

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

February 4, 2015

The first monthly meeting of the East Berlin Borough Council was held February 4, 2015, at the East Berlin Borough Hall. The meeting was opened with the Pledge of Allegiance at 7:00 PM.

Members Present: President Charles Krall; Roberta Teal; Andrew Raymond; James LeVan; Jason Wood; Donald Dixon; and Catherine Lockey

Members Absent: None.

Also Present: Solicitor Matthew Battersby; Mayor Keith Hoffman; Secretary/Treasurer Darlene McArthur; John Sturgeon; David Richards; and David Bolton of the Adams County Boroughs Association

Adoption of the Minutes: The meeting minutes of Council's Session on January 21, 2015, were reviewed. *A motion to approve the minutes was made by Roberta Teal; seconded by Andrew Raymond. Motion approved with all in favor.*

Payment of Bills: A summary of bills for the beginning of February totaling \$17,358.51 was reviewed. *James LeVan motioned to pay the bills for the beginning of February; seconded by Jason Wood. Motion approved with no dissenting votes.*

Constituents Addressing Borough Council: John Sturgeon began by thanking Council for beginning the meeting with the Pledge of Allegiance. Mr. Sturgeon explained his situation involving damage to his sidewalk caused by a contractor, RJL Communications, while performing work for Comcast. Mr. Sturgeon was informed of the project by a notice placed on his door stating that there would be drilling on his property in the right-of-way and that any disturbances to the property would be restored when completed. The sidewalk was cut and lifted, but was cracked by the contractor while performing the work. Mr. Sturgeon noted that a representative of the Borough inspected the sidewalk and reported that it does not require a repair per the Borough's standards. After calls to RJL Communications, Comcast, and the Better Business Bureau to have the sidewalk repaired, Mr. Sturgeon received no assistance and requested the support of the Borough. President Krall clarified that the sidewalk belongs to the property owner, the Borough's Ordinance mandates required repairs if the sidewalk is deemed unsafe, and that the issue of the damage is a civil one. Solicitor Battersby advised Mr. Sturgeon to take pictures of the damage, obtain quotes to repair the damage, and offered contact information for a Comcast representative that would assist him. Solicitor Battersby stated that they are obligated to restore the sidewalk to its original condition. Mr. Sturgeon thanked Council and the Solicitor for their assistance.

David Richards complimented the results so far of the interior painting project at the Borough Hall, and commented that the Christmas lanterns were working well with repairs and have been removed for the season. Mr. Richards distributed an outline of his presentation at the Community Center on utility rates regarding the East Berlin Area Joint Authority, and noted that the packet includes a letter stating that the Authority has not met its agreement to provide information to the Borough and Pennvest.

David Bolton of the Adams County Boroughs Association requested Council's support of the Industrial Hemp Cultivation Resolution and noted that five (5) municipalities have signed the Resolution. Mr. Bolton provided a history of the growth of industrial hemp before the process was banned in 1937.

James LeVan voiced his concern that the Resolution does not give a detailed definition of industrial hemp. President Krall cautioned that the Resolution was not drafted by this Council. *Catherine Lockey motioned to adopt the Industrial Hemp Cultivation Resolution; seconded by Andrew Raymond. Per roll call vote; Andrew Raymond, yes; Catherine Lockey, yes; James LeVan, no; Donald Dixon, no; Roberta Teal, no; Jason Wood, yes; and Charles Krall, no. The motion failed by a vote of four (4) to three (3).* President Krall stated that further review of the Resolution is needed and possible amendments before it can again be considered for adoption.

Mayor's Report: Council was provided the police report. Mayor Hoffman commented that January was a quiet month in the Borough.

Fire Company Report: None.

Engineer's Report: None.

