

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

June 1, 2010

The first monthly meeting of the East Berlin Borough Council was held June 1, 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: None

Also Present: Mayor Keith Hoffman; Secretary/Treasurer Darlene McArthur; Eric Mains, KPI Technology; Mary Earnst; Tim Stonesifer, Reporter for the Evening Sun; Raeann Hamon; Randy Todd; Patrick Fazzini; and Robbie Teal

Correction to the Minutes: The minutes of the meeting of May 19, 2010 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: A summary of bills for the beginning of June totaling \$11,501.39 was reviewed. President Richards noted that the invoice from York Waste Disposal in the amount of \$9,427.22 is now billed monthly allowing for a more accurate documentation of the fuel surcharge. *Robert Clayton motioned to pay the bills for the beginning of June; seconded by Charles Philips. Motion approved with all voting in favor.*

Constituents Addressing Borough Council: Raeann Hamon of 336 West King Street addressed Council regarding the Tucker Industries Zoning Hearing. Mrs. Hamon reported that she spoke at the May 25th hearing conveying her concerns of the unjust treatment of Tucker Industries and waste of tax payers' dollars on legal fees. Mrs. Hamon informed Council of the circulation of a petition to end the legal proceedings against Tucker Industries and grant special exception. Randy Tate of 197 Jacobs Street stated that while obtaining signatures, residents were eager to sign with the exception of one member of Council and one member of the Zoning Hearing Board. Mr. Tate commented that money was spent foolishly and inquired of Council who was in favor of this action. President Richards responded that Council did not survey or petition the residents to ask if they were in favor of enforcing the Borough's Ordinances.

Richard Cashman inquired if the Zoning Hearing Board does not grant special exception whether Council would have any authority in the matter. President Richards responded that Council may support, oppose, or do nothing, but has no authority over the Zoning Hearing Board, noting that Tucker Industries may appeal the decision. Raeann Hamon inquired if the zoning violation issue pertains to industrial use in a mixed use district. President Richards responded yes, in part, but also concerns the improper building permit stating "Trucker" Industries, unsigned, undated, and plans not suitably submitted, checked or approved. Robert Clayton stated that Tucker Industries installed and operated an illegal paint line by not submitting plans or obtaining permits from the Department of Environmental Protection or the Borough of East Berlin.

Mayor's Report: Mayor Keith Hoffman reviewed the police report of thirty-two (32) incidents for the month of May.

Engineer's Report: President Richards presented to Council an engineering bill for the Borough Office Drainage Relocation Project in the amount of \$1,475.50 noting that the invoice would normally be paid from Liquid Fuels funds, but engineering fees may be no more than ten percent (10%) of the total cost of the project. Eric Mains stated that he would contact PennDOT Representative Gerald Wagner regarding the ten percent (10%) threshold for engineering fees and inform Council of the dialogue.

Eric Mains reviewed the bids received for the Borough Office Drainage Relocation Project stating that the low bidder, DeTraglia Excavating at \$23,406.48, did not include a required form and would be considered an unresponsive bid. The second lowest bidder, Gregory Contractors at \$24,750.00, submitted all forms in an acceptable manner. Mr. Mains suggested, as recommended by Solicitor Shultis, to accept the second lowest bid of Gregory Contractors. *President Richards motioned to refuse the unresponsive bid of DeTraglia Excavating and accept the second lowest bid of Gregory Contractors. Charles Philips seconded the motion. Motion approved with no dissenting votes.* Mr. Mains presented Council a contract award outline explaining the completion of the bid acceptance process. President Richards noted the convenience of coordinating with the current sewer project also implemented by Gregory Contractors.

Solicitor's Report: None.

Committee Reports:

Finance: President Richards reported on his attendance at the Adams County Tax Collection Committee meeting on May 27th and reviewed the topics discussed including a five year review of the County's tax collector and the selection of a solicitor. There was a review of the monthly and year-to-date financial comparison reports. President Richards commented that the Local Government Unit Shared Payments includes the Joint Authority portion of a shared debt and the Borough's \$37K payoff of the Act 537 Loan. Richard Cashman noted that the most significant expense year-to-date is the zoning legal fees.

