

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

July 6, 2010

The first monthly meeting of the East Berlin Borough Council was held July 6, 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; David Woodward; Andrew Raymond; Richard Cashman; and Charles Philips

Members Absent: None

Also Present: Mayor Keith Hoffman; Solicitor Timothy Shultis; Secretary/Treasurer Darlene McArthur; Philip Blaker; Kenneth Young; Doris Sabine; Mary Earnst; Bev Jadus; Tim Stonesifer, Reporter for the Evening Sun; Alex Chiaruttini; Robbie Teal; and Jan Hoffman

Correction to the Minutes: The minutes of the meeting of June 16, 2010 were reviewed. President Richards requested that the deadline for comments on Tucker Industries' Title 5 application be changed from July 3, 2010 to July 7, 2010. Charles Philips requested that the spelling of Jean "Doc" Swartz be changed to Gene "Doc" Swartz. *A motion to approve the minutes with revisions 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 July totaling \$24,059.48 was reviewed. President Richards noted that the bills include the last payment to be made to Attorney Charles Suhr for zoning issues. The bills also include the monthly payment to York Waste Disposal in the amount of \$9,448.34. Richard Cashman noted his objection to the payment of the invoice to Attorney Suhr in excess of \$7,000. *Robert Clayton motioned to pay the bills for the beginning of July; seconded by Charles Philips. Per roll call vote, David Woodward, Robert Clayton, Charles Philips, Andrew Raymond, Charles Eisenhart, and David Richards cast positive votes. Richard Cashman voted against payment of the bills. Motion approved by a vote of six (6) to one (1).*

Constituents Addressing Borough Council: Philip Blaker, President of the East Berlin Historical Preservation Society, thanked Council for the opportunity to present the current status of the Society, specifically stressing the importance of Colonial Day income in funding property maintenance and administrative costs. Mr. Blaker advised Council of the problems facing the Society including an aging membership oftentimes unable to assist in certain tasks or overworked due to a shortage of members. It was also noted that, due to similar events in the region, Colonial Day is attracting fewer vendors and that other town organizations utilize the event to raise funds taking much-needed income away from the Society. It is Mr. Blaker's intention to request donations from these organizations. It was reported that \$35,000 was spent last year in maintaining five (5) facilities and more renovations are needed. Mr. Blaker commented that the Society might end due to these factors. These issues will be presented to other town organizations and an official letter would be sent to Council to document these concerns. President Richards thanked Mr. Blaker for his report.

Kenneth Young of 203 Beaver Street addressed Council emphasizing his pride in the decision made by the Zoning Hearing Board regarding Tucker Industries, and thanked the majority of Council Members for their use of Rule of Law in addressing zoning issues in the Borough. Mr. Young stated his objection to Richard Cashman's protest of the cease and desist order and gave Mr. Cashman a copy of his hearing testimony. Mr. Young stressed that, if the decision of the Zoning Hearing Board is appealed to Adams County Court, the same level of justice is needed. Mr. Young discussed his concerns of pollution issues in the Borough.

Mayor's Report: Mayor Hoffman reminded all of the Firemen's Carnival to begin next week, noting that the street beside the firehouse would be closed and that the VFW would be accessible. The police report for the month of June was reviewed consisting of forty-seven (47) incidents.

Engineer's Report: President Richards reported that a pre-construction meeting would be scheduled with Gregory Contractors to begin the Borough Office Drainage Relocation Project.

Solicitor's Report: Solicitor Shultis reported a summary of the findings of the Zoning Hearing Board regarding Tucker Industries presented earlier this evening. Five (5) decisions were imparted by the Zoning Hearing Board consisting of: 1) Denial of Tucker's appeal of the notice of violation. 2) Denial of the Borough's motion to dismiss the application for special exception. 3) Denial of Tucker's application for a special exception for the North Avenue facility. 4) Denial of Tucker's application for a special exception for the East King Street facility. 5) Adoption of the Findings of Fact and Conclusions of Law of this hearing. Solicitor Shultis stated that the written decision would be provided to the Borough tomorrow.

Committee Reports:

Finance: President Richards reviewed the year-to-date and monthly financial comparison reports noting differences in income and expense from prior periods.

Streets/Public Safety: Charles Philips stated that he would be contacting the Borough Engineer regarding a drainage issue on Fifth Street near Rocco's Pizza. President Richards explained the issue of a buildup of asphalt and the need to mill the surface to alleviate runoff.

