

**EAST BERLIN BOROUGH COUNCIL MEETING  
APRIL 28, 2008**

The second meeting for the month of April for the East Berlin Borough Council was held April 28, 2008 at 7:30 PM. The meeting was held at the East Berlin Fire Company, 101 Locust Street, East Berlin, PA. The meeting opened with the Pledge of Allegiance.

**Members Present:** President David Richards, Robert Clayton, Charles Philips, Charles Eisenhart, Gerald L. Mummert, and David Woodward.

**Members Absent:** Janet Bollinger

**Also Absent:** Officer M. Grim

**Also Present:** Mayor Keith Hoffman, Secretary/Treasure Hannelore Furst, Doris Sabine, Ken Young, Rosann Hoffman, Bev Jadus, Bill Powell, John Lerew, Bill Bechtel, Phil and Marie Miller, Rickie Adams, John Schlaline, Carole Mayer, Amy Buhrman, Freda Lennon, Jim Davis, Michael Zittle, Gene Schwartz, Jan Hoffman, and Stan Hollenbaugh and Erin James of the Evening Sun. Noted: Solicitor Shultis would be late.

*Charles Philips made the motion to accept the minutes of April 2, 2008 as written with no corrections. The motion was seconded by David Woodward. **Motion Carried with all voting in favor of.***

President Richards reported on the taking of the minutes and the changes to the minutes. Corrections are made on the actual minutes and referred in the month they are presented.

*Robert Clayton made the motion to pay the bills for April, with the exception of the eight donations. The bills for April are for a total of \$61,186.39. Charles Philips seconded the motion. A discussion was held concerning the donations. President Richards proposed not paying the following donations: Adams Co. SPCA (\$275); East Berlin Senior Center (\$500); Adams County Crime Stoppers (\$200); D.A.R.E. (\$500); Baseball For Youth (\$600); Visiting Nurses Assn. (\$300); East Berlin Library (\$500) and the Adams County Transit Authority (\$200) and will check if the Pennsylvania Law allows these donations because of using public funds to support civic organizations. President Richards wants to check why these organizations were chosen and how the amount was determined to donate. Gerald L. Mummert made note that the organizations were selected last year and were in the budget. **Motion Carried with all voting in favor of paying the bills except the listed donations.***

*Charles Philips made the motion to make the payment of \$456.50 for the Act 537 Loan. Robert Clayton seconded the motion. There was no discussion. **Motion Carried with all voting in favor of.***

*David Woodward made the motion to advertise Ordinance 2008-3; An Ordinance Creating the office of Borough Manager. Robert Clayton seconded the motion. A roll call vote was taken with all six voting yes and one vote was not recorded because of an absent person. **Motion Carried.***

There was a discussion on the salary of the retired Borough Manager and what has been decided on for the new Borough Manager. It was stated the new Borough Manager will be salaried at \$35,000.00 to \$40,000.00 a year. Charles Eisenhart gave Doris Sabine a sheet with the entry level salaries.

President Richards presented a Resolution to 4-2008-2 to amend the office of succession in case of emergency. It restates the Lists of Offices instead of persons, so if the person changes; the person taking that office is automatically in that position. *The motion was made by Robert Clayton and seconded by Charles Philips to accept Resolution 4-2008-2. There was no discussion on this matter. **Motion Carried with all voting in favor of.***

## **Constituents to Addressing Borough Council**

Ken Young, 203 Beaver St., gave council a packet of various information. Mr. Young raised his concern about Solicitor Shultis. He also commented on various subjects, including East Berlin Area Community Park, the Park/Rec. minutes of March 13, 2008, and AMP/TYCO ground contamination. He is requesting information on TYCO from DEP. He stated the Park/Rec. minutes were not located at the Borough Hall. Secretary/Treasurer Hanna Furst corrected Mr. Young; there are copies at the Borough Hall and he did not put in a written request for the information. Crystal Topper the part-time clerk, did not know where they were located but they are in the office and available to the public. Gerald L. Mummert requested to respond to Mr. Young concerning the correction of the Park/Rec. minutes. Mr. Mummert stated Mr. Keener told Mr. Young at the Park/Rec meeting the minutes would be changed, but there has not been a Park/Rec meeting since that meeting, so he should be patient and give Mr. Keener a chance to change them.

