

EAST BERLIN BOROUGH COUNCIL

128 Water Street
East Berlin, PA 17316

September 3, 2008

The first monthly meeting of the East Berlin Borough Council was held September 3, 2008 at the East Berlin 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; Officer Michael Grim; Rosann Hoffman; Doris Sabine; Earl Bollinger; Ken Young; Fred & Pauline Sauter; Greg Morehead; Wendy Cashman; Terry Morehead; Gene Swartz; Karen & John Cleary; Freda Lennon; Cindy Barley; Derrick Matthews; Dan Sanchez; Andy Barley; Kyler Morehead; Joe Raymond; Andy Raymond; Jan Hoffman; Carole Mayer; John Schlaline; Eric Mains of KPI Technology; and Erin James, Evening Sun Reporter.

Councilman Robert Clayton stated that he will be taping the Borough Council minutes also. No one opposed.

Robert Clayton made the motion to accept the minutes of August 25, 2008 as written with no corrections. The motion was seconded by Charles Philips. Motion Carried with all voting in favor of.

Charles Philips made the motion to make Loan Payment Act 537 for September in the amount of \$456.50. Robert Clayton seconded the motion. Motion Carried with all voting in favor of.

President Richards stated that in the amount of \$8,680.47 for the payment of bills, we have received \$1,115 in reimbursement for the light pole on Branch Circle. With that included, the amount for payment of bills came to \$7,555.47. *Charles Philips made the motion to accept the payment of bills as stated. Gerald L. Mummert seconded the motion. Motion Carried with all voting in favor.*

President Richards made a statement about making some changes for the meetings. President Richards stated that you must go to the front of the council when you speak, and no personal attacks. Those who would like to speak must raise their hand, if they don't, they will be asked to leave.

President Richards stated that if anyone would like their material in the correspondence file that it must come to the office. If any material is handed to the councilmen it is their personal property.

Constituents Addressing Borough Council

Ken Young, 203 Beaver Street stated that DEP only did a site investigation in January 2008 for Act 2 clearance at Tyco to sell to Bernie Tucker, Tucker Industries; the well monitoring reports are still past due. Mr. Young stated that Tyco never cleaned up the May 14, 1998 electroplating leak. Mr. Young also wanted to know where President Richards's letter to Glenn A. Fine is.

Mr. Young was disappointed at the new borough council for not selecting Lisa Fanelli-Greer as the East Berlin Borough Solicitor. Mr. Young told the borough council that they needed an attorney outside the Adams and York County area. He also stated that he brought President Richards with him to meet with Attorney Harry Eastman in October of last year to give the attorney pictures of the Hoffman family storm water and the backyard improvements in 1991 and 1995. Mr. Young stated it was illegal due to residents downstream of storm water on Water Street never gave permission. Mr. Young also gave Attorney Eastman documents on Crestview Estates.

Wendy Cashman, 201 West King Street stated that she saw an article in the newspaper about the voting on the Tucker's parking lot for the EB Skaters. Ms. Cashman heard that Solicitor Tim Shultis drew up a legal agreement that went to Mr. Tucker and his attorneys. Ms. Cashman brought 3 different waivers of liability forms to the council meeting. She also stated Mr. Tucker would rope off the section, have a sign stating that the section is for EB Skaters use only, and the parents can sign the liability waivers upon receiving the waivers Ms. Cashman will give the boys a skate card. The boys must have the card at all times, if not; the boys have to exit the property.

Freda Lennon, 516 West King Street wanted to know if the borough would still be liable. A discussion continued on that subject.

Mayor's Report:

The Mayor reported 59 incidents for the month of August. Mr. Hoffman also mentioned that the first two weeks in August, the traffic sign was sitting by Freda Lennon's home. Mr. Hoffman sat outside there 5 different times for 45 minutes each time. Mr. Hoffman stated that the highest speed that he has found was 43 MPH. The average speed right now is 34 MPH. There was a discussion on the speed limit to write the Department of Transportation (DOT). **Addition to the Minutes:** The Mayor and Officer Grim volunteered to contact the DOT for a reduction of the speed limit on Route 234 (King Street).

