

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

**Call to Order:** The monthly meeting of the East Berlin Borough Council was held Wednesday, April 14, 2021, at the East Berlin Borough Hall. The meeting was opened with the Pledge of Allegiance at 7:00 PM.

**Members Present:** Roberta Teal, James LeVan, Donald Dixon, David Meixner, Charles Krall, Jason Wood, and Anne Geiger.

**Members Absent:** Mayor Keith Hoffman

**Also Present:** Solicitor Matthew Battersby / Secretary -Treasurer Cindy Smith

**Guests / Constituents present in person & remotely:** Walt Geiger, Chris Warner – Borough Emergency Management Coordinator (EMC), Robin Heyser – EBACC, Emma Diehl, Jim Hale – Gettysburg Times, Bill Powell, Bev Jadus, Steve Haley, Jan Hoffman.

**Approval of Agenda:** James LeVan motioned to approve the agenda second by Don Dixon. Motion carried.

**Solicitor Battersby - Report:**

- There has been no contact from the Old Firehouse contractor with regard to the roof patch / repair.
- No updates with regards to EBACC building Transfer of Title.
- Inter-municipal Agreement (discussed under old business)

**Constituents Address Borough Council –**

- Robin Heyser acknowledged receipt of the Letter of Intent / Agreement of Sale between the Borough and the EBACC - Joint Commission and will be meeting with the associated Municipalities to discuss the letter.
- Emma Diehl Announced a newly formed group called Friends of the Trone Memorial Library a non-profit arm of the Library.
- Steve Haley introduced himself as Chairman of the Parks and Recreation Commission.

**Mayor's Report read by Roberta Teal:**

- Reviewed the 15 incidents from the March Police report.
- Anne Geiger distributed a copy of the Petition / Court Order stating that Mayor Keith Hoffman is ineligible to run for Borough Mayor due to the fact he is not a Borough Resident. She reviewed the relevant Borough Code regarding filling Mayoral Vacancies. Anne Geiger motioned to appoint an eligible resident of the Borough to fill the vacant position of the Mayor second by Jason Wood. By roll call vote 4 No / 3 Yes. A copy of this Petition / Court Order is located in the Borough Correspondence file.
- Jan Hoffman interjected her opinion and commented during the Council discussion that she is saddened to see signatures of the Council Members on the petition supporting Mayor Keith Hoffman running for the 2021 Election.
- Solicitor Battersby stated the Mayor's residency status is a highly unique and unusual situation. Jason Wood motioned to direct Solicitor Battersby to mail a Certified Letter proving his residency in the Borough or resign from the position of Mayor within 72 hours; letter would be mailed April 15, 2021 by Solicitor Battersby second by James LeVan. By roll call vote, motion carried.

**Approval of the Minutes:**

The March 10, 2021 meeting minutes were approved as presented by James LeVan with second by David Meixner. Motion carried.

**Committee Reports:**

**Finance: - Roberta Teal**

- Council acknowledged the Profit and Loss statement.
- Acknowledged receipt of the 2020 Annual Borough Financial Audit by Rotz / Stonesifer Accountants.
- A summary of the bills paid for March totaling **\$49,844.91** was reviewed. A motion was made to pay the March bills by Charles Krall and second by Donald Dixon. Motion carried.

**Streets/ Maintenance:**

- David Meixner read and reviewed the Borough Maintenance Report.
- David Meixner motioned to seek a different Engineer to obtain an Estimate from a different Engineering firm in order to continue moving forward with the ADA ramp project, second by Jason Wood. By roll call vote 4 No / 3 Yes.

**Planning/Zoning:**

- David Meixner motioned for Attorney Battersby to draft a “Chicken Ordinance” to include appropriate language and fee schedule, second by Donald Dixon. Motion carried.
- David Meixner motioned to draft an Ordinance to increase the Membership from 5-7 members with two alternates, second by Anne Geiger. James LeVan stated that upon review of the Draft Ordinance he will make his decision on the increase of membership numbers. By roll call vote 2 No / 5 Yes.
- Anne Geiger advised the Council that an application for Board Appointment is available on the website.

