

**NEW BERLIN BOROUGH COUNCIL
REGULAR COUNCIL MEETING**

A regular meeting of the New Berlin Borough Council was held on December 11, 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, Councilwoman Lisa Decker, and Councilwoman Meghan Shambach. Wendy Cole, Solicitor and Rebecca Witmer, Secretary/Treasurer were also present. Tim Johnson, James Diehl, and Barry Kuhns were present as visitors. Dave Haines, Engineer from Livic Civil was present to discuss the design of the Liberty Street Bridge. Chief of Police L. Eric Hassenplug; Councilwoman Lynda Frederick; Curt Keister, Street Department Supervisor; and Mayor Bonnie Hamilton were absent from the meeting.

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

APPROVAL OF MINUTES –November 13, 2019 - Discussion was brought regarding the November 13, 2019 minutes. Councilwoman Meghan Shambach made a motion to approve the November 13, 2019 minutes. Councilwoman Lisa Decker made a 2nd to the motion. Vote was taken to approve the minutes and with a correction to the 2020 wage rate for the Chief of Police. The draft minutes indicate the wage rate to be \$25.00 per hour but the correct wage rate is \$24.00 per hour. Vote was taken with all in favor and none opposed. Motion carried.

VISITOR BUSINESS –Tim Johnson – Burning Matter Clarification – Resident Timothy Johnson stated he regularly reviews the council minutes online and was present to clarify several statements made at recent meetings by the New Berlin Citizens’ Group regarding his family and their garage fire.

Mr. Johnson stated one of the statements the group made at the meeting was that one building has already been destroyed by illegal burning. That statement was in reference to Mr. Johnson’s garage. However, the group is incorrect in stating that the building was destroyed due to illegal burning. The burning that was done was done on a Tuesday which is legal. The State Police Fire Marshal, the insurance company, and the New Berlin Fire Chief all stated the fire was an accident.

The fire had been out but the fire reignited after wind kicked up that day. Therefore, the burning done was completely legal.

The second point Mr. Johnson stated he would like to make is that there was reference in one of the citizens' group statements that the burning ordinance does not give a distance that burning devices must be in proximity to structures. The group then stated that they know 20 feet is too close because that's how close the burn barrel was to the garage that was destroyed. Mr. Johnson stated that if anyone from the group came on his property, it is trespassing. The group may want to be aware that trespassing is something for which they can be arrested. When council used to walk around to look at burning devices, they only looked at those that could be viewed without stepping onto someone's property.

Mr. Johnson stated that ever since the incident with the garage happened, they have enclosed their burning device with a screen and they dump water on the fire after it is done burning. Mr. Johnson stated he does not appreciate his family being used as an example and for the group to come to meetings every month or every other month mentioning the incident is ridiculous. Mr. Johnson stated he understands that it is not council's fault that this is happening but council may want to point out a few things to the group since they are not present at the current meeting to hear what he has to say. Those things being that they can be arrested for going onto private property and that you cannot call what happened on his property illegal because it was not and three professional individuals who investigated the fire confirmed that.

Mr. Johnson stated he wanted to make council aware that just because someone says burning is illegal doesn't mean it is and grills have caused fires within the borough as well. Mr. Johnson stated he understands that ordinances need to be enforced and should be enforced. There are times when ordinances are not enforced. His driveway gets blocked every year because of New Berlin Day which is a violation. There are people parking at the bottom of Plum Street, near Market Streets which is a violation.

If the group continues to twist facts surrounding his family and the incident, he will find a way to seek legal action.

Solicitor Cole stated she is sure Mr. Johnson understands that what is put in the minutes is a record of what is stated at the meeting which is not always the position or statement of council. Mr. Johnson stated he does understand that and that council does need to be aware that if people are going onto other people's property, it is illegal and it will become an issue for the police department to handle as well.

James Diehl – James Diehl, resident of New Berlin, stated he put in a letter of interest for the council seat that is vacant or will soon be vacant due to a resignation. Mr. Diehl stated he loves the community of New Berlin and thinks it would be an honor to serve on council again. Mr. Diehl previously served on council for 12 years and would like to get back into serving his community the best he can.

Dave Hanes – Livic Civil – Liberty Street Bridge – Dave Hanes was present to explain the Liberty Street Bridge design and permitting process to council and ask a few questions regarding design preferences.

Council agreed to widen the bridge approximately 2 feet on either side which is well within the 50' right-of-way.

Council's preference is for a precast headwall to run parallel with the pipe, as recommended by the engineer, which would allow the water to hit straight faced. This would be better for flooding, erosion, and longevity of the headwall.

The roadway depth will be replaced with the typical full depth of 1.5 inch wearing, 3 inch base, and 6 inch stone.

