

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

March 13, 2013

The first monthly meeting of the East Berlin Borough Council was held March 13, 2013, at the East Berlin Borough Hall. This evening's meeting was postponed from March 6, 2013, due to inclement weather. The meeting was opened with the Pledge of Allegiance at 7:00 PM.

Members Present: James LeVan; Roberta Teal; Charles Eisenhart; Donald Dixon; and Andrew Raymond

Members Absent: President Charles Krall; and Richard Cashman

Also Present: Mayor Keith Hoffman; Solicitor Matthew Battersby; Secretary/Treasurer Darlene McArthur; Dr. Michael Brown; and David Richards

In the absence of President Charles Krall, Vice President James LeVan presided over this evening's meeting of Council.

Adoption of the Minutes: The minutes of the meeting of February 6, 2013, were reviewed. *A motion to approve the minutes was made by Andrew Raymond; seconded by Roberta Teal. Motion approved with all in favor.* The minutes of the Conditional Use Hearing of February 25, 2013, were reviewed. *A motion to approve the minutes was made by Andrew Raymond; seconded by Roberta Teal. Motion approved with all in favor.* The minutes of the meeting of February 27, 2013, were reviewed. *A motion to approve the minutes was made by Andrew Raymond; seconded by Charles Eisenhart. Motion approved with no dissenting votes.*

Payment of Bills: A summary of bills for the month of March totaling \$22,656.77 was reviewed. Vice President LeVan commented on the informative breakdown of the invoices from Buchart Horn denoting specific projects. It was noted that this is beneficial in passing on the cost of reviewing submitted plans to the applicants. Donald Dixon commented on the invoice from Met Ed for seasonal lighting in the amount of \$688.43. *Andrew Raymond motioned to pay the bills for the month of March; seconded by Donald Dixon. Motion approved with no dissenting votes.*

Constituents Addressing Borough Council: David Richards addressed Council regarding upgrades to be made at the Community Center including a fire suppression system and a new larger stainless steel hood in the kitchen. It was noted that funds would be borrowed to install the upgrades, and that the bank is requiring the Borough to sign a Landlord Waiver to attach these fixtures to a building owned by the Borough. Secretary McArthur stated that she would inform the Borough's insurance agent of the upgrades to the building. Solicitor Battersby inquired of the security to be offered for the borrowed funds. Mr. Richards responded that the Community Center's existing accounts would be pledged to secure the loan. It was noted that the cost of the stainless steel hood alone is \$40,000.00, and that it would be large enough to meet compliance standards. *Andrew Raymond motioned to sign a Landlord Waiver to permanently affix the improvements to the Borough-owned building; seconded by Roberta Teal. Motion approved with all in favor.*

Mayor's Report: The police report for February was provided to Council. Mayor Hoffman stated that it has been fairly quiet in the Borough.

Fire Company Report: Andrew Raymond reported that he and Roberta Teal attended last night's Board meeting of the Fire Company. It was announced that Liberty Fire Company is inviting Council to attend a budget presentation on April 11, 2013, at 7:00 PM and that Hamilton, Reading, Washington, and Paradise Townships would also be invited. Mr. Raymond reported that the Council of Governments' Fire Services Funding Study would be provided to the Adams County Commissioners on April 15, 2013, and it was stated that the region's fire companies are grossly underfunded. Mr. Raymond discussed the upcoming expense of a new heating system for Liberty Fire Company totaling \$20,000.00, and that the Board approved the purchase of a new rescue boat costing \$6,000.00. Mr. Raymond reported that he would be attending a training session on collaborative approaches to funding fire and EMS services on March 20th in Enola.

Engineer's Report: Robert Meminger presented a diagram of the Borough's traffic signal permit and reviewed a history of the problems with the traffic signal, noting that noncompliance with the permit could lead to liability issues. In addressing the current issue of the line painting and loop sensors misplaced by approximately four feet (4') in the eastbound lane, Mr. Meminger presented the options to either relocate the lines and loop sensors, or have the permit amended to agree with the current placement. There was some discussion of the cause of the misplacement resulting from a sewer line project and a final inspection from PennDOT approving the placement. Although the Borough was not directly involved in the project, Mr. Meminger has been working with PennDOT, Swam Electric, and the Joint Authority's engineer and contractor in an effort to correct the issue. In discussing these issues with Borough Engineer Eric Mains, a proposal was made to perform a traffic signal evaluation to determine what is currently in place and what is needed for proper function of the signal. The cost of the evaluation was quoted as \$2,500.00. In consideration of the use of Liquid Fuels funds to pay for the evaluation, a more detailed study would be needed with a cost of \$2,500.00 to \$4,000.00. It was noted that a more detailed study to include a traffic count may be beneficial. Mr. Meminger stated that a video detection system would eliminate the loop sensor problems and could also be paid with Liquid Fuels funds, and possibly reimbursed by grant money. Solicitor Battersby commented that the State controls Routes 194 and 234 and would be liable for any resulting incidents, noting that PennDOT approved the final inspection of the line painting. Roberta Teal commented on the recommendation that the traffic signal evaluation should be performed every three (3) to five (5) years and has not been done since 2002. Mr. Meminger discussed the lack of preventative maintenance being performed by Swam Electric and suggested that other options should be explored. There was some discussion of the available total of the Borough's Liquid Fuels funds. *Andrew Raymond motioned to authorize the Borough's Engineer to perform a traffic signal evaluation at a cost of up to \$5,000.00, provided that the cost is Liquid Fuels eligible; seconded by Roberta Teal. Motion approved with all in favor.*