It was questioned why the speed limit in town can't be lowered. The Mayor stated that they have tried for several years to get it lowered. President Richards stated that he doesn't believe that the borough has a speeding problem. The Mayor has asked Mr. Starry to get him a price on a cruiser. The estimated cost on a cruiser would be around \$30,000.00.

Solicitor's Report:

Tim Shultis stated that at the meeting of August 6th, council directed him to contact Mr. Tucker's attorney to work out a lease or license agreement for the skateboarding lot. Mr. Shultis gave a draft of the license agreement that has been approved by Tuckers Attorney. Mr. Shultis put together some issues that he thinks needs to be addressed before they should move forward. The issues would be, would the Borough have the open park unsupervised, if so how are we going to address the issues that would arise. If it is supervised and if so how is it going to be supervised and what are the rules and regulations. Mr. Shultis mentioned that the borough council needs to know what kind of park its going to permit there, once that happens they can move forward and decide any issues. President Richards talked about the skateboarders having safety equipment. If it's an open park you can't enforce it, but if its not an open park you can enforce it. Mr. Mummert talked about the skateboarders getting hurt. He mentioned that if they get hurt they are covered. Mr. Schlaline expressed his concerns also about the liability issues.

Engineer's Report:

Eric Mains gave Council a memorandum on the Ken Young Stormwater Improvement Project. There are some things that can be done to reduce the price.

Borough Manager's Report:

Mr. Starry needs the traffic signal poles replaced or repaired. He also would like the crosswalk signal moved to the northwest of town. **Correction to the Minutes:** He wanted to move the crosswalk pedestrian poles moved on the northwest and southeast corners of the square. *Councilman Clayton made the motion to accept Swam Electric proposal to move both poles. Councilman Philips seconded the motion. Motion Carried with all voting in favor of.*

Committee Reports:

Finance: President Richards explained the Non-Uniform Pension Plan Obligation for 2009 would be \$30,725.00 and the Uniform Pension Plan Obligation for 2009 would be \$7,302.00.

Addition to the Minutes: It was stated there was a question at the August meeting about some expenses, and the discussion was held at the last meeting about those expenses. Those expenses were related to 40% being Authority issues for consultation with the Authority. President Richards added that

the 40% of the Borough's legal expenses of August were directly related to the Borough's relationship with the Authority.

Streets: Councilman Philips mentioned that the channeling devices are in; we just need some one to pick them up.

IT: None

Public Safety: President Richards stated that he found a comment on the internet that stated; skateboarders do not like to wear helmets. President Richards would like to get a requirement for helmets for the skateboarders.

Janet Bollinger is checking on the burning that John Baker was doing next to Country Hearth. The smoke was going into the Country Hearth and changing the smell of the Christmas Wreaths.

Planning/Zoning: President Richards mentioned that there is program being offered by Penn State about the Zoning and Hearing Boards on September 11 in Scotland, PA at the cost of \$21.00 each.

Robert Clayton mentioned that every member should have received a copy of the organizational meeting of the Zoning and Hearing Board. Robert Clayton stated that a week ago the Zoning Committee met and they discussed the ordinances concerning signs in East Berlin. They were worried about the historical factor of East Berlin, the various businesses in town that have signs and do the signs comply with the ordinances that East Berlin has. They decided to have a three part plan the first is to talk to the business owners in person, if they don't comply then second they would issue a non compliance form to the business owners with a thirty day period. If the problem still is not corrected then thirdly the signs will be removed and be at the owners expense as per Ordinance 57 J 1.

Personnel: Charles Philips stated that Bill Starry's probationary period is up. *Charles Philips made the motion to accept Bill Starry as the Borough Manager. Robert Clayton seconded the motion.*

Motion Carried with all voting in favor of.

