

East Berlin Borough Council

August 1, 2007

President Charles Eisenhart called the meeting to order at 7:30 PM in the Municipal Building. The meeting opened with the Pledge of the Allegiance.

Members Present: President Charles Eisenhart, Janet Bollinger, Forrest Brehm; Gregory Green, Gerald L. Mummert, Jacque Hoffman, and Mayor Keith Hoffman

Members Absent: Rick Saxon.

Also Present: T. Michael Thoman, Borough Manager; Solicitor Matthew Battersby; Erik Hume, Solicitor; Hanna Furst, Secretary; Bruce Hulshizer and Patrick Brown of Buchart-Horn; Officer Mike Grim, Terry Apostolopoulos, Library Trustee, Earl Bollinger, Michael Wallen, Nathan Boyer, David Richards, Fred Sauter, Ralph Myers, John Lerew, Freda Lennon, Robert Clayton, Doris Sabine, Mr. & Mrs. Marlin Householder, Sue Hess, Dean Wonders, Jan Hoffman, Dave Woodward, Lou Ann Van Lieu, Dean Lawrence, Brad Schellinger, Patricia & Ken Young, Herbert Walters, John Cleary, Gary Sauble, Charles Philips, John Schlaline, Gene Swartz, Shannon & Greg Morehead, Michele Devita, and Erin James, Evening Sun.

The minutes of the previous meeting were approved with the following correction. Under Street Committee: A motion was made by Gerald L. Mummert and seconded by Janet Bollinger to use unused Liquid Fuels money to black top Schoolhouse Lane to the Borough line. It should read: *A motion was made by Gerald L. Mummert and seconded by Janet Bollinger to use unused snow removal funds to black top Schoolhouse Lane from North Ave. to the end of the Borough property line bordering Schoolhouse Lane. A motion was made by Forrest Brehm and seconded by Janet Bollinger to approve the correction. **Motion Carried.***

On a motion by Jacque Hoffman, seconded by Gregory Green and passed, payment of the bills for the month of July was approved.

President Eisenhart continued the meeting with the hearing on the municipal authority. He then turned the meeting over to Erik Hume, Esq., of McNees, Wallace & Nurick, LLC. Mr. Hume explained what the advertised ordinance (Ordinance #2007-3; To Organize with Hamilton Twp. a Municipal Authority and the Articles of Incorporation) would do by signing this is to authorize the execution of the Articles of Incorporation and appointing the 4 members to the Municipal Authority. Then Hamilton Twp will be adopting their ordinance at their meeting next Monday. Once both municipalities have signed then it has to be advertised in the county legal journal and the newspaper. President Eisenhart entertained a motion to accept **Ordinance # 2007-3** and the Articles of Incorporation and appoint the 4 members of the authority. *The motion was made by Jacque Hoffman and seconded by Gregory Green; a discussion was held concerning the need for the joint authority, because we are extending sewer lines outside of the Borough. **Motion Carried.** Mr. Green made a motion to authorized Eric Hume to advertise the Articles of Incorporation when needed. Mr. Brehm seconded the motion. **Motion Carried.***

Constituents from the community that wish to address council are as follows with a five (5) minute allotment.

Ken Young, 203 Beaver Street, addressed council again that he thinks his civil rights were violated. He also submitted documents which council refused to sign or accept.

Doris Sabine, 504 West King St., expressed her continued concern on the broiler/smoker at Hog Wild Catering on 507 West King Street.

David Richards, 202 Beaver Street, read from his handout to Council about his concerns on the water rates which he thinks are higher than York Water charges, and thinks council should change the water and sewer rates. Another concern of his was obstructions on the sidewalks, subject to the public's right of way to walk down

the sidewalk. Attorney Battersby stated any negligence from the Bar-B-Que cooker, etc would be the homeowners responsibility and not the Borough's responsibility.

President Eisenhart requested that if anyone wanted answers to the questions on their handouts they should have the papers here before the work session so council would have the opportunity to review them.

Patricia Young, 203 Beaver Street, stated she and her husband cannot sign the agreement. They retained the engineering firm of Wm. L. Hill from Gettysburg to draw up plans for the swale and feel the Borough or their engineer should look at the plans. President Eisenhart stated this is not a done deal; we are just looking at the plans. The Young's plans were given to the Borough engineer for his review or comment.