President Richards discussed the 2006 change in the non-uniformed employee pension plan from forty percent (40%) payout benefit to sixty percent (60%) of the employee's average salary, noting that the expense for this change did not occur until 2009. The uniformed employee pension plan payout benefit is fifty percent (50%) with a longer vesting period. President Richards commented that these provisions would be addressed in the near future.

Streets/Public Safety: Charles Philips followed up on the North Avenue asphalt project reporting that a written quote was received and the work would be performed by Paul Rinehart. President Richards inquired of the status of the requested handicapped parking for a resident of Beaver Street. Mr. Philips responded that he had not yet spoken with the resident regarding the desired location. Richard Cashman commented on low hanging tree branches in violation of Borough Code and discussed a problematic intersection on South Avenue near the former Borough Office reporting a near-miss incident due to poor visibility. Solutions were discussed including a four-way stop and consulting the Borough Engineer.

Maintenance: Robert Clayton reported that the asphalt repair work on North Avenue would begin the week of June 7th. The bathroom vents in the Borough building were extended through the roof per code. Larry Boyer will be farming the field behind Dylans this summer. Street sweeping was completed throughout the town before the Memorial Day weekend.

Mr. Clayton also reported that per the Adams County Sheriff's Department, the County is one of the few in the state that does not have a pistol range to qualify police officers, prison guards, or others requiring certification. The Adams County Council of Governments will be requesting municipal donations for this project in conjunction with the Sheriff's Department. Andrew Raymond noted that fire training facilities also do not exist in Adams County and a project to provide this service is underway.

IT: Robert Clayton stated that per an inspection of Robert Meminger's computer, there are no issues at this time.

Planning/Zoning: There was some discussion of the intention of Keystruct to subdivide the former Nell's building for multiple commercial uses. A representative of Keystruct will be contacting Senior Zoning Officer Robert Thaeler for zoning requirements. It was noted that Keystruct would address the issue of the required occupancy permit for Print All Graphics currently operating in the former Nell's building. President Richards presented a proposed Solar Energy Ordinance for Council review to be discussed at the next meeting of Council.

Personnel: Requested quotes for employee health insurance were not yet received. President Richards commented that the employee disability insurance must be addressed before the policy expiration. There was some discussion of a reduction in coverage to short term disability only or elimination of the coverage to be decided by vote at the next meeting of Council.

Park/Recreation: Nothing to report.

Unfinished Business: President Richards reported that in response to a letter received from the attorney for Kenneth and Patricia Young regarding storm drainage issues, the Borough's insurance company stated that the dates of flooding must be provided noting a two (2) year statute of limitations. Regarding the proposed joint letter to the residents of Water Street to explain the upcoming sewer line installation, President Richards reported that Mr. Mummert of the Joint Authority sent a letter excluding the Borough's heading and signature. President Richards proposed to send the original letter from the Borough only with additional wording to explain the actions of the Joint Authority. Council voiced agreement. Comments were to be provided on the proposed Air Quality Ordinance but will be held until Sue Hess is present.

New Business: A meeting is scheduled at 9:00 AM on Monday, June 7th to review the findings of the employee uniformed and non-uniformed pension plans. Members of Council are encouraged to attend. Per a risk improvement survey by the Borough's insurance company, recommendations were made regarding the cooking hood at the Community Center. It was also recommended that the Borough select a medical provider to avoid lengthy and excessive Workers Compensation claims. These recommendations are under review.

President Richards reported that Solicitor Shultis filed a Brief of Intervener on behalf of the Borough in the appeal of Hogwild Barbeque to the Adams County Courthouse.

Andrew Raymond announced that Liberty Fire Company is sponsoring an appliance raffle. Drawing is scheduled for the week of the Fire Company Carnival, July 13th through July 17th. President Richards recommended the raffle information be announced on the town board. Mr. Raymond stated he would follow up with Robert Meminger.

Charles Philips motioned to adjourn the meeting of the East Berlin Borough Council at 8:27 PM; seconded by Robert Clayton. Motion approved with all voting in favor.

Respectfully submitted,

Darlene McArthur
Secretary/Treasurer of Borough Council