Gerald E. Mummert of Fish and Game Rd, Reading Township commented on Zeigler Bros. Mill again. He stated the owners of the mill lied to him and the council of the remodeling of the mill, and the operation changes that would be for a year because of the fire at their Gardner's Plant. He stated he was told there would not be any noise or odors from the mill. The noise has not gotten any better. He continued by commenting on the Borough's property near his home, concerning the debris and some old drums that are located there.

Stan Hollenbaugh on 414 West King Street commented on the property behind his house that has old wood stored on the property. Mr. Hollenbaugh was given notice years ago to get rid of the wood that he had on his property. Why are only certain people targeted? The Ordinances should pertain to everyone; not a select few. Gerald L. Mummert wanted to clarify that he lives in the Borough and Gerald E. Mummert lives in Reading Township.

Jan Hoffman on 412 West King Street commented that she also thinks the noise at Zeiglers Mill is deafening.

Mr. Gerald E. Mummert commented that he has access to a meter to read the decibel levels of noise from Zeigler's Mill. The discussion continued concerning the Borough Ordinance on noise levels. It was stated that on page 54 of Zoning Book there is a paragraph pertaining to the noise level. Mr. Clayton explained that not all tones would be able to register on the meter. Volume can be measured in decibels and the quality of noise is subjective. It was suggested Mr. Gerald E. Mummert supply the council with the name of the qualified person he knows that does the noise level readings.

### **Mayor Reports:**

Mayor Keith Hoffman stated he would contact the state about ordering more pedestrian channeling devices.

Rickie Adams spoke about a problem he has at his new establishment; Rick's Iron Skillet; there are cars parked over night in his parking lot. He was asking if he could install signs such as "No Parking after Hours"; or "Customer Parking only Violators will be Towed". It was also mentioned a neighbor has been urinating in the front of his Restaurant. The Mayor responded he would be in to speak with Mr. Adams tomorrow.

**Solicitor's Report:** Will return when the Solicitor arrives.

### **Committee Reports:**

**Finance:** President Richards reported on the audit that was completed by Stambaugh-Ness. On April 7, 2008 Charles Eisenhart and he met to discuss the audit with them. They listed some procedures that need

to be changed; some have been corrected, and others will be corrected later. They recommended using off-site back up to protect our records, the Bank reconciliation should be checked and approved, and the Borough should develop a formal investment policy and risk management policy. The auditor recommended the Borough change from a cash basis to a modified accrual basis. President Richards does not propose to change the accounting basis. The Borough is not required to be on an accrual basis because of the size of the Borough; also it would require an additional expense for the depreciation of equipment.

**Streets:** None

**IT:** Mr. Clayton reported that one of the computers' crashed this past week. The Borough received a proposal from Computer Marketing Technology for a new computer, monitor, and off site back up. The computer cost is \$981.84; the monitor \$179.00, and the off site back up \$999.99 (\$49.00 a month plus a server). *Mr. Clayton made a motion to accept the proposal from Computer Marketing Technology for \$2,150.50. Mr. Eisenhart seconded the motion. Motion Carried with all voting in favor of.*

**Public Safety:** None

Mr. Hollenbaugh requested pedestrian signs be put on both sides of crosswalks, and the crosswalks need painted. It was also discussed about the reduction of the speed limit, enforcing the law regarding the signs, and how different towns handle the speed limit and pedestrian crosswalk situations. The mayor will check into getting the electronic radar reading device in town again.

**Planning/Zoning:** The committee needs to meet to define the terms of office for the new members.

**Personnel:** Charles Philips reported four applications for Zoning Officer and three applications for an Engineer. In the past the Borough Manager was the Zoning Officer with a salary of \$150.00 a month. The new Borough Manager will be attending the May 7, 2008 meeting.

