

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

January 20, 2010

The second monthly meeting of the East Berlin Borough Council was held January 20, 2010 at the East Berlin Borough Hall. The meeting was opened with the Pledge of Allegiance at 7:00 PM.

President Richards reported on an Executive Session held just prior to this evening's regular Council Session, proposing that a letter be sent to Tucker Industries regarding the ongoing negotiations of zoning issues. The contents of the letter are to remain confidential until further decisions are made. *Robert Clayton motioned to send the letter to Tucker Industries; seconded by Charles Philips. Per roll call vote, David Woodward voted against the motion, with all other Council Members voting in favor. Motion passed with a vote of six (6) to one (1).*

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; Solicitor Timothy Shultis; Secretary/Treasurer Darlene McArthur; Mary Earnst; Tim Stonesifer, Reporter for the Evening Sun; Patrick Fazzini; Jan Hoffman; Mike Thomas; Marie Miller; Randy Tate; Sandra Cashman; Philip Miller; John Schlaline; and Robbie Teal

Correction to the Minutes: The minutes of the meeting of January 4, 2010 were reviewed. *A motion to approve the minutes was made by David Woodward; seconded by Robert Clayton. Motion approved with all in favor.* President Richards proposed a correction to the minutes of December 16, 2009 regarding a tally of the votes for approval of the appointment of Charles Philips to the Board of the East Berlin Area Joint Authority as follows: *{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. }*

Payment of Bills: President Richards reviewed a summary of bills for the end of January totaling \$22,328.39. Included in this total are a twice-annual payment in the amount of \$13,200.00 for workmen's compensation and commercial package insurance and \$972.19 cost of snow removal paid by Liquid Fuels (state allocated) funds. There was some discussion of the petty cash balance sheet. *A motion was made by Charles Philips to pay the bills for the end of January; seconded by Andrew Raymond. Motion carried with all voting in favor.*

Constituents Addressing Borough Council: John Schlaline of 118 Abbottstown Street addressed Council on the issue of Council Member Richard Cashman's motion of January 4, 2010 to rescind the vote appointing Charles Philips to the Board of the Joint Authority. Mr. Schlaline referenced Mr. Cashman's statement to "forget the past," noting that this action negates accountability and would repeat the mistakes of the past, in particular the history of 2007 in which the self-appointed members of the Joint Authority assumed sixty percent (60%) of the Borough's assets resulting in an excessive burden of expense in the operation of both entities. Mr. Schlaline stated that for this reason, new members like Mr. Philips are needed on the Board of the Authority noting that to serve the community properly, corruption must be avoided. Mr. Schlaline suggested that it is the duty of a public official to consider every issue with true and complete information.

Mayor's Report: Mayor Hoffman noted that no police report had been provided at the last meeting of Council, and that two (2) monthly reports would be presented at the next meeting.

Engineer's Report: President Richards reported on a meeting with the Borough Engineer to address the issue of a swale near the Borough building causing water to pond due to insufficient pipe size. It was proposed to run a pipe from the swale to Water Street to continue down Water Street to the storm sewer, the exact location of which must be determined. Estimated project cost was provided. President Richards noted that the decision to proceed must be made quickly in order to avoid delays of the new sewer plant work. Solicitor Shultis indicated that the total cost of the project may invoke the Pennsylvania Prevailing Wage Act for projects over \$25,000, but this shouldn't delay moving ahead with the decision to proceed. President Richards mentioned the problem of ponding water resulting in the requirement of the County to spray for mosquitoes. *Robert Clayton motioned to approve Phase One of the project, to cut the pavement and dig in front of the Borough building to determine the exact location of the storm sewer pipe; seconded by Andrew Raymond. Per roll call vote, all Council Members approved Phase One of the project.* President Richards noted that curbing and sidewalk would be addressed later in the sewer project.

Fire Company Report: Mike Thomas of Liberty Fire Company reported fifty-seven (57) ambulance calls for the month of December with a total of five hundred eighty-six (586) for the year of 2009. Mr. Thomas also reported twenty-four (24) fire responses for the month of December with a total of two hundred one (201) for the year of 2009. President Richards reported that a summary report received last week of a breakdown of the servicing of municipal areas would be further reviewed regarding the cost sharing of workmen's compensation insurance.

Solicitor's Report: Solicitor Timothy Shultis stated that his report would be discussed in Executive Session following tonight's meeting.

Committee Reports:

Finance: President Richards reviewed a 2008-2009 financial comparison report noting \$75,000 paid on the principle of the Act 537 Loan in 2008 and legal fees incurred in 2009. Richard Cashman inquired of the two (2) separate ledger accounts for legal fees. President Richards explained that general legal fees and zoning legal fees are listed separately. There was some discussion of correcting entries made in 2008 for activities in 2007. Mr. Cashman inquired of the cost of auditing expense in 2008 versus 2009. President Richards responded that the separation of the Borough and the Joint Authority increased the cost of auditing and altered the manner in which these fees are posted.