Dave Hanes stated he would like to submit for the general permit before Christmas, if possible. He needs someone appointed to be able to sign the paperwork.

Motion – Councilwoman Lisa Decker made a motion to make Rebecca Witmer the project coordinator for the Liberty Street Bridge Project and to be the person appointed to sign any needed documents between meetings. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

COMMITTEE REPORTS – Activities Committee – With the help of the borough employees, the town has been decorated as usual. The activities committee refurbished the candles used outside the community center. Electricity for decorating the town gazebo has been generously supplied by the neighboring property. The activities committee has been discussing solar options for the future.

NBES Property Committee – Penn State Environmental Program Meeting – Councilwoman Shambach stated the NBES Property Committee will be meeting with the woman who directs the Penn State Environmental Program. The purpose of the meeting is to discuss the project as a whole and the school building.

Resident Survey – Councilwoman Shambach will revise the table and survey language for the next council meeting. There was discussion about having a public meeting before the survey is placed online for residents.

DCNR – The secretary/treasurer stated DCNR thinks it would be advantageous to have a meeting with the borough's regional advisor regarding the project feasibility. The secretary/treasurer will set something up after the holidays that will hopefully accommodate most of committee's schedule.

Finance Committee – 2020 Tax Ordinance – The secretary/treasurer stated the 2020 Tax Ordinance was advertised as required by law.

Motion - 2020 Tax Ordinance – Councilwoman Meghan Shambach made a motion to pass Borough Tax Ordinance 2020-1 setting the real estate taxes as 3.75 mils. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Budget – The secretary/treasurer stated the budget has been advertised as open for inspection as required by law.

Motion – Budget - Councilwoman Lisa Decker made a motion to advertise the 2020 budget as presented to council and advertised. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Limestone Township Winter Maintenance Contract – A letter was sent to Limestone Township as directed by council, stating that the price for winter maintenance for the year 2020 will be \$7,500. Limestone Township recently made contact with the borough stating they cannot agree to the contract unless the contract amount is \$5,000.00. After reviewing financial data and having discussion, council decided that the borough will accept the price of \$5,000.00 for the winter maintenance contract.

Motion – Winter Maintenance Contract – Councilwoman Meghan Shambach made a motion to accept \$5,000.00 as consideration for the 2020 winter maintenance contract. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor and President Julianne Finkbiner opposed. Motion carried.

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

Ordinance Reports – It was noted that the year to date column on the police report showed 28 ordinance reports had been enforced by the police department.

STREET SUPERVISOR'S REPORT – Cinder Spreader - The Street Department Supervisor was absent due to other work obligations but the secretary/treasurer was asked to report that the cinder spreader was received and installed. The street department is pleased with the purchase.

MAYOR'S REPORT – Mayor Hamilton was absent from the meeting. No report was given in her absence.

SOLICITORS REPORT – 608 Spangler Street – Sale of Property – The solicitor reported that she is still researching how the borough is required to sell a condemned property. She has spoken to a solicitor for another town that has done condemnations. Solicitor Cole expects to present council with a resolution to take care of nuisance properties by condemning them and also stating that council will then be able to sell that property however it deems appropriate.

Lien - The lien for 608 Spangler Street has not yet been filed but will be soon.

407-411 Front Street – Statement of Value – 407-411 Front Street – The borough received a statement of value for 407-411 Front Street. The letter indicates there is no value to the property structures because the repairs needed exceeds the value.

Writ of Possession – 407-411 Front Street – Solicitor Cole stated she will file for the Writ of Possession for 407-411 Front Street before the next meeting.

407-411 Front Street - Engineer for Demolition Bid Documents – Council expects to advertise the demolition for 409-411 Front Street sometime in the spring. An engineer will be hired to do the bid documents.

NEW BERLIN MUNICIPAL AUTHORITY - Minutes – No questions were raised regarding the New Berlin Municipal Authority minutes.

NBMA Budget - Councilwoman Shambach inquired if the borough is required to approve the NBMA Budget. The secretary/treasurer stated the borough used to receive the budget and get a report on it but cannot remember if it needs to be approved by the borough. James Diehl stated he remembered council needing to approve a rate change but not approve their budget. Solicitor Cole will look into it and get back to council.

NBMA Board Appointment – The borough received an email from the municipal authority recommending appointment of Brian Smith to NBMA Board for a 5 year term expiring 12-31/2024. Mr. Smith currently serves on the NBMA Board and has for a number of years.

Motion – NBMA Board Appointment - Councilwoman Barbara Stamm made a motion to appoint Brian Smith to the NBMA Board for a 5 year term, expiring 12-31-2024. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

SECRETARY/TREASURER REPORT - Balance – General Fund - Rebecca Witmer reported the balance in the General Fund as \$70,326.05.

