

**NEW BERLIN BOROUGH COUNCIL  
REGULAR COUNCIL MEETING**

A regular meeting of the New Berlin Borough Council was held on December 13, 2017, at 7:00 pm at the New Berlin Borough Community Center located at 318 Vine Street, New Berlin, PA. Present were President Julianne Finkbiner, Councilwoman Barbara Stamm, Councilwoman Debra Swanger, Councilwoman Betty Kratzer, and President Pro-Tem Jeffrey Swanger. Edward C. Greco, Solicitor; Rebecca Witmer, Secretary/Treasurer; Melissa Frederick, Mayor; Lester Hummel, Street Department Supervisor; and Jacob Shipman, Police Patrol Officer was also present. Councilwoman Lynda Frederick and Vice-President Jason Frederick was absent from the meeting.

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

**APPROVAL OF MINUTES – November 8, 2017** – Councilwoman Betty Kratzer made a motion to approve the minutes. Councilwoman Debra Swanger made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

**VISITOR BUSINESS** - No visitor business was brought before council.

**COMMITTEE REPORTS – Finance Committee – 2018 Budget** - President Julianne Finkbiner reported the Secretary/Treasurer advertised the budget as required.

**Motion** - Councilman Jeffrey Swanger made a motion to pass the 2018 budget. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

**2018 Tax Ordinance** - President Julianne Finkbiner reported the Secretary/Treasurer advertised the 2018 Tax Ordinance as required.

**Motion** - Councilwoman Betty Kratzer made a motion to pass the 2018 Tax Ordinance affixing the real estate taxes at 3.3 mils. Debra Swanger made a 2nd to the motion. Vote was taken with all in

favor and none opposed. Motion carried.

**STREET SUPERVISOR REPORT – Report** – Street Department Supervisor Lester Hummel reported that Mr. Wenger from Wenger’s Grocery Store, or Mr. Wenger’s church, may be interested in elementary school building. Whether they wanted to rent or buy the building was not clear. Mr. Hummel showed Mr. Wenger the school then later showed the building to other members of Mr. Wenger’s church.

Due to mold and other hazards, anyone entering the school building should sign a waiver of liability. Solicitor Greco will draft a waiver form for that purpose.

Should Mr. Wenger show continued interest in the building, more information should be sought on whether he wants to rent or buy the building. With the borough’s investment in a community park and contract with DCNR for grant money, research will need to be done as to the allowable uses and/or possible subdivision of the property if council so desires.

**POLICE REPORT – November Police Report** – The November police report was reviewed. No questions were asked.

**MAYORS REPORT** – Mayor Frederick stated she is glad to have been Mayor of New Berlin for the last few years. It has been a great experience and she’s learned a lot about the people and the town. She would still like to volunteer for events and help in any way she is able. Council thanked Mayor Frederick for the years served.

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

**NEW BERLIN MUNICIPAL AUTHORITY – Liaison Report** – Jason Frederick was absent from the current council meeting. Mayor Frederick gave his report. The report is as follows:

“I spoke with Bill Stackhouse and he is interested in serving another term on the Municipal Authority Board. I feel he is and will continue to be an asset to the authority and is well worth

retaining. I asked if the board has anybody they could recommend to fill Craig VanHorn's seat due to his untimely passing. Bill told me they didn't have anything yet and I encouraged him to pass along to council anyone they feel would do a good job. The Authority will be meeting one week early this month due to Christmas.

I recommend to the new council, they choose a member who can attend authority meetings. It would be enough to attend 3 or 4 meetings a year, at least, to appreciate the work done, see the engagement of members and provide an outlet of communication between council and the board."

President Finkbiner asked Mayor Frederick to pass along a thank you to Councilman Jason Frederick for his years of service.

**SECRETARY/TREASURER REPORT - Balance – General Fund** - Rebecca Witmer reported the balance in the General Fund as \$95,229.20. The reported balance is not the end of the year balance.