President Eisenhart stated they would go over his letter: Mr. Schlaline feels the correspondence should be part of the official minutes, President Eisenhart stated there is nothing in the Borough Code that says we have to make it a part of the official minutes. Mr. Schlaline wanted council to forward a copy of the court stenographer's transcript for Rutter's Zoning Hearing. Solicitor Battersby replied the Zoning Hearing Board can request a copy to purchase, if they so choose, but they don't have to and they did not purchase a copy. President Eisenhart stated that everything was done legally, and **the Rutter's Zoning Hearing issue is closed**. Mr. Schlaline requested that the minutes should be emailed to residents. The minutes are posted on the web site. President Eisenhart stated he doesn't know what the "enterprise fund" is. It is a name on a state form the auditors use. On the subject of a Park & Rec director, there is no such position and there was no money spent on that position. Mr. Schlaline stated that on major expenditures couldn't the public have an input on them. Solicitor Battersby mentioned that the Borough is a representative democracy. Borough Council was elected to make the decisions for the residents of the town.

Mayor's Report: The Mayor read the report stating 28 incidents for the month of July.

Solicitor's Report: Attorney Battersby answered questions thorough out the meeting.

Engineer's Report:

Buchart-Horn Bruce Hulshizer of Buchart-Horn, Inc. informed council they are continuing on with the sewer design. The engineers will check out the Young's plan.

COMMITTEE REPORTS:

Finance Committee: *A motion was made by Gregery Green to draw on our loan for the Act 537 for an interest payment; it was seconded by Forrest Brehm and approved.*

Streets Committee: None

Sewer & Water Committee: Mr. Mummert reported DEP informed the Borough we can ask TYCO to test the wells, but they do not have to do this. The man in charge of the Environmental Dept @ TYCO said the wells will be tested before they sell the property.

Mr. Mummert, Mr. Thoman, and Mr. Richards all met the week after the last council meeting to discuss the water and sewer rates.

IT Committee: President Eisenhart questioned if the minutes could be put on the web site in a timely manner. Mr. Schlaline stated he would bring us a copy of the sheet with the Park/Rec. director information on it.

Public Safety: *President Eisenhart entertained a motion for Resolution 8-2007-5; a Resolution of the East Berlin Borough for COMCAST Cable Franchise Extension Agreement. This resolution will combine 2 agreements to 1 agreement. The motion was made by Gregery Green and seconded by Gerald Mummert. **Motion Carried.** The resolution is made a part hereof.*

*President Eisenhart entertained a motion for Resolution 8-2007-6; Implementation of the National Incident Management System (NIMS).The motion was made by Gregery Green, and seconded by Janet Bollinger. A short discussion explaining this must be done in order to receive any federal funding for emergencies. **Motion Carried.** The resolution is made a part hereof.*

Councilwomen Janet Bollinger received a complaint from Mike Devita at Rocco's Pizza about the Chuck and Puke up the street (the Bar-B-Que place); he questioned the night burnings and if they are required to have a dumpster because of the excessive trash bags. Councilwomen Janet Bollinger wanted this to get into the minutes. Attorney Battersby will look into it.

Planning & Zoning: Nothing

Personnel: Councilman Jacque Hoffman stated the part-time position was advertised and he would like Mr. Green, Mr. Mummert, Mr. Thoman and Hanna Furst to start the interviews.

Parks & Recreation: Councilman Gerald Mummert gave an update on the last park meeting. He stated Karla Ferrell of Buchart Horn submitted a few modifications to the park master plan. Mr. Mummert mentioned they will have a stand at Colonial Day. He also mentioned he and Rick Saxon went to a meeting at Heidlersburg about the Green Space Program. The program has one million dollars in grant money. The next meeting is August 15, 2007.

Unfinished Business: None

New Business: President Eisenhart mentioned that we will have to look for a bigger place to hold the council meetings. There are too many people in the council room according to the Fire Code. It will be announced and advertised. Charles Philip volunteered the Fire Company for the next meeting.

Correspondence: None

President Eisenhart adjourned the meeting at 8:45 PM. The next regular meeting will be held Wednesday, September 5, 2007, at 7:30 PM, at the Fire Company.

Respectfully submitted,
Hannelore Furst, Secretary