

**NEW BERLIN BOROUGH COUNCIL  
REGULAR MEETING**

A regular meeting of the New Berlin Borough Council was held on December 8, 2021, at 7:00 pm at the New Berlin Borough Community Center located at 318 Vine Street, New Berlin, PA. Those in attendance were President Julianne Finkbiner, Councilwoman Barbara Stamm, Vice-President Lisa Decker, and Councilwoman Betty Kratzer. Rebecca Witmer, Secretary/Treasurer; Solicitor Wendy Cole; and Mayor Bonnie Hamilton were also present. Councilman Barry Kuhns, Councilwoman Lynda Frederick, Curt Keister, Street Department Supervisor, and Joshua Dreisbach, Chief of Police were absent from the meeting. Visitors present were residents Christine Benfer, Sally Farmer, David Farmer, Nancy Showers, Michael Palermo, Sarah Ockershaun-Delp, Diane Lengle, Ed Pilko, David Benjo, John Showers, Stephanie Yaskick, Ryan Palermo, David Wertz, and Sharnel Pilko.

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

**APPROVAL OF REGULAR MEETING MINUTES – November 10, 2021** – Vice-President Lisa Decker made a motion to approve the meeting minutes from the November 10, 2021, council meeting. Councilwoman Barbara Stamm made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor, and none opposed. Motion carried.

**VISITOR BUSINESS – David Farmer – Animal Ordinance & Sunshine Law** – David Farmer stated that council passed a law before all agreeing what the law says. Mr. Farmer stated he is referring to the part of the animal ordinance which was supposed to allow the feeding of fixed, feral cats. Mr. Farmer stated that several residents have already made a dent in the feral cat problem. If council tells people they cannot feed the feral cats that they have fixed, then they will stop doing it which will again increase the feral cat population in New Berlin.

**Sunshine Law** – Mr. Farmer stated he would like it known for the record that he and the Council President had heated words about the Borough ordinance which only allows one person to speak on a topic and that is against the Sunshine Law. Mr. Farmer also stated that the entire Resolution regarding order at council meetings is cancelled out because of the Sunshine Law violation and the

fact that, because it was written so incompetently, there isn't even a severability clause. Further, Council did not allow anyone from the public read it before it was passed. The Council President stated that she read the Resolution aloud before Council passed it. Mr. Farmer stated that not allowing the public to comment on it is a violation of the Sunshine Law. Council President stated that resolutions are not ordinances, and that Mr. Farmer did comment on the Resolution.

**Diane Lengle - Feeding of Cats** – Diane Lengle stated that she is against the indiscriminate feeding of cats but is not against the feeding of cats as done by the trap and neuter program. Mrs. Lengle stated she felt it would be advantageous to adopt language that will allow the feeding of cats by those who have proven to be doing a trap and neuter program and also allow those cats to be outdoors. Otherwise, the feral cat population will increase.

President Finkbiner stated that due to the amount of people in attendance who want to speak about the same topic, she will need to cut the public comment time down to 2 minutes per speaker or the meeting will go on until a late hour. \*At this point in the recording, it is noted that several people started to talk loudly, all at the same time, and over one another.\* It is difficult to hear what each person is saying but the person doing the minutes can hear that there was a general dissatisfaction with the public comment time being cut. President Finkbiner stated everyone could speak but to please keep it as short as possible, so Council also had time to conduct its regular Borough business.

**Edward Pilko – Spay and Neuter – Feral Cats** – Edward Pilko stated that opinion means nothing, but science and statistics do. There are people putting hundreds of dollars and hundreds of hours into taking care of the feral cats and the feral cat population is plummeting. Starving feral cats or taking them for rides is inhumane. Mr. Pilko stated he doesn't understand why anyone is contesting it when it's working.

**David Benjo – Spay and Neuter – Feral Cats** – David Benjo stated he agrees with what Mr. Pilko stated. From what Mr. Benjo has seen, trapping, neutering, and finding homes for the cats is the best practice for addressing the feral cat community. Mr. Benjo stated that some may feel that stopping the feeding of the animals is the best practice but it's not. It will not work because feral

cats will find a way to get food. Mr. Benjo and his wife have worked hard to trap and neuter and adopt the cats out. If the cats are not fed, they will find food elsewhere. The humane thing to do is to trap, neuter, and adopt the cats out or release them. Anything else is cruel and ineffective.

