

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

March 27, 2013 – Work Session

The second monthly meeting of the East Berlin Borough Council was held March 27, 2013, at the East Berlin Borough Hall. The meeting was opened with the Pledge of Allegiance at 7:00 PM.

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

Members Absent: President Charles Krall

Also Present: Secretary/Treasurer Darlene McArthur; Dr. Michael Brown; Donald Moul; and Dave Richards

In the absence of President Charles Krall, Vice President James LeVan chaired the meeting.

Constituents Addressing Borough Council: Dr. Michael Brown addressed Council to request the waiver of a land development plan for the parking lot project at East Berlin Medical Center/Wellspan, and to instead submit a grading and storm water management plan. Vice President LeVan reported that comments were received from the Borough's Engineer, Zoning Officer, and Solicitor stating that the grading and storm water management plan would suffice for the parking lot project. *Andrew Raymond motioned to allow the submission of a grading and storm water management plan in lieu of a land development plan for the project; seconded by Roberta Teal. Motion approved with all in favor.* Secretary/Treasurer McArthur stated that a letter would be sent to Dr. Brown confirming the waiver.

Donald Moul addressed Council regarding his newly-constructed rental property at 103 West King Street. Mr. Moul noted that the former building, destroyed by fire, housed four (4) rental units and the new building consists of only two (2) units due to the requirement of a sprinkler system to be installed in newly-constructed buildings with more than two (2) units. Mr. Moul stated that he wishes to construct an additional two-unit building at the rear of the property, and claimed that there is sufficient space for additional parking. Mr. Moul asserted that the additional structure would be a financial asset to the Borough, and invited Council Members to inspect the new building stating that rent would be set at \$850.00 per month plus utilities. Having had experience with the required permitting process, Mr. Moul requested that the additional structure be allowed on the authority of Council. Donald Dixon mentioned the many cats that lived beneath the former rental structure, and inquired about the need for "green" space on the property. It was noted that zoning requirements must be met, and that storm water runoff issues must be addressed. Mr. Moul was thanked for his attendance at this evening's meeting of Council. There was some discussion of Mr. Moul's option to apply for a zoning variance.

Topics of Discussion:

- Vice President LeVan reported that two (2) draft resolutions were received from the Adams County Boroughs Association requesting support from the Borough. The first would expand the ability to put referendums on the primary and general ballots. Charles Eisenhart proposed to table the decision for further review. In reviewing her attendance at the recent Boroughs Association meeting, Roberta Teal noted that another topic of discussion was the use of radar by municipal police for speed detection, currently allowed for state police only. The second draft resolution would call for the alleviation of caps on the sale of small games of chance to raise funds for charitable organizations such as fire departments and service clubs. Andrew Raymond stated that this action could help raise additional revenue for these types of clubs. Vice President LeVan suggested that the resolution be tabled for further review.
- Regarding the addition of the Deferred Retirement Option Plan to the Borough's Uniformed Pension Plan, Vice President LeVan stated that Ordinance No. 2013-2 was advertised and would be considered for adoption at Council's Regular Session on April 3, 2013.
- Council discussed the issue of a building permit fee for the proposed warehouse project at Pennwood Products. Per Resolution 1-00-1 adopted in January, 2000, the cost of a building permit fee is set at thirty cents per square foot. With the proposed structure at 45,000 square feet, the cost would total \$13,500.00. It was determined that this cost is not reasonable and would exceed the incurred cost to the Borough in engineering, administrative, and possible legal fees. Ms. McArthur reported contacting Conewago Township Manager Marcie Hagarman regarding a similar project for a large shoe warehouse. Manager Hagarman stated that the cost of the building permit for the warehouse would have been \$15,000.00 using their standard method of calculation. The Township Supervisors deemed the fee excessive and determined a reasonable cost per the estimated fees incurred by the Township for the project. Council concurred that the building permit fee to Pennwood Products should reflect cost incurred by the Borough, and is awaiting estimated fees from the Borough Engineer.
- Vice President LeVan reported that Planning Commission Member Dean Wonders, whose term expires March 31, 2013, wishes to continue in this role. *Andrew Raymond motioned to reappoint Mr. Wonders to another four-year term on the Commission; seconded by Donald Dixon. Motion approved with no dissenting votes.* Vice President LeVan stated that the Personnel Committee recommends the appointment of Scott Knight of 107 West King Street to fill vacant position on the Planning Commission with a term to end September 30, 2016. *Andrew Raymond motioned to appoint Mr. Knight to the fill the vacancy on the Commission; seconded by Roberta Teal. Motion approved with all in favor.* Regarding a vacancy on the Zoning Hearing Board, the Personnel Committee recommended the appointment of Stephen DeRiggs of 130 Lodge Lane to the Board. *Roberta Teal motioned to appoint Mr. DeRiggs to the Zoning Hearing Board with a term to end on December 31, 2017; seconded by Andrew Raymond. Motion approved with all in favor.*
- Council received the March 4th meeting minutes of the Founder's Day Committee. Vice President LeVan noted that the Committee is very active.
- Regarding the budget presentation meeting at Liberty Fire Company scheduled for April 11, 2013, Andrew Raymond reported that the meeting has been postponed until after the results of the fire study are received from the Council of Governments. A letter will be sent to the surrounding municipalities to inform them of the rescheduled meeting date.

- Council was reminded of the breakfast meeting with Representative Will Tallman on April 19, 2013, at Trump's Restaurant. A response is needed by April 12, 2013.
- The March newsletter was received from the Adams County Boroughs Association.
- Training and webinars offered from the Pennsylvania State Association of Boroughs were made available for Council's review.
- Vice President LeVan reported that a Gettysburg Chamber of Commerce breakfast is scheduled on April 11th at Cross Keys Village at a cost of \$15.00 per person.
- Andrew Raymond reported on his attendance at a training session in Enola regarding emergency services funding. Topics included the imposition of fire tax and a likely decrease in State Act 205 allocations to fire companies. Mr. Raymond mentioned the upcoming expense to Liberty Fire Company for a new heating and cooling system, and reminded Council of the use of the Fire Company as emergency shelter when needed. Council was asked to consider donating to this capital expenditure. Mr. Raymond reported that Zoning Officer Robert Thaeler would be providing a letter to Liberty Fire Company addressing sign compliance per zoning ordinance requirements. Roberta Teal suggested that Mr. Raymond contact the Fairfield Fire Company to inquire of their methods of fundraising and maintaining a successful operation. Mr. Raymond stated that he would make inquiries. David Richards suggested that more public notice be provided for fundraising events at Liberty Fire Company, such as posting on the town sign.
- Richard Cashman reported on possible zoning issues at the former Nell's building on West King Street including trailers parked on the lot and activities inside the building. Mr. Cashman also discussed tractor trailers exiting the parking lot onto West King Street in violation of the approved land use plan for the property for one-way traffic only. Mr. Cashman shared photographs provided to him by a resident. Ms. McArthur stated that Borough Zoning Officer Thaeler is addressing the use of the property per zoning regulations, and that the property owner would be contacted regarding the one-way issue.

James LeVan motioned to adjourn the meeting of the East Berlin Borough Council at 8:00 PM; seconded by Andrew Raymond. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council