

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

July 2, 2014

The first monthly meeting of the East Berlin Borough Council was held July 2, 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; Donald Dixon; Jason Wood; and Catherine Lockey (7:05 PM)

Members Absent: None

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

Adoption of the Minutes: The minutes of the meeting of June 4, 2014, were reviewed. Roberta Teal noted that DCNR Representative Mr. Schreiber's first name is Jay, not Don. Secretary McArthur concurred. *A motion to approve the minutes with one correction was made by Andrew Raymond; seconded by Donald Dixon. Motion approved with all in favor.* The minutes of the public hearing for the proposed zoning ordinance of June 25, 2014, were reviewed. *A motion to approve the minutes was made by Roberta Teal; seconded by Andrew Raymond. Motion approved with all in favor.* The minutes of the meeting of Council's work session on June 25, 2014, were reviewed. *A motion to approve the minutes was made by Andrew Raymond; seconded by James LeVan. Motion approved with all in favor.*

President Krall requested that David Richards provide an update to the condition of the roof of the Community Center. Mr. Richards explained that the roof of the one-story addition section of the building has been leaking for the last two (2) years. Upon his inspection of the roof, Mr. Richards reported that the roof itself is in good condition, but it is likely the seams that are leaking. President Krall stated that if this is correct, the roof repair is not as significant as initially expected.

Payment of Bills: A summary of bills for the month of July totaling \$24,389.52 was reviewed. Roberta Teal questioned the invoiced amount of \$2.55 from PA One Call. Secretary McArthur explained the cost as an automated message which is generated for an emergency excavation during non-business hours. James LeVan noted the cost of employee life insurance billed once annually as it affects the average total of the monthly bills detail. *James LeVan motioned to pay the bills for the month of July; seconded by Jason Wood. Motion approved with no dissenting votes.*

Constituents Addressing Borough Council: David Richards commented that the Christmas lights have not been removed, now passed July 4th, and not per the agreement with the Lions Club. President Krall stated that the Lions Club will be constructing a new building to store the light fixtures and they would be removed when the building is complete to avoid handling the fixtures twice. Mr. Richards inquired if Council had discussed the comments received on the adoption of the proposed zoning ordinance. President Krall stated that the comments would be discussed at this evening's meeting. In response to Mr. Richards' reference to spot zoning, Solicitor Battersby stated that no spot zoning occurred.

Mayor's Report: Council was provided the police report for June. Catherine Locky inquired about an incident that occurred during the Beaver Colony yard sale event. Andrew Raymond explained that a gentleman became unconscious and required medical attention. Mr. Raymond commended EMT John Lauver for providing excellent medical care. *Andrew Raymond motioned to send a thank you letter to EMT John Lauver; seconded by Catherine Locky. Motion approved with all in favor.*

Fire Company Report: None.

Engineer's Report: President Krall reported that bid documents for the Branch Circle Culvert Project were received from Borough Engineer Eric Mains for the review of Solicitor Battersby.

Solicitor's Report: Solicitor Battersby discussed a request from President Krall for information regarding a trademark of the Borough's crest. Solicitor Battersby explained the process of obtaining a trademark and stated that the cost would be approximately one thousand dollars (\$1,000.00). President Krall noted that the Community Center has requested authorization to imprint the crest on t-shirts for this year's 5K Run event, and the Historical Society has also used the crest as a framed picture to raise funds. Catherine Locky stated that the cost to patent a trademark seems excessive and suggested the cooperation of the Borough in allowing the nonprofit organizations to utilize the crest. There was some discussion of possible difficulties involved in not obtaining a trademark of the crest. In response to Donald Dixon's inquiry, Solicitor Battersby stated that the patent of a trademark lasts forever. President Krall suggested that Council consider the issue for further discussion at the next meeting of Council.

Committee Reports:

Finance: Council reviewed the Previous Year Financial Comparison Report and Summary of Accounts. President Krall discussed several notations on the Profit & Loss Comparison Report explaining expenses including GIS mapping, the purchase of two (2) computers, and reimbursement of training expense to Robert Meminger. President Krall reminded the Finance Committee that a meeting should be scheduled to discuss the investment of general funds.

Streets/Public Safety and Maintenance: Council reviewed the Maintenance Report. President Krall stated that Robert Meminger will be moving ahead with curb painting.

Planning/Zoning: None.

Personnel: None.

Park and Recreation: President Krall discussed the recent announcement from Trinity Church that a new basketball court was installed and available to the public, and suggested that a thank you letter should be sent from Council. *Andrew Raymond motioned to send a letter of appreciation to Trinity; seconded by Roberta Teal. Motion approved unanimously.*

Unfinished Business: None.

New Business: President Krall reported a request from Daniel Hoff of 211 Garden Lane to expand his driveway which currently exists on the Borough's right-of-way from Garden Lane to College Avenue. Zoning Officer Robert Thaeler reviewed the project and responded that

zoning requirements cannot be applied to a Borough-owned right-of-way and deferred the decision to the Borough. Mr. Hoff was informed that the expansion would be allowed, but the driveway would be removed if the Borough would extend Garden Lane to College Avenue at some point in the future. Solicitor Battersby suggested that a letter to Mr. Hoff be drafted to document that the allowance of the expansion does not constitute a transfer of the Borough's right-of-way to the property owner.

President Krall requested a motion to adopt Zoning Ordinance 2014 with Section 1401 amended to state that the Zoning Hearing Board is comprised of five (5) members and two (2) alternates, Section 1600 is renamed Repealer, and Section 1601 is added as Adoption. President Krall read Section 1600 as, "All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. The adoption of this ordinance repeals East Berlin Zoning Ordinance 2002." *Roberta Teal motioned to adopt Zoning Ordinance 2014 amended as noted; seconded by James LeVan.* Catherine Lockey mentioned a comment received regarding the allowance of fences at four feet (4') in height at the front of a property. President Krall stated that the current Zoning Ordinance also allows a three foot (3') fence, and that a variance could be requested for a four foot (4') fence if desired. James LeVan noted that this is less restrictive than many other zoning ordinances which do not allow a fence at the front of a property. President Krall reported that Zoning Officer Robert Thaeler responded to all comments received, and his responses were provided to Council prior to this evening's meeting. President Krall stated that he is confident in the drafting of the new Zoning Ordinance. Andrew Raymond noted the cost saving of having the assistance of the County in preparing the new Zoning Ordinance. *Per roll call vote, all Members of Council approved the adoption of Zoning Ordinance 2014.* There was some discussion of the Borough's Subdivision and Land Development Ordinance (SALDO). President Krall provided a SALDO copy for Council's review.

Correspondence:

- Donation Request from Rabbit Transit
- Thank You Letter from Abbottstown Borough, Postponing Street Sweeping
- East Berlin Area Joint Authority 2013 Financial Statement
- Trainings and Webinars Available

In response to Dave Richards' inquiry, President Krall stated that street sweeping was provided to Reading Township. Andrew Raymond reported on his attendance of the Council of Governments meeting on June 26, 2014. James LeVan stated that he would not be attending the next meeting of Council due to vacation plans. Solicitor Battersby suggested that Council may want to have the Borough Engineer assess the condition of the roof of the Community Center. Secretary McArthur stated that the Borough Inspector might better assess the roof.

Donald Dixon motioned to adjourn the meeting of the East Berlin Borough Council at 8:00 PM; seconded by Roberta Teal. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council