

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

September 16, 2009

The second monthly meeting of the East Berlin Borough Council was held September 16, 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; Andrew Raymond; Frank Schuhart; Freda Lennon; Stan Hollenbaugh; Andrea Hollenbaugh; and Tim Stonesifer, Reporter for The Evening Sun

**Correction to the Minutes:** The minutes of the Borough Council Meeting of August 19, 2009 were submitted with an additional notation regarding the Executive Session following the meeting. *A motion to accept the minutes with the addition was made Robert Clayton by with a second by Charles Philips. Motion carried with all voting in favor.* The minutes of the meeting of September 1, 2009 were reviewed. *A motion to approve the minutes was made by Charles Philips; seconded by Robert Clayton. Motion approved with all in favor.*

**Payment of Bills:** President Richards reviewed a summary of bills for the end of September totaling \$26,835.73. It was noted that certain bills would be paid with liquid fuels funds. There was mention of the general obligation note paid in part by the East Berlin Area Joint Authority. *A motion was made by Charles Philips pay the bills; seconded by Robert Clayton. Motion carried with all voting in favor.*

**Constituents Addressing Borough Council:** Freda Lennon of 516 West King Street addressed Council on the subject of the Zoning Hearing Board Meeting of September 9, 2009 for Tucker Industries regarding a sign violation. Mrs. Lennon stated that she felt further explanation of the meeting was needed for the public to understand. President Richards explained that Mr. Tucker changed his intention to contest the decision of the Zoning Officer to request a variance be granted allowing the sign/banner. Mrs. Lennon felt that further discussions should have made during the Zoning Hearing Board Meeting. Doris Sabine stated that it is unfortunate to have missed an opportunity to educate the public on the issue of the violation. Stanley Hollenbaugh noted that the Zoning Hearing Board hears grievances but technically is a court of law and that proper procedure was followed. It was noted that the meeting attendees may speak to the Zoning Hearing Board but must be registered to speak and personally affected by the issue.

Freda Lennon questioned Mayor Hoffman on the subject of Mayors Against Illegal Guns, asking if he had signed anything with this organization. Mayor Hoffman replied that he had not signed anything but had simply stated that he was against illegal guns.

**Mayor's Report:** Mayor Hoffman reported that there were no problems with the Colonial Day event of September 12, 2009 but the weather could have been better. President Richards noted that attendance was down approximately forty percent (40%). Doris Sabine stated that streamlining costs along with the assistance of Borough Council contributed to making the event successful.

**Additional Payment of Bill:** President Richards added an additional note regarding the payment of bills. The Swam Electric invoice received for repairs to the traffic signal loop sensors is coming due, but an attempt to recover the expense from those responsible is in process. Janet Bollinger suggested requesting an

extension from Swam Electric. *Charles Philips motioned to pay the invoice if Swam Electric does not grant the extension; seconded by Janet Bollinger. Motion approved with no dissenting votes.*

**New Zoning Hearing Board Member Appointment:** President Richards stated that four (4) applications were received to serve as a member of the Zoning Hearing Board; Curvin Dennis, Luke Miller, Stanley Hollenbaugh, and Roberta Teal. It was noted that Ms. Teal, not currently a resident of the Borough, would not qualify in this capacity. Mayor Hoffman conveyed a tally of written votes by Council members; six (6) votes for Stanley Hollenbaugh and one (1) vote for Luke Miller. Stanley Hollenbaugh was appointed as the new member of the Zoning Hearing Board. Mr. Hollenbaugh thanked Council for their confidence in his ability to fill the vacant position. There was some discussion of alternate members to be appointed to the five (5) member board requiring an amendment to the Ordinance. *David Woodward motioned to amend the Ordinance to adopt alternates to the Zoning Hearing Board; seconded by Robert Clayton. Motion approved with one (1) dissenting vote.*

**Engineer's Report:** President Richards reported that a change order was received from Kimbob on the current street projects in the amount of five thousand two hundred sixty-eight dollars (\$5,268.00) due to an incorrect slope for water drainage. It was noted that the change order has the approval of the Borough Engineer and PennDOT. *Robert Clayton motioned that Council approve and sign the change order; seconded by Charles Philips. Motion approved with all voting in favor.*

President Richards reported that, due to a last minute job cancellation, John Parichuk Paving offered a load of asphalt at cost to the Borough for any necessary street repairs. After President Richards' consultation with Robert Clayton and Robert Meminger, the asphalt was used for repairs behind Rutters. It was noted that the area is much improved and the job well done. Following a discussion of procedures for making immediate decisions when needed, President Richards proposed a Resolution be drawn to address this situation.

**Solicitor's Report:** Nothing to report in the absence of Solicitor Shultis.

**Committee Reports:**

**Finance:** President Richards reviewed a five-year comparison balance sheet of Borough finances reporting that refuse operations lost money in all but one of the years shown. It was noted that fuel surcharge on refuse service is addressed under the current contract. The 2008-2009 financial comparison was also reviewed noting losses of income from real estate transfer tax, earned income tax and interest income, with an increase in legal fees expense. There was a marked decrease in the cost of company insurance.

