

EAST BERLIN BOROUGH COUNCIL

128 Water Street  
East Berlin, PA 17316

AUGUST 6, 2008

The first monthly meeting of the East Berlin Borough Council was held August 6, 2008 at the East Berlin Borough Hall. The meeting was opened with the Pledge of Allegiance at 7:30 PM.

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

**Members Absent:** None

**Also Present:** Mayor Keith Hoffman; Solicitor Tim Shultis; Borough Manager Bill Starry; Office Clerk Crystal Topper; Ken Young; Doris Sabine; Earl Bollinger; Rose Hoffman; Wayne Krout; Melissa Curfman; Ryan Curfman; Andrea Curfman; Bev Jadus; Bill Powell; Fred & Pauline Sauter; Larry Cooper Jr.; Belinda Stonesifer; Gene Swartz; Dalton Eckert; Owen Barley; John Fricke; Jake Fricke; Tyler Fricke; Derrick Matthews; Dan Sanchez; Christina Rodriguez; Wendy Cashman; John Schlaline; Jason & Jeanie Wood; Joey Raymond; Andrew Raymond; Tom Salomon Jr.; Mitch Yoder; Barron Barley; M. Stanly; and Erin James, Evening Sun Reporter.

President Richards questioned if there were any changes to the minutes of July 23, 2008. Borough Manager Bill Starry would like to change that D & D Overhead Door Co. had 2 quotes; one for \$8,352.00 and the other for \$7,296.00 on page 3 under Borough Manager's Report, fourth paragraph. *Charles Philips made the motion to accept the changes to the minutes for the Borough Manager's Report. The motion was seconded by Robert Clayton. Motion Carried with all voting in favor of.*

President Richards commented on the minutes of July 2, 2008 under New Business; the sentence states that "President Richards stated he sent a letter to Mr. Gehr of the DEP came from the same material as Mr. James Sneed's letter. President Richards did not want to discuss it." President Richards didn't want to discuss the letter from Mr. Gehr because Mr. Sneed's letter was withdrawn so President Richards proposed to simply cross that out because it came from the same material as Mr. James Sneed's letter. *Charles Philips made the motion to accept the correction, David Woodward seconded the motion. Motion Carried with all voting in favor of.*

*Charles Philips made the motion for payment of bills for the beginning of August in the amount of \$1,278.92. David Richards seconded the motion. Motion Carried with all voting in favor of.*

**Constituents Addressing Borough Council**

Ken Young, 203 Beaver Street, stated that in the July 2, 2008 East Berlin Council Meeting minutes that Vic Heterman should be changed to Vic Ketterman.

Mr. Young mentioned that his neighbor's steers are running onto his property due to the storm water damage, and this has been an ongoing problem for 20 years.

Mr. Young questioned whether Mr. Thoman has removed his belongings from the Borough property. Bill Starry mentioned that to the best of his knowledge Mr. Thoman has all his personal belongings out of the Borough Building.

Mr. Young questioned Mr. Mummert on why he excluded Mr. Thoman from the letter pertaining to the repairs and clean up. Mr. Mummert responded he asked the Borough Manager, if Michael Wallen and Nathan Boyer could do the work since they are shared employees of the Borough and the Authority.

Mr. Young stated that on September 5, 2007 at the East Berlin Fire Hall he put in a record request form for the Ken Young file. He was told there is no Ken Young file, there is a correspondence

file. Mr. Young would like to see his December 6 testimony. Mr. Young doesn't want to wait any longer for the information nor wait for his storm water problem. Charles Philips responded that Mr. Young's engineer and the Borough's engineer will be meeting next week to discuss the storm water problem.

