

**NEW BERLIN BOROUGH COUNCIL  
REGULAR MEETING**

A regular meeting of the New Berlin Borough Council was held on October 12, 2022, 7:00 pm at the New Berlin Borough Community Center located at 318 Vine Street, New Berlin, PA. Those in attendance were President Meghan Shambach, Vice-President Barry Kuhns, Councilwoman Julianne Finkbiner, Councilman David Wertz, Councilwoman Lynda Frederick, Councilwoman Barbara Stamm, and Councilman Michael Palermo. Wendy Cole, Solicitor; Rebecca Witmer, Secretary/Treasurer; Joshua Dreisbach, Chief of Police; and Curt Keister, Street Department Supervisor were also present. Borough residents Mary Palermo, Christine Benfer, Nancy Showers, John Showers, David Farmer, Sally Farmer, and David Benjo were present as visitors.

The meeting was brought to order by President Meghan Shambach with the Pledge of Allegiance.

**APPROVAL OF REGULAR MEETING MINUTES – October 12, 2022 – Motion** – Councilwoman Julianne Finkbiner made a motion to approve the minutes. Councilman Michael Palermo made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed. Motion carried.

**VISITOR BUSINESS – Nancy Showers** - Nancy Showers stated that she wanted to make council aware that there is much sincere need New Berlin. She invited council to attend an event sponsored by the New Berlin Heritage Association at the museum on November 3, 2022.

**John Showers** – John Showers stated he does not think the borough’s experiment with a part-time police force is working and stated that since it was budget time, it is a good time to evaluate other options. He further stated that since the department is only part-time, they cannot be here all the time when needed because they have full-time jobs elsewhere. Mr. Showers also expressed concern that the part-time police officers may not have the adequate training needed to deal with certain issues in New Berlin. He asked that the budget committee consider other options rather than a part-time police department.

Chief Dreisbach stated that the officers who work at the New Berlin Police Department have training and get training at their full-time jobs as well. Further, speaking for himself, he has extensive training in many different areas. If New Berlin take the time to train officers with its own limited budget and during its own limited hours, that takes from the time the officer could be out in New Berlin on patrol. The officer's full-time jobs provide necessary training and the trainings apply to both the full-time and the part-time job as police officers. If there is something extra needed for New Berlin, that would be done but there is not a need at this time.

**David Farmer** – David Farmer spoke regarding ideas for the animal ordinance regarding feral cats. He stated that those people doing TNR programs in New Berlin should need to register with the borough and be approved before doing so. That way, everyone knows the trapping and care of the cats is being done correctly, by people who are trained.

Mr. Farmer further stated that he thinks it is a good idea to permit citizens, via the animal ordinance, to do TNR programs in the borough. If citizens do the service of the TNR to control the cat population, then the borough does not need to do it.

**David Benjo** – David Benjo stated that his wife and Sharnel Pilko have taken steps to make the feral cat population within the borough manageable. Mr. Benjo also stated that no one has acknowledged what they have done.

Mr. Benjo also stated that he thinks this issue should be kept simple and not complicate it. He is concerned that the borough will overregulate the feeding of the cats and since what they are doing is working now, council should not want to do anything differently.

President Shambach stated that it has been said, by council, that they appreciate what has been done by the TNR group and she acknowledged the same again.

**Sally Farmer** – Sally Farmer stated that, every decade, Union County Planning Department does a survey of the priorities that the County has as it is growing. Those results are put into a comprehensive plan. Everyone should have received a postcard in the mail asking them to take a

survey for those purposes. She asked for the borough to place the survey link online and encourage people to take the survey.

**COMMITTEE REPORTS – Fire Company Liaison** – Geisinger contacted Jared Stumpff and David Wertz for more information regarding the request for AEDs. That information was given to Geisinger as requested. They should hear back from Geisinger next month.

**Trick-or-Treat – Halloween Parade** - President Meghan Shambach reported that 95 children have already registered for the Halloween Parade to be held on October 27<sup>th</sup>. Buckets will be asked to be returned this year in an effort to cut down expenses for next year since the cost for the buckets alone is approximately \$100.00 of the event budget each year. Any candy or monetary donations are appreciated.

**POLICE REPORT – September Police Report** – The September 2022 Police Report was reviewed. There were no questions or comments from council.

**STREET SUPERVISORS REPORT – Automatic Garage Door Openers** – Two different quotes were received for automatic garage door openers. The quotes include openers for the two doors on the borough street department shed and the one garage door on the small garage where one of the police cars is parked. The street department supervisor prefers the openers from M.R. Doors due to the way they are mounted and the controls.

