

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

January 4, 2010

Reorganization Meeting and Regular Council Session

The first monthly meeting of the East Berlin Borough Council was held January 4, 2010 at the East Berlin Borough Hall. The meeting was opened with the Pledge of Allegiance at 7:00 PM.

District Justice John Zepp, III swore in Mayor Keith Hoffman earlier in the day. Mayor Hoffman swore in newly elected Council Members Richard Cashman and Andrew Raymond. Mr. Cashman, Mr. Raymond, and re-elected Council Member Charles Eisenhart signed Oaths of Office.

Charles Philips nominated David Richards for Council President; seconded by Robert Clayton. Andrew Raymond nominated Charles Eisenhart for Council President; seconded by Richard Cashman. Per roll call vote, Charles Philips, Robert Clayton, David Woodward, and David Richards cast votes for David Richards. Andrew Raymond, Richard Cashman, and Charles Eisenhart cast votes for Charles Eisenhart. *David Richards is elected Borough Council President by a vote of four (4) to three (3).*

Charles Philips nominated Robert Clayton for Council Vice President; seconded by David Woodward. Richard Cashman nominated Charles Eisenhart for Council Vice President; seconded by Andrew Raymond. Per roll call vote, Charles Philips, Robert Clayton, David Woodward, and David Richards cast votes for Robert Clayton. Andrew Raymond, Richard Cashman, and Charles Eisenhart cast votes for Charles Eisenhart. *Robert Clayton is elected Borough Council Vice President by a vote of four (4) to three (3).*

Robert Clayton nominated Charles Philips for Council President Pro Tem; seconded by David Woodward. Richard Cashman nominated Charles Eisenhart for Council President Pro Tem; seconded by Andrew Raymond. Per roll call vote, Charles Philips, Robert Clayton, David Woodward, and David Richards cast votes for Charles Philips. Andrew Raymond, Richard Cashman, and Charles Eisenhart cast votes for Charles Eisenhart. *Charles Philips is elected Borough Council President Pro Tem by a vote of four (4) to three (3).*

Council President David Richards discussed the assignment of Council Members to committees, noting that four (4) members are allowed on any committee but may discuss only committee business. Each of the Council Members stated their interest in serving on the various committees and named the chairperson of each committee. A listing of the committee member assignments is attached to these minutes.

**Members Present:** President David Richards; Charles Eisenhart; Robert Clayton; Richard Cashman; Charles Philips; David Woodward; and Andrew Raymond

**Members Absent:** None

**Also Present:** Mayor Keith Hoffman; Secretary/Treasurer Darlene McArthur; Alex Chiaruttini; Bev Jodus; Bill Powell; Tim Stonesifer, Reporter for the Evening Sun; John Schlaline; Jan Hoffman; Robbie Teal; and Phil Keener

**Correction to the Minutes:** The minutes of the meeting of December 22, 2009 were reviewed. A *motion to approve the minutes was made by Robert Clayton; seconded by Charles Philips. Motion approved with all in favor.*

**Payment of Bills:** President Richards reviewed a summary of bills for the beginning of January totaling \$10,514.62. There was some discussion of the purchase of a new cinder spreader paid by Liquid Fuels Funds. *A motion was made by Robert Clayton to pay the bills for the beginning of January; seconded by Charles Philips. Motion carried with all voting in favor.* President Richards discussed the Act 537 Loan maturity payment due, proposing to pay the regular payment of \$456.50 until further discussion at the next meeting of Council. *Robert Clayton motioned to pay the regular payment of the loan; seconded by Andrew Raymond. Motion approved with all in favor.*

**Constituents Addressing Borough Council:** John Schlaline of 118 Abbottstown Street addressed Council as a concerned citizen. Mr. Schlaline reported hearing much debate in East Berlin of the division of the Borough and the Joint Authority, suggesting that the members of these entities work as a whole, as representatives of the town, and to serve in the best interest of the town. In consideration of the many articles, opinions, and heated conversations, Mr. Schlaline expressed his hope for a culture of responsible goals and decision-making processes by these entities.

