

EAST BERLIN BOROUGH COUNCIL MEETING
JULY 2, 2008

The first meeting of the month for the East Berlin Council was held July 2, 2008 7:32 PM. The meeting was held at the East Berlin Borough Hall, 128 Water Street East Berlin, PA 17316. The meeting opened with the Pledge of Allegiance.

Members Present: President David Richards; Janet Bollinger; Robert Clayton; Charles Philips; Gerald L. Mummert; Charles Eisenhart; and David Woodward.

Members Absent: Mayor Keith Hoffman; and Secretary/Treasurer Hannelore B. Furst.

Also Present: Borough Manager Bill Starry; Solicitor Tim Shultis; Office Clerk Crystal Topper; Officer Michael Grim; Nathan Boyer; Michael Wallen Jr.; Earl Bollinger; Bill Powell; Bev Jadus; Ken Young; Carol Starry; Mr. and Mrs. Cleary; John Schlaline; Jan Hoffman; Wendy Cashman; Jude Cashman; Gabe Fricke; Dan Sanchez; and Owen Barley.

*Charles Philips made the motion to accept the minutes of June 23, 2008 as written with no corrections. The motion was seconded by Robert Clayton. **Motion Carried with all voting in favor of.***

President David Richards opened the bids for the truck and the lawn vac. The bidders for the truck are as follows: Matt Mentzer - \$1,750.00; Doug Wentz - \$800.00; Racey Auto Sales - \$1,566.00; Phillip Keller - \$1,860; and Ken Chronister - \$872.00; making the highest bidder Phillip Keller. The bidders for the lawn vac. are as follows: Charles Philips - \$150.00; Racey Auto Sales - \$206.00; Craig Bream - \$377.08; Todd Dunlap - \$300.00; Ken Chronister - \$331.00; and Alan DeGroft - \$275.00; making the highest bidder Craig Bream. *The motion was made by Charles Philips to award the truck to Phillip Keller and the lawn vac. to Craig Bream. Robert Clayton seconded the motion. **Motion Carried with all voting in favor of.***

*A motion was made by Robert Clayton to make the Act 537 loan Payment in the amount of \$456.50. Charles Eisenhart seconded the motion to pay the Act 537 Loan Payment. **Motion Carried with all voting in favor of.***

*The motion was made by Robert Clayton to accept the bills of the remainder of June in the amount of \$22,627.82. Gerald L. Mummert seconded the motion to pay the bills. **Motion Carried with all voting in favor of.***

Constituents Addressing Borough Council

Ken Young, 203 Beaver Street, mentioned that President Richards still did not talk to Janet Bollinger about Vic Heterman situation with Tyco. Mr. Young will follow up with President Richards about this situation at next months meeting.

Mr. Young feels we should support East Brunswick Twp's sludge problem. He stated that Hamilton Township has invited a Maryland company that plans to dump their sludge in Hamilton Twp. to their meeting on Monday, July 7 at 7:00 PM.

Mr. Young commented on the stormwater damage problem on his property that has been going on for 20 years. Karen Cleary wanted to know what the hold up is for Ken Young's property; President Richards responded that we have no engineer and we cannot use a second party engineer.

Mr. Young would like the person that wrote the anonymous letter to come forward and he will not stop until they do. President Richards responded again, on the anonymous letter that we cannot give anyone's name. President Richards said council will never address anonymous letters.

Mr. Young commented that he went to a Grassland Conservation seminar and how important conservation is. Mr. Young handed out a handout Grassland Conservation information to the council.

Wendy Cashman, 201 W. King Street, Ms. Cashman has organized a skate club called EB SK8S Club with approximately 20 boys. She mentioned that the boys of the skate club are willing to do any yard work in order to raise money for their club and there will always be an adult with them. They have raised \$1,150.00 from the hard work that the boys have done. She also mentioned that they meet every Monday night at 5 PM to discuss the any decisions that the boys may make. Ms. Cashman just wanted to know where the boys are allowed to skate, due to the laws and the resident's property. She spoke that the boys don't know where they can or can't skate. She wants to know what the community can do for them and what they can do for the community. In the newspaper article she mentioned that this is an opportunity for parents to grab onto something that their kids love and to share it with them. Also, Ms. Cashman mentioned that the kids are selling raffle tickets between now and Colonial Day with the support of Zwingli Church.