**Tax Collector – Resolution for County Collector** – Solicitor Greco stated the County sent a letter requesting renewal of the agreement appointing them to collect taxes for the borough. No individual ran for the position in the recent election, creating a vacancy on January 2, 2018. The appointment needs to be made by Resolution.

**Resolution/Motion** – Councilwoman Betty Kratzer made a motion to pass a Resolution appointing Union County, Pennsylvania as the tax collector for the borough and renew any related agreements. Councilwoman Barbara Stamm made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed. Motion carried.

**Motion to Pay Bills** – Councilwoman Barbara Stamm made a motion to pay the bills with any additions. Councilwoman Betty Kratzer made a 2<sup>nd</sup> 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 – October Checking Service Charge	52.66
Mid-Penn Engineering Corporation	919.77
New Berlin Fire Company	362.27
PP&L	196.58
Union County Commissioners	.50
Windstream Buffalo Valley, Inc.	236.28
PA Department of Revenue	154.81
US Treasury	1,173.58
PA Department of Revenue	175.04
US Treasury	1,387.36
Keystone Communications	325.95
Lester Hummel	68.58
Phillips Office Solutions	113.00
PP&L	172.50
Snook’s Transmission Service	708.43
Union County Commissioners	.50
Fairfield Chevrolet Cadillac	130.88
AT&T Mobility	130.60
DJ’s Foreign and Domestic Service	138.50
WAL-MART COMMUNITY	12.36
M&T Bank – December School Payment	1,994.26
M&T Bank – November Checking Service Charge	52.51
Mid-Penn Engineering Corp	1,050.00
Barbara Stamm	150.00
Betty Kratzer	150.00
Debra Swanger	150.00
Jason Frederick	150.00
Jeffrey Swanger	150.00
Julianne Finkbiner	150.00
Lynda Frederick	150.00
Melissa Frederick	150.00
Curt Keister	91.84
David Mull	204.26
Jacob Shipman	233.63
Leif E. Hassenplug	651.88
Lester O. Hummel	987.16
Michael Hobbins	213.64
Rebecca A. Witmer	1,646.57
Rodney E. Styers	45.37
Terry B. Halligan	104.80
William Stamm	133.45
HAB-LST	52.00
Cardmember Service	879.81
Coles Hardware	40.87

Edward C. Greco, Esquire	385.50
Hometown Disposal, Ip	64.50
Kathy A. Hummel-Diehl	105.00
Kim Barton	35.00
Phil Miller's Electric	300.00
PP&L Electric Utilities	1,002.22
The Daily Item	492.80
White Springs Repair	196.00
Windstream Buffalo Valley, Inc.	233.84
Paul Kuhns	45.00
US Treasury	1,374.88
PA Dept of Revenue	170.33
A-1 Lock & Key	7.00
Atlantic Tactical	1,104.00
PP&L	275.96
PP&L	243.49
AT&T	130.60
PLGIT	16,487.36
Union County Commissioners	1.00
PA UC	11.40
<b>TOTAL</b>	<b>\$38,708.08</b>

**OLD BUSINESS – International Property Maintenance Code Ordinance – 2017-3** - President

Julianne Finkbinder reported the Secretary/Treasurer advertised the ordinance as required. Council has discussed the need for the ordinance over the past several meetings. Solicitor Greco reminded council that the ordinance was an update to previous property maintenance code ordinances passed by the borough.

**Motion** – Councilwoman Barbara Stamm made a motion to pass Ordinance 2017-3 requiring property compliance with the International Property Maintenance Code. Councilwoman Debra Swanger made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed. Motion carried.

