

**NEW BERLIN BOROUGH COUNCIL
REGULAR COUNCIL MEETING**

A regular meeting of the New Berlin Borough Council was held on October 9, 2019, at 7:00 pm at the New Berlin Borough Community Center located at 318 Vine Street, New Berlin, PA. Present were President Julianne Finkbiner, President Pro-Tem Betty Kratzer, Councilwoman Barbara Stamm, Vice-President Elaine Hopkins, Councilwoman Lisa Decker, Councilwoman Lynda Frederick, and Councilwoman Meghan Shambach. Wendy Cole, Solicitor; Curt Keister, Street Department Supervisor; Bonnie Hamilton, Mayor; and Rebecca Witmer, Secretary/Treasurer were also present. David Farmer and Sally Farmer, residents and part of the New Berlin Citizens' Group, were present to speak at the meeting regarding the burning ordinance. Barry Kuhns, resident, was present to observe the meeting. Chief of Police L. Eric Hassenplug was absent from the meeting.

The meeting was brought to order by President Julianne Finkbiner with the Pledge of Allegiance.

APPROVAL OF MINUTES –September 11, 2019 - Discussion was brought regarding the September 11, 2019 minutes. Vice-President Elaine Hopkins made a motion to approve the minutes. Councilwoman Betty Kratzer made a 2nd to the motion. A typo was corrected on page 4. Vote was taken with all in favor and none opposed. Motion carried.

VISITOR BUSINESS – David Farmer – Citizen's Group – David Farmer read the following statement from the New Berlin Citizen's Group. The statement was read as follows:

"Back in August a group of us approached Borough Council about the problem of illegal burning. I have been asked to again speak on behalf of the group.

It has come to our attention that there is a lot of misinformation floating around. Some people seem to think that we are asking for a total ban, or that our proposed solution will be expensive. Neither of those statements are true, and anyone who was at a Borough Council meeting and actually listened to what we had to say, would know that those are lies.

Let me quote from the statement I read last month:

Quote: We want the Borough to enforce the existing burning ordinances. We are not here to advocate for banning burning. Unquote

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I can't see how you could misunderstand those statements. All we want is enforcement of the existing ordinances. Our proposed solution is to hire a code enforcement officer. A part time person, working at random times, could be very effective at enforcing a variety of code violations. Since the police budget is not currently being fully used, a code enforcement officer might not add anything to the budget.

So, again, we are not asking to ban burning. Given the history of this problem, we have proposed a viable solution, and one that will not significantly increase the Borough's budget. Please correct anyone who says otherwise.

Finally, we want to address the recent unfortunate incident of vandalism and intimidation.

Let me again quote from the statement we delivered last month.

Quote: This is an issue of personal freedom. That is the main issue: personal freedom.

There are TWO particular freedoms at stake. The obvious one is that people should be free to do activities that are legally permitted. Burning within the guidelines of the law is legal, so people should be allowed to do it. The other, and equally important, freedom is: People should be free to enjoy their own porch or their own back yard, without being chased inside by toxic smells. That freedom should also not be infringed. Unquote

We hope everyone agrees that both of those freedoms are important, and we hope everyone realizes that our proposed solution respects both freedoms.

Sadly, we see that there is another freedom at stake: Freedom of speech: the freedom to speak freely and to petition your government.

Thursday night someone threw eggs at the Showers' house and car with the clear intention of stopping them from complaining about illegal burning.

That action was as reprehensible as it was futile. We look forward to a strong statement of condemnation from the Borough Council, coupled with decisive action to resolve the problem of illegal burning."

Sally Farmer – Citizen's Group – on Behalf of John and Nancy Showers - Sally Farmer read a letter on behalf of John and Nancy Showers. The letter was as follows:

Dear New Berlin borough council members,

We plan to attend November's meeting, but---due to longstanding out-of-state reservations with our family---we regret that we cannot be in attendance this evening. We're asking that each of you listen to our words and the cares that generated them.