**Motion – Automatic Garage Door Openers** - Councilwoman Barbara Stamm made a motion to purchase the automatic garage door openers from M.R. Doors for \$2,800.00. Councilwoman Julianne Finkbinder made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed. Motion carried.

**2006 Ford F-350XL Purchase** - The Street Department Supervisor reported that the 2006 Ford F-350XL was purchased and is in use.

**MAYOR’S REPORT** – Mayor Benfer did not have a report but asked for a few minutes to address

council and the public before the animal ordinance is discussed.

**SOLICITORS REPORT** – Solicitor Cole had nothing to report.

**NEW BERLIN MUNICIPAL AUTHORITY – Minutes** – There were no questions regarding the minutes.

**Meters** – Twenty-five water meters have already been replaced. The replacement will be ongoing with some more to be replaced next year.

**DEP Reports** – The NBMA filed all required reports with DEP with no violations.

**Well #6** – DEP indicated to the NBMA that a permit amendment would be needed to remove a well from the distribution system. In the past, any unused wells were capped. However, permission was asked to keep Well #6 open so the fire company can use it for washdowns.

**Paving on Route 304**- Councilman Michael Palermo inquired reported that the NBMA discussed that PennDOT will not be paving Route 304 as planned.

**SECRETARY/TREASURER REPORT - Balance – General Fund** – The Secretary/Treasurer reported the balance in the general fund as \$93,039.51.

**2023 Liquid Fuels Allocation** – The 2023 liquid fuels allocation will be \$29,389.83

**READING AND SIGNING OF BILLS/PAYROLL** – Councilwoman Julianne Finkbiner made a motion to pay the bills with any additions. Councilman David Wertz made a 2<sup>nd</sup> to the motion. Vote was taken on the motion with all in favor and none opposed. Motion carried.

**BILLS TO BE PAID – GENERAL FUND**

M&T Bank – Service Charge	25.00
Commonwealth of PA	67.00
C&M Notary	50.00

Curt Keister	515.14
Jason Engleman	62.50
Joshua Dreisbach	409.12
Martez Faulkner	119.23
Michael Mattocks	369.39
Rebecca A. Witmer	2,115.29
Rex Solomon	408.98
Rodney Styers	59.68
Cardmember Service	646.71
Coles Hardware	64.58
Kim Barton	280.00
Martin’s Small Engine Repair	29.90
Mifflinburg Lumber	52.37
PP&L	917.23
M.R. Garage Door Operators, LLC	2,800.00
John Showers	150.00
New Berlin Heritage Association	100.00
Bastian Tire & Auto Center	801.64
DE LAGE LANDEN Financial Services	75.57
Hometown Disposal Ip	20.06
Horning’s Attachments LLC	431.49
PP&L	240.72
Richard’s Portable Toilets	160.00
SEDA-COG	388.50
Windstream Buffalo Valley, Inc.	426.02
Berkheimer	414.92
Aurand’s Auto Service, LLC	199.03
PA UC	207.10
PA UC	12.90
TOTAL	12,620.07

**OLD BUSINESS – Junk Ordinance** – There was discussion regarding the proposed junk ordinance. Several sections of the proposed ordinance were discussed. A few minor changes were proposed regarding the notice section.

**Motion** – Councilwoman Julianne Finkbiner made a motion to advertise the proposed junk ordinance with the modification regarding the notice section. Councilman David Wertz made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed. Motion carried.

**Animal Ordinance – Motion** – Councilwoman Julianne Finkbiner made a motion to advertise the proposed animal ordinance that does not allow feeding of outside cats. Councilman David Wertz made a 2<sup>nd</sup> to the motion. There was discussion regarding various sections of the ordinance, specifically regarding trapping and open feeding of outside cats.

**Amendment to Motion** - Councilwoman Julianne Finkbiner made a motion to amend the motion to include the advertisement with any typo corrections. Councilman David Wertz made a 2<sup>nd</sup> to the motion.

There was discussion regarding trapping cats and laws that supersede or may eventually be passed by state government that supersede the borough ordinance in the future.

**2<sup>nd</sup> Amendment to Motion** – Councilwoman Julianne Finkbiner made a 2<sup>nd</sup> amendment to her motion to include the amendments to the language, as discussed, to Section 8 regarding trapping and caregivers. Councilman David Wertz made a 2<sup>nd</sup> to the 2<sup>nd</sup> amendment of the motion.

