

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

February 5, 2014

The first monthly meeting of the East Berlin Borough Council was held February 5, 2014, 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; Jason Wood; Donald Dixon; and Catherine Lockey

Members Absent: None

Also Present: Mayor Keith Hoffman; Solicitor Matthew Battersby; Secretary/Treasurer Darlene McArthur; Borough Engineer Eric Mains; and Engineer Gerald Funke of Group Hanover Inc.

Adoption of the Minutes: The minutes of the meeting of January 6, 2014, were reviewed. *A motion to approve the minutes was made by Andrew Raymond; seconded by James LeVan. Motion approved with all in favor.* The minutes of the meeting of January 29, 2014, were reviewed. *A motion to approve the minutes was made by Andrew Raymond; seconded by Roberta Teal. Motion approved with no dissenting votes.*

Payment of Bills: A summary of bills for the month of February totaling \$29,923.81 was reviewed. Andrew Raymond commented on the expense for anti-skid material used during multiple recent snow events. *Donald Dixon motioned to pay the bills for the month of February; seconded by Andrew Raymond. Motion approved with no dissenting votes.*

Constituents Addressing Borough Council: None.

Mayor's Report: Council was provided the police report for January.

Engineer's Report: Regarding a bond release request from Pennwood Products, Borough Engineer Eric Mains explained the purpose of the bond as a guarantee that the project will be done correctly and noted that from an engineering perspective, the project is in compliance. Gerald Funke, Engineer for Pennwood Products, stated that all items have been addressed including the Stormwater Management Operation and Maintenance Agreement with the Borough. Solicitor Battersby stated that the project must comply with the Land Development Plan and that an agreement must be in place with the Joint Authority for water and sewer service. Mr. Funke stated that hookup fees are due upon enactment of the water and sewer service agreement and that the bond release would provide the necessary capital. Solicitor Battersby stated that the agreement should have been enacted at the start of the project, and proposed that the Borough withhold sixty percent (60%) of the bond. In response to President Krall's inquiry, Secretary McArthur stated that all engineering and legal costs billed to Pennwood have been paid to date. Catherine Lockey suggested releasing only the amount of the bond to cover water and sewer hookup fees, and commented that Pennwood should have kept their word to enact the service agreement. Jason Wood stated his opinion that it is unlikely Pennwood lacks the capital to pay the hookup fees without the bond release. There was some discussion of whether to withhold the entire amount of the bond or only a portion as an act of good faith. Solicitor Battersby suggested the Borough hold \$60,000.00 of the \$115,844.00 bond. *In accordance with the Solicitor's suggestion, Andrew Raymond motioned to approve a partial bond release of \$55,814.00 and to hold the remaining balance of \$60,000.00 until the execution of a water and sewer service agreement with the Joint Authority, payment of connection fees, and payment of any outstanding legal and engineering fees owed to the Borough; seconded by Roberta Teal. Per roll call vote: James LeVan, no; Jason Wood, no; Andrew Raymond, yes; Catherine Lockey, yes; Roberta Teal, yes; Donald Dixon, no; and Charles Krall, yes. Motion passes by a vote of four (4) to three (3).* President Krall stated that Pennwood has been a longtime business and employer in the Borough, and explained his decision to

compromise on this issue. Borough Engineer Eric Mains stated that he would draft a letter to Pennwood stating Council's decision of a partial bond release.

Regarding his proposal to provide a Geographic Information System (GIS), Mr. Mains explained the mapping effort made jointly with the Borough for existing storm water facilities and the Joint Authority for water and sewer utilities. The cost quoted to the Borough for this service is \$9,000.00 with the Joint Authority to be billed separately for their portion of the project. Mr. Mains stressed that storm water issues have become more prevalent requiring due diligence on the part of municipalities, and explained the function of the GIS program in mapping and providing a wealth of information in additional data. There was also some discussion of the option to include a street program to organize priority projects. President Krall stated that Council is not prepared to make a decision at this point, but invited any questions that Council might have for Mr. Mains. Donald Dixon inquired what the cost of project would cover. Mr. Mains replied that the cost would cover the collection of data in the field and explained the possibility that the Department of Environmental Protection (DEP) may require that this information be made available at some point in the future. Solicitor Battersby provided a history of the effects of storm water runoff leading up to the current focus on this issue. In response to Catherine Lockey's inquiry of the length of the agreement to provide the GIS program, Mr. Mains explained the current arrangement with the Borough to provide engineering services, scope of project costs, workshop sessions, etc. President Krall stated that the proposal will be considered for possible future action.

Mr. Mains discussed Council's decision to install a video detection system for the traffic signal at the square based on past problems with the loop detection system, and explained his proposal to provide contract documents to prospective bidders noting that having the proper documents would protect the Borough should any problems arise. There was some discussion of the Joint Authority's agreement to pay for a portion of the line painting that was shifted in error during a previous project at the square. President Krall stated that Council would review the proposal and thanked Mr. Mains for his presentation.

