

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

August 6, 2014

The first monthly meeting of the East Berlin Borough Council was held August 6, 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 (7:03); and Catherine Lockey

**Members Absent:** None

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

**Adoption of the Minutes:** The meeting minutes of Council's Regular Session on July 2, 2014, were reviewed. *A motion to approve the minutes was made by Andrew Raymond; seconded by Roberta Teal. Motion approved with all in favor.* The meeting minutes of the Council's Work Session on July 30, 2014, were reviewed. *A motion to approve the minutes was made by Andrew Raymond; seconded by Roberta Teal. Motion approved with all in favor*

**Payment of Bills:** A summary of bills for the month of August totaling \$25,992.61 was reviewed. Regarding the invoice from L & L Ford for repairs to the police cruiser in the amount of \$1,078.85, Donald Dixon inquired if the cost is under warranty. President Krall stated that the cruiser was purchased in 2008 and is no longer under warranty. Secretary McArthur stated that she followed up with a report to Dodge/Chrysler on the issue. Catherine Lockey discussed the cost of printing seven (7) copies of a DCNR Grant Kit, and suggested the purchase of a copier that is more capable of reproducing large documents. *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:** Matthew Rhodes introduced himself to Council and discussed his new record and book store, Treasured Oldies, on E. King Street. In addition to the five to ten thousand books and thirty-five thousand records, his wife sells jewelry and artwork. Mr. Rhodes also mentioned Ray's Country Cottage located in the same building. Having just recently moved from New Jersey, Mr. Rhodes stated that he is very happy to be here and that the people in town are very pleasant.

**Mayor's Report:** Council was provided the police report for July. Mayor Hoffman mentioned the brake retarder violation as a sizeable fine for the Borough. Secretary McArthur noted that Officer Grim will be attending a hearing regarding an appeal of the violation.

**Fire Company Report:** None.

**Engineer's Report:** President Krall reported that bids were received for the Branch Circle Culvert Replacement Project as follows: H & H Excavating, \$20,119.65; Kinsley Construction, \$84,999.97; Brett A. Bishard Excavating, \$34,795.00; and Farhat Excavating, \$34,016.00. Comments were received from Borough Engineer Eric Mains stating that the bid from the apparent low bidder, H & H Excavating, meets all of the bidding document requirements and that based on his past experience with this contractor, H & H is a qualified bidder. Donald Dixon questioned the bid amount received from Kinsley Construction as inordinately high. President Krall stated that Kinsley usually deals with larger

projects, and likely submitted the bid on the chance that no other bids would be submitted. Melvin Riser, a nearby resident of the project location, inquired what items would be replaced to make the repair. President Krall stated that the project would include replacing the culvert from the inlet side, sidewalk and curbing, a new entrance rack, and asphaltting. In addressing Mr. Riser's concern of no increase in the size of the pipe, it was noted that keeping the entrance rack clear of debris is the key to a properly functioning culvert. There was some discussion of the possibility of change orders during the progression of the project. In response to Catherine Lockey's request to review the contract, President Krall stated that she may. It was noted that the contract would be reviewed and approved by both the Solicitor and Engineer prior to execution. President Krall stressed that Council's action this evening is to accept the bid, and not the contract. *Andrew Raymond motioned to award the Branch Circle Culvert Replacement Project to the apparent low bidder, H & H Excavating, and accept the agreement based on the submission of all supporting documentation and a satisfactory review from the Borough Engineer; seconded by Jason Wood. Per roll call vote, all Members of Council approved the motion.*

**Solicitor's Report:** Solicitor Battersby stated that he would hold his report for an Executive Session following this evening's Regular Session on an issue that may result in litigation.

**Committee Reports:**

**Finance:** Council reviewed the Previous Year Financial Comparison Report and Summary of Accounts. President Krall noted that the Borough's profit figure is ahead of 2013 year to date, and reminded the Finance Committee to schedule a meeting to discuss investments.

**Streets/Public Safety and Maintenance:** Andrew Raymond reported that Robert Meminger will be scheduled off for a medical procedure, and that Donald Myers would cover maintenance issues. Mr. Raymond noted that curb painting is still underway.

**Planning/Zoning:** None.

**Personnel:** None.

**Park and Recreation:** Jason Wood reported that attendance at last Sunday's Evening in the Park Event was affected by inclement weather. Secretary McArthur noted that the silent auction did well with proceeds over \$700.00.

**Unfinished Business:** President Krall reviewed a request from Wade Keech, East Berlin Area Community Center, to form a committee to draft an operational agreement with the Borough. David Richards stated that the original agreement with the member municipalities were not signed or continued, and that EBACC basically operates independently. Catherine Lockey inquired why this is a problem. President Krall reviewed an incident two (2) years ago of a complaint regarding issues in the parking lot, with no agreement in place designating the responsibilities of EBACC or the Borough as property owner. President Krall inquired if any Members of Council have interest in being a part of the proposed committee, but suggested that the number of members be limited to a small group of representative from EBACC and the Borough. Catherine Lockey, Donald Dixon, and James LeVan stated that each of them would be members of the committee. President Krall stated that he would make appointments after reviewing this with Mr. Keech. David Richards mentioned that the Board at EBACC is missing a member from East Berlin Borough with only one (1) currently in place.

**New Business:** President Krall reported that a draft project manual was received for the Traffic Signal Improvement Project from Borough Engineer Eric Mains.

A request was received from Representative Will Tallman's office to allow the use of the Borough Hall for a meeting with a limited number of residents to be organized by his office. Coffee and donuts would be provided and Council is invited to attend. The meeting would be scheduled in September or October. There was some discussion of the concern of setting a precedent for future requested political events. *Andrew Raymond motioned to allow the use of Borough Hall for a town meeting with Rep. Tallman; seconded by James LeVan. Motion approved by a vote of four (4) to three (3).*

President Krall reported that Robin Heyser, newsletter publisher for the East Berlin Area Community Center, contacted the Borough to offer a free ¼ page ad in the next edition. Ms. Heyser stated that the practice of offering free ads to the member municipalities had ceased some time ago, but she would like to reenact it. There was some discussion of the proposed content of the ad, if accepted, including funds needed for the Borough Park and a reminder of tree trimming requirements. By a consensus of Council, the offer would be gratefully accepted.

**Correspondence:**

- Founder's Day Committee Meeting Minutes of 7/28 and 8/4
- Training and Webinars Available

Donald Dixon inquired of the Winter Carnival mentioned in the Founder's Day Committee meeting minutes. Roberta Teal explained that it is an activity planned at the East Berlin Area Community Center. Andrew Raymond offered a sales table at the VFW to the Founder's Day Committee for the upcoming 5K event to benefit Liberty Fire Company. Roberta Teal accepted the offer.

Council entered an Executive Session at 8:05 PM to discuss an issue that may result in litigation. Council exited the Executive Session at 8:45 PM.

*Roberta Teal motioned to adjourn the meeting of the East Berlin Borough Council at 8:46 PM; seconded by Catherine Lockey. Motion approved with all voting in favor.*

Respectfully submitted,

Darlene McArthur  
Secretary/Treasurer of Borough Council