

EAST BERLIN BOROUGH COUNCIL

128 Water Street
East Berlin, PA 17316

September 22, 2008

The second monthly meeting of the East Berlin Borough Council was held September 22, 2008 at the East Berlin Hall. The meeting was opened with the Pledge of Allegiance at 7:31 PM.

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

Members Absent: None

Also Present: Solicitor Tim Shultis; Mayor Keith Hoffman; Borough Manager Bill Starry; Craig Zack of KPI Technology; Secretary/Treasurer, Hannelore Furst; Rosanne Hoffman; Eli Mailey; Donald Dixon; Dean & Lou Ann Lawrence; Doris Sabine; Earl Bollinger; Ken Young; Greg Morehead; Wendy Cashman; Jude Cashman; Richard Cashman; Karen & John Cleary; Freda Lennon; Andy Raymond; Jan Hoffman; John Schlaline; Bev Jadus; Bill Powell; and Erin James, Evening Sun Reporter.

President Richards stated he had some corrections and additions to the minutes of the previous meeting. **Addition to the Minutes:** *Under the Mayor's Report:* The Mayor and Officer Grim volunteered to contact the Department of Transportation (DOT) for a reduction of the speed limit on Route 234 (King Street). *Under Finance Report:* 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. *Under New Business:* Officer Grim stated this should be consistent with the State fine for the Handicap Parking Signs.

Correction to the Minutes: *Under the Borough Manager's Report:* He wanted to move the crosswalk pedestrian poles moved on the northwest and southeast corners of the square. *Under Correspondence:* Received copies of two letters sent to businesses from Middle Dept Inspection Agency, one letter we received is a letter for (~~Obama for President~~) changed to 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. And this was omitted completely: ~~The Adams County SPCA raffles with the pay out of \$100.00 a day and tickets must be submitted by October 15, 2008.~~

Charles Philips made the motion to accept the minutes of September 3, 2008 with the additions and corrections. The motion was seconded by Robert Clayton. Motion Carried with all voting in favor of.

Janet Bollinger made the motion to accept the payment of bills as of September 22, 2008 in the amount of \$8,802.09. Charles Philips seconded the motion. Motion Carried with all voting in favor.

Constituents Addressing Borough Council

Ken Young, 203 Beaver Street stated that Joann Eisenhart did not write a letter to Gerald L. Mummert, but a note about her personal opinions and not that of the EBACC. Mr. Young presented a packet of information. *David Woodward made a motion to appoint Kenneth Young to the Park and Recreation Board. Mr. Clayton seconded the motion.* There was discussion and several people of the community stated their belief that Mr. Young would be an asset to the recreation board. It was questioned if there is an opening on the board. A roll call vote was taken - Janet Bollinger-Yes; Robert Clayton-Yes; Charles Eisenhart-No; David Woodward-Yes, Gerald L. Mummert-No; Charles Philip-Yes; and David Richards-

No; The Roll call vote is as four (4) members voting YES, and three (3) members No. Mr. Young will be appointed if there is an opening on the board.

Wendy Cashman, 201 West King Street stated that she attended the meeting with the safety committee. There main issue was the insurance. President Richards stated there was a question on the insurance rates, trash, observation and control.

Engineer's Report:

Craig Zack of KPI Technology reported that in early September they took a look at the VFW parking lot swale and the swale behind the Borough office. At the VFW parking lot drainage swale the pipes that lead into a box are larger than the pipes going out, causing the inlets to back up. The stone fill infiltration trench has a lot of debris and soil/grass that has accumulated in the stone. Mr. Zack does not recommend that the Borough get involve in this, because the property does not belong to the Borough. Dave Woodward stated he read an article that states municipalities cannot use taxpayer money to fix private properties.

Mr. Zack also reported on East Berlin Borough Office Drainage Swale. It was suggested they could regrade and better define the channel to alleviate the standing water. A prefabricated pipe apron or head wall might help to concentrate the flow into the pipe.

