

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

March 17, 2010

The second monthly meeting of the East Berlin Borough Council was held March 17, 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: Mayor Keith Hoffman

Also Present: Solicitor Timothy Shultis; Secretary/Treasurer Darlene McArthur; Mike Thomas; Frank Schuhart; Mary Earnst; Tim Stonesifer, Reporter for the Evening Sun; Alex Chiaruttini; Craig Shriver; Sue Hess; Andrew Hess; Robbie Teal; Darryl Petosky; Jean Heininger; Curvin Dennis; and John Schlaline

Correction to the Minutes: The minutes of the meeting of March 2, 2010 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: A summary of bills for the end of March totaling \$29,724.92 was reviewed. President Richards commented on the payment of a deductible invoice to Traveler's Insurance Company in the amount of \$4,541.00 for a claim filed in a police matter, noting that a counter suit is in process. Bills also include a semi-annual payment of the General Obligation Note of 1998 in the amount of \$8,340.34, legal invoices, street lighting bills, and an engineering bill to be paid from 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. Darryl Petosky addressed Council with concerns of the past activities of Tucker Industries, stating that he dumped hazardous chemicals by direct order of Mr. Tucker and illegally sprayed inside a building. As a former employee of Tucker Industries, Mr. Petosky asserted that his participation in these actions has resulted in his health issues and warned Council of the past negligence of the Borough in addressing these matters. Mr. Petosky alluded to collusion, reporting that during his employment, personal property of Borough Council members were painted by Tucker Industries and that regulatory infractions were ignored by the Borough. Mr. Petosky stated that in addition to the investigations of the Department of Environmental Protection at the state level, he expects that federal authorities will also become involved.

Sue Hess of 508 Beaver Street stated that an ordinance on clear air was presented to Council five (5) years ago and a second one was presented in November of 2009. Mrs. Hess inquired of the status of the ordinance stating that its adoption by Council would be helpful in addressing current air quality issues in the Borough. President Richards responded that the ordinance has been taken under advisement but other matters have placed time constraints on the actions of Council, noting that no time frame could be provided.

Mayor's Report: No report.

Fire Company Report: Mike Thomas reported twenty-three (23) fire calls and forty-eight (48) ambulance calls for the month of February. As Emergency Management Coordinator, Andrew Raymond requested that a current listing of the paints and chemicals of local business operations be provided by the Fire Company.

Engineer's Report: Nothing to report.

Solicitor's Report: Solicitor Timothy Shultis stated that there would be a matter to discuss in Executive Session following tonight's regular Council Session.

Committee Reports:

Finance: President Richards reviewed the February financial comparison report noting that two accounts were added for delinquent tax payments received and Park and Recreation account interest income. There was some discussion of the differences of 2009 and 2010 income and expenses including the payoff of the Act 537 loan for \$37,495.00 in February, 2010. Richard Cashman inquired of the high cost of legal fees in 2010 regarding actual versus budget. President Richards responded that legal fees are in the budget, but the actual expense will likely surpass the budgeted amount. It was noted that Borough's auditor, Tom Maurer of Rotz and Stonesifer, will attend the next meeting of Council to present the findings of the 2009 audit, corrections to the general ledger accounts resulting from the separation of Borough and the Joint Authority, and changes to the non-uniformed pension plan due to retired members and the transfer of Joint Authority members.

Streets/Public Safety: Charles Philips reported that Borough Maintenance is in the process of repairing potholes in the Borough. There was some discussion of the location of work needed.

Maintenance: Robert Clayton reported that recent rainfall and high winds resulted in rubbish on the roads requiring cleanup, and damaged a Christmas lantern decoration. Snow removal equipment has been overhauled and stored for the summer. Straw was placed as erosion control over open ground near the skate park to prevent mud from washing onto the concrete. An area on the northern edge of North Avenue will require fill due to erosion that threatens to undermine the road surface. It was reported that Scott Kurtzman, a forester with the Glatfelter Pulp Wood Company, did a walkthrough of Kuhn's woods with Robert Meminger. Mr. Kurtzman gave his impressions of the state of the woodlot, information about planting trees, and contacts for grant information.