DCNR Grant – The borough received official notice of the DCNR grant award to add a walkway around the perimeter of Plum Street Park. In addition, another \$10,000.00 was added to the \$40,000.00 grant. The additional funding is intended to offset the project’s professional services costs, to include: survey work, design submission and bid document preparation, advertising and bidding the project, construction oversight/management, costs affiliated with solicitor reviews, etc. This will allow the borough to use more of the original awarded grant funds for the purchase of materials and labor to complete the park walkway project. The additional funds do not require a match but DCNR needs written acceptance of the additional funds.

Motion – DCNR Additional Funds – Councilwoman Lisa Decker made a motion to accept the additional \$10,000.00 in DCNR grant funds. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Motion – Project Coordinator – Councilwoman Betty Kratzer made a motion for the secretary/treasurer to continue being the project coordinator for the walkway phase of the DCNR project. Councilwoman Meghan Shambach made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Liberty Street Bridge – Block Grant – The Liberty Street Bridge Block Grant funds and invoices will be handled through SEDA-COG. The borough will not receive any funds to be placed in a grant account. SEDA-COG will be the entity audited for the project. The borough will receive copies of all invoices and proof of payment.

Motion to Pay Bills – Councilwoman Lisa Decker made a motion to pay the bills with any additions. Councilwoman Betty Kratzer made a 2nd to the motion. The secretary/treasurer stated there will be additions since she wants to get as much as possible paid by the end of the year. The check to AMTRUST is for workers' compensation. The last payment for the former elementary school property is included in the bills. Vote was taken with all in favor and none opposed. Motion carried.

BILLS TO BE PAID FROM M&T GENERAL FUNDS ACCOUNT

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| M&T Bank – November Checking Service Charge | 25.00 |
| M&T Bank – December Payment | 1,360.99 |
| AT&T Mobility | 79.89 |
| Hometown Disposal Ip | 71.34 |
| Middleburg Pistol and Rifle Shooting Club | 180.00 |
| PA UC Fund | 117.28 |
| Paul Kuhns | 45.00 |
| PP&L Electric | 394.33 |
| Hilly Ridge Sales and Service LLC | 6,848.00 |
| Andrew K Bustin | 37.60 |
| Benjamin Pilko | 170.47 |
| Curt Keister | 611.52 |
| David Mull | 261.88 |
| Jacob Shipman | 130.53 |
| Leif E Hassenplug | 416.16 |
| Michael Mattocks | 713.71 |
| Rawlin Swanger | 172.53 |
| Rebecca A. Witmer | 1,516.94 |
| Rodney E. Styers | 144.65 |
| William Stamm | 811.74 |
| AMTRUST NORTH AMERICA | 12,797.00 |
| Barbara Stamm | 150.00 |
| Betty Kratzer | 150.00 |
| Bonnie Hamilton | 150.00 |
| Cardmember Services | 1,039.72 |
| Elaine Hopkins | 125.00 |
| Gessner Excavating | 50.00 |
| H.A. Thomson Company | 350.00 |
| Julianne Finkbiner | 150.00 |
| Kathy A. Diehl | 90.00 |
| Kim Barton | 35.00 |
| Lisa Decker | 150.00 |

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| Lynda Frederick | 150.00 |
| Meghan Shambach | 150.00 |
| National Limestone Quarry | 478.02 |
| New Berlin Fire Company | 484.61 |
| Richard's Portable Toilets | 160.00 |
| The Daily Item | 214.65 |
| PA Department of Revenue | 168.13 |
| US Treasury | 1,235.92 |
| Phil Miller Electric | 5,000.00 |
| American Rock Salt Company | 1,574.23 |
| Cole & Varano | 1,187.50 |
| Windstream Buffalo Valley, Inc. | 267.26 |
| PA Department of Revenue | 190.40 |
| US Treasury | 1,366.68 |
| PA UC | 10.59 |
| HAB-LST | 52.00 |
| Berkheimer | 358.05 |
| *HAB-LST & Berkheimer Combined Electronic Payment for \$410.05* | |
| Hometown Disposal | 71.34 |
| LCRMS | 96.60 |
| Paul Kuhns | 45.00 |
| PP&L | 1,476.52 |
| AT&T Mobility | 58.75 |
| B.S.& B. Repair | 461.38 |
| Marco Technologies, LLC | 138.83 |
| Technology Enterprise Group, Inc. | 840.00 |
| Union County Commissioners | 5.00 |
| Kim Barton | 35.00 |
| PLGIT | 8,994.25 |
| Cardmember Service | 333.06 |
| TOTAL | \$54,950.05 |

OLD BUSINESS – 320-322 Front Street – Code Enforcement – CK-COG gave a written email report to the borough stating that the owner of 320-322 Front Street will be starting clean-up of the property this week with the interior clean-up to follow.

