

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

July 22, 2009

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

Members Absent: None

Also Present: Mayor Keith Hoffman; Secretary/Treasurer Darlene McArthur; Craig Zack; John Schlaline; Earl Bollinger; Andrew Raymond; Frank Schuhart; J. P. Van Wyk; Mary Beth LeVan; Jim LeVan; Mike Cook; Rosann Hoffman; Freda Lennon; Robbie Teal; Phil Keener; D. J. Reinhart; and Mike Devity

Correction to the Minutes: A correction to the meeting minutes of June 2, 2009 is the motorcycle ride to benefit Melvin Lehr ends at the East Berlin Fire Company, not Rocco's Pizza. *A motion to accept the Minutes as corrected was made by Charles Philips with a second by Janet Bollinger. Motion carried with all voting in favor.*

Payment of Bills: President Richards reviewed a summary of bills for the end of July totaling \$12,000.02. There was some discussion of the increase in the cost of employee health care with the addition and retroactive charge of a new employee member, the high cost of advertising the refuse contract bid in the York Daily Record, and a review of the Petty Cash Balance. *A motion was made by Doris Sabine to pay the bills; seconded by Charles Philips. Motion carried with all voting in favor.*

Constituents Addressing Borough Council: John Schlaline addressed Council on the subject of the firestorm of publicized comments regarding Tucker Industries' violation of sign zoning regulations. Speaking as a concerned citizen, Mr. Schlaline stated that the newspaper website comments have gotten out of hand and some are terroristic in nature on this emotional issue, strongly urging Council to notify the proper authorities. It was noted that four (4) letters were sent simultaneously to businesses in the Borough on the issue of sign violations with Tucker being only one of those. Mr. Schlaline stressed that the issue is the enforcement of the Zoning Ordinance, not the content of the sign, and encouraged Council to publicly address the matter.

President Richards stated that East Berlin is on the National Historic Registry, which is reflected in the Zoning Ordinance. Following the retirement of the Borough's previous Zoning Officer in 2008, assistance was arranged from Adams County for enforcement of zoning regulations. Mr. Tucker has requested a zoning appeal to the stated violation of a sign displayed in excess of eighty (80) square feet. It was noted that the letter of permission written by Mayor Hoffman to Mr. Tucker is invalid, as the Pennsylvania Borough Code regulates the Mayor's authority. The Zoning Hearing Board will hear Mr. Tucker's appeal, and the matter of employing a part-time assistant to the Senior Zoning Office will be addressed. President Richards noted that state and federal authorities have been notified of the situation concerning threats to security.

Jim LeVan addressed Council, commenting that the sign at Tucker Industries is a symbol of patriotism in a time of war. Mr. LeVan stated that his son is currently serving in the military and that he considers the action of Council insulting to all troops in the service of their country. President Richards responded that this is not an issue of patriotism; the Zoning Hearing Board will be addressing only the size of the sign. Doris Sabine stated that the patriotism of the Council Members is not in doubt, with some having served in the military. Robert Clayton reported a similar incident in which a patriotic symbol was determined to be in violation and was not above the law.

Mike Cook of 104 Branch Circle stated that if this ordinance were not enforced without prejudice, it would likely set a precedent to allow other violations of the Zoning Ordinance within the Borough.

Rose Hoffman inquired of Council if variances were in place for the tank and the fighter jet at the Veterans of Foreign Wars' facility. President Richards responded that this would be investigated.

Council Member Charles Eisenhart stated that the unmown fields within the Borough are in violation of Borough Code and that Council should address this issue. President Richards noted that there was no previous agreement made for the mowing of these fields and finding a solution to this issue is underway.

Mayor's Report: Mayor Keith Hoffman noted that the East Berlin Carnival was a success, and with the help of extra patrolmen, no problems were reported. On the issue of the letter that Mayor Hoffman provided to Mr. Tucker for his banner, David Woodward inquired if there were any additional letters on other similar matters. The Mayor replied that there were none, and inquired as to why Mr. Tucker's sign was in place for nearly a year before the violation was cited. It was explained that there was no Zoning Officer {located} in the town of East Berlin since 2008, and during a review of the Ordinance with Adams County, signs were targeted.

Engineer's Report: President Richards opened the five (5) bids received for the street projects in the Borough. With all bidders providing a ten (10) percent bid bond, the bids were as follows: C.E. Williams Sons, \$14,120.00; Henson Paving, \$18,305.60; Kimbob, \$8,980.00; Valley Quarries, \$24,936.00; and H & H General Excavating, \$10,484.00. Borough Engineer Craig Zack was asked to review the bids. *Charles Philips motioned that contingent upon Solicitor Shultis' examination of the bid, the project will be awarded to the lowest responsible bidder; seconded by David Woodward. Motion approved with all in favor.*

Craig Zack reported that Eric Mains met with Andrew Raymond to discuss the location of the flashing warning sign to be placed near the Fire Company on Abbottstown Street. Andrew Raymond requested that copies of all documents submitted to PennDOT on this project be provided to the Borough.

President Richards noted that Eric Mains reported to the Borough on his attendance at a FEMA meeting to discuss the floodplain.

Solicitor's Report: There was nothing to report in the absence of Solicitor Shultis.

Committee Reports:

Finance: President Richards reviewed the 2008 – 2009 Financial Comparison Statement for the year to date noting a significant drop in interest revenue. Mr. Richards reminded Council of the upcoming special meeting scheduled for Monday, July 27, 2009 at 9:00 AM at Borough Hall to review bids for the refuse contract to begin at the end of September.