*Over the past few months, you have heard David Farmer and the rest of our small citizens' group succinctly and clearly state our collective desire to have New Berlin's burning ordinance enforced. Being an issue brought periodically to our council for over 12 years, we cannot succumb to attrition again. It's not a matter of **IF** there's a solution, but **WHAT** solution can be found, as expeditiously as possible.*

A quick review:

Last Thursday evening, there was---once again---illegal burn barrel burning in close proximity to our home

with acrid plastic odors wafting in our vicinity. No screen on the barrel and no one in attendance. This was reported---once again---to the borough office. On Friday morning, when our newspaper was retrieved from our front porch, a wad of litter was noticed on the area near the road, just off our porch. That litter was paper laden with capital letters and exclamation points, and a message laden with absolutely false statements about the intention of our presence at borough council meetings and of our current reporting of burning non-compliance. Presumably, you've all heard by now that there was an egg wrapped in this paper which indeed splattered upon hitting the ground. There was also an egg splattered on our front porch...and broken eggs on our car's windshield and on the car's roadside doors and along the High Street side of our fence and home. The paper and eggs were a unit with a vitriolic message.

*Our reaction was neither anger nor retaliation, but sadness. **Please pause for a moment** and envision this action happening to you and what this violation of property rights and this misunderstanding feels like at a gut level...and what is happening, not just on an individual level, but on a community level. (**Truly pause.**)*

There is no doubt that the message on the paper-wrapping and the eggs' targets were related and intentionally hurled. Upon reporting this to the borough office, it saddened us to be greeted with an initial defensive response claiming that eggs have been thrown at other times in New Berlin. Early on Friday morning, there was a message left on our local police's phone contact. When no response at all was received 48 hours later, it was advised by legal connections to contact our state police. This was done and on Sunday morning (within an hour and a half), two state troopers arrived at 317 Vine Street to talk with Nancy and David Farmer; John was out-of-town. We were assured that this was an appropriate course of action and the incident has officially been reported. Messages on our local police phone were never retrieved until Monday morning...over 72 hours later. (Note: 911 was not called when there was no live person answering the call on Friday morning; our concern was not an emergency and, yet, the expectation was that there'd be a timely response.)

The same message in which the egg was wrapped and thrown was also delivered to the borough office a night or two prior to the porch incident discovered on Friday morning.

Between Friday morning and now (Wednesday evening, October 9th, 2019), we have received not one call or email from any council member expressing empathy or concern. Eighteen months ago, when Cheryl Hoover endured a house fire due to unattended barrel burning on a windy day, she, too, never received one call of empathy or concern from a council member.

We feel that perhaps council believes that we, as a group, deserve this reaction because we're expressing a controversial issue and are unabashed about attempting to resolve burning non-compliance as it relates to an existing ordinance.

*Can we all take a moment to actually see and feel what is happening? (**Pause again.**) There's council who has heard these concerns and this contentiousness for well over a dozen years + there are the misinformed and angered folks who burn and who have reacted, neighbor against neighbor + there are folks who may or may not burn, yet seek to effectively find a way for enforcement of the existing ordinance. (Please ask us about one approach that's emerged to address distributing this ordinance to every New Berlin citizen.)*

Do we need to engage professional mediation? When will the newspapers get hold of this as a story and further sully the reputation of our beautiful borough? Unless we sit together (all parts of this tangled triangle of positions)---with a commitment to actually listen to each other and solicit resolution, finding the part where we intersect, agree, and can live together with decisions---then the sense of community in this borough will only further be compromised. It gives us pause. Individually and collectively, we're worth more than what's happening now.

Passionately and compassionately submitted, John & Nancy Showers

*317 Vine Street/ PO Box 479 New Berlin,
PA 17855"*

Barry Kuhns, Resident – Barry Kuhns stated he was accused by some of those in the citizens' group of being the person who made the flyer and of being the perpetrator in the egging of John and Nancy Showers' home. He wanted to go on record saying he had absolutely nothing to do with it, he does not know who did it, and he does not condone those types of actions.

President Finkbiner thanked the visitors for coming and stated their comments would be noted.

COMMITTEE REPORTS - Activities Committee – Christmas Activity – December 7, 2019 – Last month it was reported that the activities committee will be doing an activity on December 7th. Council did not officially approve the event by motion which is needed for insurance purposes.

Motion – Councilwoman Lisa Decker made a motion to approve the Christmas activities at the community center on December 7th. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor with none opposed. Motion carried.

New Berlin Elementary School Building Committee – Councilwoman Shambach spoke about a draft survey included in the meeting handouts. The survey is to obtain information from New Berlin residents about their thoughts on how they would like council to proceed with the restoration and/or demolition of the New Berlin Elementary School. The survey includes information about the costs of both options. Councilwoman Shambach included demographic questions at the bottom of the survey which would be optional for residents taking the survey. Council will look at the draft survey and bring suggestions to the next meeting.