Mayor's Report:

Mayor Keith Hoffman was absent. Janet Bollinger, Safety Chairman reported 59 incidents for the month of June 2008.

Solicitor's Report:

Solicitor Tim Shultis had two things to discuss. The first is a letter from Andy Miller and the other is a draft of Realty Transfer Tax Ordinance. Solicitor Shultis created a Realty Transfer Tax Ordinance about six weeks ago and sent it to Dale Henry, of the Department of Revenue for his review, and he has approved that. The proposed ordinance is on the front and on the back is the current ordinance, and Solicitor Shultis would like the council to review them. Solicitor Shultis would like the council to review them and would like to advertise the ordinance for adoption at the next meeting on July 28, 2008.

Borough Manager's Report:

Bill Starry reported that the pedestrian pole has been hit again and he has asked Swam Electric to move the pedestrian pole north on the square by the telephone pole and the road sign. Bill Starry mentioned that the cost to replace the pole is \$944.00 but he has not received an estimate yet for the moving of the pedestrian pole. It was discussed about contacting property owners about moving the pole onto on their sidewalk but no decision has been made yet.

Mr. Starry said Charles Philips talked tot the farmer about plowing or disking the field behind the apartment complex. The farmer agreed to doing the plowing or disking but is unable to get to it until September.

It was mentioned that the borough laborers will mow the Monteleone property by the end of the week. The expense will be put on the lien of the property.

Mr. Starry would like a bulletin board for out in the hallway of the Borough Hall. He priced some and what he found was too expensive so he will keep looking around.

Committee Reports:

Finance: President Richards mentioned that we have the first six months of the year done and next meeting we will be given a comparison of the first six months against the budget and of the first six months against the six months of last year. That will let us know how well we are doing.

Streets: Charles Philips commented on the crosswalks and that they should be done in the next week except for the square crosswalks. It was mentioned that the square crosswalks and the turning lane are our responsibility. Doris Sabine mentioned that the channeling devices are in. The square crosswalks are getting piano keys in thermal plastic. Mr. Starry mentioned that we have to

maintain the light twice a year, we have to have a contract with the provider and that's part of a delegation permit.

IT: Robert Clayton commented on the Borough Manager's computer and the manager has full access to any information with no ability to change anything. It also mentioned that the home page has all the Councils addresses and they need to be removed. If anyone needs to contact anyone on council they can call the Borough Hall.

Public Safety: Janet Bollinger commented on that she is still receiving complaints on Tucker and Pennwood. President Richards said that all complaints are confidential. Gerald L. Mummert questioned why the complaints are confidential and who would be answering the complaints. President Richards stated only the identifying material is confidential, and most of the complaints would be forwarded to DEP. The discussion continued.

Planning/Zoning: Councilman Clayton questioned the status of Tyco. Mr. Clayton mentioned that we never received anything from DEP saying that he's clear to go in. There was a lengthy discussion on the occupancy permits. Mr. Clayton commented that it should be on record that Mr. Tucker purchased Tyco. President Richards stated that if Tucker bought Tyco building, the county taxing office would have record of it, and anybody can check with them.

Personnel: Charles Philips has set up interviews with three engineers for next week.

Parks/Recreation: Gerald L. Mummert mentioned the final approval for the park should be coming shortly.

Unfinished Business:

President Richards talked about the policy on Charitable Contributions, and asked if there were any questions or items to discuss. He mentioned the maximum amount of the Borough Contributions will be limited in any one year to a maximum of .8 percent of its approved general fund budget. It was also stated the organizations would have to have supporting data when requesting a donation. *A copy of the policy is made a part hereof.*

Gerald L Mummert questioned Officer Grim about the survey on crosswalks. Officer Grim responded that he has an hour and 45 minutes of documented information on the crosswalks.