**Sharnel Pilko – Feral Cats** – Sharnel Pilko handed out folders with information on trap, neuter, and return programs for feral cats. Mrs. Pilko stated the packet will give information on and hopefully help clear up confusion about how a trap, neuter, and return program works. The information will help others understand the success of New Berlin’s Trap and Neuter Program. The group has been working on the program for two years and she alone, with the help of a grant, has neutered 43 cats. Another 20 cats have been neutered with the help of the others in the New Berlin group. Mrs. Pilko proposes a committee be convened to address and design an ordinance that meets all needs, protections, and benefits for citizens and animals. The trap and neuter program is operating at no cost to New Berlin Borough. Some other municipalities have allotted money to trap and neuter programs. The group would like to continue the program at no cost to the Borough and work together for success.

**Sally Farmer – Feral Cats** – Sally Farmer stated that her observation is that for almost 3 years, a group of people in the community have come together to solve a problem. When the group brought the program to the Council, she felt that the Council did acknowledge that it was a success. However, lack of communication lead to an ordinance that didn’t really capture the essence of what both groups wanted to do. Mrs. Farmer encouraged Council to reach out to the group and revise the ordinance so the success can be maintained.

**Michael Palermo – Feral Cats** – Michael Palermo stated he commends what the group is doing, the trapping, neutering, and then adoption of feral cats. If the Borough takes on the program itself, it will incur great expense and time doing so. When Mr. Pilko came to the Council to speak on the program some time ago, Council was quiet and there was no indication as to how the cost could help be defrayed for them and it touched a nerve.

**John Showers – Cats and Sidewalk** - John Showers stated that he and his wife Nancy appreciate what the group has been doing with the cats. The reason he is speaking at the meeting tonight is

because, while he and his wife will admit that their sidewalk has been uneven and heaved up over an inch, they weren't going to fix it until the Borough decided to have all of the other ordinances enforced. Then, the Borough Police Department showed up and presented them with a letter about their sidewalks being in disrepair and their bush encroaching upon the sidewalk. The time given to correct the situation was 30 days. Mr. Showers said that they were happy to correct the situation but are concerned that it had something to do with the election. When 31 days came up, the police came to their door and said it looked like the violation was fixed and they would confer with the Borough Secretary about the ordinance. That being said, the property on Front Street where a house was recently demolished still looks terrible and nothing is being done. Mr. Showers stated that he hopes for more consistency in the Borough when enforcing ordinances and laws and that they don't go after the people complaining.

The Secretary/Treasurer stated that she would like to clarify something because it might help the Showers understand the circumstances. She continued by saying there was a complaint about the sidewalk and the police were following up with the complaint. Mr. Showers stated that he walked by the Secretary/Treasurer's house and her hedges were sticking out over the sidewalk. The Secretary/Treasurer stated that they no longer do, that they were trimmed back.

President Finkbiner stated that Mr. Farmer was correct when he stated that Council spoke about the animal ordinance at the last meeting. Also at the meeting, most of Council expressed appreciation for the trap and neuter program. It is Council's job to protect the safety and rights of its citizens. It's also Council's job to consider the people and property in the Borough. The feeding issue that is being spoken about is basically that the ordinance says that if you feed an animal, you are responsible for it and cannot let it run at large. When an animal that you are responsible for does damage to someone's property, you are responsible for that damage. People's properties are being damaged by the animals. In the past, the President's own property has been damaged by cats and so have other properties in the neighborhood and other neighborhoods. People do not want to reach their hand down in their mulch and pick up a pile of cat feces. That is one of the reasons why the ordinance provides for picking up your animal droppings and not allowing animals to run at large. Children have been scratched and gotten cat scratch fever, which is another reason that animals should not be able to run at large.

Mayor Hamilton stated that feral cats aren't wild animals or domesticated animals. They are somewhere in between. There was more discussion about damage to property and luring other wild animals to properties by feeding feral cats. There was also discussion about the correct way to feed feral cats.

There was discussion about the ordinance when it was written and what was placed in the ordinance about feral cats. The Solicitor stated that the current ordinance does not allow the feeding of feral cats. Mayor Hamilton implored council to look at amending the ordinance to allow the feeding of feral cats.

The Solicitor stated there are several legal issues the Borough must also be concerned with when allowing feral cats to be fed. For instance, if you are feeding an animal and a child gets hurt or bitten by that animal, whether they are a vaccinated or unvaccinated animal, who will be responsible? In that scenario, the animal is running at large, being allowed to roam around unattended even though someone is feeding it. Mayor Hamilton stated it was a sliding scale of liability.

Solicitor Cole stated that as far as ordinances are concerned, the health and safety of Borough citizens always comes first. Therefore, the welfare of cats would be second in this case.

Visitor Nancy Showers stated there should be a committee to work with Council on the ordinance and to come up with a resolution.

