

EAST BERLIN BOROUGH COUNCIL
128 Water Street
East Berlin, PA 17316

April 22, 2009

The second monthly meeting of the East Berlin Borough Council was held April 22, 2009 at the East Berlin Borough Hall. The meeting was opened with the Pledge of Allegiance at 7:00 PM.

Members Present: President David Richards; Charles Philips; Robert Clayton; Janet Bollinger; and David Woodward

Members Absent: Charles Eisenhart

Also Present: Secretary/Treasurer Darlene McArthur; Mayor Keith Hoffman; Solicitor Timothy Shultis; Craig Zack; John Schlaline; Doris Sabine; Tom Miller; Kevin Johnson; Samuel Johnson; and Ed Robbins

Correction to the Minutes: A correction was made to the meeting minutes of April 7, 2009, to change the word *historical* to *village trade* regarding districts where internally lit signs would be prohibited by the proposed zoning amendment ordinance. *A motion to accept the Minutes as corrected was made by David Woodward with a second by Charles Philips. Motion carried with all voting in favor.*

Payment of Bills: President Richards remarked on the audit invoice to be paid to Stambaugh Ness, stating that in the future the Borough would likely utilize a certified public accountant to perform this task. With the separation from the Joint Authority, the Borough's accounting system is less complex and does not require the costly services of a large auditing firm. There was mention of a bank charge to reproduce statements of the Act 537 Update checking account not entered on the Borough's accounting software with no prior statements available, as mentioned by the auditing firm. Further investigation is needed. *A motion was made by Robert Clayton to pay the bills for the end of April; seconded by Charles Philips. Motion carried with all voting in favor.*

Constituents Addressing Borough Council: Attorney Tom Miller of the Miller and Shultis Law Firm gave some personal background regarding his election campaign for judge in Adams County. In requesting the support of the Borough residents in the May 19 primary, Attorney Miller stated that he is the only candidate who is not a resident of Gettysburg and has local ties and interests in the East Berlin area.

Doris Sabine voiced concerns regarding the costs of additional maintenance and liability insurance required for the new Community Park and the possibility of a tax increase to cover these costs. Mrs. Sabine stated that she has received little satisfaction from the Park Committee Chairman in addressing these concerns. President Richards suggested that these concerns would be more effectively stated in a letter from Mrs. Sabine to the Park and Recreation Committee. Mrs. Sabine noted her appreciation of the Borough's recent newsletter addressed to the citizens and requested suggestions concerning the Tucker Industries' toxic trespass issue.

Planning Committee Chairman John Schlaline agreed with Mrs. Sabine's concerns regarding the Community Park and will discuss them with Park and Recreation Chairman Phil Keener at the April 23 meeting of the Planning Committee. Mr. Schlaline requested that Council advertise for an additional Planning Committee Member to replace resigned Member John Cleary.

Planning Committee Vice Chairman Ed Robbins requested that Borough Council review the Community Park plan as submitted to expedite the process. Solicitor Shultis stated that Council may take this action if necessitated by the timing of obtaining grant funds.

President Richards stated the need for a written agreement between the Borough and the Fire Department to cover multiple issues. Charles Philips stated that there is no known written agreement and that one be created and signed by both parties.

Mayor's Report: Mayor Keith Hoffman discussed the purchase of an Internet access device for Officer Grim's patrol car and the purchase of an addition 20 (twenty) crosswalk signs. Mayor Hoffman stated that per Officer Grim, there are few recent incidents in the Borough.

