's meeting. Doris Sabine requested that the Solicitor explain the meaning of an Executive Session for the benefit of all those in attendance. Solicitor Shultis explained that certain privileged items require Council's discussion in private with the Solicitor.

Committee Reports:

Finance: President Richards presented an October financial comparison report, noting that profit and loss figures appeared better than expected partly due to the late receipt of the quarterly refuse billing from York Waste Disposal in November. Comments were made on areas of decreasing revenue. President Richards stated that changes would be made to the proposed 2010 budget to reflect November activity.

Streets/Public Safety: Janet Bollinger inquired if comments were received from the Borough Engineer regarding the East King Street curbs and sidewalks. President Richards replied that Engineer Craig Zack stated that these curbs and sidewalks would likely be installed by PennDOT due to the level of the road increased by as much as seven feet (7'). Mrs. Bollinger inquired of the sidewalks to be installed in the area of the mill. President Richards stated he would discuss with Mr. Zack the option to have this done at the same time.

Maintenance: Robert Clayton reported that a seismic survey was performed of the Borough Hall building in preparation for the upcoming blasting for the new sewage facility. Robert Meminger attended the Adams County Council of Governments Roadmaster's Training reporting good communications between the municipalities. Stewart and Amos are checking the street sweeper, reported to be in good condition. Mowing and curb painting are finished for the year. A plan for winter snow removal is in process. The old police cruiser and the F750 are due for inspection. Information is being collected on the purchase of spray painting equipment for crosswalks.

Mr. Clayton reported that three (3) types of paint were used in the curb painting process this year in order to determine the most effective paint for future needs. Per Robert Meminger's report, the total cost of curb painting in 2009 was one thousand one hundred ninety-nine dollars (\$1,199.00) including materials and one hundred eighty-seven (187) hours of labor. President Richards commented that Mr. Meminger does an excellent job of record keeping. Mr. Clayton concurred.

IT: Nothing to report.

Planning/Zoning: President Richards reviewed three (3) recommendations received from the East Berlin Planning Commission. The first, regarding the installation of curbs and sidewalks by PennDOT in conjunction with bridgework, was previously discussed. The second recommendation refers to the regulation of wind and solar powered generators within the Borough. It was noted that Adams County reports that wind power is not sustainable in this region and Council is currently exploring the regulation of solar powered generators. The third recommendation involves the regulation of cellular communication facilities. Planning Commission Chairman John Schlaline noted that these recommendations are made in an effort to keep the Borough's Ordinances up to date with the latest technologies. Solicitor Shultis commented that these are zoning issues.

In a review of By Laws submitted by the Planning Commission, President Richards questioned the two (2) year member term limit. Mr. Schlaline explained that this section purports to keep a "fresh" membership by periodically offering vacant positions, but membership is covered in the event of no interest in filling these positions. President Richards stated that the By Laws would be discussed further at the next meeting of Council. It was also noted that there is currently insufficient financial control of the Zoning, Planning, and Park and Recreation Boards, and that this must be addressed by ordinance.

Personnel: Committee Chairman Doris Sabine reported that she was unable to attend the recent interviews for the part time maintenance position. Committee Member Charles Philips reported that the top three (3) of twenty-eight (23) applicants were interviewed; all were very capable. *Charles*

Philips motioned that Donald Myers be employed as a part time maintenance laborer; seconded by Robert Clayton. Motion approved with no dissenting votes.

Park/Recreation: Phil Keener reported that biweekly meetings are being held at the site of the new Community Park. The skate park surface is completed and the pavilion has been delivered. Some change orders were received as a decrease in cost. The Park and Recreation Board wishes to solicit for additional donations in the form of a bulk-mailing letter in conjunction with Schlaline Printing. It was noted that the cement is not cured on the skate park and will likely be available for the Thanksgiving Holiday weekend. There is no skate park equipment at this time. The Park and Recreation Board will review new member applications and make recommendations to Council. Robert Clayton inquired if a maintenance or operational schedule exists for the park. Mr. Keener replied that this has not yet been established dependant on the Borough's mowing capabilities for the park area. Mr. Clayton inquired if there would be supervision of the skate park. Mr. Keener stated that supervision is not intended and the skate park would be locked during off hours. Opening and closing of the skate park would be handled by Mr. Gerald Mummert and Mr. Keener for now, with Officer Grim also in possession of a key. Doris Sabine inquired if there would be any partnership with the East Berlin Area Community Center. Mr. Keener stated that a communication exists in this regard.