Solicitor's Report: In his review of the proposed Memorandum of Understanding (MOU) with Bermudian Youth Baseball, Solicitor Battersby suggested the addition of language to name the Borough as additional insured if Borough owned land is involved. President Krall explained that the agreement for baseball fields is on land owned by Zeigler's and not the Borough. Solicitor Battersby recommended the approval of the MOU. There was some discussion of the purpose of the MOU to address issues that impact the Borough such as parking, event coordination with the Borough Park, limit of disturbed land area, and the provision of adequate restroom facilities. *Roberta Teal motioned to approve the MOU between the Borough and Bermudian Youth Baseball; seconded by Jason Wood. Motion approved with all in favor.*

Committee Reports:

Finance: Council reviewed the Previous Year Financial Comparison Report and Summary of Accounts. Secretary McArthur explained the greater amount of income for January of 2014 over January of 2013 due to receipts of real estate tax, delinquent taxes, earned income tax, and a municipal shared payment of workers compensation insurance that likely should have posted to 2013 income. The receipts of these payments were delayed for various reasons and have caused a significant variation in the Previous Year Financial Comparison Report for January. Additionally, \$4,901.37 was received from the York Adams Tax Bureau (YATB) for a payback of building equity per the Borough's original contribution and posted as miscellaneous income. President Krall noted an increase in January's net income of \$22,295.38 over 2013.

Streets/Public Safety and Maintenance: Andrew Raymond commented on the recent efforts of Robert Meminger and Donald Myers in ice and snow removal and noted that Mr. Meminger has slept at the Borough Hall when necessary. Mr. Raymond commended both workers on their incredible work. In a review of alternator and battery problems with the F250, Mr. Raymond proposed the purchase of a more capable diesel-powered vehicle in the future. Regarding the power outage due to

the ice storm on February 5, 2014, Mr. Raymond proposed to send a certificate of appreciation to Doug Wolf, Fire Policeman, for his assistance in directing traffic at the square relieving Officer Grim to continue his patrol duties. It was also suggested to have the Borough donate \$300.00 to the volunteer fire police organization. President Krall stated that this would be addressed later in a discussion of the Borough's Contribution Policy. *Catherine Lockey motioned to send a certificate of appreciation to Doug Wolf; seconded by Donald Dixon. Motion approved with all in favor.*

Planning/Zoning: None.

Personnel: James LeVan reported that the Personnel Committee met on January 31, 2014, to address several Board vacancies. It was noted that Council Member Catherine Lockey can no longer serve as an Alternate Member of the Zoning Hearing Board, and that Rebecca Meixner has not responded to attempts to contact her regarding her reappointment as an Alternate Member of the Zoning Hearing Board. Regarding a proposal to appoint Kristine Raymond to the Zoning Hearing Board, President Krall voiced his concern of possible conflict of interest as the spouse of a Council Member, but would compromise since the position would be an Alternate Member. Solicitor Battersby noted that the appointment is allowed. *James LeVan motioned to appoint Kristine Raymond as an Alternate Member of the Zoning Hearing Board; seconded by Catherine Lockey. Motion approved with one (1) abstention. James LeVan motioned to appoint Dolores Brehm as an Alternate Member of the Zoning Hearing Board; seconded by Catherine Lockey. Motion approved with all in favor. James LeVan motioned to appoint Donald Davis as a Member of the Zoning Hearing Board; seconded by Catherine Lockey. Motion approved with all in favor. James LeVan motioned to appoint Charles Krall as an Alternate Delegate to the Adams County Tax Collection Committee; seconded by Catherine Lockey. Motion approved with all in favor. James LeVan motioned to reappoint Mary Beth LeVan as a Member of the Parks and Recreation Commission; seconded by Jason Wood. Motion approved with one (1) abstention.*

Park and Recreation: The meeting minutes of January 9, 2014, were provided to Council.

Unfinished Business: President Krall stated that the Draft Contributions Policy would be tabled until the next meeting of Council. Regarding a request for information from alternative inspection agencies, President Krall reported that submissions are expected. Legislative surveys for the Adams County Council of Governments should be submitted to Andrew Raymond.

New Business: None.

Correspondence:

- Gettysburg Chamber Breakfast, 2/13, Gettysburg Hotel, Cost \$15
- PSAB Conference, April 6 - 9, State College, PA
- February Gettysburg Chamber Newsletter
- Training and Webinars Available

James LeVan inquired if the State Ethics Commission Statement of Financial Interests forms were available. Secretary McArthur responded that the forms were received and would be distributed to Council. Donald Dixon commented on the outstanding record of the Bermudian Springs Boys Basketball team as twenty (20) wins and one (1) loss.

Andrew Raymond motioned to adjourn the meeting of the East Berlin Borough Council at 8:55 PM; seconded by Jason Wood. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council