

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

August 7, 2013

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

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

**Members Absent:** Charles Eisenhart, excused for medical reasons

**Also Present:** Mayor Keith Hoffman; Solicitor Matthew Battersby; Secretary/Treasurer Darlene McArthur; and Diane Weaver, Reporter for the Evening Sun; Mike Thomas of Liberty Fire Company

**Adoption of the Minutes:** The minutes of the meeting of July 3, 2013, were reviewed. *A motion to approve the minutes was made by James LeVan; seconded by Andrew Raymond. Motion approved with all in favor.* The minutes of the meeting of July 31, 2013, were reviewed. In referencing statements made by Parks and Recreation Chairman Phil Keener, Donald Dixon inquired of the specifics of the additional playground equipment. Mr. Dixon was informed that the equipment consisted of a playground jungle gym. *A motion to approve the minutes was made by Roberta Teal; seconded by Andrew Raymond. Motion approved with no dissenting votes.*

**Payment of Bills:** A summary of bills for the month of August totaling \$23,871.85 was reviewed. There was some discussion of an invoice from the Borough Engineer for a Traffic Signal Evaluation Study paid by Liquid Fuels funds in installment payments. Donald Dixon inquired of an invoice in the amount of \$120.00 for constable fees to be paid by Refuse funds for delinquent accounts. Solicitor Battersby stated that this amount would be refunded to the Refuse Account when collected. There was also some discussion of an invoice from Swam Electric in the amount of \$187.00 to locate and mark the traffic light loop sensors for a Joint Authority project. *Donald Dixon motioned to pay the bills for the month of August; seconded by Andrew Raymond. Motion approved with no dissenting votes.*

**Constituents Addressing Borough Council:** None.

**Mayor's Report:** Mayor Hoffman stated that no police report was available, and noted that preparations are underway for the upcoming Colonial Day event.

**Fire Company Report:** Mike Thomas of Liberty Fire Company reported thirty-three (33) fire calls and ninety-six (96) ambulance responses for the month of June, and fourteen (14) fire calls and seventy-one (71) ambulance responses for the month of July. President Krall inquired if Mr. Thomas had any knowledge of the Fire Company's response to the recent Auditor General's report on the Fire Relief Funds. Mr. Thomas responded that the issues were the result of incorrect actions on the part of the Relief Association Treasurer, and that steps are being taken to correct the findings of the report. In a discussion of an inappropriate transfer of Fire Relief Funds, President Krall stated that these restricted funds may not be utilized for investment purposes, and that he would be attending the next meeting of the Fire Company Board and Relief Association to discuss these matters. Donald Dixon inquired if the Fire Company utilizes the services of a CPA (Certified Public

Accountant). Mr. Thomas stated that the Form 990 is completed by an accountant. Solicitor Battersby noted that the Form 990 is not an audit of the Fire Company's funds.

**Engineer's Report:** In a follow up discussion of the Proposed Construction Specifications, James LeVan stated that in his opinion, a formal set of specifications is not necessary for East Berlin Borough and again voiced his concern of the cost of enforcement. It was noted that the cost would be passed onto the project owner. With little room for additional development in the town, both Roberta Teal and Richard Cashman concurred that the specifications are not needed. *Roberta Teal motioned to decline the offer of the Proposed Construction Specifications; seconded by Andrew Raymond. Motion approved with all in favor.*

**Solicitor's Report:** Regarding a cost overrun, Solicitor Battersby discussed the contract with Henson Paving for the Schoolhouse Lane Project in the amount of \$15,449.00 and noted the strong legal ground to withhold payment of the additional cost without a preauthorized change order. President Krall stated that payment of the original contract amount was approved at the previous meeting of Council, and that the change order amount of \$2,952.00 is still under discussion. President Krall reported that he discussed the matter with Council Member Charles Eisenhart, and warned against "burning bridges" in the Borough's relationship with Henson Paving. It was noted that there is no issue with the quality of the work, and Henson Paving is willing to bid on small projects in the Borough. President Krall stated that Mr. Eisenhart proposes to submit payment of the contract amount along with a letter requesting a meeting with a representative from Henson Paving to discuss the proper procedure for obtaining authorization prior to completing a project. Secretary McArthur stated that she would send the payment and meeting request to Henson Paving. In response to Donald Dixon's concern of the use of Liquid Fuels Funds to pay for the project, it was noted that the payment would qualify even with the delayed approval of the change order amount.

