

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

April 21, 2010

The second monthly meeting of the East Berlin Borough Council was held April 21, 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; David Woodward; and Charles Philips

Members Absent: Andrew Raymond, Mayor Keith Hoffman

Also Present: Solicitor Timothy Shultis; Secretary/Treasurer Darlene McArthur; Mary Earnst; Tim Stonesifer, Reporter for the Evening Sun; Sue Hess; Michael Thomas; Frank Schuhart; M. Brillhart; Andrew Hess; and Robbie Teal

Correction to the Minutes: The minutes of the meeting of April 6, 2010 were reviewed. Under Payment of Bills, line three (3) will be changed as follows: "~~Richard Cashman~~ *Robert Clayton* inquired if the Christmas lights would be coming down." *A motion to approve the minutes as corrected was made by Robert Clayton; seconded by Charles Philips. Motion approved with all in favor.*

Payment of Bills: A summary of bills for the end of April totaling \$20,014.53 was reviewed. President Richards noted that a portion of the bills would be discussed in Executive Session following this evening's meeting. *Richard Cashman motioned to separate approval of the zoning expenses from approval of the remaining bills; seconded by Charles Eisenhart. Per roll call vote: David Woodward, no; Robert Clayton, no; Charles Philips, no; Richard Cashman, yes; Charles Eisenhart, yes; David Richards, no. The motioned failed by a vote of four (4) to two (2).* Richard Cashman stated for the record that the bills for the end of April include approximately \$8,000.00 in zoning expenses. President Richards commented on a deductible invoice in the amount of \$459.00 for the remainder of an insurance deductible regarding a claim on a police matter, noting that the outcome of a countersuit has not yet been determined. *Robert Clayton motioned to pay the bills for the end of April; seconded by Charles Philips. Per roll call vote: Charles Eisenhart, no; Richard Cashman, no; Charles Philips, yes; Robert Clayton, yes, David Woodward, yes; David Richards, yes. Motion approved by a vote of four (4) to two (2).*

Constituents Addressing Borough Council: None.

Mayor's Report: None.

Fire Company Report: Michael Thomas reported twenty-six (26) fire calls and fifty-eight (58) ambulance responses for the month of March. President Richards commented on his discussion with Mr. Thomas regarding the Fire Company's Workers Compensation insurance currently based on the population of the municipalities served. President Richards noted that this method may not be accurate and proposed this cost be based on service calls or percentage of area. Solicitor Shultis stated that, per the Workers Compensation Act, cost is based on population.

Engineer's Report: President Richards presented an Invitation to Bid advertisement for the storm sewer relocation project at Borough Hall. It was reported that the water and sewer project will likely start on Water Street in early June, noting that in order to work in conjunction with this construction, the storm sewer project must be advertised and awarded in a timely manner. *Robert Clayton motioned to approve the advertisement; seconded by David Richards. Motion approved with all voting in favor.* President Richards reported on an exchange of letters with the Joint Authority regarding the right-of-way on Water Street. Drawings from 1949 reveal this to be fifty feet (50') with eight feet (8') on each side to allow for future

sidewalk and curbing. The drawings show sufficient lines and measurements to accomplish the construction without additional survey work.

Solicitor's Report: Solicitor Timothy Shultis reported that he received a letter from Attorney Baranski, legal council for the Gulans, requesting an extension regarding zoning issues for Hogwild Barbeque and Catering, noting that the extension would be granted.

Committee Reports:

Finance: President Richards presented a financial balance sheet for 2003 – 2009 and a revenue and expense report for 2006 – 2009, requesting that Council review these documents for future planning. President Richards proposed to send a letter to Yorco Hopwood Insurance Agency outlining discrepancies in billing, noting services and credits not received. *David Richards motioned to send the letter to Yorco Hopwood; seconded by Robert Clayton. Motion approved with all in favor.*

President Richards reported that the first quarter tax statement was received from the York Adams Tax Bureau and that he would be attending the upcoming meeting on April 26th. The Adams County Tax Collection Committee will select an attorney at the April 29th meeting. There was some discussion of the renewal of the employee health insurance policy to include a seven percent (7%) increase in cost. President Richards requested that members of the Personnel and Finance Committees meet to discuss alternatives to the plan. Charles Eisenhart, Robert Clayton, and David Richards agreed to meet with Secretary/Treasurer Darlene McArthur to discuss options. President Richards noted that the April financial comparison report would be presented at the next meeting of Council.

