

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

May 11, 2010

A special meeting of the East Berlin Borough Council was held May 11, 2010 at the East Berlin Borough Hall. The meeting was opened at 2:00 PM.

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

Members Absent: Richard Cashman

Also Present: Solicitor Timothy Shultis; and Secretary/Treasurer Darlene McArthur

President Richards opened discussion of the installation of water curb stop valves and sewer lateral clean outs on Water Street, noting that a letter received from the East Berlin Area Joint Authority had also been discussed at the Authority meeting. Per information obtained in a 1949 survey and from County records, the requested forty foot (40') line is reasonable. President Richards suggested that the proposed installation be accepted with an addendum stating the width of the cartway be thirty-four feet (34') with clean outs installed one foot (1') beyond the forty foot (40') line, still within the ordained fifty foot (50') right-of-way.

President Richards presented a draft letter be sent to the property owners on Water Street explaining the planned activities, requesting Council review for approval on May 19, 2010. In response to recommendations received from the Planning Commission, President Richards presented eight memorandums for Council review to be approved at the May 19th meeting of Council.

There was some discussion of sewer lateral clean outs, noting that they do not exist in the Borough except in Beaver Colony and Crestview. *Charles Philips motioned to approve the proposed installations on Water Street with the addendum stating specifics; seconded by Richard Clayton.* Solicitor Shultis inquired if Council is certain of the fifty foot (50') right-of-way, noting that there is no dedication of the Borough's ownership on file. President Richards responded that per the 1949 survey, Ordinance No. 32 of 1905, and a street widening ordinance in 1893, the fifty foot (50') right-of-way is correct. It was noted that the utility poles are at forty feet (40') which will serve the purpose needed. Solicitor Shultis stated that perhaps a Quiet Title Action, as recommended by Attorney Matthew Battersby, would address the issue. President Richards proposed that the property owners on Water Street be given an opportunity to give objection to the proposed activities. Solicitor Shultis suggested that this statement be added to the letter to be sent to the property owners and that the letter should be signed by both the Borough and the Joint Authority. President Richards stated that the letter would be revised for later discussion. *The motion to approve installations with addendum was approved with all in favor.*

Charles Eisenhart reported that John Brodbeck, caretaker of Union Cemetery, stated that dirt had been cleared from a walking path on Borough land. Mr. Brodbeck suggested that the trees on the Borough's land be cut back to avoid damage to headstones if fallen.

Robert Clayton motioned to adjourn the meeting of the East Berlin Borough Council at 2:20 PM; seconded by Charles Philips. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council