Engineer's Report: Borough Engineer Craig Zack suggested that he review the subdivision plan of the Community Park. Planning Committee Chairman John Schlaline agreed that the Borough Engineer should review Phase I of the plan. *Robert Clayton motioned that the Borough Engineer review the subdivision plan of the Community Park; seconded by David Woodward. Motion approved with all in favor.*

There was discussion of the recent Engineer's report of street and stormwater projects in the Borough. President Richards suggests that some of these issues be addressed but a more in-depth review of cost and issue severity is needed. With the Route 194 bridgework underway, it would be best to proceed with Project C, the manhole cover at the intersection of Routes 194 and 234. There was also discussion of a storm drain improperly place beneath the Borough building. It was noted that East Berlin was not listed to receive sewer facility grant funds from Pennvest. The H2OPA grant program will be announced May 15, 2009. *A motion was made by President Richards to take the next step with the proposed street and stormwater projects in the Borough; seconded by David Woodward. Motion approved with all in favor.*

Solicitor's Report: A municipal lien is in process against the property at 112 East King Street for past due refuse payments. If property owner Earl Brown does not accept the certified notification in ten days, the lien is placed. David Woodward suggested that the Borough take steps to secure the property since it is accessible. John Schlaline stated that the property does present a safety hazard. Solicitor Shultis will research the Borough's options.

The proposed Sign Ordinance will be reviewed at the May 20th meeting of Council.

Borough Maintenance Report: Robert Clayton suggests that a Maintenance Committee be formed to include Charles Philips, David Woodward and Robert Clayton as Chairman. President Richards reported that street sweeping in the Borough was nearly complete and grass mowing has begun. The time required to perform mowing in the Borough will be recorded to better reflect cost of this task. A weed trimmer has been purchased for maintenance use. It was noted that there was a minor accident involving the maintenance truck; repairs are being addressed.

Committee Reports:

Finance: President Richards stated a change in the handling of Borough finances to include the requirement of two signatures on fund transfers as well as checks. At the next meeting of Borough Council, a yearly comparison of the first quarter financials will be reviewed. Additionally, clarification is expected on refunds to be received of insurance premiums paid.

Streets: With the creation of the Maintenance Committee it was suggested that the Streets and Public Safety Committees be combined. *Robert Clayton motioned that the two Committees be combined; seconded by David Woodward. Motion approved with all in favor.*

Janet Bollinger reviewed a report and photographs of a large area of standing water at the end of Kuhn Drive behind Pennwood. A storm drain cover in this area is set too high to function awaiting the paving extension of Kuhn Drive. A second storm drain cover hidden by the standing water was clogged and was since cleared. President Richards concluded that keeping this drain cover clear would address the issue.

There was a discussion of regulations regarding the height of traffic signs within the Borough and the requirement of three-way stop intersections to be marked as such. This information will be forwarded to Robert Meminger in maintenance for research and resolution.

IT: Robert Clayton reported on the Internet access device for the police cruiser purchased at no initial cost with a fifty-dollar (\$50.00) monthly charge on a two-year contract. This access device is installed and functioning. Mr. Clayton added that the use of tape recordings of the Borough Council Meetings would end in June to be recorded by the MP3 device only.

Planning/Zoning: David Woodward remarked on his agreement that the Borough Engineer should review the Community Park plans. Mr. Woodward reported that several zoning concerns were forwarded to Senior Zoning Officer Robert Thaeler and Solicitor Shultis for review; no response yet received. A zoning issue complaint form will be designed for citizens' reports of zoning issues to better track and address these concerns. These forms will be anonymous. It was noted that Open Record Requests are to be fulfilled by the Right-to-Know Officer, Darlene McArthur.

Planning Committee Vice-Chairman Ed Robbins mentioned concerns of conflict of interest regarding Stormwater issues for Kenneth Young's application for Member of the Planning Committee. David Woodward responded that Kenneth Young stated he would resign his position on the Committee should litigation arise in which he is involved. Chairman John Schlaline feels that the Committee would value Mr. Young's knowledge and input. Mr. Robbins agreed to acquiesce to Chairman John Schlaline's decision to accept Kenneth Young's application. *Robert Clayton motioned to accept Kenneth Young as a Member of the Planning Committee; seconded by David Woodward. Motion approved with all in favor.*

Personnel: It was noted that Karen Cleary would not reconsider her decision to resign as a member of Council. *It was motioned by Robert Cleary to accept Karen Cleary's resignation; seconded by David Woodward. Motion approved will all in favor.* Borough Council is seeking applicants to fill former Council Member Karen Cleary's vacancy and the former position of John Cleary as Emergency Management Coordinator. Council appoints these positions upon applications received.

