

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

May 19, 2010

The second monthly meeting of the East Berlin Borough Council was held May 19, 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; Andrew Raymond; and Charles Philips

Members Absent: Mayor Keith Hoffman

Also Present: Secretary/Treasurer Darlene McArthur; Mary Earnst; Tim Stonesifer, Reporter for the Evening Sun; Frank Schuhart; John Schlaline; Alex Chiaruttini; and Robbie Teal

Correction to the Minutes: The minutes of the meeting of May 4, 2010 were reviewed. *A motion to approve the minutes was made by Robert Clayton; seconded by Charles Philips. Motion approved with all in favor.* The minutes of the special meeting of May 11, 2010 were reviewed. Charles Eisenhart noted a correction as follows: "There was some discussion of sewer lateral clean outs, noting that they do not exist in the Borough except in Beaver Colony **and Crestview.**" *A motion to approve the minutes as corrected was made by Charles Philips; seconded by Robert Clayton. Motion approved with all in favor.*

Payment of Bills: A summary of bills for the end of May totaling \$27,973.43 was reviewed. On the subject of several zoning invoices, President Richards commented that the zoning hearing was completed May 18, 2010 with the exception of civic testimony and the summaries of each party to the Zoning Hearing Board on May 25, 2010. The Zoning Hearing Board will announce its forty-five (45) day time frame for a rendering a decision at that time. It was noted that the conclusion of the Tucker Industries zoning hearing will bring an end to the zoning legal bills. President Richards also discussed the advantages of purchasing crack repair equipment for use on Borough streets. *Richard Cashman noted his objection to an additional Nineteen Thousand Dollars in zoning bills and motioned to separate the zoning bills from the other payables; seconded by Charles Eisenhart.* President Richards noted the consequences of nonpayment of any previously incurred expenses. *Roll call votes were cast as follows: Charles Eisenhart, yes; Richard Cashman, yes; Andrew Raymond, yes; Charles Philips, no; Robert Clayton, no; David Woodward, no; and David Richards, no. Motion failed by a vote of four (4) to three (3). Robert Clayton motioned to pay all bills for the end of May; seconded by David Woodward. Roll call votes were cast as follows: David Woodward, yes; Robert Clayton, yes; Charles Philips, yes; Andrew Raymond, yes; Richard Cashman, no; Charles Eisenhart, yes; and David Richard, yes. Motion approved with a vote of six (6) to one (1).*

Constituents Addressing Borough Council: None.

Engineer's Report: President Richards opened nine (9) bids for the Municipal Building Storm Drainage Relocation Project as follows: DeTraglia Excavation, \$23,406.48; Gregory Contractors, \$24,750.00; H & H General Excavating, \$64,742.19; Jerry Justice, \$54,976.75; Madison Excavating, \$60,071.00; R.L. Livingston Excavating and Paving, \$32,185.00; W.F. Delauter & Son, \$94,175.35; Womex, \$44,064.45; and York County Paving, \$79,052.71. All bids will be reviewed by Borough Engineer Craig Zack of KPI Technology with bid to be awarded at the next meeting of Council on June 1, 2010.

Mayor's Report: Charles Philips commented on several properties in the Borough requiring trimming of weeds and grass. It was noted that this is a code enforcement issue and Mr. Philips would follow up with Officer Grim to address the matter.

Solicitor's Report: None.

Committee Reports:

Finance: President Richards noted that the monthly and year-to-date comparison reports would be reviewed at the next meeting of Council.

Streets/Public Safety: Charles Philips reported that one written and two verbal quotes were received for the asphalt lip repair project on North Avenue to be one hundred ninety feet (190') long, six inches (6") wide, and four inches (4") high. It was noted that Paul Rinehart submitted the lowest bid pending a written quote. Richard Cashman inquired if this project would open other street drainage concerns. President Richards responded that this location seems to be the only one that will require attention. *Robert Clayton motioned to accept Paul Rinehart's bid, pending a written quote; seconded by Charles Philips. Motion approved with all voting in favor.* It was noted that Robert Meminger would obtain a written quote from Mr. Rinehart.

Maintenance: Robert Clayton reported that information needed for the Adams County Council of Governments crosswalks painting quote was faxed to Gayle Marthers on May 5, 2010. Park maintenance for the upcoming open house was discussed with Phil Keener. Proper venting of the municipal building toilets through the roof is underway, previously venting into the attic. Mr. Clayton reported that various items were removed from a makeshift camp on a corner of the Community Park land between Schoolhouse Lane and the dirt piles.

IT: It was noted that there are some technical issues with Robert Meminger's computer to be discussed with Robert Clayton.

