

**NEW BERLIN BOROUGH COUNCIL
REGULAR MEETING**

A regular meeting of the New Berlin Borough Council was held on November 10, 2021, at 7:00 pm at the New Berlin Borough Community Center located at 318 Vine Street, New Berlin, PA. Those in attendance were Councilman Barry Kuhns, President Julianne Finkbiner, Councilwoman Barbara Stamm, Vice-President Lisa Decker, Councilwoman Betty Kratzer, Councilwoman Meghan Shambach and Councilwoman Lynda Frederick. Rebecca Witmer, Secretary/Treasurer; Joshua Dreisbach, Chief of Police; Solicitor Wendy Cole; Mayor Bonnie Hamilton; and Street Department Supervisor Curt Keister were also present. Visitors present were residents Christine Benfer, Sally Farmer, and David Farmer.

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

APPROVAL OF REGULAR MEETING MINUTES – October 13, 2021 – Councilwoman Betty Kratzer made a motion to approve the meeting minutes from the October 13, 2021, council meeting. Councilman Barry Kuhns made a 2nd to the motion. One correction was noted. Vote was taken with all in favor and none opposed. Motion carried.

VISITOR BUSINESS – No visitor business was brought before council.

COMMITTEE REPORTS –Fire Company Liaison – State Grants - Councilwoman Meghan Shambach stated that the Fire Company is working on ideas for the next round of state grants. Ideas discussed at the fire company meeting were a gear dryer, helmets, and exercise equipment.

Federal Grants – The fire company is applying for federal funding to update their radios to allow for compatibility with a digital system. Currently, Susquehanna Valley Regional, which is the County’s emergency dispatch center, is operating on an analog system. Within the next few years, the center’s analog system will be upgraded to a digital system. As a result, all emergency services will need to upgrade their radios.

Finance Committee – The 2022 New Berlin Borough Budget was brought before council as presented last month. No questions or challenges were raised. The budget was balanced at \$287,317.00.

Motion – Vice-President Lisa Decker made a motion to advertise the budget as open for inspection for the required 10 days. Councilwoman Meghan Shambach made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

POLICE REPORT – October 2021 Police Report – The October 2021 Police Report was reviewed.

Termination of Probation Recommendation – Officer Faulkner – Chief Dreisbach made a recommendation to move Officer Faulkner from Probationary Police Patrol Officer employment status to Police Patrol Officer employment status. The change in status will come with a pay raise.

Motion – Officer Faulkner Employment Status - Councilwoman Barbara Stamm made a motion to change the status of Officer Faulkner’s employment status from Probationary Police Patrol Officer to regular police patrol officer and give the standard raise accompanying the change. Councilman Barry Kuhns made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Termination Probation Recommendation – Officer Geise – Chief Dreisbach made a recommendation to move Officer Geise from Probationary Police Patrol Officer employment status to Police Patrol Officer employment status. The change in status will come with a pay raise.

Motion – Officer Geise Employment Status – Councilwoman Meghan Shambach made a motion to change the status of Officer Geise’s employment status from Probationary Police Patrol Officer to regular police patrol officer and give the standard raise accompanying the change. Councilman Barry Kuhns made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Police SUV Purchase – The police department purchased an SUV as previously approved by council. The vehicle purchased from Susquehanna Township Police Department is a 2018 Ford Explorer. The purchase price was \$14,750.00. The car will need to be outfitted with graphics and the necessary equipment for operation. The Police Chief is hoping to save on some of the equipment cost by taking some of the equipment from the 2005 Crown Victoria which will no longer be used when the 2018 Ford Explorer is ready.

Police Vehicle – 2005 Crown Victoria – The 2005 Crown Victoria will be available for to put up for bid after its equipment and graphics are removed.

Motion – 2005 Crown Victoria – Councilwoman Barbara Stamm made a motion to place for bid the 2005 Crown Victoria when the equipment and graphics are removed, no reserve. Councilwoman Meghan Shambach made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

STREET SUPERVISORS REPORT – The Street Department Supervisor did not have a report.