Streets/Public Safety: Janet Bollinger asked Mayor Hoffman if the letter had been sent to Mr. Whittington on the subject of stagnant water in his swimming pool. Mayor Hoffman replied that it had, and that a copy of the letter would be provided to the Borough. Mrs. Bollinger stated that she would be meeting with Robert Meminger to discuss storm drain issues in the Borough. There was mention of a sinkhole to be investigated at Lodge Lane and Branch Circle. Mrs. Bollinger mentioned her appreciation of Mr. Meminger's attention to cleaning up grass thrown onto Kuhn Drive by Pennwood. It was noted that a repair was made to a hole in the parking lot at the East Berlin Area Community Center using concrete pieces as filler and then patched. Robert Clayton noted that additional work might be needed to this repair.

Janet Bollinger mentioned her concerns regarding the basketball court at the East Berlin Area Community Center due to balls hitting parked cars. The Community Center asked for Council's permission to relocate the basketball court to address this problem. *Robert Clayton motioned that the basketball court may be relocated to a more appropriate location on the Community Center property; seconded by Doris Sabine. The motion was approved with no dissenting votes.*

There was some discussion of the possible hazards of a porch under construction on West King Street, stating that some awning nails had fallen. It was stated that the term of a building permit must be addressed for specific time limitations.

Mayor Hoffman inquired of the crosswalks to be repainted at the square noting some deterioration. Robert Clayton mentioned a two (2) year warranty on the work performed by Alpha Space Company and would investigate.

Maintenance: Robert Clayton reported that an on/off switch had been placed on the garage thermostat and the garage furnaces had been serviced. Some additional small tools have been purchased. Robert Meminger is looking into various types of paint preparing to paint curbs in the Borough possibly with assistance from those in the Community Service Program. Doris Sabine inquired about the plantings at the town square offering some flowers. There was some discussion of various groups to attend to this planting and the past history of this activity.

IT: Robert Clayton discussed emails received by the Borough that are considered suspicious in nature and will not be opened due to concerns of malicious intent. *Robert Clayton motioned to delete the suspicious emails; seconded by David Richards. Motion approved with all voting in favor.*

Planning/Zoning: President Richards reviewed a letter received from Dean Wonders, Jr. stating his interest in serving on the Planning Commission. *Charles Philips motioned to appoint Mr. Wonders as a member of the Planning Commission; seconded by David Woodward. Motion approved with all in favor.* President Richards stated that he would notify Mr. Wonders.

David Woodward discussed the intentions of a Printing/Silk Screening Company to rent a portion of the former Nell's building to be subdivided. Mr. Woodward noted the possible conflicts that may arise with the appointment of a part-time assistant Zoning Officer and suggested the possibility of appointing current Borough Laborer Robert Meminger to make reports to the Senior Zoning Officer in this capacity. Mr. Woodward reported on the status of the letters of zoning violations sent to local businesses with two (2) now in compliance, one (1) not yet responded, and one (1) applied for a zoning hearing.

Planning Commission Chairman John Schlaline asked that Mr. Wonders be informed of the Thursday night meeting. There was some discussion of the terms of board members with follow up needed.

Personnel: Doris Sabine stated that applications for part-time Assistant Zoning Officer would be reviewed if received.

Park/Recreation: Park and Recreation Board Chairman Phil Keener discussed the opening of bids received July 1, 2009, for construction of Phase One of the Community Park. The low bid was received from Conewago Contractors to be reviewed by Borough Solicitor Shultis. Mr. Keener reviewed each of the Park and Recreation Board responses to the recommendations received from the Planning Commission on Phase One of the Park.

Unfinished Business: President Richards opened two (2) bids received for the former police cruiser. The bids of \$858.00 and \$527.00 will likely not be accepted. Andrew Raymond suggested that he would contact the prison system to inquire of their interest in purchasing the vehicle. Council reviewed three (3) proposals of coverage for the Borough's Workers Compensation and Commercial Package insurance policies. With quotes received from H.A. Thompson, Keystone Insurance, and Glatfelter Insurance, the strengths and weaknesses of each were reviewed. Keystone Insurance, endorsed by the Pennsylvania Association of Boroughs, submitted the lowest quote. *Robert Clayton motioned to accept the proposal from Keystone Insurance; seconded by Charles Philips.*

President Richards suggested discontinuing donations to all local and regional organizations. After Council's review of donations made in previous years, it was decided to contribute only to those organizations located in East Berlin to include the East Berlin Senior Center, the East Berlin Library, East Berlin Baseball for Youth, and Liberty Fire Company. *David Woodward motioned to contribute to these local organizations; seconded by Doris Sabine. Motion approved with one (1) dissenting vote.*

New Business: A technical update will be needed to the Borough's website to make future changes faster and more cost effective. The Borough's Webmaster will be implementing these updates.

President Richards reported that he met with Rick Hopwood of Yorco Hopwood Insurance Company to discuss the insurance underwriter's inability to separate the policies of the Borough and the Joint Authority for the purposes of proper billing and refunds due.

Correspondence:

- A letter was sent to Mr. Weaver of the Department of Environmental Protection commenting on the situation with Tucker Industrial Coatings
- Adams County will be reassessing all Borough properties
- Answer to Complaint with Defenses were made to the Pennsylvania Human Relations Commission by the Borough's legal representative in this case

Mayor Keith Hoffman asked that Locust Street be closed at the Fire Company for the August 1st motorcycle run to benefit Fire Policeman Melvin Lehr.

Charles Philips motioned to adjourn the meeting of the East Berlin Borough Council at 9:55 PM; seconded by David Woodward. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council