Planning/Zoning: Planning Commission Chairman John Schlaline thanked Council for responses received on the recommendations submitted by the Planning Commission noting that further research would be done on the cost and issues of recycling. Mr. Schlaline stated that feedback from the Beaver Street survey would be forthcoming. President Richards acknowledged receipt of the Commission's recommendations and responses were reviewed by Council. Copy is attached to these minutes.

Personnel: Charles Eisenhart reported that quotes have been requested for employee health insurance and further information will be forthcoming. The employee disability insurance is also under review. Having inquired of similar nearby municipalities, two (2) out of three (3) provide only short term coverage (twenty-six weeks); a third municipality did not offer disability to its employees. Further research would be needed. There was some discussion of retired employees on the health insurance policy causing higher premiums, noting that this practice is only required when a contract is in place.

Park/Recreation: President Richards reported that, per email received from Board Chairman Phil Keener, comments will be provided to Council on the Park and Recreation Draft By Laws.

Unfinished Business: President Richards stated that ownership of five vehicles was transferred to the Fire Department last week. An Excavation in Streets Policy, permit application, and a letter to utilities were presented for Council approval. Charles Eisenhart noted that the date of Ordinance 2010-1 should be added to the policy. It was decided to allow within five (5) working days of notifying PA One Call to apply for permit with the Borough. It was noted that the letter and the permit application should state alternate methods of applying to include electronic, fax, and mail. After some discussion, it was decided to waive permit fees for utilities including the East Berlin Area Joint Authority. *Charles Philips motioned to approve the Policy, permit application, and letter to utilities with noted corrections; seconded by Robert Clayton. Motion approved with all in favor.*

President Richards reported on his and Robert Clayton's attendance at last Monday's meeting of the Adams County Association of Boroughs. Discussions included consolidation of municipalities, Tax Collection Committee weighted vote, state budget problems, and tax reassessment. President Richards reminded Council that Charles Philips was previously appointed as the backup representative to the Adams County Tax Collection Committee.

New Business: A draft letter to the residents of Water Street regarding the replacement of water and sewer lines including significant street reconstruction was reviewed by Council. It was noted that the letter would be signed by both the Borough and the Joint Authority and would be discussed with the Authority at the June 3rd meeting. Council approval is scheduled for the next meeting of Council, June 1, 2010.

Correspondence:

- Elected Officials Seminar – 2010, Adams County Department of Emergency Services, June 2, 2010
- Met Ed Rate Cap Removal Seminar, Met Ed York Auditorium, May 27, 2010
- Annual Water Shed Alliance of Adams County Stream Cleanup, Tom's Creek, June 19, 2010

Andrew Raymond reported that there would be modifications to the starting point of the May 29th Memorial Day Parade route due to current road construction.

Robert Clayton motioned to adjourn the meeting of the East Berlin Borough Council at 8:20 PM; seconded by Charles Philips. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council

MEMORANDUM

TO: East Berlin Planning Commission
FROM: East Berlin Borough Council
SUBJECT: Commission Recommendation 102209-1

May 19, 2010

Commission Recommendation: Recommendation 102209-1 requests that the Borough Council investigate who paid the cost of the Rt. 194 bridge curbs, ramps, and sidewalks, and use that information to contact PennDOT about installing curbs, ramps, and sidewalks that maintain historical integrity on the Rt. 234 bridge.

Council Response: As to be expected, PennDOT contract orders established what work was done on the Rt. 194 bridge, and will do the same for the Rt. 234 bridge. PennDOT will pay the costs of both bridges. There was no "historical integrity" shown by the old bridge, it just sat there. The DOT will be replacing established curbing, but is not required to install or replace non-existing sidewalks. A walkway is installed on the new bridge, and Beaver Street will have ramp access to Rt. 234. The Borough will take no action on this Recommendation.

David B. Richards, President
East Berlin Borough Council

MEMORANDUM

TO: East Berlin Planning Commission
FROM: East Berlin Borough Council
SUBJECT: Commission Recommendation 102209-2

May 19, 2010

Commission Recommendation: Recommendation 102209-2 requests that the Borough Council research and adopt an ordinance to regulate the installation, safety, and esthetics of wind and solar powered generators within the Borough.

Council Response: Because of the growing interest in alternate sources of energy, the Council has already started research and drafting of wind, solar, and external furnace ordinances. We are currently waiting on the State's decision on the required distance from adjoining properties to determine whether outdoor furnaces will be permitted in East Berlin. That ordinance is basically complete.

Ordinances for both wind and solar power are in rough draft form, and will likely be submitted to Council for consideration by the Fall.

