

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

Call to Order: The regularly scheduled monthly meeting of the East Berlin Borough Council began with the Pledge of Allegiance at 7:00 PM led by James LeVan, Council President on Wednesday, February 8, 2023, at the East Berlin Borough Hall.

Members Present: James LeVan, Roberta Teal, Charles Krall, Chris Warner, Judith Salomon, Donald Dixon, Heather Gentzler and Mayor Stephanie Haley

Also Present: Solicitor Matt Battersby and Administrator/Treasurer Cindy Smith

Approval of Agenda: Roberta Teal motioned approval, second by Heather Gentzler. Motion carried.

Solicitor Battersby's Report:

- Upon receipt of all Advisory Staff comments, the Solicitor recommend release of "The Commons" apartment building bond funds in full, making note that any outstanding KPI engineering fees are satisfied prior to said release. Upon discussion Charles Krall motioned release of bond funds held upon satisfaction of any pending engineering invoices, second by Roberta Teal. Motion carried.
- Solicitor presented the Engineers report drafted by Erik Vranich, Keller Engineers. He advised the Council to review the report at their leisure.
- Solicitor introduced Keith Kieber, CPCU Kocman Insurance Group for an informational conversation regarding Municipal Liability Insurance coverages and/or lack there-of specifically related to "special events" coverage. Mr. Kieber specifically cautioned that should a claim arise under the main Borough insurance policy it can affect; future availability of insurance coverage and future rates offered to the Borough. Mr. Kieber distributed hand-out number CG7636(10-14) which is attachment to the Minutes here-of.
- Solicitor Battersby will have the Transient Business Ordinance available for review and discussion during the March 8th regularly scheduled Council meeting.

Constituents / Guests:

- John Schlaline Planning Commission Chairman spoke regarding his support of Lee-Ann Brown as a Planning Commission Alternate. He also discussed the option of evaluating the need for an update to the current SALDO.
- Keith Kieber, CPCU Kocman Insurance Group
- Colin Rider, Kocman Insurance Group
- Rob Braden, Lake Road, East Berlin
- Steve Haley requested permission to provide documentation to Cindy Smith Borough Administrator in an effort to draft three letters upon Borough letterhead with a subject relating to the Kuhns Woods grant project. Council and Solicitor Battersby supported this activity.

Approval of the Minutes:

- Charles Krall motioned to accept the January 11, 2023, Meeting Minutes, second by Chris Warner with minor correction. Motion carried.

Committee Reports:

Personnel – James LeVan

- James LeVan indicated that the Personnel Committee has conducted an in-person interview with Lee-Ann Brown in response to an volunteer application as an alternate position on the Planning Commission. The Personnel Committee has offered Ms. Brown a position on the Zoning Hearing Board which she declined.
- The Personnel Committee has declined to offer Ms. Brown a position on the Planning Commission. She has been notified of that decision in writing. There will be no further action taken on the application of Lee-Ann Brown.
- With the Personnel Committees recommendation, Roberta Teal motioned to appoint Vera Krall to the Zoning Hearing Board, second by Don Dixon. Motion carried with Charles Krall abstaining.
- Charles Krall motioned to advertise the Contractual Ordinance Officer position, second by Roberta Teal. Motion carried
- Charles Krall motioned to advertise and hold a Special Meeting for discussions with potential Contractual Ordinance Officer candidate(s), second by Judy Salomon. Motion carried.

Finance: Roberta Teal

- Council acknowledged receipt of the **Profit & Loss Statement** as well as the **Summary of Accounts**.
- Roberta Teal motioned to pay the **January bills \$13,793.57**, second by Charles Krall. Motion carried.
- In regards to the remaining un-distributed 2022 ARP Budgeted Donations - Charles Krall motioned a donation to Northeast Adams Fire & Rescue in the amount of \$ 7,000.00 less the Borough incurred Attorney Fees associated with Worker’s Compensation Audit non-compliance issues and insurance cancellation documentation, second by Heather Gentzler. Motion carried with 6 Yes / 1 No.
- In regards to the 2023 ARP Budgeted donations Roberta Teal distribution, second by Chris Warner. Motion Carried.
 1. Northeast Adams Fire & Rescue in the amount of \$ 5,000.00 – Chris Warner explained that this check will be held until the Annual Worker’s Compensation Audit is completed with the participation of Northeast Adams Fire & Rescue and the completion of a pertinent Worker’s Compensation form requested from the Life Team Regional Supervisor.
 2. Trone Memorial Library in the amount of \$4,500.00.
 3. East Berlin Area Community Center in the amount of \$4,500.00.
 4. East Berlin Historical Society in the amount of \$1,000.00.
 5. East Berlin Parks & Recreation in the amount of \$1,000.00 un-designated funds.
 6. Adams County SPCA in the amount of \$1,000.00.
 7. Adams County Office of Aging in the amount of \$1,500.00.
 8. East Berlin VFW Ladies Auxiliary in the amount of \$500.00
 9. East Berlin Lion’s Club in the amount of \$1,000.00

Chris Warner– Acknowledged receipts of the following reports:

- Emergency Management Report.
- Emergency Services Report
- Briefly reviewed the Engineer report

Parks and Recreation - Mayor Haley:

- Reviewed the current Park and Recreations activities.