Donald Dixon asked if the Borough had considered fixing the retaining wall behind the Community Center in their budget for next year. It was stated that since the mortgage was paid off the building should have been turned over to the Community Center. A discussion ensued concerning the ownership of the Community Center. It was stated that the Borough only owns it in name, there are several other communities involved. Mr. Young stated that Joanne Eisenhart would like the Borough to continue being the owner of the Community Center in case of any financial difficulties in the future. Mr. Dixon was questioned if he had contacted any of the other municipalities for help with the retaining wall; Mr. Dixon did not respond to the question; he continued citing other improvements that were done to the Community Center building. *A motion was made by Robert Clayton to have the Borough engineer, KPI Technology, take a look at the wall to see what can be done. David Woodward seconded the motion.* **Motion carried with all voting in favor of.**

Mayor's Report:

The Mayor thanked Mr. Starry and his crew for the good job they did for Colonial Day.

Solicitor's Report:

Solicitor Shultis had nothing to report.

Borough Manager's Report:

In the last meeting minutes, it was stated that 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 on the northwest and southeast corner of the square.

Mr. Starry reported he was contacted by Crime Intervention Alarm Systems of York. He told them that if the Council had any interest, he would contact them. It was suggested that with the park installation in the near future, the Council may want to check this out for the park.

President Richards reported he and Mr. Starry went to York Waste Disposal for a meeting to discuss the significant increase in the fuel surcharges. Mr. Richards stated the surcharge has been in effect since 2006, and it was a carry over from previous contracts. The next surcharge will have to be an explicit part of the contract. When the next contract gets advertised the fuel surcharge will have to be part of the contract.

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.

A motion was made by Charles Philips to approve and adopt the East Berlin Borough Non-Uniform Pension Plan Minimum Municipal Obligation for the 2009 budget of \$30,725.00; it was seconded by Robert Clayton. With no discussion the motion carried.

A motion was made by Charles Philips to approve and adopt the East Berlin Borough Uniform Pension Plan Minimum Municipal Obligation for the 2009 budget of \$7,302.00; it was seconded by Robert Clayton. With no discussion the motion carried.

Addition to the September 3rd 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: None

IT: Robert Clayton reported he has been checking on microphones that records 360 degrees for approximately \$80, it would pick up the sounds more clearly. He is also checking on digital recorders that can transfer to the computer and be stored on CD files. President Richards stated these would be verbatim transcripts instead of minutes. It was discussed that a policy would have to be established on the cost and storage of the recordings. The cost is estimated at approximately \$150 for the recorder. Mr. Clayton would be providing pictures at the next meeting.

President Richards requested that KPI Technology be added to the Web Site.

Public Safety: Janet Bollinger reported safety committee members held a meeting on Sept 15 with the skate boarders. She reported on the issues concerning the skate boarders and the use of the Tucker property on East King Street. Some of those issues were: Was it going to be an open park; if unsupervised how can you be sure the park will only be used by Borough residents and only for the purpose intended; how would you enforce the hours of operation; does the Borough insurance cover property damage and restoration; and what equipment would be permitted in the park. The park area would be chained off and usage would be between 8AM and dusk; property damage is covered under Borough policy; and the equipment would only be rails and wooden boxes.

Wendy Cashman stated the biggest issue would be the parental waiver forms and each skate boarder would have a membership card, they would take care of the trash; there would chains and locks when the area is not in use. David Woodward felt if the disclaimer is so good then why should the Borough get involved. Janet Bollinger stated with the Daylight Savings Time changing and it would be getting darker sooner, why not wait and visit other parks. The discussion continued concerning other options and requirements. Solicitor Shultis mentioned the benefit of the open park as a Skate at your own risk being less risky and more beneficial.

President Richards entertained a motion to accept the agreement between the Borough and Mr. Tucker. A motion was made by Gerald L. Mummert and 2nd by Charles Eisenhart to accept the agreement. A roll call vote was taken with Janet Bollinger-No; Robert Clayton-No; Charles Eisenhart-Yes; David Woodward-No, Gerald L. Mummert-Yes; Charles Philip-No; and David Richards-Yes three(3) members voting YES, and Four (4) members voting NO. The vote was in favor of not accepting Mr. Tucker's agreement.