Solicitor's Report: Solicitor Battersby reported that he received Park grant information as a follow up to his meeting with Senator Alloway. President Krall and Jason Wood also attended the meeting. Park grant information from DCNR was provided to Secretary McArthur to forward to Parks and Recreation Chairman Phil Keener. Keystone Communities Grant paperwork was provided to Jason Wood, also a member of the Parks and Recreation Commission.

Committee Reports:

Finance: Council reviewed the Previous Year Financial Comparison Report and Summary of Accounts. President Krall noted that the January, 2014 revenue figures include several tax receipts and other income items that should likely have been received in 2013. These figures will affect the bottom line of the financial report, but the Summary of Accounts report shows the total account funds up considerably from a year ago. With the 2014 audit complete, President Krall reported that the auditors were pleased with the overall performance of the Borough finances.

Streets/Public Safety and Maintenance: Andrew Raymond reported that the furnace in the front garage was replaced due to a crack in the heat exchanger. The cost of the new unit including installation from John Wilhide Plumbing and Heating is \$2,885.00. Mr. Raymond provided the snow removal statistics for January including a considerable amount of man hours, vehicle miles, and materials for numerous snow and ice events. The interior painting project continues at the Borough Hall. The Borough's PennDOT Municipal Services Representative reported that the PennDOT Traffic Unit would be responding in the near future to the Borough's request concerning truck traffic incidents at the square.

Planning/Zoning: President Krall presented Resolution 2-2015-1, amending the Zoning Ordinance Fee Schedule, and noted that the Finance Committee met to review the necessary updates to cover costs incurred for Zoning Hearings. Comparisons were made to fees charged by other municipalities, but the amended cost for Zoning Hearings to \$500.00 is well below those of others. Solicitor Battersby stated that fees should be set at a rate reasonable to cost and not prohibitive to applicants, and with average rates from \$750.00 to \$1,000.00, the Borough's amended rate is reasonable. *Catherine Lockey motioned to adopt Resolution 2-2015-1; seconded by Andrew Raymond. Per roll call vote, all Members of Council approved the motion.*

Personnel: James LeVan explained that he has not yet been able to schedule a meeting with Officer Grim regarding his replacement upon retirement, but will do so in the coming weeks.

Park and Recreation: The meeting minutes of January 8, 2015, were provided to Council.

Unfinished Business: Jason Wood reported that he, President Krall, and Solicitor Battersby met with Senator Alloway to discuss several issues. Available Park improvement grants were discussed, as well as the Borough's request to PennDOT for assistance with options to address truck damage incidents at the square. Senator Alloway was very concerned and responsive on this issue. The excessive requirements of the Susquehanna River Basin Commission imposed on the Joint Authority were also discussed. Senator Alloway stated that he will be meeting with Representatives Will Tallman and Dan Moul to review these requirements. On the issue of truck damage at the square, President Krall mentioned the possibility of banning truck traffic except local deliveries by Ordinance, and noted that he would allow another week and a half for PennDOT to respond to the issue.

New Business: President Krall requested Council's review of Ordinance 2015-1, amending the compensation of the Borough Council and Mayor, for advertisement approval. The compensation rate was reduced to \$500.00 annually in 2011 to compensate for budget shortages. Ordinance 2015-1 would reinstate the annual rate to \$1,000.00, but would only apply to newly-elected or re-elected Council Members and Mayor per the Pennsylvania Borough Code as amended by Act 43 of 2012. *Jason Wood motioned to advertise Ordinance 2015-1, seconded by Roberta Teal. Per roll call vote, all Members of Council approved the motion.*

Correspondence:

Gettysburg Chamber of Commerce February Newsletter
Letter from Senator Aument VIA Senator Alloway Clarifying SB4, Purely Public Charities
Thank You Letter from the East Berlin Community Library for the \$2,500.00 Donation
Thank You Letter from the East Berlin Senior Center for the \$750.00 Donation
Training and Webinars Available

Donald Dixon motioned to adjourn the meeting of the East Berlin Borough Council at 8:10 PM; seconded by Catherine Lockey. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council