Solicitor's Report: Solicitor Battersby reported that installment payments as agreed have not been received from Cindy Reigart for her subdivision plan fees, and proposes to send a letter with a deadline of thirty (30) days to pay in full with no further building or occupancy permits to be issued until paid. *Andrew Raymond motioned to have the letter sent to Ms. Reigart; seconded by Donald Dixon. Motion approved with no dissenting votes.*

Regarding the upcoming continuation of the Conditional Use Hearing for a cell phone tower, Solicitor Battersby cited a similar case in which a denial based on health concerns was overturned in court. It was noted that if compliance with health regulations is proven safe, there can be no further inquiry of the matter.

Additional Constituent to Address Borough Council: Dr. Michael Brown arrived at 8:00 PM to address Council on the issue of waiving the requirement of a Land Development Plan for the Wellspan parking lot project. In a letter presented to Council at the previous meeting, Dr. Brown explained that a grading and storm water management plan would be submitted for the project. Borough Engineer Eric Mains was present at the previous meeting and provided his comments on the request to waive the Land Development Plan. It was noted that zoning requirements would be addressed by the required zoning permit per discussions with Borough Zoning Officer Robert Thaeler. Vice President LeVan stated that he would like written comments from the Borough's Engineer and Zoning Officer stating their agreement to accept a grading and storm water management plan only before Council would grant the waiver of the Land Development Plan. Solicitor Battersby stated that a parking lot could be effectively addressed with a grading and storm water management plan. Dr. Brown noted the cost difference of these options as \$20,000.00 versus \$60,000.00, and stated that he would attend the next meeting of Council on March 27, 2013.

Committee Reports:

Finance: Council reviewed the Previous Year Financial Comparison Report. There was some discussion of the fluctuation of payments received from the York Adams Tax Bureau for earned income tax.

Streets/Public Safety and Maintenance: Roberta Teal reviewed a meeting on February 21st with Patricia Young and Wanda and Nevin Nell to discuss storm water concerns on Beaver Street. Robert Meminger, John Schlaline and Loy Elliot were also present at the meeting. The meeting was concluded with an agreement for the property owners to utilize landscaping and erosion control methods to prevent further

damage. The Borough will reexamine the issue in the summer of 2014 if storm water flowing off Beaver Street is still causing problems for the property owners. Ms. Teal reported that spring street sweeping has begun in the Borough, and that new playground equipment arrived February 19th being temporarily stored in the Borough's garage. Regarding the proposed Schoolhouse Lane drainage project, invitations to bid will be sent out next month with the project planned for completion in May. Robert Meminger reported on snow and ice removal efforts during recent weather events, including the application of sixty (60) gallons of brine solution on March 6, 2013.

Planning/Zoning: The meeting minutes of the Planning Commission for January 24, 2013, were provided to Council. Andrew Raymond reported that several members of Council and the Planning Commission met with Zoning Officer Robert Thaeler this morning to discuss updates to the Borough's Zoning Ordinance.

Personnel: Regarding a request from Officer Grim to include the Deferred Retirement Option Plan (DROP) in the Borough's Uniformed Pension Plan, a revised plan and ordinance for adoption are forthcoming from the Pennsylvania Municipal Retirement System. Vice President LeVan reported that two (2) applications were received for membership on the Zoning Hearing Board. It was noted that one (1) vacancy exists on the Zoning Hearing Board, and one (1) vacancy exists on the Planning Commission. The applicants will be contacted.

Park and Recreation: New playground equipment was received and will be installed upon the instruction of the Park and Recreation Commission.

Unfinished Business: Vice President LeVan reminded Council of the continuation of the Conditional Use Hearing for a proposed cell phone tower scheduled for 6:00 PM, on March 27, 2013.

New Business: Council was provided with the 2012 Municipal Audit Report. It was noted that the Balance Sheet was advertised as required. There was some discussion of possible additional street pole banners {in conjunction with the Borough's 250th Anniversary} to be available if a minimum order of ten (10) is met.

Correspondence:

- Letter from PA State Mayor's Association regarding municipal police use of radar
- PSAB March Training Schedule Updates
- PA COG Winter 2013 Newsletter
- Adams County Chamber of Commerce Luncheon, Gettysburg, 3/15/13, Cost \$20
- PSAB Annual Conference, Hershey, 5/5 - 5/8/13
- Breakfast with Representative Will Tallman, 4/19/13, Trump's Restaurant, RSVP 4/12/13

Andrew Raymond motioned to adjourn the meeting of the East Berlin Borough Council at 8:34 PM; seconded by Donald Dixon. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council