IT: No problems to report.

Planning/Zoning: David Woodward reported that he, Andy Raymond, and Richard Cashman met as a committee to discuss a snow emergency ordinance noting that it is not feasible on many points and would likely be costly. Andy Raymond requested input from Mike Thomas of Liberty Fire Company on snow issues. Mr. Woodward suggested that snow removal information be provided to residents in the fall newsletter. President Richards inquired of the cost of a snow emergency ordinance. Mr. Woodward explained the complications of no parking, hauling snow, and that reimbursement of expenses from the state is unlikely. The committee discussed with Robert Meminger the existence of a plan to deal with problem areas, primary roads, etc.

David Woodward questioned President Richards on the addition of alternates to the five-member Zoning Hearing Board. Solicitor Shultis stated that alternates would be allowed with a revision to the ordinance.

Planning Commission Chairman John Schlaline inquired of Council's approval of the Planning Commission By Laws and response to the recommendations as submitted. President Richards responded that the By Laws and recommendations of the Planning Commission would be addressed at the next meeting of Council.

Personnel: Nothing to report.

Park/Recreation: President Richards reported that the Borough's insurance underwriters have approved the skate park waiver, proposed signage, and maintenance program as submitted by the

Park and Recreation Board. There was some discussion of the enforcement of waiver verification. Suggestions were made to spot check skate park participants and require that they carry a copy of the waiver when using the park. Solicitor Shultis urged that the park be monitored and supervised.

Unfinished Business: President Richards reviewed information regarding worker's compensation insurance coverage for Emergency Management Coordinator Andrew Raymond, noting that per the Borough's insurance underwriter this coverage is not available to volunteers with the exception of fire fighters and ambulance personnel. It was suggested that an annual salary be offered to Mr. Raymond placing him on the Borough's payroll for insurance purposes. Solicitor Shultis commented that the rate of salary may not be determined by Council due to the issue of conflict of interest, and would provide further information at the next meeting of Council.

New Business: President Richards presented a Resolution to adopt a record retention schedule as set forth in the Municipal Records Manual. *Robert Clayton motioned to adopt Resolution 3-2010-2; seconded by Charles Philips. Motion approved with all voting in favor.*

President Richards reported that an electricity seminar is being offered by the Municipal Utility Alliance to present options to secure electricity pricing with the upcoming removal of electric rate caps. Robert Clayton reported that the Adams County Council of Governments would be providing information on electricity cost savings in May. There was some discussion of solar powered street lights and the brightness of the Borough's existing street lights. A meeting attendee commented on the thirty-five mile per hour (35MPH) speed limit on the main streets of the Borough, stating that this is excessive and unsafe. There was some discussion of four (4) past traffic studies over the past ten (10) years performed by the state that do not justify lowering the speed limit.

President Richards reported that he and Robert Clayton attended the Adams County Borough's Association meeting on March 15, 2010. Pennsylvania Governor Rendell was also in attendance.

Correspondence: Free vaccines for the H1N1 virus will be available at Green Acres Hospital in Gettysburg on March 27, 2010, from 9:00 AM to noon. The East Berlin Area Joint Authority will be relocating to 103 Locust Street by May 1, 2010. A letter will be sent to Tucker Industries to allow removal of dirt from the Community Park land with Council's approval. *Robert Clayton motioned to send the letter with revisions; seconded by Andy Raymond. Motion approved by a vote of six (6) to one (1) per voice vote.*

The minutes of meeting were closed at 8:40 PM for an Executive Session to consult with Solicitor Shultis to discuss issues on which identifiable complaints are expected to be filed. At 9:28 PM, Council came out of Executive Session.

Charles Philips motioned to adjourn the meeting of the East Berlin Borough Council at 9:30 PM; seconded by Robert Clayton. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council