Winter Maintenance Log - Councilwoman Stamm inquired if the winter maintenance log of the time spent on winter maintenance in Limestone Township during the last winter season was completed by the street crew. The Street Department Supervisor stated he does not believe that was completed.

MAYOR'S REPORT – Feral Cats – Mayor Hamilton stated she wanted to speak about the feral cats in town and the recently passed Borough Animal Ordinance. Mayor Hamilton stated she interprets the ordinance as feeding the feral cats is acceptable as long as they are getting the cats fixed and making sure they have their shots. However, Solicitor Cole told Mayor Hamilton that is not the way the ordinance reads and that feeding feral cats is a violation of the ordinance. President Finkbiner stated that the intent of council was as Solicitor Cole stated. Solicitor Cole explained that it does not make legal sense to allow residents to feed feral cats. Further, feral cats destroy property by defecating on property and tearing up gardens. They also spread diseases. If someone has a pet then they own an animal and are responsible for caring for it and are liable for any damages that

pet might do to someone's property. Feral cats are not technically owned, which is why the language of responsibility was put in the ordinance, to make the person or persons feeding the feral cats liable or responsible for them.

Mayor Hamilton stated there are people in town, including herself, who have been successful at decreasing the feral cat population and who have spent their own money to have them fixed and vaccinated. They have been successful at getting some of the feral cats adopted but those cats that are not yet adopted remain outside and feral. Further, feral cat colonies are a difficult problem to solve with no easy solution.

There was discussion amongst council as to the intent of the ordinance when it was passed which was to make it against the ordinance to feed feral cats. Councilperson Barbara Stamm inquired if there was a feral cat program in New Berlin. Vice-President Decker stated it was not an official Borough program. Councilperson Stamm stated then the Mayor is not officially feeding the cats either. Councilperson Shambach stated there is a big difference between feeding a feral cat and putting food in a trap to catch a feral cat in order to have them fixed and vaccinated.

The Secretary/Treasurer stated the police have a job to do which includes enforcing ordinances. If council did not intend for the people who are feeding feral cats to be warned or fined for doing so, then they should amend the ordinance to allow it.

Mayor Hamilton stated that she interprets the ordinance as it is the person or person's responsibility to make sure the cat is fixed and have it vaccinated. Solicitor Cole stated that is correct. However, vaccinating and fixing them is different than feeding them and that feeding them is against the ordinance as it is written.

Solicitor Cole stated council should make an amendment to the ordinance to permit feeding feral cats if that is the intent. Otherwise, as the ordinance stands now, feeding feral cats is against the ordinance.

Other parts of the ordinance were read including the definition of an owner, the section requiring any keeper of any animal to cause the animal's droppings to be picked up and placed in a rat proof and fly tight receptacle, and the section requiring any keeper of any animal to maintain cause the food for animals to be kept in a pest proof and fly tight container.

Councilman Barry Kuhns read an excerpt from the March 2021 minutes and stated that the matter was settled and stated he didn't understand why it was being brought before council as an issue again.

Chief Dreisbach stated one of the issues he sees with allowing people to feed cats outside and let them run at large is that someone can then also kick their domesticated cat or cats outside without consequence and no longer be responsible for it. Councilwoman Stamm inquired how the Borough would handle that situation. The answer was that the Borough would do nothing because it wouldn't be against the ordinance. Chief Dreisbach stated that he spoke with the Humane Society about the cat issue. The Humane Society told Chief Dreisbach that they have a program for feral cats. The Humane Society and the New Berlin citizens referred to earlier both do the same thing for feral cats except that the Humane Society does not feed the feral cats. The Humane Society traps them, fixes them, and gives them shots but does not feed them nor do they recommend feeding feral cats. Chief Dreisbach also stated that the Humane Officer stated just as Mayor Hamilton stated, that the cats will create a territory. The Humane Officer also explained to Officer Dreisbach that, if the feral cat colony that Mayor Hamilton has consists of all cats that are fixed, they will not let other cats into their territory. Nature will take its process and the feral cats will find food elsewhere and will eventually die off. At that point, all of the other cats will be inside because they have owners. If people feed wild animals, they keep showing up to that property or place they are being fed. If they are not fed, wild animals will find food elsewhere. If the feral cats are fed, they will keep coming back and once nature takes its course and its down to one or two feral cats, the food will attract more cats and the process will keep starting all over. Once a person is feeding the feral cats, they become liable for the feral cats, that is what is trying to be explained. It was explained that letting nature take its course does not mean they will starve to death, because they won't; wild animals find food. Letting nature take its course means they will die of other causes such as old age or getting hit by a car but they will not die from starving.