There was discussion regarding some cats that may not be able to be rehomed and discussion regarding releasing verses rehoming trapped cats

Mayor Benfer stated that he started in his mayoral position thinking that he would be able to please everyone but quickly realized that could not and would not happen. He understands that the issue being discussed is a tender one and acknowledged that council has also realized that which is why they have not made a hasty decision. The reality is, no matter what decision council makes, it will not please everyone. Mayor Benfer stated that while he appreciates everything the people who are currently participating in the trap, neuter, and rehome or release programs are doing, he would not want one of his grandchildren to come into contact with a cat that could not be rehomed. He is against open feeding of animals for various reasons. He feels that if someone

decides to take care of an animal by feeding it, then they should also take responsibility for other areas with regards to those animals. The Mayor stated his recommendation to council is to keep the current ordinance.

Councilman Barry Kuhns stated that he does not agree because cats that cannot be rehomed also cannot be euthanized. Therefore, he questioned what could be done with those cats that cannot be rehomed.

David Benjo stated that the trap, neuter, and release/rehome people, like his wife, do what they can to rehome the cats or at least fostered. However, there are some cats that just cannot be rehomed. For instance, his wife recently came upon a cat that she got too confident with and that cat attacked her doing damage to her hand. He explained that his wife still currently suffers with hand issues due to that attack. Mr. Benjo further explained that he has not had any other complaints about feeding the cats other than those from his neighbors about drawing skunks to the area. However, Mr. Benjo feels that the skunks were there before he and his wife started feeding the cats.

Councilman Palermo stated that most of the cats have been rehomed. President Shambach stated that council will not have all the answers nor will they be able to solve all the issues surrounding the matter of what to do with feral cats that cannot be rehomed while addressing the ordinance.

Vote was taken on the motion on the 2<sup>nd</sup> amendment to the ordinance with additional language clarifying Section 8 with regards to caregivers and trapping and also not limiting the definition of TNRH to trap neuter and rehome. Councilwoman Julianne Finkbiner and Councilman David Wertz in favor and Councilman Barry Kuhns, Councilman Michael Palermo, President Meghan Shambach, Councilwoman Barbara Stamm, and Lynda Frederick opposed to the motion. The motion did not pass.

**Motion**– Councilman Michael Palermo made a motion to advertise the ordinance allowing feeding with restrictions. Councilman Barry Kuhns made a 2<sup>nd</sup> to the motion.

The ordinance started to be discussed. The definition of adult was added.

Councilman Kuhns stated he would like to go to back to the original ordinance. Michael Palermo agreed. There was discussion regarding whether or not Councilman Palermo wanted to rescind his motion. The motion was not officially rescinded.

The ordinance was reviewed line by line with various changes being made to the sections regarding cats.

**Motion** – Councilman Michael Palermo made a motion to advertise the ordinance with the changes discussed. Councilman Barry Kuhns made a 2<sup>nd</sup> to the motion. Vote was taken with Councilwoman Lynda Frederick, Councilman Barry Kuhns, Councilman Michael Palermo, and President Meghan Shambach in favor of the motion. Councilman David Wertz, Councilwoman Julianne Finkbiner, and Barbara Stamm were opposed. Motion carried.

**NEW BUSINESS – Sound Equipment – Community Center** – A quote is being obtained to install audio and sound equipment at the community center.

**Multimodal Grant with Union County – Walnut Street Bridge** – There were a number of municipalities in Union County that requested ARPA funds for bridge repair through the County’s announced ARPA Grant funding opportunity. The commissioners decided not to award funds for any of the bridges but, rather, make an opportunity available for municipalities to join the County in one joint PennDOT Multimodal grant application to fund those bridges. Each municipality who decides to join the grant application will be responsible to pay a 10% of the estimated cost for its individual bridge. The cost of each bridge will be estimated by Union County’s Engineer. New Berlin cannot apply for the grant on its own because the bridge repairs will not meet the minimum grant fund requirement. The only way New Berlin will qualify for this particular grant is to be part of an application showing a greater funding need. By agreeing to participate in this joint application, New Berlin will meet the minimum funding requirement.



**Motion** – Councilwoman Julianne Finkbiner made a motion to apply for PennDOT Multimodal Grant funds for the Walnut Street Bridge. Councilman Barry Kuhns made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed. Motion carried.

**Grants on Agenda** – Councilwoman Barbara Stamm made a suggestion to add a grant section to the agenda. The purpose would be so everyone can be informed of grant funds awarded to other entities and municipalities rather than New Berlin. President Shambach stated that Councilwoman Stamm can report on it in the meetings on a case-by-case basis rather than adding it as a separate category on the agenda.

**ADJOURNMENT – Motion** – Councilwoman Julianne Finkbiner made a motion to adjourn. Councilman Michael Palermo made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed. Motion carried. Meeting adjourned.

Respectfully Submitted,

Rebecca A. Witmer,  
Secretary/Treasurer

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MAYOR