**Mayor's Report:** No report.

**Fire Chief's Report:** No report.

**Engineer's Report:** No report.

**Solicitor's Report:** No report.

**Committee Reports:**

**Finance:** President Richards stated that a year-to-date profit and loss statement for 2009 would be reviewed at the next meeting of Council.

**Streets/Public Safety:** Charles Philips discussed street conditions following recent snowfalls, noting that cleanup went well with the exception of some equipment failure.

**Maintenance:** Robert Clayton reported the purchase of a Snow Ex Model SP-8500 cinder spreader. The costs of recent snowstorm expenses were reviewed including eighty-four (84) man-hours, ninety-seven (97) gallons of fuel, eighteen (18) tons of anti-skid material, and equipment maintenance expenses for snow events occurring on both December 19 and December 31. Mr. Clayton also reported on the traffic light malfunction on the weekend of December 26 requiring a reset of the device per Swam Electric. The cause of the malfunction is unknown and will again be reported to Swam Electric if repeated.

**IT:** Robert Clayton reported on computer issues related to a recent power outage at the Borough Office. Correction of the problem required a reset of router and modem.

**Planning/Zoning:** David Woodward stated that he is currently reviewing the possible employment of a permitting officer to be responsible for zoning, code, and permit issues. John Schlaline reported that By Laws have been adopted by the Planning Commission and will be

provided to Council. Mr. Schlaline again requested a written response from Council to the recommendations of the Planning Commission as a matter of record.

**Personnel:** No report.

**Park/Recreation:** Chairman Phil Keener reported that the Park and Recreation Board membership would be reduced from nine (9) to seven (7) members. Mr. Keener submitted the names of proposed new members to replace the expired terms of previous members. Rayann Hammond and Bud Huber have expressed interest in serving on the Park and Recreation Board as members from January 2010 to December 2012. Gerald Mummert would serve for one additional year, beginning October 2009 to October 2010. *Robert Clayton motioned to approve the appointment of these members; seconded by Charles Philips. Motion approved with no dissenting votes.*

Mr. Keener noted that he is currently awaiting instruction from Solicitor Shultis regarding insurance of the Community Park. President Richards stated that he is working with Solicitor Shultis and the Borough's insurance company on this issue, and provided a copy of the insurance questionnaire to Mr. Keener.

**Unfinished Business:** President Richards reported that Council is awaiting word from Solicitor Shultis on the requirements of the Local Government Unit Debt Act if the decision is made to refinance the maturing Act 537 Loan.

**New Business:** Emergency Operations Plan Resolution 1-2010-1 was reviewed. President Richards noted that this resolution must be updated every two (2) years. *Andrew Raymond motioned to adopt Resolution 1-2010-1; seconded by Charles Philips. Motion approved with all voting in favor.*

President Richards presented a Snow Emergency Ordinance for Council review. It was noted that this ordinance is a compilation of state recommendations and other communities. President Richards asked that Council consider the stipulations and provide comments at the next meeting of Council. It was suggested that snow emergency requirements be stated in the next Borough Newsletter and on the Borough's website. There was some discussion of parking availability during a snow emergency.

Contract renewals for Borough Solicitor Timothy Shultis and Borough Engineer Craig Zack were discussed. *Robert Clayton motioned that both contracts be renewed; seconded by Charles Philips. Motion approved with all in favor.*

**Correspondence:** President Richards discussed a letter of response to Mr. Alan Fuchs of the Anti-Defamation League regarding the comment "Sieg Heil" made by Robert Clayton in a discussion of gun licensing and possession. President Richards noted that Mr. Clayton's remark was made in protest of repressive controls similar to those of Nazi Germany, and not to condone or promote these beliefs. Mr. Clayton explained gun control by seizure in Nazi Germany. *Robert Clayton motioned to send the letter; seconded by Charles Philips. Motion approved with all in favor.*

President Richards discussed a letter to the editor of the Evening Sun in response to an editorial by Mr. Gregory Green regarding the appointment of East Berlin Area Joint Authority Board Members. *David Woodward motioned to send the letter; seconded by Robert Clayton. Per roll call vote, David Woodward, Robert Clayton, Charles Philips, and David Richards voted to send the letter. Andrew*