Mayor Hamilton stated she will speak to the other people who feed the cats and that are trapping and fixing cats; the group will look at changing their feeding policy. Solicitor Cole stated she wanted to reiterate that, as the ordinance is now, feeding the cats is against the ordinance and they could be cited for doing so. Mayor Hamilton stated that she did not intend to break the ordinance and she whole heartedly thought she was within the perimeters of the ordinance.

SOLICITORS REPORT – The solicitor had nothing to report.

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

NBMA Board Appointment – The New Berlin Municipal Authority Board does not yet have a recommendation for appointment to the NBMA Board.

Posting of Appointment to Board – The New Berlin Municipal Authority would like the Borough to post something online about the open NBMA Board position. A description of the position, duties, term, and any other pertinent information should be sent to the Secretary/Treasurer for the post.

SECRETARY/TREASURER REPORT - Balance – General Fund – The Secretary/Treasurer reported the balance in the general fund as \$120,432.99. That balance still includes 50% of the American Rescue Plan Funds.

Seda COG American Rescue Fund Administration – Contract – A proposed contract between Seda COG and The New Berlin Borough was before council for consideration. The contract is for grant administration and project management for a project utilizing American Rescue Funds. The consideration under the contract is \$7,770.00.

Motion – Seda COG Contract – Councilwoman Meghan Shambach made a motion to accept the contract. Vice-President Lisa Decker made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

VFIS Insurance – Fire Company – A quote was obtained from Volunteer Firefighters Insurance Services (VFIS) for property and liability insurance for the New Berlin Fire Company. The quote came in at approximately \$600.00 below the cost with the current insurance carrier and the benefits exceed those with the current insurance carrier. The Secretary/Treasurer met with the agent to go over the coverage and benefits in more detail. The Secretary/Treasurer then arranged another meeting between with herself, the insurance agent, and the Fire Chief in attendance so the Fire Chief could also hear the benefits, coverage, and ask questions. The Fire Chief agreed with the change of insurance and agreed that the Secretary/Treasurer should present the quote and information to council for consideration. The Secretary/Treasurer explained some of the added benefits and coverage with VFIS.

Motion – VFIS Insurance – Councilwoman Meghan Shambach made a motion to change New Berlin Fire Company’s property and liability coverage to VFIS and cancel the same with the current carrier. Vice-President Lisa Decker made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

READING AND SIGNING OF BILLS/PAYROLL – Councilman Barry Kuhns made a motion to pay the bills with any additions. Councilwoman Barbara Stamm made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

BILLS TO BE PAID – GENERAL FUND

M&T Bank – Service Charge	25.00
Susquehanna Township	14,750.00
PA Department of Revenue	381.54
US Treasury	2,724.26
Curt Keister	490.51
George Geise	576.63
Jason Engleman	413.04
Joshua Dreisbach	561.23
Martez Faulkner	369.26
Michael Mattocks	849.54
Rebecca Witmer	2,417.73
Rex Solomon	494.89
Riley Bremigen	663.43
Rodney Styers	133.11
William Stamm	946.66

Cardmember Service	2,374.92
Coles Hardware	100.38
H.A. Thomson Company	683.00
Hometown Disposal, Ip	77.90
Mifflinburg Lumber	55.98
NAPA Auto Parts	19.18
PP&L Electric	931.15
Windstream Buffalo Valley, Inc	410.84

TOTAL 30,450.18

OLD BUSINESS – Feasibility Study Consultant Contract – Former Elementary School – A contract between Environmental Planning and Design and The New Berlin Borough was brought before council for consideration. The contract is for a feasibility study on the former elementary school building. The project, in part, is funded by DCNR who has already approved the contract.

