

EAST BERLIN BOROUGH COUNCIL

128 Water Street
East Berlin, PA 17316

November 5, 2008

The first monthly meeting of the East Berlin Borough Council was held November 5, 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; Charles Philips; and Karen Cleary.

Members Absent: None

Also Present: Mayor Keith Hoffman; Borough Manager Bill Starry; Office Clerk, Crystal Topper; Officer Mike Grim; Craig Zack of KPI Technology; Solicitor Tim Shultis; Earl Bollinger; Doris Sabine; Frank Chronister, Jr.; Ryan Peter; Daryl Brandt; Paul Shrink; Rosann Hoffman; Freda Lennon; John Cleary; Susan Hess; Fred & Pauline Sauter; Bev Jadus; Bill Powell; Russ Raub; Andrew Raymond; John Schlaline; and Erin James of the Evening Sun.

Solicitor Shultis swore Karen Cleary in for the open position on the Borough Council.

Correction to the Minutes:

President Richards and Charles Philips had some corrections to the minutes of October 27, 2008. He stated that under Unfinished Business: Solicitor Shultis suggested the person would (add: have to receive) four positive votes. ~~and would be appointed by Resolution.~~ (Add: Paper ballots were submitted and collected and) the Mayor counted the votes. (Add: Karen Cleary received the needed four ballots for the council seat.) . *A motion was made by Charles Philips and seconded by Robert Clayton to appoint Karen Cleary to the vacant council seat by Resolution # 10-2008-5.*

President Richards stated that under Rosann Hoffman, 205 Locust Street, spoke on behalf of the EBSK8S (spell out: East Berlin Skates). *Robert Clayton made the motion to accept the minutes of October 27, 2008 with the corrections. The motion was seconded by Janet Bollinger. Motion Carried. 7-yes's; 1-no.*

Charles Philips made the motion to accept the loan payment of Act 537 in the amount of \$456.50. Robert Clayton seconded the motion. Motion Carried with all voting in favor of.

Charles Philips made the motion to approve the payment of the bills for the beginning of November in the amount of \$8,833.05. Robert Clayton seconded the motion. Motion Carried with all voting in favor of.

Constituents Addressing Borough Council

Frank Chronister, stated that for the month of October, they have responded to forty one (41) ambulance calls and they responded to thirteen (13) fire calls.

Sherry Gressens, East Berlin Community Library, wanted to thank the council for their financial support in 2008. Ms. Gressens stated that she would answer anyone's question about the library. She mentioned that about 1-1 ½ years ago the library board started gathering information about acquiring the Old Nell's building for the new library. She stated it would cost them 2.4 million dollars just to buy a third of the building. That would include everything; furniture, shelves, etc. They hired the firm of Fuhrman in Columbus, Ohio to do a feasibility study. They talked to the residents and they determined that they could raise 1-1 ½ million dollars for the new library. They also advised that they have an Ad hoch committee made up of people in the community to look over the sites. Keystruct, Inc. bought the building but doesn't know if they would work with them on an affordable price. Ms. Gressens attended a workshop for Keystone Grants. The library receives a grant they would have to work with the

borough council. The grant is a matching fund grant; and the community would have to raise \$500,000.00 before applying for the \$500,000.00 Keystone Grant. Ms. Gressens would like to come to a work session sometime and discuss it with President Richards. Again, she thanked everyone for their support, and that they are continuing on with the library.

Mayor's Report:

Mayor Hoffman spoke to Mr. Chronister last week about the parking by the stop sign on Wagner and Water Street. Mayor Hoffman reported 54 incidents for the month of October, and Trick-or-Treat night went very well and they had extra cops to help out during this event. It was stated that this year was probably the biggest crowd that they have ever had.