Streets/Public Safety: Charles Philips that Borough Maintenance would be moving ahead with the placement of the firehouse warning signs on Abbottstown Street. It was also noted that the anti-skid material would remain on the Borough streets until the seasonal inclement weather has passed, to be cleaned up later.

Maintenance: Robert Clayton reported on a follow up visit by Joe Roth from the Department of Environmental Protection to examine the drainage system in the garage noting that the drains have been plugged to avoid discharge into the storm drain system. Mr. Roth determined that this action would suffice as a temporary measure. Other options are being explored. Work continues on the sign inventory management plan as required by the PA Department of Transportation. An ice buildup near 207 Abbottstown Street was investigated, determined to be discharge from a sump pump. Maintenance Laborer Donald Myers reportedly made repairs to the front joints and

front brakes of the F250 at a cost of seventy-eight dollars (\$78.00) for parts, saving the considerable expense of service center labor. Robert Meminger attended training workshops regarding street maintenance and risk management. It was noted that a new battery would be installed in the F250.

IT: Nothing to report.

Planning/Zoning: David Woodward reported no new zoning issues. President Richards reviewed submissions from the Planning Commission; one requesting coded responses from the Council on submissions within a ninety (90) day timeframe, the other inquiring of the Borough's right to proceeds of fines levied against Tucker Industries. President Richards responded that the State mandates these proceeds and they would not be allocated to the Borough. It was noted that Council would respond to the previous submissions received from the Planning Commission as a matter of record.

Personnel: President Richards recommended that the Personnel Committee meet to discuss year-end performance reviews and a review of the personnel policy. The meeting should be coordinated with Secretary/Treasurer Darlene McArthur for additional input.

Park/Recreation: President Richards reported that recently appointed Board Member Bud Huber would not be able to accept the position. It was noted that Chairman Philip Keener stated that the Park and Recreation Board would reduce its membership to a six (6)-member board. President Richards stated that the insurance questionnaire regarding the skate park is in process.

Unfinished Business: President Richards proposed a payoff of the Act 537 Loan maturity in the amount of \$37,689.20, noting that a refinance of this amount would incur an additional expense of approximately two thousand dollars (\$2,000) per the requirements of the Local Government Unit Debt Act plus additional interest for the life of the loan. *Robert Clayton motioned to pay off the debt; seconded by Richard Cashman. Motion approved with all in favor.* President Richards stated that the proposed Snow Emergency Ordinance would be discussed at the next meeting of Council.

New Business: President Richards discussed his and Robert Clayton's attendance at a meeting of the Adams County Borough's Association. One of the topics covered was the optional county sales tax bill, noting that this action is unlikely. Governor Rendell was unable to attend the meeting, being occupied with issues in Haiti. His Chief of Staff attended in his stead covering multiple topics. President Richards reported that a meeting of the York Adams Tax Bureau is scheduled for Monday, January 25th. There was some discussion of Act 32 requiring a single tax collector for the county and of the two percent (2%) collection fee now retained by the York Adams Tax Bureau to cover expenses and lost earnings. President Richards noted that the Liquid Fuels Audit Report for 2007/2008 was received.

Richard Cashman requested that he be removed as a member of the Maintenance Committee citing possible conflict of interest issues with his hardware business. Andrew Raymond stated that he would replace Mr. Cashman in this position. Mr. Cashman requested appointment to both the Finance and Streets/Public Safety Committees. Permission was granted.

A citizen addressed Council on the issue of the responsibility of clearing the sidewalk of ice and snow in the area of the bridge on Route 194. President Richards stated that snow removal is the responsibility of the property owner in front of her property, and the responsibility of the State on the bridge. There was some discussion of Borough Maintenance attending to snow removal on the bridge, but liability issues

must be explored. Andrew Raymond mentioned the storage of the Borough's snow blower at the firehouse as a matter of convenience to access the town square. Richard Cashman inquired as to his previous request to rescind the appointment of Charles Philips to the Board of the Joint Authority. President Richards responded that this topic would be discussed in Executive Session following the meeting.

Correspondence: President Richards proposed to send a letter to the East Berlin Area Joint Authority to request that response be made to previous ~~demands~~ requests made to the Joint Authority in 2009. On this topic, President Richards discussed the Act 537 Plan, noting that per legislation, municipalities are responsible for the plan, but if a Joint Authority exists, the Authority carries out the responsibility of the operation. This legislation creates some conflict of control. After further review, it was decided to send the letter.

The minutes were closed at 8:40 PM for Executive Session to discuss appointment, zoning and insurance issues. Council came out of Executive Session at 9:20 PM.

Charles Philips motioned to adjourn the meeting of the East Berlin Borough Council at 9:21 PM; seconded by Andrew Raymond. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council