

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

July 7, 2009

The first monthly meeting of the East Berlin Borough Council was held July 7, 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 Eisenhart; Robert Clayton; Janet Bollinger; David Woodward; Charles Philips and Doris Sabine

**Members Absent:** None

**Also Present:** Mayor Keith Hoffman; Secretary/Treasurer Darlene McArthur; Solicitor Timothy Shultis; John Schlaline; Earl Bollinger; Andrew Raymond; Jan Hoffman; Bev Judus; Bill Powell; Louie Becker; Paul Kopp; Tim Stonesifer; Mark Furst; and Becky Furst

**Correction to the Minutes:** There are no corrections to the meeting minutes of June 17, 2009. The minutes of Council's discussions following the Executive Session of June 17 will be added. *A motion to accept the Minutes with the addition was made by Janet Bollinger with a second by Robert Clayton. Motion carried with all voting in favor.*

**Payment of Bills:** President Richards reviewed a summary of bills in the amount of \$3,661.46 for the beginning of July, \$27,250.47 for third quarter refuse billing, and \$456.50 for the Act 537 loan payment. *A motion was made by Janet Bollinger to pay the bills; seconded by Charles Philips. Motion carried with all voting in favor.*

**Constituents Addressing Borough Council:** None.

**Mayor's Report:** Mayor Keith Hoffman commented on the East Berlin Carnival next week stating that outside assistance would be provided to Officer Grim for the event. Mayor Hoffman reported forty-one (41) police calls for the month of June and requested an Executive Session following this evening's Council meeting.

**Fire Chief's Report:** In the absence of Fire Chief Frank Chronister, Mayor Hoffman reported sixteen (16) alarm incidents and thirty-four (34) ambulance calls for the month of June.

**Engineer's Report:** Nothing to report.

**Solicitor's Report:** Regarding the municipal claim filed against the property owner of 112 East King Street, Solicitor Shultis reported that Officer Grim has provided assistance to the Borough's efforts in locating and serving the recipient.

Solicitor Shultis reported his efforts to seek special counsel for the Borough's zoning and environmental issues in conjunction with the Department of Environmental Protection. Letters stating the proposed terms of engagement agreement for Attorney Charles Suhr of Stevens & Lee Lawyers & Consultants and Attorney Eugene Dice of Buchanan Ingersoll & Rooney were received. Solicitor Shultis stated that a Title 5 Public Hearing would be scheduled. *Robert Clayton motioned to accept the terms of agreement with Attorney Eugene Dice; seconded by Doris Sabine. By roll call vote, Council approved the agreement with one (1) dissenting vote. David Woodward motioned to accept the terms of agreement with Attorney Charles Suhr; seconded by Robert Clayton. By roll call vote, Council approved the agreement with one (1) dissenting vote.*

Solicitor Shultis discussed the appointment of alternate members to the Zoning Hearing Board due to scheduling or conflict of interest issues of the current five member Board stating that a Resolution must be adopted by Council to take this action. *Janet Bollinger motioned to advertise for Zoning Hearing Board alternates; seconded by David Woodward. Motion approved with all voting in favor.*

**Committee Reports:**

**Finance:** President Richards reviewed the summary of Borough accounts stating that a maturing Certificate of Deposit on the general account would be renewed.

**Streets/Public Safety:** Janet Bollinger inquired of the situation regarding the previously reported stagnant swimming pool. Mayor Hoffman stated that a letter would be sent to the property owner.

Robert Clayton reported that per Adams County plot plan, the macadam swale at 540 North Street is the property of the Borough. The Borough will be making no repairs to the land strip.

**Maintenance:** Robert Clayton commented on the ninety day review of Maintenance Laborer Robert Meminger stating that Mr. Meminger's job performance is exemplary. An additional review will take place at the end of the year.

Mr. Clayton reported that a damaged sign at North Avenue and Front Street had been replaced with a taller sign and break away post. It was noted that additional "Truck Traffic Prohibited" signs are needed in this area. Additionally, "Work Area Ahead" signs are needed for protection when road and curb maintenance are being performed. Mr. Clayton noted that the cones had been removed from the sinkhole area near the Community Center and that repairs must be made without delay. It was noted that curb paint cost is being investigated with painting to begin soon. President Richards stated that community service workers would be assisting with curb painting.

President Richards reported that arrangements have been made to mow several field properties owned by the Borough with the field area behind East Berlin Manor Apartments still to be addressed.

**IT:** Robert Clayton reported that uninterruptable power supply has been installed on the remaining two Borough computers and that essential system files have been moved to the main computer. Mr. Clayton noted that manual backups and updates are being performed.

**Planning/Zoning:** David Woodward stated that an advertisement will be placed for a part time Zoning Enforcement Officer. Charles Eisenhart suggested that the candidate reside outside of the Borough of East Berlin to encourage impartial enforcement of zoning regulations.