Robert Clayton discussed the advantages of a part time Police Officer to serve in the absence of Officer Grim. President Richards voiced concerns of the additional expense asking Mayor Hoffman to calculate a schedule of hours and cost for Council's review. Additionally, Doris Sabine was asked to provide a cost of personnel for the 2010 budget review in October.

**Streets/Public Safety:** Nothing to report.

**Maintenance:** Robert Clayton reported that Colonial Day operations went well and that curb painting in the Borough is ongoing. Mr. Clayton also reported that part time temporary maintenance worker, Dustin Becker, is off work due to back problems. It was noted that Robert Meminger has some other options if Mr. Becker cannot return to work. Mowing, town patrols, and trash clean up continue in the Borough. It was reported that two (2) pedestrian crosswalk signs were removed due to damage. David Woodward mentioned concerns of a pool of water under the SR 194 bridge which could create a mosquito problem.

**IT:** Robert Clayton received a request from Zoning Hearing Board Chairman Jan Hoffman for use of the Borough's sound system for hearings at the Fire Hall. It was noted that the sound system at the Fire Hall is not sufficient.

**Planning/Zoning:** David Woodward discussed the upcoming public meeting on the preparation of the Eastern Adams County Joint Comprehensive Plan on October 8, 2009, at Conewago Valley High School. Doris Sabine stated that she has questions on paperwork needed for the Zoning Hearing for Hogwild Catering and inquired if she may discuss this with Solicitor Shultis. President Richards replied that she should contact the Solicitor.

**Personnel:** Doris Sabine requested an Executive Session to censure the Mayor questioning his authority to represent the Borough without consultation on writing a letter of permission to Tucker Industries and joining a coalition against illegal guns. President Richards stated that these issues would likely be addressed in regular Council session.

**Park/Recreation:** Nothing to report.

**Unfinished Business:** President Richards documented a listing of Borough representatives and delegates to various organizations. A letter was sent to Mr. Charles Krall requesting the number of poles used for Christmas lights by the Lion's Club. Upon review of Borough files, a 2006 letter was reviewed from Tucker Industries stating the intention to submit a plan approval for equipment installation; no record of the receipt of a plan approval was found. The Adams County Association of Boroughs Meeting is scheduled for Monday, September 21<sup>st</sup>. The Pennsylvania Cleanway meeting on illegal dumps is scheduled for September 23<sup>rd</sup>. An energy conservation workshop is scheduled which may benefit the East Berlin Borough in reducing the cost of street lighting. A webinar is scheduled on October 1<sup>st</sup> to educate officials on methods of obtaining volunteers in a municipality.

Doris Sabine reviewed a report received from Met Ed of an inventory of the streetlights within the Borough. There was some discussion of the use of LED lighting to reduce costs. On the subject of storm water problems on the property of Kenneth and Patricia Young, it was stated that this issue is between the developer and the homeowners. Mayor Hoffman thanked Robert Meminger and Dustin Baker for a job well done with the placement of barricades and signs for Colonial Day.

**New Business:** A letter was sent to Gerald Mummert of the Joint Authority requesting that the personnel files of the former Borough employees be returned to the Borough as the retention of these records is mandated by Pennsylvania State Records Retention Laws. There was some discussion of the Central Westmoreland Municipality purchase of vehicles as a member of the Council of Governments and the possibility of East Berlin Borough selling the previous police cruiser using this method. Doris Sabine reported to Mayor Hoffman a complaint received of tree branches covering a stop sign in the Crestview development. On the question of a pump house not functioning, Charles Eisenhart reported that it is being replaced.

**Correspondence:**

- FEMA Floodplain Meeting for September 28, 2009
- Adams County SPCA request for donation
- Letter stating the retirement of Richard Hopwood from Yorco Hopwood Insurance

Doris Sabine proposed a Council Member be appointed as a media link person to contact the media regarding upcoming meetings and events. President Richards suggested that this be accomplished via a group email notification to insure consistent statements to all parties.

Robert Clayton discussed a post card received from the National Rifle Association regarding the Mayors Against Illegal Guns organization listing Mayor Hoffman as a member. Mayor Hoffman reiterated that he signed no document to join this group. President Richards declared that the statements of the National Rifle Association are misleading on this subject, and that the Mayors Against Illegal Guns group is not anti-gun but against the use of illegal guns used in committing crimes. Illegal guns were described as stolen, not registered, or having serial numbers filed off. Mr. Clayton proclaimed to be a staunch supporter of the rights of gun owners and proceeded with a lengthy dissertation of his personal experience and knowledge of guns and gun laws.

Doris Sabine again questioned the Mayor on his authority to issue a letter of permission to Tucker Industries to display a sign in violation of the Zoning Ordinance, requesting that he provide proof of his authority.

*Robert Clayton motioned to adjourn the meeting of the East Berlin Borough Council at 9:30 PM; seconded by Charles Philips. Motion approved with all voting in favor.*

Respectfully submitted,

Darlene McArthur  
Secretary/Treasurer of Borough Council