Feasibility Study Consultant Contract – Motion – Councilwoman Meghan Shambach made a motion to enter into a contract with Environmental Planning and Design to preform a feasibility study on the former elementary school building. Vice-President Lisa Decker made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

NEW BUSINESS – Subdivision Plan – 524 Front Street & 117 Hazel Street – As discussed last meeting, an application for subdivision of the property known as 524 Front Street & 117 Hazel Street in the Borough has been submitted to Union County Planning. The New Berlin Planning Commission met and reviewed the subdivision plan. The Commission sent comment to the Borough Office. As directed by council at the last meeting, that comment was placed on letterhead and submitted to the Union County Planning Commission. The comment submitted is not in favor of the subdivision plan. In addition, the Union County Planning Commission sent the plan back to the Borough for a zoning hearing. The zoning hearing is needed to consider a variance due to one of the lots not meeting the 9,000 square foot minimum requirement.

Tax Collector Proposal – As discussed at previous council meetings, Union County will not collect real estate taxes for the Borough in 2022. In addition, at the last election, no one ran for the empty

tax collector seat. There were two write-in candidates with two votes each. The elections office will pursue those write-ins to see if they are interested in the position. If they are not, the Borough does not have a tax collector for 2022. Wendy Yoder, Union Township Tax Collector, is presenting the Borough with the option of appointing her as tax collector for the Borough at a commission rate of \$3.50 per paid bill.

Should any of the write-ins agree to accept the position of tax collector, that person will be tax collector for the Borough and Wendy Yoder will not be appointed. Union County Elections Office will not likely know if one of the write-ins accept the position until mid-December.

Motion – Tax Collector – Councilwoman Meghan Shambach made a motion to appoint Wendy Yoder, Union Township, as tax collector for New Berlin Borough at a rate of \$3.50 per paid bill pending no write-ins accept the position as tax collector. Vice-President Lisa Decker made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

PennDOT Road Project – Spring 2023 – PennDOT sent a letter informing the municipality that there is a proposed project on S.R. 2003, Section 25. The scope of the project is to micro-surface the pavement starting at S.R. 304 to Route 45. PennDOT is requesting any input regarding the project be submitted, in writing, by January 14, 2022. If no response is received by that date, the Department will continue with the understanding that the municipality has no concerns with the project.

The only concern brought for comment was that drainage water pools and no longer makes it to nearby drains at the ramps located on the northeast corner of Vine and Market Streets and the northeast corner of Vine and Front Streets. During rainy weather, pedestrians sometimes need to walk into the intersection to avoid the puddles. In colder, snowy weather the sidewalk becomes dangerously slick with ice. The issue seems to be that the corner of the sidewalk is lower than the nearby drain.

New Berlin Day will be mentioned as a date the Borough has a special event.

November 10, 2021

2022 Meetings Advertisement – The 2022 Council meetings will be held on the 2nd Wednesday of every month at 7pm at the New Berlin Community Center. A reorganizational meeting will be held on the first Monday in January 2022 at 7pm at the New Berlin Community Center.

Executive Session – Personnel Matter - Street Department – An executive session was held regarding a street department personnel matter at 8:19pm with council and the solicitor in attendance. The executive session ended at 8:48pm. No motion was made nor was there discussion after the executive session ended.

ADJOURNMENT – Motion – Councilwoman Meghan Shambach made a motion to adjourn the meeting. Vice-President Lisa Decker 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