Planning/Zoning: President Richards mentioned there is a draft ordinance for a change in the membership of the Zoning Hearing Board from 3 members and 2 alternates to a 5 member board, and

some other items in the ordinance. He requested the Council read it for approval to publish at the next meeting. Solicitor Shultis reminded President Richards that the advertising requirements are different than normal ordinances publications, and would require a public hearing.

Robert Clayton proposed a change to sign regulations, Section 507 Section D # 4 Signs illuminated by flashing, intermittent, rotating light which beams upon a public street or adjacent premises. Exterior signs illuminated by neon shall be prohibited. He would like to add all internally lit signs shall be prohibited in the future. There was a discussion on how the signs are lit. *David Woodward made a motion to change the sign regulation, Section 507 Section D #4 to state- All exterior internally illuminated signs shall be prohibited. Mr. Clayton seconded the motion.* With no further discussion the **Motion Carried** with all votes in favor.

Personnel: None

Park/Recreation: Councilman Mummert mentioned the verbal approval for the go ahead on the park has been given.

Unfinished Business:

President Richards reported that he and Hanna Furst attended the Adams County Boroughs Association meeting. They discussed the Open records act, a new Adams County radio system, and the properties will be reassessed in 2009 with new mill rates and tax rates.

President Richards stated he would like to have Solicitor Shultis review the old agreement with the Authority and the draft proposed changes. He proposed having an executive meeting.

Gerald L. Mummert again questioned the previous bill from Solicitor Shultis for the legal fees, and who authorized the expenditure. On October 1, 2008, Mr. Shultis is supposed to get a list of calls and identify who he talked to. A discussion continued.

David Woodward wanted to know if the bids expired for the Authority. Mr. Woodward wanted to know why the Council hasn't assumed the Authority. *A motion was made by Charles Philips to have Solicitor Shultis construct a resolution to take control of the Municipal Authority. Mr. Clayton seconded the motion.* President Richards wanted to table the motion. Robert Clayton stated "No" tabling and called for a roll call vote to table the motion. D. Richards-Yes; J. Bollinger-No; R. Clayton-No; C. Eisenhart-Yes; D. Woodward-No; G. Mummert-Yes; and C. Philips-No. The vote was 3 Yes' to Table and 4 No's. **Motion Carried not to table.**

A motion was made by Robert Clayton to have Solicitor Shultis construct a resolution to take control of the Municipal Authority, and it was seconded by Charles Philips. President Richards suggested they work on the agreement before taking over the Authority. There are a lot of changes that need to be made. *A roll call vote was taken: D. Richards-No; J. Bollinger-Yes; R. Clayton-Yes; C. Eisenhart-No; D. Woodward-Yes; G. Mummert-No; and C. Philips-Yes.* The vote was 4 Yes' to and 3 No's to start the resolution for the Municipal takeover. **Motion Carried.**

New Business:

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 presented the bill for the Historical Society for the Colonial Day work for \$564.48 which is lower than last year. *A motion was made by Charles Philips to not send the Historical Society a bill for the work for Colonial Day. David Woodward seconded the motion.* **The Motion Carried with one opposing vote.**

Correspondence:

From Sept. 3, 2008 Meeting:

- Adams County Conservation Dist-Bridge replacement info
- Historic Gettysburg-Barn Preservation Workshop & Tour
- Adams County Conservation Dist-email about illegal dumpsites Info workshop
- Adams Co. Crime Stoppers donation info
- Letter from Mr. Richards-his comments on the Authority letter to Andrew Miller
- Liberty Fire Co. letter requesting funds

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.

Having nothing else to discuss, Charles Eisenhart 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 9:55 PM.

David Richards, Council President

Attest:

Hannelore B. Furst
Secretary of Borough Council