

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

December 16, 2009

The second monthly meeting of the East Berlin Borough Council was held December 16, 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; Frank Schuhart; Mary Earnst; Tim Stonesifer, Reporter for the Evening Sun; Earl Bollinger; Patrick Fazzini; Charles Krall; Rick Cashman; Jan Hoffman; and Andrew Raymond

Correction to the Minutes: The minutes of the meeting of December 1, 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 December totaling \$12,047.48. There was some discussion of the petty cash balance sheet. *A motion was made by Robert Clayton to pay the bills for the end of December; seconded by Charles Philips. Motion carried with all voting in favor.*

Constituents Addressing Borough Council: No constituents addressed Council.

Mayor's Report: Nothing to report.

Engineer's Report: President Richards reported on comments by Borough Engineer Craig Zack suggesting the need for an agreement with the sewer engineer for trench work necessary to connect a storm drain to the sewer line at Water Street. There was some discussion of options regarding the garage drains in the Borough building, including disabling the drains per the requirements of the Department of Environmental Protection.

Solicitor's Report: Solicitor Timothy Shultis reported that an Executive Session was held December 14, 2009, with representatives of Tucker Industries to discuss ongoing zoning issues. There was also some discussion of a request from Park and Recreation Board Chairman Phil Keener regarding posted rules at the skateboard area of the Community Park, including the requirement of helmets. Current rules posted state "Skate at Your Own Risk." Solicitor Shultis recommends that this be discussed with the Borough's insurance carrier as a liability issue. *Charles Philips motioned that Solicitor Shultis contact the Borough's insurance agent; seconded by Robert Clayton. Motion approved with no dissenting votes.*

Solicitor Shultis announced that the special meeting to be held December 22, 2009, and the proposed ordinance to increase property tax mills were advertised in the local newspaper. An Executive Session following this evening's regular Council Meeting was requested to discuss a response to a letter received from Attorney Harold Eastman concerning storm drainage issues on the property of Kenneth and Patricia Young.

Committee Reports:

Finance: President Richards reviewed a year-to-date profit and loss report mentioning the increase in auditing expenses resulting from the separation of the Borough and the Joint Authority. Also noted was a forty thousand dollar (\$40,000.00) loss in revenue in 2009 versus 2008. There was some discussion of the proposed 2010 proposed budget.

Streets/Public Safety: Janet Bollinger commented on the effective antiskid treatment to the Borough streets following recent inclement weather. President Richards reported that fourteen (14) letters have been sent to residents of the Crestview area regarding low hanging tree limbs impeding the operation of Borough maintenance vehicles and sign visibility.

Maintenance: Robert Clayton reported on the recent inspection of the backup police cruiser at a cost of three hundred thirty-seven dollars (\$337.00). This vehicle is currently utilized for borough business while the F250 is equipped for snow removal. The manhole cover riser was installed on Walnut Street as required by a recent paving project. Mr. Clayton conveyed communications between Robert Meminger and Borough resident Thomas Iozza of 229 East King Street concerning storm water issues possibly resulting from the blockage of a storm drain near his property in the ongoing bridge project on Route 234. Mr. Meminger advised Mr. Iozza to contact the bridge project engineer in an effort to avoid future drainage issues. President Richards stated that the Borough is not involved in this PennDOT project. It was also noted that the road surface in the area of the storm drain would be raised approximately four feet (4') resulting in the abandonment of this storm drain.

IT: Robert Clayton reported that the Borough's sound system would not be available for the Zoning Board Hearing of January 26, 2010, at the East Berlin Area Community Center.

Planning/Zoning: President Richards stated that the Planning Commission has approved By Laws, and that a letter was requested from Council regarding the recently submitted recommendations of the Planning Commission as a matter of record. It was noted that meetings of the Planning Commission for 2010 will be advertised as being held on the fourth (4th) Thursday of each month, with the starting time changing from 7:30 PM to 7:00 PM.

Personnel: President Richards recommended that the Personnel Policy be reviewed and updated as needed. It was noted that Secretary/Treasurer Darlene McArthur will be attending a Webinar on the topic of personnel policies on January 19, 2010, and may have additional input at that time.

Park/Recreation: President Richards stated that he would be contacting Board Chairman Phil Keener on the subjects of needed Board Member appointments and a meeting schedule for 2010.

Unfinished Business: President Richards reminded all that a special meeting of Council open to the public is scheduled for Tuesday, December 22nd at Borough Hall to discuss the proposed property tax increase and budget matters. There was a review of an accepted agreement between the Borough and Liberty Fire Company with one minor change. Also discussed was an agreement with Washington Township for the municipal sharing of workmen's compensation insurance cost, noting that agreements are also needed with Paradise and Hamilton Townships. President Richards stated that the results of the 2010 Census would likely change the population basis of these inter-municipal agreements.

New Business: The reappointment of Zoning Hearing Board Member Kathy Kuhn was presented to Council, noting appreciation for her willingness to serve in this position for another term. *Charles Philips motioned to reappoint Kathy Kuhn to the Zoning Hearing Board; seconded by Janet Bollinger. Motion approved with all in favor.* The expiring term of Joint Authority Board Member Gregory Green was presented to Council. Applicants for this position are Rose Hoffman, Charles Krall, Gregory Green, John LeVan, and Charles Philips. Council Member Charles Eisenhart suggested that with two members of Council currently sitting on the Board of the Joint Authority, no additional members of Council be considered for the position. *Per ballot vote tallied by Mayor Hoffman, ~~four (4)~~ five (5) votes were cast for Charles Philips, one (1) vote was cast for Gregory Green, and one (1) vote was cast for Charles Krall. Charles Philips is appointed to the Board of the East Berlin Area Joint Authority by majority vote.*

President Richards presented a newly revised Chapter 31 of the Borough Code (Excavation of Streets) for Council review. Solicitor Shultis recommended some additional changes in the language of bond requirements. After some discussion, President Richards suggested that if the language is agreed, the ordinance should be advertised. *Robert Clayton motioned to advertise the revised ordinance; seconded by Charles Philips. Motion approved with all in favor.* It was noted that the Reorganization Meeting and the regular Council Meeting are scheduled for January 4, 2010. There was some discussion of the 2010 meeting schedule. President Richards reported that a request was received from a representative of the United States Census Bureau for use of an office in the Borough building to answer questions and concerns of area residents regarding the upcoming 2010 census. Council agreed to offer this meeting space.

President Richards reported that the Act 537 Loan would mature January 14, 2010, and would be due in full in the amount of thirty-seven thousand five hundred dollars (\$37,500.00). An extension will be requested from the bank. It was noted that the past activities of this account are undocumented and this information would be requested from the bank. President Richards reported that the previous Council made customary monthly payment of this loan by drawing against the loan, increasing rather than decreasing the balance of the loan. This practice is evident in past Borough Council Meeting minutes.

Correspondence:

- Letter of response from the Department of Environmental Protection regarding Tucker Industries
- Email from Smart Growth Coalition
- Letter from the Anti-Defamation League regarding comments made by Robert Clayton

Andrew Raymond again requested that Council sign the required emergency preparedness documents for Adams County. President Richards noted that this action would be accomplished by Resolution.

The minutes were closed at 8:35 PM for Executive Session. Council came out of Executive Session at 9:17 PM. It was reported that a decision was made to forward the compensation claim of Ken and Patricia Young for storm water damage to the Borough's insurance carrier. It was noted that the deductible on this policy is five thousand dollars (\$5,000.00).

Robert Clayton motioned to adjourn the meeting of the East Berlin Borough Council at 9:18 PM; seconded by Charles Philips. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council