

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

May 4, 2010

The first monthly meeting of the East Berlin Borough Council was held May 4, 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; David Woodward; Andrew Raymond; and Charles Philips

**Members Absent:** None

**Also Present:** Mayor Keith Hoffman; Solicitor Timothy Shultis; Secretary/Treasurer Darlene McArthur; Mary Earnst; Tim Stonesifer, Reporter for the Evening Sun; Sue Hess; Doris Sabine; Patrick Fazzini; Bev Jadus; Bill Powell; Keith Becker; James Becker; and Robbie Teal

**Correction to the Minutes:** The minutes of the meeting of April 21, 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 beginning of May totaling \$15,884.24 was reviewed. President Richards commented on the purchase of a truck crane for use in lifting storm sewer grates. *Robert Clayton motioned to pay the bills for the beginning of May; seconded by Charles Philips. Motion approved with all voting in favor.*

**Constituents Addressing Borough Council:** Keith Baker of Liberty Fire Company presented a check to the Borough in the amount of five dollars (\$5.00) to transfer the Fire Company vehicle titles from the Borough to Liberty Fire Company for the purpose of more suitable insurance coverage. Mr. Becker stated that he would notify the Fire Company's insurance carrier and inform the Borough of the cost for reimbursement by the Borough. The Borough's insurance agent would be notified of this change. The transfer of titles is scheduled for Thursday, May 6<sup>th</sup> at 9:00 AM.

Sue Hess addressed Council on the subject of the proposed Clean Air Ordinance, stating that according to a recent newspaper article, Adams County was given a grade of F for level of ozone with high incidents of lung-related illnesses. Mrs. Hess stated that both Federal and Commonwealth legislators have granted the power to local municipalities to adopt more stringent air pollution standards than those mandated by federal and state authorities. President Richards requested that Mrs. Hess forward to him an electronic copy of the proposed ordinance so that he may redistribute to Council Members for discussion at the next meeting of Council.

**Mayor's Report:** Mayor Hoffman reported a total of fifty-three (53) police calls for the month of April. Sue Hess mentioned an inordinate number of cats in the Beaver Colony area and throughout the town. Robert Clayton commented that dogs are roaming unleashed as well and recommended that this issue be addressed. Doris Sabine inquired if any drug cases were currently under investigation in the Borough. Mayor Hoffman replied that this is oftentimes handled by State Police but he is not certain if Officer Grim may be involved as well.

**Engineer's Report:** Nothing to report.

**Solicitor's Report:** Solicitor Timothy Shultis reported that a brief was filed on April 29, 2010, by Mr. Gulan at the Adams County Courthouse regarding the Hogwild Barbeque case. It was also noted that the Borough and the Zoning Hearing Board have thirty (30) days to respond.

**Committee Reports:**

**Finance:** President Richards reported that the Water Resources Advisory Committee Greenway Plan has been approved as a part of the Adams County Comprehensive Plan. There was also a review of statistics of contaminants within the County. The April 29<sup>th</sup> meeting of the Adams County Tax Collection Committee reviewed the appeals process, selected the Gettysburg Times for advertisements, selected a Right to Know Officer, and advised all members to submit recommendations for the Committee's Solicitor. It was noted that per the weighting ratio of East Berlin Borough at .59%, the Borough will be invoiced \$36.98 for its portion of the Committees expenses of \$6,250.00. President Richards also reviewed the April 26<sup>th</sup> York Adams Tax Bureau meeting.

President Richards reviewed the 2009-2010 April comparison report and the year-to-date financial statement noting differences in revenue and expense including auditing and legal fees. Richard Cashman voiced concerns of the negative year-to-date income. President Richards responded that a substantial real estate tax payment has been received and certain legal expenses would be ending. Doris Sabine asked Mr. Cashman if he was concerned of the cash, equipment, and properties claimed by the Joint Authority and leaving the Borough with a loan to pay off. Mr. Cashman replied that he would look into it.

**Streets/Public Safety:** Charles Philips reported that street cleaning continues in the Borough and reminded drivers to be aware of pedestrians in the crosswalks. Mr. Philips reviewed quotes received for necessary asphalt repairs comparing them with the cost of purchasing crack repair equipment. There was some discussion of the cost effectiveness and preventative maintenance of owning the equipment. Solicitor Shultis inquired if the purchase would be eligible for Liquid Fuels funds. Robert Clayton replied that it would. *Robert Clayton motioned to purchase the crack repair equipment; seconded by Andrew Raymond. Motion approved with voting in favor.*

Mr. Philips reviewed quotes received for the asphalt lip replacement needed on North Avenue between Water Street and Third Street. President Richards commented on the variances in the description of work stated in the quotes and suggested that quotes be requested for a consistent amount of work. Richard Cashman inquired why the "no parking" signs are not being used for street sweeping. Robert Clayton responded that he believes that the sweeping is preliminary and spot cleaning but will look into it.