Grant – Councilwoman Shambach stated she spoke with Union County Soil Conservation regarding an upcoming educational grant due in the next week. They are looking to include New Berlin in that grant. They will not include anything about the school building in that grant but information

more along the lines of students taking samples of Penns Creek and other things that will eventually lead to association with an educational center. The purpose in Union County mentioning it is to start associating Union County and New Berlin together in an educational endeavor.

Community Center Committee – President Finkbinder stated she would like to put together a community center committee to discuss changing the landscaping outside the community center. The knockout roses along the fence are dying off and should be replaced with something easier to maintain. The other landscaping can also be considered if the committee desires. The committee members are Vice-President Elaine Hopkins, Councilwoman Lisa Decker, Mayor Bonnie Hamilton and Councilwoman Meghan Shambach. The committee may be reorganized in January after the election.

Police Committee – Councilwoman Stamm stated the police committee met to discuss the current enforcement of the burning and other ordinances. A written report was given to council. The report indicated there were several ideas discussed and one being pursued. The committee hopes to give a recommendation to council as soon as it can. No questions were asked regarding the report.

Mayor Bonnie Hamilton – Mayor Hamilton stated she had to leave the meeting early so she wasn't present for all of the discussion. While she was in attendance, there were several ideas discussed. There are no recommendations for council at this time.

Mayor Hamilton stated the biggest problem is how we can enforce the burning and other ordinances. One of the ideas for solution, which was discussed at the police committee meeting, was a quality of life ordinance. The quality of life ordinance would be more of a ticketing process. The police, mayor, and manager would have the ticket book and be allowed to ticket for burning, grass, and other ordinance violations. There are still a lot of things that need to be understood about the process.

The other big problem New Berlin has is how we can attract and retain police officers with the part-time positions available and low wage rates. That compiled with the nationwide issue of how few people are pursuing police careers makes it even more difficult.

President Finkbiner stated the quality of life ordinance should be researched, composed, and presented to council for consideration.

Finance Committee – The finance committee has been meeting about the budget. There isn't anything significant to report as the meetings just started but the budget will be ready to present to council at next month's meeting.

Limestone Township Winter Maintenance Contract – The winter maintenance contract with Limestone Township is up for renewal. The current contract provides for \$5,000.00 consideration. The finance committee recommends asking Limestone Township for \$8,000.00 for the next winter season.

There was discussion regarding the hours spent doing winter maintenance for Limestone Township. In an effort to better track those expenditures in the future, the street department supervisor was directed to have the street department keep track of the hours spent doing winter maintenance in Limestone Township.

Motion – Winter Maintenance Contract – Vice-President Elaine Hopkins made a motion to increase the winter maintenance contract consideration to \$8,000.00 and approach Limestone Township with the same. Councilwoman Meghan Shambach made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

It was suggested that the street department supervisor get a logbook or notebook to keep in the trucks in order to facilitate the laborers tracking their hours spent in Limestone Township.

Community Center Cupola – The street department supervisor was asked to get some estimates for painting the community center cupola, gable, and columns.

Survey to Aid Finance Committee - The borough has quite a few items that need to be considered for expenditure in the year 2020. The finance committee made a survey to aid them with decisions regarding the 2020 budget. With limited funds, the finance committee needs help prioritizing those items. Each council member was asked to number the items on the paper in order of importance and give it to the secretary/treasurer by the end of the meeting.

POLICE REPORT- September Police Report - Council reviewed the September police report. There were no questions regarding the report.

STREET SUPERVISOR'S REPORT – Cinder Spreader - The Street Department Supervisor referred to the estimates given to council for a cinder spreader for the street department. The street department recommends the SnowEx cinder spreader which costs approximately \$6,350.00. There was discussion regarding additional add-on options for the SnowEx cinder spreader and the cinder spreader maintenance. Also discussed was other cinder spreader purchase options, PennDOT's method of deicing and salting roads, the borough's method of salting and deicing roads, and details on how to clean winter maintenance equipment.

Motion – Councilwoman Meghan Shambach made a motion to purchase a SnowEx cinder spreader with the additional options needed. Councilwoman Lisa Decker made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

The purchase was directed to be made and paid for during this budget year.

