

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

November 6, 2013

The first monthly meeting of the East Berlin Borough Council was held November 6, 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; Andrew Raymond; Richard Cashman; and Donald Dixon

Members Absent: Charles Eisenhart

Also Present: Mayor Keith Hoffman; Solicitor Matthew Battersby; Secretary/Treasurer Darlene McArthur; Diane Weaver, Reporter for the Evening Sun; David Richards; Dawn Myers and Craig Stuart, Representatives of Bermudian Youth Baseball; and Several Representatives of Liberty Fire Company

Adoption of the Minutes: The minutes of the meeting of October 2, 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 October 30, 2013, were reviewed. *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 November totaling \$37,507.10 was reviewed. Due to a recent miscommunication by Liberty Fire Company regarding a donation by the Borough in 2012, Richard Cashman inquired if the annual contribution for vehicle insurance in the amount of \$5,600.00 should be withheld. President Krall responded that a decision would be made following this evening's discussion with members of Liberty Fire Company. *Donald Dixon motioned to pay the bills for the month of November excluding the payment to Liberty Fire Company; seconded by Andrew Raymond. Motion approved with no dissenting votes.*

Constituents Addressing Borough Council: Dawn Myers and Craig Stuart of Bermudian Youth Baseball addressed Council to propose a ball field project on land owned by Freda Zeigler and Borough Parkland. Ms. Myers reported difficulties for the League due to the increasing number of events and the need for additional fields. A thirty-year lease was reportedly signed with Mrs. Zeigler for Phase One of the project to install three (3) fields on her property. Project costs were reviewed as detailed in an information packet provided to Council. Mr. Stuart addressed parking issues stating that Tucker Industries was contacted to allow overflow parking, and that owners of the former Nell's property would be also be contacted. Mr. Stuart estimated that ninety (90) spaces would be needed if all three (3) fields were in use, and that efforts would be made to coordinate with park events and pavilion rentals. It was noted that League Representatives met previously with both the Parks and Recreation Commission and Planning Commission to discuss the project. Phase Two of the project would involve partnering with the Parks and Recreation Commission to add one (1) additional ball field and a concession stand on Parkland. There was some discussion of the availability of electricity and water at some point in the future. In response to Donald Dixon's inquiry regarding fencing, Mr. Stuart stated that fence would be installed for the backstop and dugout only and that no bleachers would be included at this point. Andrew Raymond invited the League to present the project to the VFW to request funding, and mentioned the additional commerce that the project would bring to the Borough.

In response to President Krall's inquiry of Council's role in the project, Borough Engineer Eric Mains explained some of the impacts of the project including additional traffic, parking at existing facilities, and the League's agreement to furnish additional portable restrooms. Mr. Mains discussed possible permit requirements and the limit of disturbed area to be less than one (1) acre, but stated that no land development plan is needed for Phase One of the project. *Andrew Raymond motioned that Council would support the Bermudian Youth Baseball Project; seconded by James LeVan. Motion approved with all in favor.*

Mayor's Report: Council was provided the police report for October. Mayor Hoffman reported that Police Chief Grim is back on duty after his recent illness, and that Trick or Treat went well.

Fire Company Report: Mike Thomas of Liberty Fire Company reported eighteen (18) fire responses and sixty-nine (69) ambulance calls for the month of September, and thirty (30) fire responses and eighty-one (81) ambulance calls for the month of November.

Engineer's Report: None.

Solicitor's Report: Solicitor Battersby reported that he has been looking into a GIS program as recently discussed by Council and would present additional information at the next Regular Session. President Krall noted that he and Robert Meminger would be attending a GIS Day program sponsored by Adams County Office of Planning and Development on November 20th, and that he and Mr. Meminger would be attending a Stormwater Workshop on November 15th in Gettysburg.

Liberty Fire Company: President Krall discussed a recent donation request letter sent out by Liberty Fire Company stating the Borough donated no funds in 2012, and noted that Council disagrees with this statement. James LeVan inquired why the Borough's donation was listed as \$0.00 when a check was issued to Liberty for \$5,600.00. Barry Emig of Liberty responded that the payment was made toward the cost of vehicle insurance. In response to President Krall's inquiry of why the payment is not considered a donation, Mr. Emig stated that the payment is made by agreement. David Richards explained the transfer of five (5) vehicles from the Borough to Liberty in 2009 and the Borough's offer by agreement to continue to contribute toward the cost of insurance, but stated that the payment is clearly a donation. Mr. Emig stated that this is a matter of semantics. Roberta Teal reviewed the payments made to Liberty including the full amount of the Borough's Fire Relief allocation, the Borough's required payment of workers compensation insurance, and the contribution toward vehicle insurance. In Solicitor Battersby review of an unsigned copy of the agreement, he stated that the document is not a legal contract, has no end date, and is not required by law. President Krall stated that the funds going to Liberty are taxpayer dollars.

