

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

March 2, 2010

The first monthly meeting of the East Berlin Borough Council was held March 2, 2010 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; 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 Ernst; Tim Stonesifer, Reporter for the Evening Sun; Doris Sabine; Steve Hovis; Patrick Fazzini; and Kenneth Young

Correction to the Minutes: The minutes of the meeting of February 17, 2010 were reviewed. In the section of Constituents Addressing Borough Council, President Richards proposed the following change: "Mr. Young stated that Mr. Raymond threatened to call the authorities if Mr. Young ~~did not vacate~~ entered the property." *A motion to approve the minutes as corrected was made by Charles Philips; seconded by Robert Clayton. Motion approved with all in favor.*

Payment of Bills: A summary of bills for the beginning of March totaling \$3,340.25 was reviewed. President Richards noted that several bills would be paid with Liquid Fuels Funds. *A motion was made by Robert Clayton to pay the bills for the beginning of March; seconded by Charles Philips. Motion carried with all voting in favor.*

Constituents Addressing Borough Council: Mr. Kenneth Young of 203 Beaver Street addressed Council regarding strong chemical odors emitted from Tucker Industries on North Avenue. Mr. Young stated that in his opinion, the odor on February 4, 2010 at 9:30 AM was as strong as that of August 14, 2007. Additionally, Mr. Young inquired of the documents he provided to all Council Members regarding pollution issues at Tucker Industries, stating that Mr. Tom Lucas had not been contacted by any Council Member. Mr. Young commented on Council Member Andrew Raymond's current position as the Borough's Emergency Preparedness Coordinator, obligating his attention to this matter. Mr. Young inquired if Mr. Raymond is in "cahoots" with the polluters. There was some discussion of the availability of Mr. Raymond's phone number to the public with regard to emergency situations. Mr. Raymond commented on his concern of worker's compensation coverage if he should be injured in the performance of his duties as Emergency Preparedness Coordinator. It was noted that this would be investigated. In a discussion of the proper handling of complaints received by Council Members from residents, it was suggested that they be documented at the Borough Office as a matter of record. President Richards responded to Mr. Young that he submits many documents to the Borough, some of which are not addressed to the Borough but are Mr. Young's personal correspondence.

As a representative of Tucker Industries, Attorney Steve Hovis addressed Council regarding a response received from Solicitor Shultis to discontinue negotiations. Attorney Hovis referenced a final response to Council from Tucker Industries that would require comment by the end of the day tomorrow, March 3, 2010. Attorney Hovis recommended an Executive Session following tonight's meeting to discuss the final response, noting that he would attend if needed for further explanation. After Council's review of the new submission, President Richards stated that an Executive Session would be considered for further discussion. *Robert Clayton motioned to hold the Executive Session following tonight's meeting; seconded by Richard Cashman. Motion approved with all in favor.* President Richards noted that comment on the final response

would be provided to Attorney Hovis by the end of the day tomorrow, and that his presence was not needed for the Executive Session.

Mayor's Report: Mayor Hoffman reported that two (2) youngsters were discovered inside the currently closed skate park at the Community Park on North Avenue. Officer J. Michael Grim escorted them from the skate park, noting that the next time a three hundred dollar (\$300.00) fine would be imposed. Doris Sabine inquired as to the status of the skate park. President Richards explained that the Park and Recreation Board are looking into alternative insurance coverage. Mayor Hoffman reviewed the police report for February with a total of forty-two (42) incidents.

Fire Company Report: On behalf of the Fire Company, Andrew Raymond discussed the need for markers to be placed on fire hydrants prior to significant snow events, noting that the hydrants on this side of town do not have shut-off valves. Borough maintenance worker Robert Meminger urges marking the hydrants to avoid damage during snow plowing. Charles Philips noted that fire hydrants are the responsibility of the Joint Authority, and that property owners are reminded to clear the snow away from the hydrants after a snowfall. It was decided that this would be discussed at the next meeting of the Board of the Joint Authority.

Engineer's Report: Nothing to report.

Solicitor's Report: Solicitor Timothy Shultis reported that Borough Council Executive Sessions were held on February 25th and March 1st to discuss the zoning issues of Tucker Industries. Doris Sabine inquired as to the status of the Gulan appeal to Adams County Court regarding the findings of the East Berlin Zoning Hearing Board. Solicitor Shultis responded that Judge Kuhn would be hearing arguments in the case on Thursday at 3:00 PM, but that this is not the forum for public comment.