Planning Commission Chairman John Schlaline discussed a letter received from Frank Schuhart expressing his interest in serving as a member of the Planning Commission. *David Woodward motioned to appoint Mr. Schuhart to the Commission; seconded by Charles Philips. Motion approved with no dissenting votes.*

**Personnel:** Nothing to report.

**Park/Recreation:** It was noted that five (5) bids were received for Phase One of the Community Park Project. There was some discussion of a letter received by Council of the Planning Commission's recommendations regarding Phase One of the Community Park.

**Unfinished Business:** President Richards discussed a request to the East Berlin Area Joint Authority to share saw horses. Per Gerald Mummert, this would be acceptable. Per the meeting minutes of the Adams County Council of Governments (COGS), member municipalities may advertise on the internet; i.e. the sale of the Borough former police cruiser. President Richards stated that the Borough must place legal notice of intent to adopt Ordinance 2009-3 authorizing membership in the Council of Governments and approval of the By Laws. *Robert Clayton motioned to place notice of intent to adopt Ordinance 2009-3; seconded by Charles Philips. Motion approved with all voting in favor.*

President Richards reviewed the refuse contract pre-bid meeting held July 7, 2009 to discuss various options and potential services. Bids for the refuse contract are due by 8:00 AM, July 27, 2009. A special meeting of Borough Council is scheduled to open the contract bids on July 27, 2009 at 10:00 AM. Mr. Richards also discussed the preliminary results of the recycling survey as posted in the Borough Newsletter, with the majority of residents responding in favor of recycling.

There was some discussion of vendor and parking issues associated with the Historical Preservation Society sponsored Colonial Day. Bev Jadus of the Historical Preservation Society commented that in recent years, costs are up and revenues are down. It was suggested that permits may be required for non-associated vendors and yard sales held on Colonial Day among other changes. This would require an ordinance amendment and will be considered for Colonial Day 2010. Any changes would be announced to the public.

**Emergency Management:** Emergency Management Coordinator Andrew Raymond reported a Blue Knights motorcycle ride to benefit Fire Policeman Melvin Lehr scheduled August 1, 2009 to end in East Berlin at ~~Rocco's Pizza~~ *the Fire Company with pizza available from Rocco's Pizza.* Additionally reported is a confined space drill for August. Mr. Raymond stated that the warning sign/signal project for the Fire House is progressing. The lighted sign will be solar powered, the first of its kind in the region, and must be approved by PennDOT. Mr. Raymond requested expense approval from Council for the sign, estimated cost of under \$4000.00. *Robert Clayton motioned to expense the purchase from state allocated liquid fuels funds; seconded by Janet Bollinger. Motion approved with all in favor.*

**New Business:** President Richards discussed a letter to Mr. Weaver, Air Quality Control Program – South Central Region, with concerns of the actions of the Department of Environmental Protection regarding Tucker Industrial Coatings. Solicitor Shultis suggested the letter be coordinated with Attorney Dice. President Richards stated that he would abide by any advised revisions per Attorney Dice. *President Richards motioned to forward the letter to Mr. Weaver on behalf of Borough Council if coordinated with the approval of Attorney Dice; seconded by David Woodward. Motion approved with all voting in favor.*

There was discussion of a request received to include a link to the web address of a local area business on the East Berlin Borough internet website. Robert Clayton suggested that a business link on a municipal website would be inappropriate. *Robert Clayton motioned that no commercial website links be included on the Borough's website; seconded by Doris Sabine. Motion approved with all voting in favor.*

President Richards presented to Council a request by the East Berlin Area Joint Authority to utilize the Borough's dump truck with fuel cost reimbursement to be returned in clean condition. *Robert Clayton*

*motioned to allow use of the dump truck; seconded by Charles Eisenhart. Motion approved with one (1) dissenting vote.*

President Richards discussed his reply to an inquiry received via the Borough's website requesting updated information on a Chemical Trespass Ordinance.

There was some discussion of the Borough's past history of donation payments to area organizations. Council will review this information to be discussed at a later meeting.

**Correspondence:**

- Newsletter from the Gettysburg Adams Chamber of Commerce
- Letter from Adams County Land Conservancy regarding Stormwater runoff issues
- Minutes of the Adams County COGS Meeting

*The minutes of the meeting of Borough Council were closed at 9:30 PM for Executive Session.*

Borough Council returned from executive session at 9:45 PM. Council discussed the authorization of Solicitor Shultis and Attorney Dice to develop and submit zoning enforcement notices with respect to the Tucker properties on East King Street and North Avenue in East Berlin. *Charles Philips motioned that Council approve this authorization; seconded by Janet Bollinger. Motion approved with no dissent.*

*A motion to adjourn was made by Robert Clayton; seconded by Charles Philips. Motion approved.*

*The meeting of the East Berlin Borough Council was adjourned at 9:58 PM.*

Respectfully submitted,

Darlene McArthur  
Secretary/Treasurer of Borough Council