Park/Recreation: Councilman Mummert mentioned about breaking ground in this fall for the park. Gerald L. Mummert also mentioned that he received a check for \$5,000.00 from Industrial Service & Installation, Inc. in Emigsville. There will be a sketch done of the park by Nancy Hanson, on display at Colonial Days, and there will be a red brick and a straw colored brick also on display. Greg Moorehead mentioned that the banner for the Shurfine store should be placed better, you can't read it. Bill Starry mentioned that there might be too many signs. Mayor Hoffman asked where he thinks the sign should be. Bill Starry replied that he thinks the sign should be brought west a little.

Unfinished Business:

President Richards read and explained the amendments he proposes for the Trash Ordinance #2008-5. *Robert Clayton made the motion to advertise the Ordinance #2008-5 and Charles Philips seconded the motion.* **Motion Carried with all voting in favor.**

New Business:

President Richards stated that he is postponing the resolution for the appointment of the Zoning Hearing Board Resolution #9-2008-5 for two months.

President Richards introduced Ordinance #2008-6 and stated that the minimum fine for parking in a handicapped space would be \$50.00 and the maximum would be \$300.00. **Addition to the minutes:** Officer Grim stated this should be consistent with the State fine for the Handicap Parking Signs. *Charles Philips made the motion to except the changes for the Ordinance #2008-6 Handicapped parking and to publish it. Robert Clayton seconded the motion.* **Motion Carried with all voting in favor of.**

President Richards mentioned about Ordinance #2008-7 One Way Street on South Avenue. He also stated this would also amend Chapter 67-8. *Charles Philips made a motion to publish Ordinance #2008-7 One Way Street on South Avenue, Chapter 67-8. Janet Bollinger seconded that motion.* **Motion Carried with all voting in favor of.**

President Richards commented about the Community Assistance Planning Program. President Richards received an acceptance on August 29th by mail. The maximum cost for zoning enforcement services rendered by county would be \$17.64 per hour for any basic zoning enforcement. There is no guarantee that there will be a contract after one year. They also have general revenue for our current

zoning ordinance issues for planning assistance that we get; the night meeting is \$53.42 and \$29.34 total cost to the county. This is to determine on how much of their services we need. *Robert Clayton made the motion to accept the Community Assistance Planning Program Contracts Agreement. David Woodward seconded the motion. Motion Carried with all voting in favor of.*

Correspondence:

From August 25, 2008 Meeting:

- Received a resignation letter from Mike Thoman resigning as Emergency Management Coordinator effective July 15, 2008, received this letter August 13, 2008. Need to replace that position, will do that at the next meeting.
- The website for PA Weed and Seed Program is www.pccd.state.pa.us
- Received an email from Adams Co. Dept of Emergency Services. The forms need to be filled out and you will also receive a criminal record check if you would like to volunteer. President Richards volunteered.
- ~~The Adams County SPCA raffles with the pay out of \$100.00 a day and tickets must be submitted by October 15, 2008.~~
- Borough Association meeting on September 15, 2008 at 6:00PM, at the Pikes Restaurant at the cost of \$10.00 in which the Borough pays.
- Need to submit a report to the Federal Emergency Management Agency concerning flood hazard.
- Received copies of two letters sent to businesses from Middle Dept Inspection Agency, one letter we received is a letter for ~~Obama for President~~ Kellett Management Agency at 103 West King St. and the other letter is for 130 West King Street pertaining to Rickie Adams for not having an occupancy permit for the back apartment of the restaurant.
- President Richards and Bill Starry have a meeting with Don Isabella of York Waste Disposal on September 8th or September 10th.
- The PSAB Fall Conference 10/17-10/19 in Gettysburg Wyndham, \$160.00 per person, the borough pays.

New Correspondence:

- Comcast is inviting council to a municipal briefing next month. Comcast is changing to digital. The meeting is on September 30 @ 8:00AM with free continental breakfast.
- President Richards received two flyers in the mail from Pennsylvania State Associations of Boroughs establishing rental properties inspection program in October.

Doris Sabine asked about Hog Wild's broiler and the property line. President Richards stated that the broiler is on his property.

John Schlaline asked about the York Waste contract. President Richards stated that we will be in contract with them until September 2009. It goes by calendar years.

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 adjourned at 9:27 PM.

Respectfully submitted,
Crystal Topper
Acting Secretary