Mayor Haley read and reviewed the following:

- Speed Sign report.
- January 2023 Borough Police report
- Mayor's Report
- The Mayor also stated she would be reviewing Borough Ordinance's related to parking ticketing fees and that she feels they should be increased. She will update the Council at the March meeting.

Correspondence: James LeVan

- Training and webinars available
- Acknowledged a Thank-You card from Bob Meminger
- Walt Geiger / Kuhns Woods e-mail

Charles Krall motioned to adjourn the meeting at 8:34 PM, with a second by Heather Gentzler. Motion carried.

Respectfully submitted,
Cindy Smith,
Administrator / Treasurer

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

MUNICIPAL AND/OR VOLUNTEER FIRE DEPARTMENT LIABILITY ENDORSEMENT

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE FORM

We agree that the insurance does not apply to "bodily injury", "property damage", or "personal and advertising injury" arising out of any hazard listed below, unless that hazard is specifically declared in the policy schedule and the applicable premium is shown.

HAZARDS INSURED ONLY BY SPECIFIC DECLARATION

1. Bathing beaches.
2. Dams, levees or dikes – existence hazard.
3. Exhibition or convention buildings (including arenas and auditoriums).
4. Golf courses.
5. Housing projects – including, but not limited to, urban development and public housing.
6. Lakes or reservoirs – existence hazard.
7. Landfills (closed or open).
8. Medical care facilities & services – including, but not limited to, hospitals, clinics and sanitariums.
9. Penal institutions, jails – including, but not limited to, correctional institutions.
10. Rifle and/or Archery Ranges open to public.
11. Schools, colleges, or day care programs.
12. Ski facilities.
13. Stadiums, bleachers or grandstands with total seating capacity in excess of 5,000.
14. Streets, roads, highways or bridges – existence hazard and maintenance hazard, including:
 - a. The existence of streets, roads, highways, bridges, sidewalks, culverts, parking meters, traffic lights and signs, street benches and decorations, public refuse receptacles, safety zone stanchions, light and telephone poles, trees, water hydrants and alarm boxes;
 - b. The maintenance of the items listed in a. above, including operations such as ditch cleaning; dragging; dust laying; dusting; erecting or removing of snow fences, road markers, signs or guard rails; maintaining guard rails and posts; oiling; patching; planting on rights-of-way; removing brush; repairing or maintaining culverts; road marking; snow removal; spraying and fumigating; spreading gravel; street cleaning; street or road maintenance; street or road paving or repaving, surfacing, resurfacing or scraping; tarring or sanding; tree pruning; weed or grass cutting; or
 - c. The ownership, maintenance, operation, use, "loading or unloading" of "mobile equipment" maintained by or for you for use in connection with the activities described in b. above.
15. Street, road, highway or bridge construction.
16. Swimming Pools.
17. Transportation systems, facilities and services including airports, bus systems or other mass transit facilities – including, but not limited to, subways and aircraft.
18. Utilities – electric, gas, water, steam, wind and solar.
19. Wharves, piers, docks, marinas.
20. Wind turbines and solar energy systems – existence hazard.
21. Zoos.
22. Any "occurrence" arising directly or indirectly out of activities before, during or after any of the following:
 - a. Auto, midget, all-terrain vehicle, motorcycle, or snowmobile racing or stunting.
 - b. Animal contests, exhibitions or events.
 - c. Bungee jumping.
 - d. Carnivals, circuses, fairs, or amusement parks.
 - e. Demolition derbies.
 - f. Fireworks display or exhibitions.
 - g. Horse racing, dog racing or any other animal racing.
 - h. Operation of any local, county, state or national gaming program.
 - i. Operation of any skateboarding, roller blading or ice skating facilities.
 - j. Operation of any mechanical amusement device.
 - k. Rodeos.
 - l. Truck or tractor pulls (including, but not limited to, garden tractors, all-terrain vehicles or pedal tractors) or any similar type of activity or event.