Robert Clayton motioned that Council approve Darlene McArthur's attendance of Municipal Secretary's training on May 21, 2009; seconded by David Woodward. Motion approved with all in favor.

As the annual contract for employee health coverage will be ending on May 30, 2009, other coverage options are being examined. Delegation to make this determination before the May 8 deadline will be given to President Richards, Robert Clayton, and Darlene McArthur. *Charles Philips motioned that this group may choose alternate employee health coverage; seconded by David Woodward. Motion approved with all in favor.*

It was noted that David Richards would be attending the meeting of the Adams County Council of Governments (COGs) on April 23, 2009.

Park/Recreation: Council received notification from Park and Recreation Chairman Phil Keener that Doug Shaffer has applied for the open position formerly held by Kenneth Young. *David Woodward motioned to accept Doug Shaffer's application as new member of the Park and Recreation Committee; seconded by Janet Bollinger. Motion approved with all in favor.*

Unfinished Business: There was discussion of the proposed Resolution to install an additional streetlight on Boyer Drive at no initial cost, average monthly cost, with a ten-year term required. *Robert Clayton motioned to approve Resolution No. 4-2009-2; seconded by Janet Bollinger. Motion approved with all in favor.*

The Lion's Club has accepted the agreement with the Borough regarding Christmas lights stating that the Lion's Club will install the lights and remove them by the end of January each year. The Borough will pay the electric costs as a charitable contribution. *A motion was made by Robert Clayton to accept the agreement with the Lion's Club; seconded by David Woodward. Motion approved with all in favor.*

A second agreement with Union Cemetery was discussed to have the Borough maintain grass cutting and snow removal when necessary. *President Richards motioned to accept the agreement with Union Cemetery; seconded by Robert Clayton. Motion approved with all in favor.*

David Woodward inquired as to the term length of these agreements. President Richards states that the agreements may be reviewed for necessary updates annually. No agreements have yet been established with the Fire Company or the Historical Preservation Society. An additional agreement is needed with the Lion's Club regarding the ball field.

It was noted that a statement regarding compensation time was stricken from the Personnel Policy.

New Business: Pitney Bowes has reduced the cost to the Borough of leasing the postage meter to \$198.00 per quarter for a five-year contract. The decision to keep the meter will rely on the continuation of the Borough's refuse billing, to be determined upon contract renewal.

President Richards suggested a refund of the \$30.00 permit cost to the East Berlin Area Community Center for replacing a retaining wall, since the building is the property of the Borough. *David Woodward motioned to refund the permit cost; seconded by Robert Clayton. Motion approved with all in favor.*

It was noted that the East Berlin Area Joint Authority has requested that permits and fees be waived in conjunction with the proposed sewage facility.

Mayor Hoffman requested that the last four parking spaces of the Fire Company's parking lot be painted red with a sign posted designating that these spots are reserved for firemen only. There has been conflict with events at the VFW facility. It was noted that to enforce this action, an Ordinance be must be created.

Correspondence:

- A letter is to be sent to Kansas City Life Insurance instructing them to adhere to the Borough's original request to remove the former employees from the Borough's policy. *A motion to send the letter was made by Robert Clayton; seconded by David Woodward. Motion approved with all in favor.*
- A letter requesting a contact person for the Flood Plain Monitoring Program was received from the Adams County Conservation District.
- A Pennsylvania State Association of Boroughs training session was announced.
- A Government Technology Conference is scheduled.
- A request was received from the Adams County Conservation District for a listing of West Nile Virus high-risk areas.
- Letters were received from John Cleary resigning the positions of Planning Committee Member and Emergency Management Coordinator.
- A letter stating the previously approved security protection amounts was received from Karen Cleary.

Doris Sabine inquired as to the status of the April 20th letter received by Council from Kenneth Young. It was stated that the Borough retained the pertinent sections of the letter.

It was motioned by Robert Clayton to adjourn the meeting at 9:45 PM; seconded by David Woodward. Motion approved with all in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council