Wendy Cashman, 201 West King Street, thanked all the people who showed up to the meeting. Ms. Cashman stated the youth of EBSK8S have deposited \$1,600 in their EBSK8 account by assisting people in the East Berlin community, helping them accomplish tasks around their homes and businesses. The youth have also started an aluminum recycling program to assist in their fund raising as well as build community awareness of the importance of recycling. The recycled aluminum cans could be deposited at Cashman's Hardware, East Berlin Beverage, or picked up by request. During the summer the youth have accomplished nine work details, and three fund raisers, a skate demonstration, soda and hotdog sale, and a car wash. Ms. Cashman thanked Cashman's Hardware, Beaver Colony, and the Community Center for donating their space and time.

Ms. Cashman has a couple of options for where the youth can skate; one is to wait until the skate park is built; second is the basketball court being built at the Community Center; and the third is the use of Tucker's upper parking lot for a \$1.00. She feels the third option would be the best solution. Ms. Cashman questioned the council's objections for using Tucker's parking lot. President Richards responded that the parking lot is not visible from the street, the trash pick up would need to be arranged, and we would need to increase the police patrol. Ms. Cashman responded the youth would clean up after themselves and provide a trash can.

Doris Sabine commented that she does not trust Mr. Tucker with any dealings. Mr. Mummert read a letter from the Community Center stating that Mr. Tucker is a very good friend of the Community Center and has supported their programs. Mr. Krout commented that he is concerned that kids from other towns would use Tuckers Parking lot and maybe vandalized the property. Bev Jadus is concerned with the emissions. President Richards stated that this is a good deal for the skate boarders.

Ms. Cashman thinks that vengeance is a waste of time. This is not about Mr. Tucker, this is about the youth. Mr. Woodward commented that he knows first hand how much the youth worked, but he cannot say yes this month for using Tucker's upper parking lot.

Mr. Shultis talked about the liability issues. Mr. Shultis commented its not as simple as everyone thinks it is. Mr. Clayton stated that Mr. Tucker is using this as a means of getting to the council, and he will come back and say that the skate boarders put ruts in the blacktop. It was mentioned that at other skate parks there aren't any waivers to be signed and parents take on the responsibilities of their children. President Richards also stated there would not be any increase in the Borough's insurance policy.

*Gerald L. Mummert made a motion to accept Mr. Tucker's proposal for the use of the upper parking lot for \$1.00. Charles Eisenhart seconded the motion.*

**President Richards called for a roll call vote: Janet Bollinger, yes; Robert Clayton, no; Charles Eisenhart, yes; Gerald L. Mummert, yes; Charles Philips, no; David Richards, yes; David Woodward, no. Motion carried with 4 Yes votes and 3 No votes.**

Solicitor Shultis will draw up an agreement between the Borough and Mr. Tucker.

### **Mayor's Report:**

The mayor reported 42 incidents for the month of July. Mr. Hoffman also mentioned that on Friday, the speed control will be in the borough for a two week period and will be set up at 512 West King Street.

### **Solicitor's Report:**

Mr. Shultis mentioned that the Realty Transfer Tax Ordinance is ready to be advertised. President Richards agreed to have it advertise to be adopted on the August 25, 2008 at the next Council meeting.

**Borough Manager's Report:**

Bill Starry stated that the piano keys at all the intersections are painted, except for at the square and Rutters. The curbs have been painted starting at the pharmacy on King Street out to Zeigler Mills. Mr. Starry mentioned that he received bids from three different vendors for the thermal plastic at the square and Rutters. The bids are as stated; Interstate Road Management, \$5,312.50; Alpha Space Control, \$4,970.00; and D.E. Gemmill, Inc., \$7,025.00. *Charles Philips made the motion to accept the bid from Alpha Space Control in the amount of \$4,970.00. Robert Clayton seconded the motion.*  
**Motion Carried with all voting in favor of.**

**Committee Reports:**

**Finance:** President Richards received the Refuse Contract report. Due to the significant increase in the fuel surcharge, he wants to send them a letter to explain how they constructed the prices due to the increase.