**Committee Reports:**

**Finance:** Council reviewed the Previous Year Financial Comparison Report. Regarding a variation in Earned Income Tax receipts, President Krall reported his discussion with David Richards, the Borough's appointed delegate to the York Adams Tax Bureau. Mr. Richards explained a change in funds disbursement from YATB in 2011 from quarterly to monthly creating a surplus in 2012.

**Streets/Public Safety and Maintenance:** Roberta Teal reported that two (2) traffic signs were damaged by hit and run drivers. The signs were replaced and parts for the sign inventory were ordered. A sink hole was repaired beside the storm water basin across from 322 Hillside Drive. A traffic loop sensor was damaged by the water valve replacement project at the square. Swam Electric provided a quote of \$2,500.00 to replace the loop. We are awaiting a response from PennDOT to our request for a meeting to resolve issues at the square. As the result of a reported bicycling accident, PennDOT will be replacing all of the storm water grates along King Street (Rt. 234) since this is a designated state bicycle route. During Robert Meminger's monthly workshop meeting with Borough Engineer Eric Mains, options were discussed for drainage in the excavated playground area at the park, traffic signal issues, the Pennwood Project, the proposed Wellspan Project, and a storm water pipe issue that was uncovered during the waterline replacement project. The new playground equipment is being sorted into component groups and checked for parts in preparation for assembly. Ms. Teal noted that the Schoolhouse Lane Drainage Project is working well to alleviate water drainage issues in the area.

**Planning/Zoning:** President Krall reported that meetings continue with Zoning Officer Robert Thaeler to discuss updates to the Borough's Zoning Ordinance, hopefully to be completed by year's end.

**Personnel:** James LeVan discussed a proposed Employee Tuition Assistance Policy and Agreement previously reviewed by Council in Executive Session. Council commended Mr. LeVan on his efforts in drafting the documents. In response to an inquiry from Donald Dixon, Mr. LeVan clarified the terms of the policy regarding employee termination. *Andrew Raymond motioned to approve the Tuition Assistance Policy and Agreement; seconded by Roberta Teal. Motion approved with all in favor.*

**Park and Recreation:** Nothing to report.

**Unfinished Business:** None.

**New Business:** President Krall discussed the new Workers Compensation Policy for the volunteer firefighters at Liberty Fire Company. Due to recent legislation allowing cancer claims by firefighters to be handled by Workers Compensation, the Policy was discontinued by the Borough's insurance company and must be provided by the State Workers Insurance Fund. Fire Chief Lee Byers will be contacted regarding the requirements of the new Policy including postings, documents requiring signatures, updated reporting forms, and procedural changes.

James LeVan discussed a recent incident in Ross Township, Monroe County, Pennsylvania, in which three (3) people were killed and (3) others injured in a shooting incident at a meeting of the Township Supervisors involving a disgruntled resident. Mr. LeVan suggested that Officer Grim should attend Council meetings to prevent a similar incident. There was some discussion of past incidents of specific concern when Officer Grim did attend Council meetings. President Krall noted that any time spent by Officer Grim attending Council meetings is time that he is not on patrol in the Borough and proposed that Council should consider the matter for later discussion.

**Correspondence:**

- Certified Letter from Auditor General Regarding Liberty Fire Company
- Colonial Day Annual Service Request to the Borough
- Founder's Day Committee Meeting Minutes of 8/5/2013

President Krall reminded Council of the Zoning Committee meeting with Robert Thaeler on August 14<sup>th</sup> at 10:00 AM. Roberta Teal reported that Andy Deardorff created a Face Book page for Founder's Day, and that the Evening in the Park event was very successful due to the efforts of the Parks and Recreation Commission Members. Regarding the report from the Auditor General on the Fire Relief Fund at Liberty Fire Company, Richard Cashman inquired what action should be taken by Council. President Krall stated that he would be in attendance at the next meeting of the Board of Liberty Fire Company and the Relief Association.

*Donald Dixon motioned to adjourn the meeting of the East Berlin Borough Council at 8:07 PM; seconded by Roberta Teal. Motion approved with all voting in favor.*

Respectfully submitted,

Darlene McArthur  
Secretary/Treasurer of Borough Council