Engineer's Report:

Craig Zack of KPI reported he didn't have much to discuss except for the Floodplain Management. President Richards commented that he wanted to discuss this since time is running out. At the last meeting, the council had gotten the states proposed Floodplain Management Ordinance, and a copy of the standards that were recommended by the borough engineer. President Richards combined them both into a draft ordinance that would replace our current ordinance in total. President Richards renumbered each of the sections from that section 20 under which the current ordinance is included. It includes all the Engineer's recommendations. One of the recommendations from the state which is not in the current ordinance is no new construction to occur within 50 feet of the river or creek. President Richards stated that the first part of the ordinance is quite good. He also stated that this doubles the length of our current ordinance. President Richards stated that we need to get clearance of our proposed ordinance from a number of government agencies before we adopt it or publicize it. President Richards wants to send the draft ordinance to Adams County Planning & Zoning and another state organization before it's implemented by the borough. It needs to be done by January 16 for the state and done by February for Federal Law. President Richards wants council to review the changes.

Solicitor's Report:

Solicitor Shultis handed out a packet of information about Zoning and Planning and referenced that packet. Mr. Shultis mentioned that he had spoken to Andrew Merkle of Adams County Planning and Zoning and suggested a meeting between him and the borough council members. It was suggested that the meeting be at Shultis's office on November 12, 2008 at 9 AM. President Richards mentioned that he has received forms from zoning and that all borough council members will have 6 proposed zoning changes by the end of the week. Mr. Starry mentioned that one of things that will be discussed will be the fee schedule. President Richards stated that he changed the wording in the fee schedule; stating that we are now charging for the Zoning and Building approvals in which it is 30 cents per square foot.

Solicitor Shultis mentioned that, "Our Town East Berlin," had presented the Toxic Trespass Ordinance drafted by Community Environmental Legal Defense Fund at the last meeting, which states about protection of quality of life and of environmental issues. East Brunswick Twp. had a similar situation but it was with sewer sludge, in which there was a lawsuit. East Brunswick Twp. rescinded its ordinance. Ben Price from the Community Environmental Legal Defense has offered to provide the borough his legal opinion, but he is not a lawyer, he has availability to legal answers, and he could find out if it is legal, enforceable, and what liability the borough will have if enacting this ordinance. Mr. Price will provide this information free of charge. Mr. Shultis wants the okay to go and discuss this with Mr. Price. Mr. Shultis has concerns for the borough's liability on this issue. *Robert Clayton made the motion to have Mr. Shultis contact Mr. Price and begin the process. Charles Philips seconded the motion.* **Motion Carried with all voting in favor of.**

Mr. Shultis was given a letter from Mr. and Mrs. Young's attorney making a specific demand upon the borough. Mr. Shultis would like to go into executive session to discuss this matter.

Borough Manager's Report:

Mr. Starry reported that he and Mr. Philips attended the Pennsylvania State Association of Boroughs (PSAB) convention at the Wyndham Hotel in Gettysburg, PA on October 18, 2008. Mr. Starry believes that all the council members should attend one of these meetings. The next meeting is on March 22 & 25 at the Hershey Lodge in Hershey, PA. Mr. Starry mentioned that he had met with Town Square at the convention and talked about setting up hardware in the computer for the Right-to-Know law and correspondence with your citizens. The Town Square would like to do a demonstration with the manager and the borough council at the Borough Hall. The discussion continued. Mr. Starry will be setting up a meeting with them at the end of the week of the 17th in November.

Mr. Starry has been in contact with Reading Township about having a verbal agreement on buying salt and cinders up to 15 ton. There is no set price at this time. Mr. Starry is getting an agreement together so we can use liquid fuels money to purchase this from them and every year we will renew the agreement. The price for calcium is fifteen dollars per 50 pound bag. President Richards went on to discuss the agreement. Mr. Starry stated that he did do some sweeper work for Reading Township in which he did bill them for the work that was done. Mr. Starry stated that the agreement is for the state audit. Mr. Starry also discussed that there is a sidewalk in town that is delinquent and he would like to turn it over to the solicitor. The sidewalk needs some repairs. Mr. Starry notified the person and gave him a time limit. Mr. Shultis is filing a criminal complaint.