Streets/Public Safety: Charles Philips reported that a letter was received from a Borough resident requesting a handicapped parking sign. Mr. Philips stated that he would investigate the circumstances. Sue Hess reminded Council to review and consider implementing the proposed air quality control ordinance stating that there are issues with black smoke coming from three (3) area businesses. Mrs. Hess commented that this ordinance may not address past or present issues, but could assist in the future.

Maintenance: Robert Clayton reported quotes are being received for asphalt work in the Borough and crack sealing equipment. Approximately seventy-five (75) pine trees were received at no cost from the Adams County Conservation District and will be planted in the field between Subway and Kuhn's Woods. Additional information on planting and maintaining this area will be obtained from Matt Kern, Adams County Service Forester. The Ford F750 is due for inspection in May. The cost of purchasing a truck crane will be available at the next Council meeting.

There was some discussion of possible contamination in the dirt pile from Tucker Industries on the parkland by Schoolhouse Lane. *Robert Clayton motioned to test the dirt for contaminants; seconded by Charles Philips.* President Richards suggested that this action be postponed until a decision is made on the removal of the dirt pile. *Mr. Clayton and Mr. Philips rescinded their motions.*

IT: Nothing to report.

Planning/Zoning: President Richards reported that the Planning Commission proposes to send a form to the residents of Crestview and Beaver Colony to request comments on the possible sale and potential development of commercial property adjoining Beaver Street and PA Route 194 and needed road improvements of this intersection. President Richards noted that this intersection is located in Hamilton Township. There was some discussion of the issues and incidents with this intersection. David Woodward reported that he has been in contact with Matt Stambaugh of Print All Graphics

located in the former Nell's building. Mr. Stambaugh has not yet obtained a Use and Occupancy Permit but states that he is working with Keystruct, owners of the building, and will provide the necessary Labor and Industry documents.

Personnel: Nothing to report.

Park/Recreation: President Richards reported that three (3) members of Council attended the meeting of the East Berlin Area Community Center to discuss coordination of the Community Park. There was also some discussion of the appointment of Community Center Board Members dependent on their qualifications in needed areas. President Richards proposes to continue a close relationship between the Borough and the Community Center in achieving common goals.

Unfinished Business: The Borough's insurance agent informed Borough Council that, per the Workers Compensation Act, Andrew Raymond would be covered in the event of injury while performing his duties as Emergency Management Coordinator.

New Business: President Richards reported that FEMA (Federal Emergency Management Association) has approved funding of snowstorm reimbursement for Adams County. A Designation of Agent Resolution naming Darlene McArthur as authorized agent for the East Berlin Borough was signed and approved by Council.

Correspondence: A letter will be sent to John Brodbeck, caretaker of Union Cemetery, requesting the discontinuance of dirt dumping on the lot behind the Community Center. Although the letter suggests some possible alternative area be utilized, Charles Eisenhart suggested that the dirt be hauled away. The letter will be sent with the last paragraph removed. A letter was received from Russell Ryan, Adams County Resource Conservationist, regarding Stormwater Management. A letter was sent to the Lion's Club requesting the removal of the Christmas lights from street poles. Information was received regarding House Bill 2412, which changes the weight of a municipal vote in the Tax Committee. No response was yet received from letters sent to three (3) state representatives regarding House Bill 1500.

The minutes of meeting were closed at 8:00 PM for an Executive Session to discuss legal issues regarding the upcoming hearing on Tucker Industrial Liquid Coatings. At 8:57 PM, Council came out of Executive Session.

Robert Clayton motioned to adjourn the meeting of the East Berlin Borough Council at 8:59 PM; seconded by David Richards. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council