**NEW BUSINESS - Category 4- Ancillary Casinos** - The Secretary/Treasurer sent by email information on recently passed legislation that expands gaming opportunities throughout the Commonwealth, including the creation of “category 4” ancillary casinos. Each category 4 ancillary casino could operate between 300 and 750 slot machines and eventually up to 50 table games but may not be within 25 linear miles of a current existing competing casino license

The number of ancillary casino locations is limited to a maximum of ten licenses that will be auctioned off by the Pennsylvania Gaming Control Board after January 15, 2018. All municipalities have the opportunity to opt out of being in the lottery for a category 4 ancillary casino locations. In order for a municipality to exercise this option, they must pass a resolution and send it to the Gaming Control Board by December 31, 2017.

Council discussed and ultimately decided to opt out of being included in the lottery for a category 4 ancillary location.

**Resolution/Motion** – Councilwoman Betty Kratzer made a motion to pass Resolution 2017-2 prohibiting the existence of a category 4 licensed facility within borough limits. Councilman Jeffrey Swanger made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and Barbara Stamm opposed. Motion carried.

**UC Tax Collection Committee** – Mayor Melissa Frederick is the borough’s representative to the UC Tax Collection Committee. Councilwoman Betty Kratzer is the alternate representative. Mayor Melissa Frederick will no longer be the representative as of January 2<sup>nd</sup>. The borough is to send a representative to the UC Tax Collection Committee meeting on January 3, 2017 at 5pm at the UC Government Center in the map room. The committee meeting is being mentioned at the current council meeting so council members can place it on their schedule should they volunteer to be the new representative. Councilwoman Kratzer stated the Secretary/Treasurer gave her notice of the meeting and she plans to go if the new representative cannot attend on such short notice.

**Waterline at NBES Community Park** – Rebecca Witmer, Secretary/Treasurer and Project Coordinator for the DCNR Grant inquired if council would consider placing a water source somewhere adjacent to the site of the planned pavilion at the NBES Community Park. The water source would not only be helpful during construction, it would also provide an extra amenity to people using the pavilion and park for recreation purposes. Ms. Witmer stated she sent an email to the New Berlin Municipal Authority about the cost of installment and any monthly fees. Mr. Hummel, Street Department Supervisor, had already stated he thought the borough could install the line if council was agreeable to the idea.

Ms. Witmer stated she did want to clarify that the cost would not be covered by the grant, nor would it be part of the matching funds. Any cost associated with installing the water source would be at the borough's expense from the general fund.

Council discussed the proposal of the water source and, overall, thought it was a good idea. Cost will be a determining factor in the decision. Ms. Witmer stated she would keep council updated on the costs as provided by the New Berlin Municipal Authority.

**Chicken Farm East of Town** - Council discussed complaints received about the smell coming from the chicken farm east of town. Complaints have been made to council members and also at the borough office. The farm location is not inside the borough limits but rather in Limestone Township which does not have zoning restrictions. The smell coming from the farm was particularly bad a few weeks during summer, on Thanksgiving, and the day after Thanksgiving. Council understands there is some smell expected when living in rural Pennsylvania and does not want to hinder the livelihood of the farming community. However, the smell from this farm is particularly bad, at times it is unbearable and interferes with some New Berlin Residents' daily routines. Residents have reportedly not been able to hang out wash to dry and/or open their windows.

The Secretary/Treasurer and some council members have been giving the telephone number for Bell & Evans, the company who is associated with the farm. That way, complainants can call the company to express their concerns. One of the last comments a complainant received from Bell Evans was "they are aware of the issue and are checking into it."

Several possible options to get help with remediation were discussed. The first course of action council would like to take is the borough office sending a letter to Bell & Evans making them aware of the numerous complaints and nature of complaints received by residents. Ms. Witmer stated she would make sure a letter is sent to Bell & Evans from the borough.

**Playworld - Sign** – Ms. Witmer stated this should have been under old business but just realized she hasn't given an update about the Playworld/sign issue discussed at several recent meetings.

The borough has not yet heard back from Playworld about the company placing an additional sign east of town directing delivery trucks. Ms. Witmer stated she will wait a few weeks and call again for an update.

**ADJOURNMENT – Motion** – Councilman Jeffrey Swanger 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

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MAYOR