Mrs. Sabine stated Mr. Thoman has hurt this town greatly, and she was very unhappy with him. She wanted his salary attested to. President Richards wanted to know what value would be to have the Borough spend the money to have his salary attested to by the auditors. Mr. Young also agreed with Ms. Sabine. Jan Hoffman mentioned that Mr. Thoman received \$150.00 per month for his Zoning Officer position.

New Business:

President Richards has a proposed policy on the minutes that can be commented on at the next meeting. It was discussed about the proposed letter to Mr. Thoman requiring him remove his items from Borough property. Gerald L. Mummert was opposed to writing Mr. Thoman a letter stating he is to remove his personal property from the Borough premises. He suggested that the Borough Manager, Bill Starry could politely ask Michael Thoman to remove his personal property from the Borough property. A discussion continued on different items whether they were personal or borough items.

Charles Philips stated that he doesn't understand that there are no plans available from county concerning Tuckers addition to the old shoe factory. Ms. Cleary and Ms. Hoffman stated they went to Adams County Planning & Development and they could not find any information on file concerning Tucker's expansion.

President Richards stated he sent a letter to Mr. Gehr of the DEP the same material as the Mr. James Sneed's letter. President Richards did not want to discuss it.

Ms. Cleary and Ms. Hoffman both commented on how the borough council has to get involved in the planning and zoning of the town. The residents need to know about the chemicals

that they are exposed to. The neighborhood is being affected, what are the long term and short term effects. President Richards stated there are two issues; one is the compliance with DEP and the compliance with Zoning Hearing Board and permits.

President Richards commented on Mike Thoman's job as Plant Manager was not advertised so it violates the agreement with the Borough. He stated Mike Thoman is not legally employed by the Authority.

Jan Hoffman informed council on the DEP regulations of renewal of permits; she felt there were items that were incorrect on a report filed by Bernard Tucker. President Richards stated they would not be addressing that at this time. He suggested scheduling a meeting with Council, Planning and Zoning for July 9, 2008 at 7:00 PM. President Richards stated this meeting is not open to the public. It was suggested that Mrs. Cleary bring the information that she collected and have Mr. Keener discuss it. John Cleary asked questions concerning Tucker Industry, if there was a fire, what kind of chemical the residents would be breathing. Charles Philips stated the fire company did a walk thru and one of Tucker's employees was to be giving the fire company a list of chemicals stored on the property.

Mr. Clayton took two light meter readings on Rutters lights. Mr. Clayton would like to do two more readings at the Rutters store and across the street from Rutters and he will present the results at the Borough Council Meeting on July 28, 2008. Mr. Clayton also stated that the intercom noise has been addressed and the volume lowered. Karen Cleary mentioned that Rutter's is in violation of outdoor inventory with the propane and the window cleaners being outside. They also have advertisements on their windows and a large cigarette sign on an outside pole. Robert Clayton commented that the propane has to be outside.

Correspondence:

- Received a thank you letter from the baseball for Youth program for the donation.
- A letter from James Sneed concerning a copy of DEP notice of violations to Bernie Tucker has been withdrawn as per President Richards.
- Received an email from Ron Harris, President of Adams County Borough Association looking for a volunteer member for the Water resource Advisory Committee.
- Received a pamphlet from Adams County SPCA with a thank you for our donation.
- Received pamphlets from PSAB on Essential Tools for Effective Municipal Operations, Budgeting Tools and Techniques, Employment Alliance of Municipalities, and PA Municipal Legal Update.

John Schlaline questioned when the fire hydrants would be flushed. President Richards recommended that they not be done in the summer. Charles Philips stated that will be addressed, because they are not being done correctly.

Robert Clayton made the motion to adjourn and Charles Philips second the motion. **All voted in favor of adjourning. Motion Carried.**

Having no further business, the meeting was adjourned at 10:10 PM.

Respectfully submitted
Crystal I. Topper
Acting Secretary