**Maintenance:** Robert Clayton reported that repairs were made to the ceiling in the garage and the fund raising signs were removed at the request of the Park and Recreation Board. The Conewago Creek sign and the East Berlin sign have been sandblasted, repainted, and will be placed in their original locations. It was determined that the plumbing problems in the Borough Office building are due to two (2) pipe separations and an 80% to 90% blockage, hopefully to be corrected by the new sewer hookup when available. Robert Meminger attended an LTAP training workshop noting that Pennsylvania law now requires that all traffic flaggers must be certified. A report will be forthcoming of the findings of Matt Kern, Adams County Service Forester, on Kuhn's Woods.

**IT:** Nothing to report.

**Planning/Zoning:** David Woodward reported that a letter had been sent to Matt Stambaugh of Print All Graphics requesting his compliance in obtaining an Occupancy Permit. Mr. Woodward stated that, per his findings at the Adams County Courthouse, the Borough owns Schoolhouse Lane as far back as the Community Park land. Charles Eisenhart noted that there is no dedication of deed on file. President Richards commented on the problem with the drain pipe running under Schoolhouse Lane. After some discussion, Mr. Woodward agreed that further review is needed.

President Richards reviewed recommendations received from the Planning Commission regarding curbside recycling, the use of solar panels on Borough-owned buildings, and the joint efforts of the Community Center, the Park and Recreation Board, and the Borough Council in developing a comprehensive plan for the Borough's recreational facilities. It was also noted that the Planning Commission has adopted revised By Laws. President Richards relayed the request of the Planning Commission to reappoint Rose Hoffman as a member of the Commission. It was noted that additional volunteers would be considered. *Charles Philips motioned to reappoint Rose Hoffman to the Planning Commission; seconded by Robert Clayton. Motion approved with all in favor.*

**Personnel:** A meeting was scheduled for Friday, May 7<sup>th</sup> to discuss employee health care expense.

**Park/Recreation:** President Richards reported that a "sign up" event was held last weekend for the Skate Park, and that insurance coverage is in place in the amount of \$501.00 annually. There was some discussion of lack of supervision of the Skate Park. Mayor Hoffman inquired about the placement of signs to announce the upcoming Community Park Open House on May 23, 2010. President Richards replied that no permit is needed for temporary signs if guidelines are followed.

**Unfinished Business:** President Richards reported that Adams County has reviewed and approved Ordinance 2010-2 regarding alternate members to the Zoning Hearing Board. Solicitor Shultis stated that he would advertise the Ordinance for public comment on June 1, 2010, and adoption on June 20, 2010. It was reported that PennDOT has issued a permit for the Fire House flashing warning light. Andrew Raymond will coordinate with Robert Meminger and Darlene McArthur to complete the project. Regarding the Excavations in Streets Ordinance, President Richards presented a policy and permit form for Council review to be discussed at the next meeting of Council.

A letter was received from the Joint Authority regarding the right-of-way on Water Street for the installation of sewer pipe, recommending that water curb stop valves and sewer lateral clean outs be place one foot (1') behind the property lines at a width of forty feet (40'). After some discussion of the right-of-way existing at forty feet (40') or fifty feet (50'), Charles Eisenhart stated that the laterals cannot be placed in the area of future planned sidewalks. Solicitor Shultis recommended that easements be obtained from the property owners if laterals are to be place on private property. It was decided that this issue would be further discussed at Thursday night's meeting of the Joint Authority. President Richards stated that if Council approval is needed for a decision, a special meeting of Council would be held and advertised.

**New Business:** Nothing to report.

**Correspondence:**

- Email from the Strategic Early Warning Network regarding manufacturing job losses
- Meeting with Met Ed regarding the end of rate caps, May 27, 2010, 8:30 AM to 10:30 AM
- A meeting of the Adams County Boroughs Association, May 17, 2010, 6:15PM at Pike's Restaurant

The minutes of meeting were closed at 8:45 PM for an Executive Session to discuss the ongoing hearing with Tucker Industrial Liquid Coatings. At 9:00 PM, Council came out of Executive Session.

*Charles Philips motioned to adjourn the meeting of the East Berlin Borough Council at 9:01 PM; seconded by Robert Clayton. Motion approved with all voting in favor.*

Respectfully submitted,

Darlene McArthur  
Secretary/Treasurer of Borough Council