**Personnel:**

- James LeVan motioned to re-appoint John Schlaline to another 4-year term on the Planning Commission second by David Meixner. Motion carried.
- James LeVan motioned to appoint Bill Staub to the East Berlin Area Joint Authority Board for a 5-year term, second from Charles Krall. Motion carried.
- James LeVan reported that after many years of employment, Don Myers will be retiring and a search will be underway for an employee to fill his position.
- Anne Geiger motioned to draft a Resolution updating the Secretary/Treasurer Position description to Borough Administrator/Treasurer, second by Jason Wood. Motion carried.

**Parks and Recreation:**

- Roberta Teal updated the Council stating that the Prom Celebration will be held May 1st at the Park Pavilion.
- Roberta Teal updated the Council that the Food Truck Event will be on May 8th 4-7 PM
- Charles Krall motioned to approve an expenditure of \$4,350.00 for a pesticide application to treat the invasive plant species in Kuhn’s Woods second by David Meixner. Motion carried.
- Roberta Teal reported that the Annual Easter Egg Hunt at the Park was a success.

**Communications:**

- No report

**New Business:**

- Chris Warner, EMC gave a brief presentation regarding the 2021 Fire Department Box Cards. Subsequent to that presentation, Charles Krall motioned to approve the 2021 Municipal Box Alarm Card Form, second by James LeVan. Motion carried.
- Adams County SPCA donation request was tabled until fall.
- A motion by Charles Krall to order 2 signs stating that, two parking spaces are reserved for Servants Way Church, 511 West King Street, reserved from 8 AM – 12 noon, by Order of the Chief of Police, second by David Meixner. Motion carried.

**Old Business:**

- Charles Krall motioned to approve the Inter-Municipal Agreement as presented by Solicitor Battersby, in regards to sharing Personnel Resources between the Borough and the East Berlin Area Joint Authority, second by David Meixner. Motion carried.
- David Meixner distributed copies of the document obtained through a Right-to-Know Request submitted by Anne Geiger regarding the payroll records of the Chief Seitz. He stated that after review of the documents, there was no stop in pay that had resulted from the disciplinary action / suspension taken by Council against the Chief at the December 2020 Council Meeting. Roberta Teal requested that the Secretary, Cindy Smith explain the timeline of events which occurred pertaining to this information during the month of December. Solicitor Battersby explained that the notification of suspension which he was instructed to draft subsequent to the December meeting; was for the dates of December 20, 2020 through January 3, 2021. Jason Woods stated

that the Chief only works 26% of the time or 40 hours of 168 hours and that the town would not be endangered by the Chief's suspension. Anne Geiger stated this situation should have been handled with transparency and was not. David Meixner stated that the option to take vacation time in lieu of unpaid time for a suspension had never occurred at any job he has had. Jason Woods stated that he was never suspended for two weeks however was unaware of the right to exchange vacation time for an un-paid suspension. Solicitor Battersby stated that the sacrifice of vacation time was a monetary sacrifice in exchange for the suspension; therefore, by law he is permitted to sacrifice his vacation time. James LeVan read and confirmed the dates of vacation and regular pay from the timecard records. Anne Geiger asked the Personnel Chair, James LeVan, what he thought? James LeVan stated he needed time to review the information presented. Anne Geiger stated she submitted the Right-to-Know Request because the information she had received regarding the situation was concerning. The Council deferred review of the situation to the Personnel Committee. James LeVan committed to have a face-to-face Personnel Committee meeting to come up with some recommendations for the situation.

**Correspondence:**

- Training and Webinars Available
- EBAJA Meeting Minutes
- Fire Department Reports

**Closure:**

- The next meeting is scheduled for Wednesday, May 12, 2021, 7:00 PM at the Borough Hall. Donald Dixon motioned to adjourn the meeting, second by David Meixner at 9 PM.

Respectfully submitted,  
Cindy Smith, Secretary/Treasurer