

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

Special Meeting of December 22, 2009

A special meeting of the East Berlin Borough Council was held December 22, 2009 at the East Berlin Borough Hall. The meeting was opened with the Pledge of Allegiance at 7:00 PM.

Council President David Richards announced that tonight's special meeting is being held for the purpose of review and adoption of Ordinance 2009-4, increasing the real property tax millage rate from four (4) mills to five (5) mills, and the 2010 Borough Operating Budget.

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; Ronald L. Myers; Herb Walter; Ralph Myers; Jacque Hoffman; Larry Fissel; Tim Stonesifer, Reporter for the Evening Sun; Earl Bollinger; Patrick Fazzini; Jan Hoffman; and Andrew Raymond

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

Constituents Addressing Borough Council: Jacque Hoffman, a seventy-four (74) year resident of the Borough, addressed Council. Mr. Hoffman stated that he served on Borough Council for thirty-six (36) years, thirty-two (32) of these years in the position of Council President. Mr. Hoffman confronted Council concerning the actions of the two (2) previous years, alleging incompetence and the influence of personal vendettas. Referencing zoning enforcement costs of thirty-six thousand dollars (\$36,000.00) incurred from November 11, 2009 to December 16, 2009, Mr. Hoffman stated that the Borough could not afford this expense. Mr. Hoffman also objected to the recent replacement of Joint Authority Board Members John Lerew (resigned) and Gregery Green (term expired) with Borough Council Members Robert Clayton and Charles Philips, emphasizing the qualifications of the former board members. Mr. Hoffman suggested that four (4) Council Members slated for re-election in 2012 should resign immediately.

President Richards, in responding to the allegation of incompetence, reported on the many issues faced by the current Council requiring corrective action. Some examples cited include financial controls, accounting errors, disorganized files, and lack of documentation of Act 537 activity. Poor physical conditions include the pump house, emergency generator, shut off valves, hydrants not flushed, and accumulated junk near the buildings. Also noted was lack of ordinance enforcement including construction of the Tucker Industries plant and the operation of Hogwild Barbeque.

Regarding the allegation of personal vendettas, President Richards suggested that Mr. Hoffman read the exchange of letters with the Joint Authority in a failed attempt to come to an agreement. Robert Clayton inquired of Mr. Hoffman as to his knowledge of his qualifications, noting that he has a bachelor's degree in engineering from Harvard University. Mr. Clayton also noted Mr. Hoffman's lack of attendance at Council meetings. Janet Bollinger stated that the negligence of the previous Council has left the burden of an insufficient sewer system and noted the Joint Authority's petty criticisms of the performance of Borough maintenance.

New Business: President Richards reported on the Act 537 loan maturity with a balloon payment of approximately thirty-eight thousand dollars (\$38,000.00) due on January 14, 2010, noting that this amount may be paid in full or rolled over to a fixed loan incurring no additional debt. Solicitor Shultis stated that this action would require a loan modification agreement and may require compliance with the Local Government Unit Debt Act. President Richards stated that this topic would be deferred to the first Council meeting in January. Jan Hoffman inquired as to the source of this debt. President Richards explained that this debt was acquired in the development of the new sewer plant.

President Richards reported that the cap on Met Ed electricity costs is in place until 2011; there will be no increase this year. Also discussed was House Bill 747, a more favorable alternative to House Bill 1500 requiring additional police coverage. House Bill 747 affects only municipalities with populations over ten thousand (10,000). President Richards discussed Chapter 34 of the Borough Ordinance (Building Code) and its relation to Chapter 46 regarding the requirements of landlords, noting that a review of the enforcement of occupancy inspection is needed.

Unfinished Business: Ordinance 2009-4, increasing property tax from four (4) mills to five (5) mills, was considered for adoption. President Richards noted that even at five (5) mills, East Berlin Borough property tax is below average for boroughs in Adams County. Doris Sabine inquired how the property reassessment would affect the taxes; President Richards responded that there would be no affect until 2011 and further review of the property tax may be needed when valuations are known. President Richards explained the loss of revenue for the Borough including real estate transfer tax income of forty thousand dollars (\$40,000.00) in 2008 versus ten thousand dollars (\$10,000.00) in 2009, noting that the increase in mills will not fully cover the decrease in revenue. *Robert Clayton motioned to adopt Ordinance 2009-4; seconded by David Richards. Per roll call vote, Doris Sabine and Charles Phillips cast dissenting votes; David Richards, Robert Clayton, David Woodward, Charles Eisenhart, and Janet Bollinger cast affirmative votes. Ordinance 2009-4 is adopted with a five (5) to two (2) majority.*

The 2010 budget was reviewed for adoption, noting an estimated deficit of thirty-six thousand dollars (\$36,000.00). *Robert Clayton motioned to adopt the 2010 budget; seconded by David Richards. Per roll call vote, all Council Members voted to approve the 2010 budget with no dissenting votes.* After some discussion of the advertisement of the budget, Charles Eisenhart suggested to advertise as one total revenue figure and one total expense figure. *Robert Clayton motioned to approve the abbreviated version of the advertisement; seconded by Doris Sabine. Motion approved with all in favor.*

President Richards discussed the possible replacement of the cinder spreader at a cost of approximately six thousand five hundred dollars (\$6,500.00) per a state contract price from Elmer's Garage, noting that the replacement of the broken chain on the current spreader would cost eight hundred dollars (\$800.00) and the new spreader would have fiberglass parts. The purchase would be made with liquid fuels funds as part of road maintenance. *Robert Clayton motioned to purchase the new spreader; seconded by Janet Bollinger. Motion approved with no dissenting votes.*

There was a review of a questionnaire regarding required insurance for the community skate park to be addressed at the first Council meeting in January. It was noted that Council and Board meetings would be advertised. A letter stating the reappointment of Kathy Kuhn to the Zoning Hearing Board was reviewed. President Richards noted that Council Members should contact the Pennsylvania Association of Boroughs if interested in serving in the position of vice-president for PSAB. As the last Council meeting for Council Members Janet Bollinger and Doris Sabine, President Richards thanked them for their dedicated service. President Richards reminded all that the next scheduled meeting of Council is January 4, 2010, to include reorganization and regular Council session.

Andrew Raymond requested a Resolution regarding emergency operations plans. President Richards stated that this would be provided for review at the next Council meeting. Mr. Raymond also stated that better communications are needed for snow emergency procedures and commented on the dedication of Robert Meminger and Donald Myers in snow and ice removal.

The minutes were closed at 8:37 PM for Executive Session. Council came out of Executive Session at 9:20 PM. *A motion was made by Robert Clayton to send a letter to Tucker Industries regarding a proposed agreement on certain issues; seconded by Charles Eisenhart. Per roll call vote, David Richards and Charles Eisenhart approved the motion with dissenting votes cast by David Woodward, Doris Sabine, Charles Philips, Janet Bollinger, and Robert Clayton. The motion failed to pass with five (5) to two (2) negative votes.*

Jan Hoffman, Chairperson of the Zoning Commission, noted recognition and gratitude to Karen Wire and the staff of the Community Center for their aid and cooperation in allowing Zoning Hearings to be held at the Community Center. It was suggested that a contribution be made for use of the building. It was noted that current usage fees at the Community Center would be examined in determining this contribution.

Robert Clayton motioned to adjourn the meeting of the East Berlin Borough Council at 9:25 PM; seconded by Charles Philips. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council