Robert Clayton did a study on Rutters due to the lighting. Mr. Clayton did an illumination check of lux, which is the unit of light level that is coming out of Rutters. From underneath of the canopy it is 395 lux which is the brightest amount of light that they have, across the street on 194 its 12 lux in which that is considered very low, around where Zinn Alley and South Ave meet and its 6 lux, and the front side of Rutters on the walkway measuring it at 214 lux. Mr. Clayton said that Rutters does not have a light problem. The propane tanks have to be outside in a cage, and the signs on the windows are fine as long as they are on the windows and not out on the streets. Mr. Clayton mentioned that under the canopy there is suppose to be recess can lighting according to the design, but there is no recess can lighting.

**Streets:** Charles Philips stated that streets were covered under the borough manager's report.

**IT:** Robert Clayton recommends that we use the new Vista program unless it's too hard to use, than to go back to Windows XP. The new computer costs \$981.84. Mr. Clayton wants to discuss this matter more with Josh Cockley.

**Public Safety:** Janet Bollinger commented that she still has a concern about the leak at Tyco. Janet Bollinger spoke to employees at Tyco and they said that Vic Ketterman did discover the leak at Tyco and that Tyco did clean the leak up but used their own Weston Company not DEP. Mrs. Bollinger wants to know if they should get DEP in to test the wells again before Mr. Tucker moves in full-time. President Richards stated that DEP did investigate the soil contamination. President Richards suggested that the Borough write a letter about the pollution under the old Tyco plant. *David Woodward made the motion to write the letter about the pollution, Charles Philips seconded the motion.* **Motion Carried with all voting in favor of.**

**Planning/Zoning:** None

**Personnel:** Charles Philips thanked Mr. Starry, Officer Grim, Mike Wallen and Nathan Boyer for the street work.

**Parks/Recreation:** Gerald L. Mummert read the East Berlin Parks and Recreation Board Minutes of July 10, 2008. Mr. Hoffman mentioned that Shurfine also can do banners and signs. President Richards stated that there are restrictions on signs and banners. Mr. Mummert stated that the Park collected \$350.00 from the donation jars.

### **Unfinished Business:**

President Richards mentioned about the service agreement policy that was distributed at the last meeting. No one had any comments on the policy. President Richards recommends that it be adopted. *Charles Philips made a motion to adopt the policy and Robert Clayton seconded the motion. Motion Carried with all voting in favor of except Charles Eisenhart and Gerald L. Mummert.* A copy is made a part hereof.

President Richards received a call from Mr. Gehr concerning the letter he sent him. President Richards asked for any data or agreements that would have been made with Mr. Tucker or progress on whether or not he was going to apply for level 5 reporting or a list of dates of the violations. President Richards stated that Mr. Gehr is not going to send any material that he receives from any party to President Richards. He would have to go to Harrisburg to get that information.

President Richards also mentioned that Council has held two executive sessions with the Authority on financing of the sewer plant. The discussion continued. Doris Sabine questioned President Richards about how safe is the drinking water. President Richards responded that the water is safe and it is sent to a private laboratory for testing.

Charles Eisenhart stated that the Governor signed Act 32 to establish the consolidation of collections of the local earned income tax at county levels.

### **New Business:**

President Richards spoke about expanding the handicapped parking spaces to 3 more in front of the Liberty Fire Company.

Mrs. Sabine questioned President Richards if he had gotten any response from Tucker Industrial Coating about the letter he wrote to Mr. Gehr. Mr. Woodward stated there was a complaint about the air quality. President Richards stated that these are two separate departments and the discussion continued.

### **Correspondence:**

- President Richards stated that he has received a notice from the county on NIMS report (National Incident Management System). Charles Philips mentioned that all council members need to be NIMS certified.
- President Richards mentioned again about the PA DCED program of Developing and Managing Your Municipal Budget is to be held in Chambersburg at the cost of \$50.00 per person.

Having nothing else to discuss, *Charles Philips made the motion to adjourn and Robert Clayton seconded the motion. All voted in favor of adjourning. Motion Carried.*

Having no further business, the meeting was adjourned at 9:50 PM.

Respectfully submitted,  
Crystal L. Topper  
Acting Secretary