Plum Street Park Electric – The Plum Street Park pavilion electric has been completed by the contractor. The only item awaiting completion is for PP&L to come and turn on the electric which should be next week.

NEW BUSINESS – Union County Housing Grant Letter of Support – Council wished to write a letter of support for the HOME rehabilitation Union County Housing Grant. The grant will be used to help low income and elderly residents of Union County. Union County has used the funds to help New Berlin residents several times in the past.

Motion- Letter of Support – Councilwoman Meghan Shambach made a motion to write a letter of support for the UC Housing HOME rehabilitation grant. Councilwoman Barbara Stamm made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Community Center Janitorial Services – The person currently cleaning the borough office has agreed to take over cleaning the community center on December 31, 2019.

Motion – Kim Barton – Community Center Janitorial Services – Councilwoman Barbara Stamm made a motion to hire Kim Barton to clean the community center starting January 1, 2020 at a rate of \$15.00 per hour. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Reorganization Meeting – A reminder was given about the January 6th reorganization meeting.

Letters from Lynn Shambach – President Julianne Finkbiner read a letter to council from resident Lynn Shambach dated 11-27-19 as follows:

“I regret that I am again the target for the good citizens of New Berlin helping me to utilize these days to burn Paper, Sticks etc. on my property. I have lived in the Boro for 30 yrs. and never have been the subject of so much scrutiny. When I walk out the door I look around to see if Nancy is walking her dog or looking in my burn barrel or looking in my garage windows. I would be amiss if I said that I am pleased with their overseeing eyes. Again on Tuesday I did burn, I was approached by an Officer with a complaint. Do those residents want me out of town, pay higher taxes, or give up my privileges of living in New Berlin. I moved to New Berlin, my wife's hometown, and have reared 2 children here, I am not a lifelong resident, but I have been here longer than most. I feel undue harassment on the part of some of the folks who do not get their way all the time. I thank the Boro for doing a passable job, I too have complaints but I am overall happy with the Boro. Thanks Lynn L. Shambach , 600 Market St., New Berlin, Pa. 17855.”

President Julianne Finkbiner read a letter to council from resident Lynn Shambach dated 12-3-19 as follows:

“Things that happen at the rear of my lot, near the alley. I have a burn barrel on the rear of my lot, someone has actually physically turned my barrel around I know because I have paint on the one side with a name and it has been turned. Also I have had two flat tires on two different vehicles. I also found a butter dish (plastic) filled with roofing nails sitting in the middle of my parking lot, Not mine. I do not wish to defer to a criminal complaint I'm just saying someone is out to get me. L. Shambach.”

Resignation of Councilwoman Elaine Hopkins – President Julianne Finkbiner read a resignation letter from Councilwoman Elaine Hopkins as follows:

“Dear Council Members,

I am writing to tender my resignation from Borough Council. I have overcommitted myself since retirement and feel the need to scale back my activities. It has been an honor to serve for the past two years and I have no doubt Council will continue to do great work for the residents of New Berlin.

*Sincerely yours,
Elaine Hopkins”*

Motion to Accept Resignation – Councilwoman Betty Kratzer reluctantly made a motion to accept Elaine Hopkins’ resignation from council. Councilwoman Lisa Decker reluctantly made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Letters of Interest – Julianne Finkbiner stated council received three letters of interest for the vacant council seat. Letters were received by David Farmer, James Diehl, and Julianne Finkbiner. Council received the letters in advance of the meeting.

Executive Session – Criminal Matter Involving Borough Property, Legal Matter, and Vacant Council Seat Deliberations - An executive session was called at 9:17pm to discuss a criminal matter involving borough property, a legal matter, and filling the vacant council seat. All council persons, the solicitor and the secretary/treasurer were present for the executive session discussions involving the criminal matter involving borough property and the legal matter. President Julianne Finkbiner was absent from the executive session discussion regarding the vacant council seat due to her putting in a letter of interest. Those included in the executive session for that matter were

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the reminder of the council persons, the solicitor, and the secretary/treasurer. Executive session ended at 10:33pm and the regular session resumed.

Criminal Matter Publication in the Newspaper - Council agreed to a newspaper publication about the criminal matter if the State Police were in agreement.

Appointment to Vacant Council Seat – Councilwoman Meghan Shambach made a motion to appoint Julianne Finkbiner to fill the vacancy of council, starting January 6, 2020, due to the resignation of Elaine Hopkins. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor and none opposed. Councilwoman Julianne Finkbiner abstained from the motion. Motion carried.

ADJOURNMENT – Motion – Councilwoman Barbara Stamm made a motion to adjourn. 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