Committee Reports:

Finance: President Richards went over the 2009 proposed budget and decided to reduce some of the finances. President Richards proposed that we publish the 2009 proposed budget on the first or second week in December and adopt the proposed budget at the December 29, 2008 meeting. Also, President Richards entertained a motion to cash in a portion of the \$234,681.31 General Fund CD for \$30,000.00 and roll over the rest. *Charles Philips made the motion to cash in a portion of the General Fund CD for \$30,000.00 and roll over the rest. Robert Clayton seconded the motion.* **Motion Carried with all voting in favor of.**

Streets: President Richards still needs people to sign up for the remaining hours for Friday November 7, 2008 for the survey of the one way street.

IT: Mr. Clayton has done a year end survey of our off site recording. At this time there are no problems with Hanna or Crystal's computers, and Continental Utilities Solutions, Inc., Quickbooks, and the Documents file are being backed up off site for the borough. President Richards stated that we have tested the recorder to the computer. Mr. Clayton also reported on the new recording devices, and that we are only using the recorder part now, and returned the external microphone. Mr. Clayton suggested charging five dollars for the approved meeting recordings.

Public Safety: Janet Bollinger commented that she was amazed with the amount of trick-or-treaters there were and suggested that we change the trick-or-treat night to the night of the Hanover Halloween parade to lessen the amount of people.

Planning/Zoning: None

Personnel: None

Park/Rec: President Richards stated that we have received a letter from Mr. Keener for the advertisements for the engineering bids. Mr. Keener was proposing to open bids at 7:30 PM on November 24, 2008 for Phase I engineering services. The copy of this letter will go into the correspondence file.

President Richards stated that he needs to advertise Ordinance 2008-8 before November 24, 2008. President Richards proposed to make a motion to have the ordinance advertised. Mr. Shultis commented that it needs to be summarized and accurate. Mr. Shultis will be doing the accurate summarizing and sending it to the law library. *Charles Philips made the motion to have Ordinance 2008-8 advertised and submit to the law library. Robert Clayton seconded the motion.* **Motion Carried with all voting in favor of.**

Unfinished Business: President Richards stated that we have already addressed the Floodplain Management Ordinance.

President Richards stated that we have received a letter from Mr. Gehr about a notice to East Berlin Manager from Tucker Industrial Liquid Coating that they will be applying for the addition of product lines at their plant. The Borough had 30 days to respond which is November 7, 2008. President Richards mentioned that there are a series of violations and actions by DEP. The discussion continued. *Robert Clayton made the motion to send the letter to Mr. Gehr and the letter goes into the correspondence file. David Woodward seconded the motion. Motion Carried with all voting in favor of.*

The second letter was to Mr. Mummert of the East Berlin Area Joint Authority. President Richards explains the content of the letter. President Richards stated that the borough will notify the Authority about the changes. The discussion continued. Charles Philips made the motion to send the letter to Mr. Mummert. David Woodward seconded the motion. 6 yes; 1 no; Motion Carried.

New Business: President Richards discussed the Toxic Trespass Ordinance earlier.

Correspondence:

- Invitation letter from the Historic Gettysburg about the Easement as an Effective & Practical Preservation Tool is on Tuesday, November 18, 2008 at 7:30 PM; open to the public.
- David Richards will be going to the Adams County Borough Association meeting at the Pike Restaurant at 6:15 PM on November 17, 2008.
- The Pennsylvania Borough News will be expiring. All borough council members, Bill Starry, and Hannelore Furst will be receiving the subscription.
- Received a letter from Diane Shupe of PHD Candidates seeking information on sex offenders in the East Berlin Borough. President Richards will be taking care of this.
- Received a note from CoStars stating that there is a scheduled meeting on December 4, 2008 in Dauphin County; they have materials in bulk.
- Received a letter from Mrs. Young concerning their storm drainage problem; will be discussing in executive meeting.
- Received a letter from Mr. Keener stating that he will be resigning from the Planning Commission Committee on December 1, 2008.
- Received a record request form from Mr. Young.
- A Greenways and Landscape land use seminar at the Adams County Ag Center that has past.
- Department of Community Economic Development will be held in Harrisburg on January and April 2009.

A motion was made by Charles Philips and seconded by Robert Clayton to adjourn the meeting at 9:50 PM to go into an executive meeting. Motion Carried with all voting in favor of.

Respectfully submitted,
Crystal L. Topper
Acting Secretary