Fall Brush Pick-up - Mayor Hamilton inquired if there would be a fall brush pick-up. The secretary/treasurer stated one wasn't advertised and didn't think there was a motion of council to have the event this year. There was discussion regarding whether or not council made a motion to do the fall brush pick-up. It was recalled that the street department supervisor did not recommend doing a fall brush pick-up due to time and the wear and tear on equipment. Some council members thought there was a motion made to do the event. Some others on council didn't think one was made. The minutes will be checked to see if a motion of council was made.

MAYOR'S REPORT – Trick-or-Treat – Sun Area Technical Institute - The secretary/treasurer inquired if the Mayor would be walking with the students from the Sun Tech's police sciences class during trick-or-treat. If so, she wanted to extend a reminder that waivers need to be signed by the parents of the students and placed on file at the borough office. The Mayor stated she was willing to do so and inquired if the Chief had heard anything from the school regarding the event. The secretary/treasurer stated she didn't know but they typically help every year. The Mayor will contact Chief Hassenplug regarding the event.

Art in the Park – Mayor Hamilton stated the recent Art in the Park and Butterfly Release Event went well. There wasn't information given in time to make the town flyer but it was placed on both the New Berlin Activities Committee's and New Berlin Borough's Facebook page. The turnout was good due to the event being digitally advertised and she hopes more events will be digitally advertised.

Mayor Hamilton inquired if the pictures taken were placed on New Berlin's Facebook page. The secretary/treasurer stated they were not for several reasons. The first reason is that she was waiting for the New Berlin Activities Committee to post it on their page first so she could share that post as to not detract from the committee. The other reason is because the borough needs to have a release signed allowing the use of people's pictures on its website, Facebook or other social media, particularly if they are pictures of children. The activities committee was given that information several years ago and provided simple language along with a simple chart. The language and chart were to be included as either an addition to the bottom of event registration forms or to use as a separate form for events not requiring registration. Until the borough receives forms or something written which gives photo use permissions for an event, the pictures cannot be posted. The pictures of the Mayor's children were posted because the Mayor sent them to the borough with an email asking them to be posted, thereby giving written permission.

Mayor Hamilton stated for the record that the borough had permission to post any photos of her children online without the form being given. The Mayor will obtain written permission from the parents of those children in attendance at the recent event so the photos can be posted.

SOLICITORS REPORT – 222 High Street Easement Update – Solicitor Cole spoke with Livic Civil and the owner of 222 High Street regarding an easement to make Tan Run an open channel at the west end of that property. The solicitor will have things in place for the next meeting.

Engineer Contract for Liberty Street Bridge – Solicitor Cole stated the contract for the Liberty Street Bridge engineering services was complete. A motion is needed to sign the contract.

Motion – Vice-President Elaine Hopkins made a motion to enter into and execute the contract for the Liberty Street Bridge engineering services. Councilwoman Lisa Decker made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

608 Spangler Street – The Spangler Street house will be demolished in the next few weeks. The solicitor is currently looking into whether a new deed needs to be done in the borough's name or if it can be left as is. The solicitor is also researching how the borough is required to sell the property.

407-411 Front Street – The solicitor reported there are no new updates from Attorney Showalter's client regarding the property. As previously reported, Attorney Showalter's client was seeking permission from the borough to place the property on Multiple Listing Service (MLS), a service used by a group of real estate brokers. Council and the solicitor agreed that placing it on MLS would not be productive.

The other idea presented by Attorney Showalter's client is that he give the property as a donation to the borough. The solicitor stated if council agrees to allow it to be donated, the alleged owner cannot come back on the borough for loss of value for a condemned structure.

Discussed was that the unofficial value of the property received via text from a realtor is \$200.00 but his inclination is to say there is no value because it is completely uninhabitable. If the value is to be put on both the property and structure, the amount is \$4,000.00.

Also discussed was the borough not being able to give out donation receipts for something that wasn't donated by the person who actually owns the property. Besides that, it is unethical and probably fraud. Further, Attorney Showalter's client will likely claim that on his taxes. If there's an audit, the borough will receive sanctions and penalties.

After a brief discussion, council came to a consensus and directed the solicitor to deny Attorney Showalter's client permission to place the property on MLS, deny permission for a donation, and proceed with the condemnation.

NEW BERLIN MUNICIPAL AUTHORITY - Minutes – Councilwoman Shambach inquired if the statements regarding repairs along Walnut and High Street and the Liberty Street Bridge were correct. The secretary/treasurer stated Councilwoman Shambach had given them the correct information when attended the meeting.

