

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

February 17, 2010

The second monthly meeting of the East Berlin Borough Council was held February 17, 2010 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; Richard Cashman; Charles Philips; David Woodward; and Andrew Raymond

Members Absent: None

Also Present: Solicitor Timothy Shultis; Secretary/Treasurer Darlene McArthur; Mary Ernst; Tim Stonesifer, Reporter for the Evening Sun; John Schlaline; Cory Lease; and Kenneth Young

Correction to the Minutes: The minutes of the meeting of February 2, 2010 were reviewed. *A motion to approve the minutes was made by Robert Clayton; seconded by Charles Phillips. Motion approved with all in favor.*

Payment of Bills: A summary of bills for the end of February totaling \$11,070.15 was reviewed. President Richards noted that Swam Electric would be paid with Liquid Fuels Funds. Comments on petty cash expenditures included plywood to improve records storage above the garage and the purchase of brake pads for the F250 pick-up truck. It was noted that Mr. Donald Myers' mechanical ability to install and maintain Borough equipment has been very cost effective. *A motion was made by Charles Philips to pay the bills for the end of February; seconded by Robert Clayton. Motion carried with all voting in favor.*

Constituents Addressing Borough Council: Mr. Kenneth Young of 203 Beaver Street addressed Council regarding his and his wife's concerns of his treatment when entering the property of Council Member Andrew Raymond to place a paper on Mr. Raymond's vehicle on February 16, 2010. Mr. Young stated that Mr. Raymond threatened to call the authorities if Mr. Young ~~did not vacate~~ entered the property. Mr. Young feels that, as a Council Member, it is the duty of Mr. Raymond to listen to the residents of the Borough or resign his position. Council Member Andrew Raymond stated that he had no reply to Mr. Young except that he would appreciate him staying away from his property. David Woodward questioned the proper process of contacting a Council Member. President Richards recommended that if there is a conflict, Mr. Young and Mr. Raymond should simply avoid each other, and Mr. Young should contact another Member of Council.

Mayor's Report: Mayor Hoffman discussed the stipulations of a snow emergency in the Borough. President Richards stated that the Borough has not adopted a Snow Emergency Ordinance noting that the proposed Ordinance is currently under review by Ad Hoc Committee, and requested input from the Committee at the next meeting of Council.

Fire Company Report: As a representative of the Fire Company, Cory Lease reported twenty-seven (27) fire calls and forty-eight (48) emergency medical service calls for the month of January. Mr. Lease also reported one hundred eighty-nine (189) man hours and fifty-one and a half (51½) training hours.

Engineer's Report: President Richards reported that per a discussion with a site representative of the contractor for the new sewage facility, the Borough's plan to improve a drain pipe issue would be postponed until spring. The sewage facility work includes the installation of a manhole in the area of the

intended exploratory excavation for the storm drain, and these projects should be done simultaneously. The Borough's Engineer will continue the design drawings and bid documents process in order to move ahead when ready.

Solicitor's Report: Solicitor Timothy Shultis presented a letter from Attorney Charles Suhr regarding settlement negotiations needing Council approval. Solicitor Shultis recommended discussion of the letter in Executive Session following tonight's Council meeting. Attorney Terry Black, environmental consultant, contacted Solicitor Shultis stating that he was nearing the end of the approved budgeted expense and would need Council's authority to continue services. *Robert Clayton motioned to continue the services of Attorney Black as needed, if directed. David Woodward seconded the motion. Per roll call vote, David Woodward, Robert Clayton, Charles Philips, Richard Cashman, Charles Eisenhart, and President David Richards voted to approve the motion. Andrew Raymond voted against the motion. Motion approved with a vote of six (6) to one (1).*

Committee Reports:

Finance: President Richards reviewed a financial comparison report for the month of January in 2008, 2009, and 2010, noting an increase in refuse revenue due to higher billing rates to meet contracted costs. In a review of expenses, it was noted that insurance costs were incurred in January, 2010, and in 2008, two thousand dollars (\$2,000.00) in Park and Recreation expenses were paid from the general account. A total of seventeen thousand dollars (\$17,000.00) in Park and Recreation expenses were paid from the general account in 2008.

President Richards reported that the Borough's line of credit is still open with Susquehanna Bank and will likely remain open for the next quarter. All public officials were reminded to submit financial statements as required by the State Ethics Commission.

Streets/Public Safety: Charles Philips commented that Robert Meminger and Donald Myers have been working diligently in snow removal efforts during recent weather events.