David B. Richards, President
East Berlin Borough Council

MEMORANDUM

TO: East Berlin Planning Commission
FROM: East Berlin Borough Council
SUBJECT: Commission Recommendation 102209-3

May 19, 2010

Commission Recommendation: Recommendation 102209-3 recommends the Borough Council research and adopt an ordinance to regulate the installation and maintenance of cellular communication facilities within the borough

Council Response: Article IX of the Chapter 70 of the East Berlin Borough Code, the Zoning Ordinance, contains under Section 901 B. extensive restrictions on the placement of cellular telephone or telecommunication towers.

These restrictions include exclusion of such towers from residential districts and from within 1,000 feet of the historic district, specific siting requirements, and safety and removal requirements

The Council will take no further action on this Recommendation.

David B. Richards, President
East Berlin Borough Council

MEMORANDUM

TO: East Berlin Planning Commission
FROM: East Berlin Borough Council
SUBJECT: Commission Recommendation 120309-4

May 19, 2010

Commission Recommendation: Recommendation 120309-4 requests that the Borough Council investigate the possibility of having the fine levied by DEP against Tucker Industries (\$154,500) be returned to the community for use in developing the new park, reestablishing Lafayette Park, and supporting a rail trail.

Council Response: DEP regulations have specific allocation of fine revenues by statute. DEP lacks the authority to return or assign fine receipts to specific communities or causes, and has no regulatory provision to do so. The Borough will take no action on this Recommendation.

David B. Richards, President
East Berlin Borough Council

MEMORANDUM

TO: East Berlin Planning Commission
FROM: East Berlin Borough Council
SUBJECT: Commission Recommendation 012810-1

May 19, 2010

Commission Recommendation: Recommendation 012810-1 requests that the Borough Council send a letter to Rep. Tallman requesting his assistance in having some or all of the fine levied by DEP against Tucker Industrial Liquid Coatings be returned to the community for use in park building and restoration.

Council Response: This Recommendation is a repeat of Recommendation 120309-4 and is answered there. The Borough will take no action on this Recommendation.

David B. Richards, President
East Berlin Borough Council

MEMORANDUM

TO: East Berlin Planning Commission
FROM: East Berlin Borough Council
SUBJECT: Commission Recommendation 042210-2

May 19, 2010

Commission Recommendation: Recommendation 042210-2 recommends that the Borough Council include a provision for curbside recycling within the borough as part of the negotiations for the next waste hauling contract.

Council Response: The Borough requested all trash collection bidders separately propose curbside recycling as part of the last (2009) contract renewal. Only York Waste proposed separate recycling, at an additional cost of \$3 per

unit. It is presumed the borough will again request cost estimates for weekly recycling during contract renewal in 2012.

It would aid the Council if the Planning Commission were able to develop an estimate of the additional cost borough residents would be willing to pay for this service. The Borough was at a disadvantage in the last set of negotiations in having no previous bid requests containing a recycling provision, and no estimate of what cost would be deemed acceptable by borough residents if it were to receive a bid for curbside recycling. Because of that uncertainty, York Waste's bid was accepted for trash collection only.

David B. Richards, President
East Berlin Borough Council

MEMORANDUM

TO: East Berlin Planning Commission
FROM: East Berlin Borough Council
SUBJECT: Commission Recommendation 042210-3

May 19, 2010

Commission Recommendation: Recommendation 042210-3 recommends that the Borough Council pursue a grant from the PA Solar Energy Funding grant program for the installation of solar panels on borough-owned buildings. The Planning Commission offered to do grant writing and application work for this request.

Council Response: The Council was aware of the grant program, but does not think the allowed grant could cover a sufficient amount of the expected cost to make it economically viable for the borough. More importantly, the borough has no ordinance dealing with renewable power, either solar or wind, though both are in the early draft stages.

Until the ordinance dealing with solar power is completed and adopted, the Council will hold this recommendation in abeyance. It is anticipated the ordinance will be completed in 2010.

David B. Richards, President
East Berlin Borough Council

MEMORANDUM

TO: East Berlin Planning Commission
FROM: East Berlin Borough Council
SUBJECT: Commission Recommendation 042210-4

May 19, 2010

Commission Recommendation: Recommendation 042210-4 urges the borough council to work together with EBACC and the parks and recreation commission to develop a comprehensive plan for the future use, growth, and administration of the borough's recreational facilities.

Council Response: The Council has already started a dialogue with EBACC, and has indicated a Council member will attend each monthly meeting of EBACC to maintain that contact. It appears coordination of the use and available facilities in the new Borough park were not well coordinated between the Park and Recreation Commission and EBACC. It is hoped that EBACC, Borough Council, and the Park and Recreation Commission will begin to coordinate and plan activities together.

David B. Richards, President
East Berlin Borough Council