SECRETARY/TREASURER REPORT - Balance – General Fund - Rebecca Witmer reported the balance in the General Fund as \$104,327.11.

Secretary/Treasurer – Surgery – The secretary/treasurer reported she will be out of the office for at least a week due to surgery. Council and the Mayor told the secretary/treasurer to take all the time she needs to recover and not to return until she feels able.

Motion to Pay Bills – Vice-President Elaine Hopkins made a motion to pay the bills with any additions. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

BILLS TO BE PAID FROM M&T GENERAL FUNDS ACCOUNT

M&T Bank – September Checking Service Charge	25.00
M&T Bank – October School Payment	1,994.26
Hometown Disposal	71.34
Marco Technologies, LLC	137.72
PP&L	299.70
Windstream Buffalo Valley, Inc.	262.74
Martin's Small Engine Repair	4.23

New Berlin Fire Co., No. 1	3,979.47
Quill Corporation	221.48
AT&T Mobility	133.62
Richard's Portable Toilets	160.00
PA Department of Revenue	181.12
US Treasury	1,324.64
PA UC	11.53
Berkheimer	390.07
Curt Keister	433.28
Jackson D. Stroup	114.42
Jacob A. Shipman	203.86
Leif E. Hassenplug	312.59
Michael H. Mattocks	740.94
Rebecca A. Witmer	1,974.52
Rodney E. Styers	107.23
William Stamm	871.12
Bilger Automotive	154.33
Coles Hardware	38.68
Country Garden Farm Supply	40.40
H.A. Thomson Company	200.00
Kathy A. Diehl	45.00
Kim Barton	35.00
Phil Miller's Electric	100.00
Union County Commissioners	1.00
Willard Battery	31.20
Cardmember Service	471.60
New Berlin Activities Committee	63.54
TOTAL	\$15,135.63

OLD BUSINESS – Pollination Garden Easement – The solicitor for the NBMA is in receipt of the easement for the pollination gardens. The NBMA Board Chairperson is expected to sign it at their next meeting. Once it is returned to the borough solicitor, it will be filed at the courthouse.

Security at the Borough Office – The street department supervisor was asked when construction would begin on the security foyer in the borough office. The street department supervisor stated it would be started as soon as leaf pick-up is completed. It was suggested that maybe someone start on it during the evenings or a time during the weekend that doesn't interfere with leaf pick-up. Also noted was that a good time to work on it is while the secretary/treasurer is off work for surgery.

NEW BUSINESS – Dog Waste Station at 4-Way Stop – Councilwoman Shambach suggested placing a dog waste station near the main intersection in town. She stated that she saw a social media post from a resident of New Berlin who said she was harassed while picking up dog waste near the main intersection at the center of town. The person who confronted her stated that people are not picking up after their dogs and there's dog waste lying all over.

It was stated that if it was within the 50 foot PennDOT right-of-way, the borough would need to seek permission from PennDOT. Permission would also need to be sought from the owner of the property where it would be placed.

Several types of dog waste station ideas were discussed as well as placement of such. There was no consensus to purchase a dog waste station at the present time.

Limestone Township Zoning and Planning – The secretary/treasurer stated she needs to retract what she said at the last meeting about New Berlin being able to comment on development in Limestone Township, just outside New Berlin Limits. Since the last meeting, she and Shawn McLaughlin from Union County Planning were speaking about other matters when she mentioned to him about Council possibly wanting to comment on the plans for the new proposed care facility just outside of New Berlin. Mr. McLaughlin stated that Union County Planning has not yet been made aware of it and may not be made aware of it. He then explained that Limestone Township has recently decided to do their own planning and zoning and keep Union County out of it, which is within their right because the County cannot control municipalities. Therefore, Limestone Township does not need to submit plans to the County. If they do not, New Berlin will probably not get a chance to comment.

There was discussion regarding the driveway to the proposed care facility. PennDOT has approved a driveway to the facility coming off of Route 304. If another entrance/exit coming onto Walnut Street becomes a part of the development, New Berlin may need to impose certain bridge restrictions and post them.

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ADJOURNMENT – Motion – Vice-President Elaine Hopkins made a motion to adjourn the meeting. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried. Meeting adjourned.

Respectfully Submitted,

Rebecca A. Witmer,
Secretary/Treasurer

MAYOR