**Park/Rec:** Gerald Mummert reported that Buchart-Horn engineers did a perk test and they are waiting on the results of the test. Ground breaking is still scheduled for this summer. He also reported that Bermudian Springs High School is trying to get a community service program started for the students and was wondering if the Borough or the Park/Rec committee would be interested in participating.

***Solicitor Tim Shultis arrived. The meeting then went back to the Solicitor's Report:***

Solicitor Shultis reported he would fax the advertisement to the newspaper himself and the full attested copy would be sent to the Adams County Law Library. He proposed having a standard operating procedure to follow to make sure it is done correctly.

Solicitor Shultis checked into the Realty Transfer Tax and did not find it, but will continue checking.

He also stated he has been in contact with Solicitor Battersby and the records will be copied.

**New Business:**

John Schlaline commented on the noise early in the morning, the signage around the store and the lighting from the Rutter's Store across from his home. There was a discussion on the Zoning Hearing Board concerning Rutter's, and the final plans of Rutter's. President Richards stated they would review the lighting. Dedication for the reopening of Rutter's is scheduled on May 2, 2008.

**Correspondence:**

- There are two certificates that Hanna earned for attending the Municipal Secretary seminars.
- PennDot sent a letter to inform the Borough of the work that would be done on Route 194 Bridge, which is to start the winter of 2008 with detours in effective March 2009 with completion by fall 2009.
- PSAT has a workshop scheduled for June 5, 2008 in Chambersburg; cost is \$35.00 each.

- Phil Keener of the Planning Commission sent letters to Planning Commission informing them of a meeting on April 30, 2008 at 7 PM concerning the Route 194 Bridge Project.
- Adams County Maintenance sent a letter inviting council to attend South Central PA Regional Operations Plan and Incident Management Task Force meeting to be held on May 9, 2008.
- Received a request from "Breaking the Cycle" to use the Borough roads to go toward York.
- Received letters from Mr. Young to place in correspondence file.
- Received a letter on Stormwater Planning Seminar, presented by Adams County Planning and Development on April 30, 2008 7-9 PM.
- Bell Insurance Company would like to give us insurance quotes.

**New Business:**

Mr. Hollenbaugh requested the solicitor check if the alley at the old Nell's Store was legally deeded to Nell's, he considers this a public safety issue. He also would like Borough Council to do work on a referendum to give the people of East Berlin the right to vote on expenditures.

Ken Young also requested the solicitor to check if the properties on Lot 60 & 61 were given to the Borough and how can they build homes on there. He also wanted to know why Jon Holmes of HRG was on Beaver Street taking pictures. It was explained he was doing the after pictures of the Beaver Street Project for their files.

President Richards stated Mr. Hollenbaugh and Mr. Young's concerns would be taken under advisement.

President Richards would like to set up policy statements; this would include taking minutes, records retention, and agreements with citizen groups or organizations concerning liabilities. The Lions Club Christmas Lights, the Historical Society's Colonial Day, and the Borough do not have any kind of agreement between them. The Borough would like these agreements for their files.

Mr. Schlaline questioned if there was an agreement with the Community Center on any the liability issues. He also wanted to know if anything was officially defined on the relationships with the Borough. He was told that Mr. Dixon has not provided the financial reports as requested at a previous meeting.

Resident Richards requested an executive session for a discussion on the legal issues of the Authority and the Borough. It was decided to hold the executive session at 7:30 PM on April 30, 2008.

*Mr. Clayton made a motion to adjourn the meeting and Mr. Woodward seconded the motion.*

Meeting adjourned at 9:50 PM with next meeting scheduled for Wednesday May 7, 2008 at 7:30 PM at the Fire Company.

Respectfully submitted,

*Hannelore B. Furst*

Hannelore B. Furst  
Secretary/Treasurer of Borough Council