Maintenance: Robert Clayton reported that the purchase of a hydraulic crane for the F250 and shredding services for destroying outdated files are being researched. Expenses for snow removal efforts from February 3rd through February 10th totaling fifty-one inches (51") of snow are as follows: one hundred twenty-seven (127) man hours, one hundred sixty-eight (168) gallons of fuel, thirteen (13) tons of anti-skid, and one hundred two dollars (\$102.00) in miscellaneous equipment parts. It was reported that overall, responses from residents regarding snow removal were appreciative and criticisms were constructive. Mr. Clayton reported that the drainage pipe on the east side of Schoolhouse Lane had been crushed by construction equipment accessing new water and sewer worksites and will require repairs.

Regarding the cost of recent snow events, President Richards reported that a notice of potential snow cost reimbursement has been received from the Adams County Department of Emergency Services. If certain criteria are met, municipalities within Adams County, as well as the state as a whole, assistance may be received from the Federal Emergency Management Agency. A declaration of disaster emergency must be executed by Council to submit these expenses. *Charles Philips motioned to execute the declaration; seconded by Robert Clayton. Motion approved with all in favor.*

IT: Nothing to report.

Planning/Zoning: David Woodward reported that he is still investigating options for the possibility of employing a permitting officer, including discussions with Mr. Evan Batts and information regarding Commonwealth Code Inspection. Talks continue with Planning Commission Chairman John Schlaline regarding updates to zoning codes.

President Richards presented a letter received from Senior Zoning Officer Robert Thaeler regarding the proposed subdivision of a property owned by Mr. Donald Moul. It was noted that the current number of units constitutes a violation of zoning regulations per required lot size, and that special exception would be needed for any additional changes. President Richards also presented a proposed memorandum format for use in responding to the recommendations of the Planning Commission. *Charles Philips motioned to approve the memorandum format; seconded by Robert Clayton. Motion approved with no dissenting votes.*

Personnel: Charles Eisenhart reviewed a draft policy of hiring procedures to ensure proper and consistent processes are followed when hiring a new employee. *Charles Eisenhart motioned to adopt the Hiring Procedures Policy; seconded by Robert Clayton. Motion approved with all in favor.*

Park/Recreation: President Richards reported that Park and Recreation Chairman Philip Keener is currently investigating insurance carriers for cost and requirements of the skate park. It was also noted that the Park and Recreation Board has no budget in place and one would be requested.

Unfinished Business: Regarding the proposed revisions to Chapter 31 of the Borough Code, Excavation in Streets, President Richards requested public comments. Solicitor Shultis suggested reconsideration of punitive damages as stated, and the cost of violation penalties. Charles Eisenhart noted that violation penalties are ultimately decided by the District Justice regardless of the stated amounts. President Richards discussed the purpose of the requirement of permitting to notify the Borough of who is excavating, and when and where the project is scheduled. There was some discussion of the proper procedure to advertize by providing the full text ordinance to the newspaper. *Robert Clayton motioned to re-advertize the proposed ordinance providing full text for the purpose of archiving, to be adopted as revised on March 2, 2010. David Woodward seconded the motion. Motion approved by unanimous vote.*

New Business: The February edition of the Borough's Newsletter was reviewed by Council. There was some discussion of the benefits of bulk mailing to reach more local residents at a substantial savings. *Robert Clayton motioned to approve the newsletter for mailing; seconded by Richard Cashman. Motion approved with all in favor.*

President Richards reviewed a request from the Pennsylvania State Association of Boroughs for any public official to volunteer as a local contact person for a Pennsylvania State Legislator. President Richards stated that he would be acting in this capacity as contact for one known Legislator.

Correspondence: An invitation was received from the East Berlin Community Library to attend a buffet and silent auction to benefit the library expansion fund to be held at Sidney Restaurant on March 23, 2010. A listing of the new hours of the East Berlin Area Joint Authority was reviewed by Council. A letter was received from Debra Iozza regarding a drainage issue on her property due to the removal of a storm drain in conjunction with the bridgework on Route 234. President Richards noted that there is no provision to connect a private drain to a public storm sewer, and that he would be providing a letter of response to Mrs. Iozza for Solicitor Shultis to review. A letter dated February 8, 2010, was received

from Mr. Gerald Mummert of the Joint Authority regarding previous issues with the Borough. A letter of response dated February 17, 2010, was provided to Mr. Mummert.

The minutes of meeting were closed at 8:45 PM for an Executive Session to review correspondence regarding ongoing negotiations. At 9:18 PM, Council came out of Executive Session.

President Richards motioned to replace the second paragraph of Mr. Suhr's draft letter to Mr. Tucker and to send the revised letter; seconded by Robert Clayton. Motion approved with all voting in favor.

Robert Clayton motioned to adjourn the meeting of the East Berlin Borough Council at 9:20 PM; seconded by Charles Philips. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council