*Raymond, Richard Cashman, and Charles Eisenhart voted not to send the letter. Motion approved by a vote of four (4) to three (3).*

*Richard Cashman made a motion to rescind the appointment of Charles Philips to the Board of the Joint Authority; seconded by Andrew Raymond. Mr. Cashman stated that he is uncomfortable with three (3) Council Members on the Board of the Authority and disapproves of Mr. Philips' involvement with identity theft and the purchase of Life Lock protection for a former Council Member. President Richards noted that the previous Council appointed itself as the Board of the Authority. Charles Eisenhart disagreed with the statement and provided a timeline of events. Mr. Cashman stated that these events are in the past and we must act in the present. David Woodward pointed out that Mr. Philip's involvement in identity theft was never proven and there was never activity against the former Council Member as a result of the alleged identity theft. President Richards stated that Council needs the opinion of the Borough Solicitor on the legality to rescind the approved appointment of Charles Philips to the Board of the Authority.*

Other correspondence includes a letter from Adams County regarding H1N1 vaccine, the Adams County Borough's Association meeting of January 18<sup>th</sup>, which President Richards will be attending, and the 2010 Council Meeting dates printed by Mr. John Schlaline. Robert Clayton voiced concerns of the attendance of the Borough's representative to the Adams County Council of Governments meetings. President Richards stated that if the meetings are not attended, the representative must be replaced.

At 8:30 PM, Council went into Executive Session to familiarize the new Council Members with the circumstances of a proposed letter to the attorneys of Mr. Bernard Tucker regarding a negotiated settlement of zoning issues. Council came out of Executive Session at 9:01 PM. *Andrew Raymond motioned to send the letter; seconded by Richard Cashman. Per roll call vote, Richard Cashman, Andrew Raymond, Charles Eisenhart, Charles Philips, Robert Clayton, and David Richards cast affirmative votes. David Woodward cast a negative vote. Motion to send the letter was approved by a vote of six (6) to one (1).*

*David Woodward motioned to adjourn the meeting of the East Berlin Borough Council at 9:04 PM; seconded by Robert Clayton. Motion approved with all voting in favor.*

Respectfully submitted,

Darlene McArthur  
Secretary/Treasurer of Borough Council

## East Berlin Borough Government

### Council Members

David Richards      President  
Robert Clayton      Vice President  
Charles Philips      President Pro-Tem  
Andrew Raymond  
Charles Eisenhart  
David Woodward  
Richard Cashman

### Borough General Staff

Darlene McArthur      Secretary/Treasurer  
Timothy Shultis      Solicitor  
KPI Technology      Engineer  
Keith Hoffman      Mayor  
J. Michael Grim      Police Officer

### Committees

#### Finance

David Richards      Chairperson  
Robert Clayton  
Charles Eisenhart

#### Streets/Public Safety

Charles Philips      Chairperson  
Andrew Raymond  
Robert Clayton

#### Maintenance

Robert Clayton      Chairperson  
Charles Philips  
Richard Cashman

#### Planning/Zoning

David Woodward      Chairperson  
Charles Philips  
Robert Clayton

#### Personnel

Charles Eisenhart      Chairperson  
Charles Philips  
David Woodward  
Robert Clayton

#### IT

Robert Clayton      Chairperson  
Andrew Raymond  
David Richards  
Charles Eisenhart

### Board Members

#### Park and Recreation

Philip Keener      Chairperson  
Joanne Eisenhart  
Mary Beth Le Van  
Gerald Mummert  
Doug Shaffer  
Rayann Hammond  
Bud Huber

#### Zoning Hearing

Jan Hoffman      Chairperson  
Stanley Hollenbaugh  
Noelle Kline  
Kathy J. Kuhn  
Bill Powell

#### Planning

John Schlaline      Chairperson  
Ed Robbins  
Frank Schuhart  
Dean Wonders, Jr.  
Rose Hoffman  
David Woodward  
Ken Young