Constituents Addressing Borough Council: Jim Davis addressed Council regarding a letter received referencing a proposed real estate tax increase from four (4) to five (5) mills in the Borough. Mr. Davis asked Council to consider three (3) factors currently facing the residents: the upcoming increase in sewer and water rates, the real estate reassessment by Adams County, and the removal of caps on utility rates. Mr. Davis stated that he appreciates the fact of lost revenues for the Borough but advises a reduction in expenses, such as the Community Park and additional employee maintenance.

President David Richards responded that the Borough is also facing an increase in the utility cost to operate streetlights, cannot control the cost increase of sewer and water, and that the property reassessment may actually decrease values and real estate tax revenues. Regarding the suggested reduction in Borough expenses, some projections of the current proposed budget are uncertain. Many municipalities are struggling and are increasing some form of tax to compensate. President Richards also stated that an increase of one (1) mill of property tax would result in a modest average increase of fifty to seventy dollars (\$50.00 - \$70.00) per property owner per year.

Mr. Davis commented that he was unaware of the dollar amount of the proposed increase, but fears that his reassessed property value has increased. Mr. Davis stated that he appreciated the explanation but asked that Council appreciate his concerns as well. Phil Keener commented that the maintenance cost of the park would be kept to a minimum anticipating a volunteer effort.

Unfinished Business: President Richards stated that the ordinance to increase property tax must be advertised and there would opportunity for residents to make comments at two (2) more Council meetings prior to adoption. Solicitor Shultis recommends the addition of repealer and severability language to the ordinance, but Council may approve for advertising. President Richards noted that two (2) versions of the proposed budget would be available for adoption at the December 22nd Council meeting dependant on the adoption of the tax increase ordinance. *Robert Clayton motioned to advertise the proposed property tax increase ordinance; seconded by President David Richards. Motion approved with all in favor.*

President Richards reviewed bids received for Borough auditing and accounting service. Bids were received for municipal auditing service in order of highest to lowest from the accounting firms of Stambaugh Ness, Smith Elliott Kearns, Zelenkofske Axelrod, and Rotz and Stonesifer. *Robert Clayton motioned to accept the*

proposal of Rotz and Stonesifer dependant on a reasonably acceptable hourly rate for additional accounting services; seconded by Doris Sabine. Motion approved with one (1) dissenting vote.

Doris Sabine again asked Mayor Hoffman if he received documented authorization from the Mayor's Association of his authority to permit the oversized banner at Tucker Industries. Mayor Hoffman responded that he would follow up. President Richards reviewed a model ordinance from the Department of Environmental Protection regarding outdoor wood fired boilers, which recommends placement one hundred fifty feet (150') from the property line. It was noted that this is not possible with East Berlin Borough properties. This will be discussed further at the next Council meeting.

New Business: President Richards reported that newly elected officials training is available at a cost of one hundred fifty dollars (\$150.00) per attendee and proposed this be offered to Council Member Incumbents Andrew Raymond and Richard Cashman. *Robert Clayton motioned to approve the training cost; seconded by Charles Philips. Motion approved with all in favor.*

Correspondence:

- Adams County Economic Development Corporation letter regarding the accomplishments Tucker Industries
- A reply to be sent Adams County Economic Development Corporation to be reviewed in Executive Session
- J.P. Harris request for consideration as tax collection agency for Adams County per Act 32
- Hanover Land Services advertisement to provide professional services
- Hanover YMCA newsletter
- 2008 Pennsylvania Municipal Retirement System financial report
- PLIGIT – Investment recommendations

Andrew Raymond reported on his attendance at a training session conducted by Mary Bowers, Adams County Emergency Services Director.

The minutes of the meeting of the Borough Council were closed at 9:10 PM for an Executive Session to discuss three (3) matters of client-privileged advice per Solicitor Shultis. Solicitor Shultis requested that those not included in the Executive Session not remain in the hallway during session.

Council came out of Executive Session at 9:30 PM. *A motion was made by Robert Clayton to have the Solicitor file a municipal notice of collection against a resident with a significant level of unpaid refuse charges; seconded by Charles Philips. The motion passed with no opposition.*

Solicitor Shultis was given authority to contact Senior Zoning Office Robert Thaeler to examine the Borough's Zoning Ordinance with regard to any needed changes.

A draft ordinance proposed and provided by Our Town East Berlin on Air Quality Monitoring and Disclosure Requirements was distributed to Council Members.

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