Maintenance: Robert Clayton reported that the street sweeper would be taken to Stewart Amos to determine why the old belts failed too quickly and to ensure that the new belts are installed properly. The cast iron Conewago Creek sign has been posted on West King Street. Roadside markers have been placed adjacent to the new asphalt curbing on North Avenue to deter vehicles and assist in snow plowing. There was a discussion of a storm sewer pipe discharging onto an East Lynn Drive property, noting that the infrastructure was in place when the property was purchased. The property owner was advised to address her concerns to Charles Philips, Chairman of the Streets and Public Safety Committee. It was noted that Alvin Shenk would mow the field along Schoolhouse Lane, and that the repairing and cleaning of storm water basins has begun in the Borough.

IT: It was noted that the issues with Robert Meminger's computer appear to have been resolved by removing the cover and cleaning with an air can.

Planning/Zoning: David Woodward reported that some citizens with concerns of violations in the town approached the Zoning Committee and this would initially be addressed with informal methods. It was reported that Officer Grim issued six (6) citations for failure to provide Landlord Reports and one (1) citation for failure to have a rental property inspected for Occupancy Permit requirements. President Richards reported that the Planning Commission has completed its survey of the proposed commercial development at Beaver Street and Route 194, but no information has yet been provided to Council.

Personnel: Charles Eisenhart presented a proposed change to the Personnel Policy regarding the elimination of disability insurance. In lieu of disability insurance, the proposal would provide a onetime allotment of additional sick days and the allowance of the carryover of sick days. Solicitor Shultis requested the opportunity to further review the proposed changes. *David Woodward motioned to table the decision until the next meeting of Council; seconded by Charles Philips. Motion approved with all in favor.*

Park/Recreation: President Richards reported that comments had not yet been received from the Park and Recreation Board regarding the revised By Laws and that he would be contacting Mr. Keener to request a response by the next meeting of Council.

Unfinished Business: President Richards submitted for Council review two (2) draft letters to Mr. William Weaver of the Department of Environmental Protection regarding Tucker Industries' Title 5 application. One version of the letter states Council's approval while the other opposes granting the request contingent on the inspection methods and reporting requirements of DEP. Alex Chiaruttini, attorney for Tucker Industries, stated that Tucker Industries would provide reports to the Borough. President Richards responded that reports would show the conclusions of ineffective inspections, such as a monthly walk-around test of malodors. It was suggested that the stated "two-year" reporting requirements should be changed to "the life of the permit." *David Woodward motioned to send the opposing letter with the suggested revision; seconded by Robert Clayton. Per roll call vote: Charles Eisenhart, no; Richard Cashman, no; Andrew Raymond, no; Charles Philips, yes; Robert Clayton, yes; David Woodward, yes; and David Richards, yes. Motion approved by a vote of four (4) to three (3).* Kenneth Young inquired of those Council Members voting no, why they felt the letter should not be sent. Charles Eisenhart responded that this is a matter for the Department of Environmental Protection. Richard Cashman and Andrew Raymond concurred with Mr. Eisenhart.

New Business: Per Council review, several changes were proposed to the upcoming issue of the Borough Newsline. There was some discussion of the difficulties facing the 5K runners on Beaver Street due to traffic and the narrowness of the road. Charles Philips suggested working with Officer Grim and the Fire Police to stop traffic for the runners. President Richards commented that trash pickup will be difficult with the ongoing sewer line replacement on Water Street and will be emailing York Waste Disposal with information, possibly suggesting the use of a pickup truck to collect refuse during the project.

President Richards reported that a letter was received from Adams County regarding the Act 67 Stormwater Management Plan. A primary and an alternate representative have been requested from the Borough. Charles Eisenhart volunteered as primary representative; President Richards will be the alternate.

Correspondence:

- A breakfast meeting invitation from Penn Future in Hummelstown and York, July 13th and 14th
- A set of decorative pins were received from the Pennsylvania State Association of Borough in appreciation of a survey submitted by President Richards

The minutes of the meeting were closed at 8:40 P.M. for Executive Session to discuss personnel matters. Council came out of Executive Session at 8:50 P.M.

Charles Philips motioned to adjourn the meeting of the East Berlin Borough Council at 8:51 PM; seconded by Robert Clayton. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council