Committee Reports:

Finance: President Richards reported that the Borough's annual audit was completed in approximately one and a half days. One of the recommendations of the auditor was to create a delinquent tax payment account rather than posting these receipts to fines as done in the past.

President Richards also reported on a change in the coverage of Reading Township's ambulance service that will affect East Berlin's ambulance service. It was noted that agreements would be drawn to reflect the population of the municipalities receiving service in regard to the cost sharing of worker's compensation insurance.

Streets/Public Safety: Nothing to report.

Maintenance: Robert Clayton reported that maintenance worker Donald Myers replaced light switches, rewired the switch controlling the outside door light, and repaired the water fountain, noting that Mr. Myers' experience in various areas has been very helpful to the Borough. Per the required retention schedule, old Borough records are set to be professionally shredded on Friday. A pothole survey is scheduled for this month for future repairs. A Craftsman tool set was purchased to supplement the Borough's tool supply and the Borough building flag and flagpole rope will be replaced this week. It was noted that extra shingles and lumber from the new park pavilion will be moved to the Borough's garage for safe storage until they can be sold.

IT: Nothing to report.

Planning/Zoning: David Woodward reported receiving comments from Robert Meminger, Officer Grim, and Rick LeVan of PennDOT regarding the proposed snow emergency ordinance and requested a meeting of the ad hoc committee to review this input. David Woodward, Andrew

Raymond, and Richard Cashman will meet Tuesday, March 9th at 2:00 PM to discuss the proposed ordinance. Regarding the position of permit officer, Mr. Woodward proposed the option of assigning this duty to Robert Meminger rather than outsourcing.

Personnel: Nothing to report.

Park/Recreation: Nothing to report.

Unfinished Business: President Richards commented that the land owned by the Borough located behind Dylan's was donated to the Borough in 1991 and its use is restricted.

President Richards asked for any further comments on the adoption of Ordinance 2010-1, Excavations in Streets, as amended and advertized. *Robert Clayton motioned to adopt Ordinance 2010-1; seconded by David Richards. Per roll call vote, Charles Eisenhart, yeah; Richard Cashman, yeah; Andrew Raymond, yeah; Charles Philips, yeah; Robert Clayton, yeah; David Woodward, yeah; and President David Richards, yeah. Ordinance 2010-1 is adopted by unanimous vote.*

Mayor Hoffman inquired if the Borough would be signing over the titles of the Fire Company vehicles to the Fire Company. President Richards responded that per agreement, the vehicles would be signed over.

New Business: President Richards noted that the Borough records stored above the garage are being sorted for retention or disposal. President Richards reported that the Borough was contacted by Mr. John Johnson of Susquehanna Valley Construction to obtain written permission from the Borough to temporarily store equipment, vehicles, trailer, etc., on the East King Street property of Tucker Industries. Mr. Johnson stated that this permission is required by Mr. Tucker over concerns of zoning issues, if any. President Richards recommended that permission be granted for temporary use. Solicitor Shultis suggested this matter be forwarded to Senior Zoning Officer Robert Thaeler for zoning input.

Correspondence: A letter is to be sent to Mrs. Iozza regarding a storm sewer closure associated with her property. President Richards was recently informed that PennDOT is willing to assist in this matter and will make a notation in the letter advising Mrs. Iozza to work with PennDOT. Solicitor Shultis recommended the removal of one paragraph of the letter. An invitation was received from the Smart Growth Coalition to join a discussion of the impact of real estate on the local economy. A training schedule of various topics was received from the Pennsylvania State Association of Boroughs.

The minutes of meeting were closed at 8:18 PM for an Executive Session to review correspondence regarding ongoing negotiations with Tucker Industries. At 8:32 PM, Council came out of Executive Session.

A motion was made by Charles Philips to discontinue negotiations with Tucker Industries and allow the case to go to the Zoning Hearing Board; seconded by Robert Clayton. Per roll call vote, David Woodward, yeah; Robert Clayton, yeah; Charles Philips, yeah; Andrew Raymond, yeah; Richard Cashman, yeah; Charles Eisenhart, yeah; and President David Richards, yeah. The motion passed by a vote of seven (7) to zero (0).

Charles Philips motioned to adjourn the meeting of the East Berlin Borough Council at 8:35 PM; seconded by Robert Clayton. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council