Richard Cashman reviewed a history of frustration with Liberty in not providing requested financial information to the Borough to allow for the expenditure of tax dollars. In response to President Krall's inquiry of a resolution to these problems, Mr. Emig stated that he can't answer that tonight but promised that a detailed financial report would be provided. In response to his inquiry of a retraction of the erroneous listing of the Borough donation, President Krall was told that the matter would be brought before the Board at Liberty. Secretary McArthur reported that the \$5,600.00 payment clearly states on the face of the check that it is a "Contribution for Vehicle Insurance," and that the Borough is not required by law to pay vehicle insurance for Liberty. The Borough considers this payment to be a donation. Mike Thomas suggested that Members of Council attend the next meeting at Liberty to request the detailed financial information. President Krall stated that he would attend.

Ambulance Captain Jonathan Schardt reported on the progress of obtaining paid ambulance personnel and discussed the increasing call volume. Donald Dixon inquired if the ambulance service at Liberty is a separate entity. Mr. Schardt stated that the ambulance and fire service are separate entities, but have the same treasurer {Donna Chronister}. It was previously noted that Ms. Chronister composed the donation request letter in question, and that as treasurer, she processed the \$5,600.00 check received from the Borough. Richard Cashman inquired if Ms. Chronister realizes the damage she has caused and the strain placed on the relationship between the Borough and Liberty. Mr. Cashman was informed that the issues would be relayed to her. President Krall stated that the communications this evening are moving in the right direction.

Committee Reports:

Finance: Council reviewed the Previous Year Financial Comparison Report and Summary of Accounts. Richard Cashman reviewed the proposed 2014 budget, and noted a change from 2013 in the disbursement of donations suggesting additional funds go to the East Berlin Community Library. President Krall suggested that funds previously donated to the East Berlin Food Pantry be distributed to the Library in 2014. It was noted that the budget must be adopted by the first Regular Council Session in December for advertisement by the end of the year. Mr. Cashman also discussed the 2013 budgeted transfer of \$15,000.00 to the Capital Reserve Fund and proposed Liquid Fuels spending for 2014.

Streets/Public Safety and Maintenance: The maintenance report was provided to Council.

Planning/Zoning: President Krall reported that a draft of the revised Zoning Ordinance is available for review in the Borough office. James LeVan requested an electronic version of the document to be emailed to him.

Personnel: James LeVan reported that the Personnel Committee met yesterday and recommends the appointment of Ed Robbins of 202 Harrisburg Street to fill a vacancy on the Planning Commission and noted that Mr. Robbins served previously on the Commission. *James LeVan motioned to appoint Ed Robbins to fill a vacancy on the Planning Commission with a four-year term ending September 30, 2016; seconded by Andrew Raymond. Motion approved with no dissenting votes.* Regarding the upcoming term ending for Zoning Hearing Board Member Stanley Hollenbaugh on December 31, 2013, Mr. LeVan recommends the reappointment of Mr. Hollenbaugh. It was noted that a current alternate on the Zoning Hearing Board was elected to Council beginning January, 2014, and must resign her position on the Zoning Board. The other alternate whose term ends November 13, 2013, has not responded to requests of any desire for reappointment. Two (2) recently received applications will be considered as alternates on the Zoning Board. Regarding the term ending for Gerald Mummert on the Parks and Recreation Commission on October 31, 2013, Mr. LeVan noted that this is a three-year term per the By Laws of the Commission. Mr. Mummert will be contacted regarding his request for a one-year appointment. It was noted that he may resign at any time if he cannot fulfill the three-year commitment.

Park and Recreation: A letter to the Founder's Day Committee to allow a one-time permission for a bonfire at the Park on New Year's Eve was reviewed by Council. Donald Dixon suggested that the letter should state that fire response apparatus and trained firefighters will be on site, rather than on standby for the event. *Andrew Raymond motioned to approve the letter with the amendment; seconded by James LeVan. Motion approved with all in favor.*

Unfinished Business: None.

New Business: A request was received from the Adams County Department of Emergency Services for the Borough to agree to participate in the County's Hazard Mitigation Plan Update. It was noted that Andrew Raymond, as the Borough's Emergency Management Coordinator, would be named as the point of contact for the agreement. *Donald Dixon motioned to approve the agreement; seconded by Roberta Teal. Motion approved with all in favor.*

Correspondence:

- Founder's Day Committee Meeting Minutes of 10/28/2013
- Zoning Meeting With Rob Thaeler, 11/13/2013 at 10:00 AM
- Gettysburg Chamber of Commerce Newsletter for November
- Adams County Boroughs Association Meeting, 11/18 at 6:15 PM, Pike's Restaurant
- Office of Planning & Development Offers GIS Day, 11/20, 9:00 AM - 1:00 PM, Gettysburg

Secretary McArthur inquired of the contribution payment to Liberty Fire Company withheld from the bills payment approval. *Roberta Teal motioned to table the donation payment until after the November 12th meeting with Liberty; seconded by Richard Cashman. Motion approved with no dissenting votes.*

Donald Dixon reported that there was a twenty-four percent (24%) turnout of voters in the Borough for the November 5th election.

Council exited Regular Session for an Executive Session to discuss a legal matter at 8:47 PM, and returned to Regular Session at 8:55 PM.

Donald Dixon motioned to adjourn the meeting of the East Berlin Borough Council at 8:56 PM; seconded by Roberta Teal. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council