**Animal Ordinance Amendment Motion** – Councilwoman Barbara Stamm made a motion to look into amending the animal ordinance. Councilwoman Stamm stated she appreciated the suggestion of community input. The motion died for lack of a second.

**COMMITTEE REPORTS –Fire Company Liaison – FEMA Grants** - Councilwoman Meghan Shambach stated that there is no new news on the Fire Company grants.

**Fire Company Officer Election** – The Fire Company held their election at their last meeting and there were no changes to their officers.

**Newly Purchased Equipment** – The Fire Company recently purchased four air packs and one rapid intervention team bag.

**Finance Committee** – The 2022 Budget was open for inspection and able to be passed.

**Motion – 2022 Budget** – Vice-President Lisa Decker made a motion to pass the Borough’s 2022 Budget. Councilwoman Betty Kratzer made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor, and none opposed. Motion carried.

**Motion - Tax Resolution 2022-1** – Vice-President Lisa Decker made a motion to pass Tax Resolution 2022-1. Councilwoman Betty Kratzer made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor, and none opposed. Motion carried.

**POLICE REPORT – November 2021 Police Report** – The November 2021 Police Report was reviewed.

**2018 Ford Explorer** – The graphics and other equipment have been ordered for the newly purchased 2018 Ford Explorer.

**STREET SUPERVISORS REPORT – Resignation – William Stamm** – William Stamm submitted his letter of resignation from the Street Department. Mr. Stamm is resigning due to personal reasons. His last day will be Monday, December 20, 2021. He counts it a pleasure to have served New Berlin in that capacity.

**Motion** – Vice-President Lisa Decker made a motion to accept William Stamm’s resignation. Councilwoman Betty Kratzer made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor, and none opposed. Councilwoman Barbara Stamm abstained from the vote. Motion carried.

**MAYOR'S REPORT** – Mayor Hamilton stated she this was her last meeting as Mayor of New Berlin. She thanked New Berlin for the privilege of serving them and appreciated the chance to do so. She has started several new activities in the Borough during her term. She took responsibility for the lack of understanding and language in the animal ordinance and stated that she is asking Council to listen to the community and do what is best for both humans and animals.

**SOLICITORS REPORT** – No Solicitor's report was given.

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

**NBMA Board Appointment** – At their last meeting, the New Berlin Municipal Authority Board recommended Ray Sassaman to fill the vacancy on the NBMA Board. Since then, Ray Sassaman has withdrawn his letter of interest for the position. The position will remain vacant at this time.

**Grant Opportunity** – There is a lot of grant money available to the New Berlin Municipal Authority for upgrading and updating some of the infrastructure. They are looking into the grant and hope to come up with some projects for which to apply.

**Raise in Water Rate** – Councilwoman Stamm inquired why there was an increase in water rates, especially when the NBMA has such a high balance in their accounts and the current times we are living in. Councilwoman Stamm also stated that the council doesn't receive the NBMA minutes until two months after the NBMA meetings so October's minutes weren't received until December. Michael Palermo from the NBMA Board stated that the increase will be about \$5.00 per bill. Mr. Palermo stated that visitors should come to a NBMA meeting to see the costs involved with running a municipal authority. Mr. Palermo stated that he is not on the budget committee so he does not know the exact reasons, but it would be a good idea to come to the meeting to ask.

**SECRETARY/TREASURER REPORT - Balance – General Fund** – The Secretary/Treasurer reported the balance in the general fund as \$118,607.09. That balance still includes 50% of the American Rescue Plan Funds.

**VFIS Insurance** – The Secretary/Treasurer reported that she switched the Fire Company insurance as per the motion of council and cancelled the existing policy.

**READING AND SIGNING OF BILLS/PAYROLL** – Councilwoman Betty Kratzer 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
PA UC – Solvency Fee	162.64
Tri County Tag Service, Inc.	80.00
A-1 Lock and Key	20.75
DE LANGE Landen Financial Services	75.57
Moyer Electric	24.74
PP&L	456.55
AT&T Mobility	91.05
B.S. & B. Repair	21.03
PA State Association of Boroughs	171.00
US Treasury	2,283.38
PA Department of Revenue	330.98
Ace of Signs	522.58
Aurand’s Auto Service LLC	140.32
Curt Keister	514.47
David Mull	639.69
George Geise	593.83
Jason Engleman	321.28
Joshua Dreisbach	521.02
Martez Faulkner	196.17
Michael Mattocks	510.96
Rebecca Witmer	2,350.89
Rex Solomon	232.94
Riley Bremigen	338.33
Rodney Styers	74.96
William Stamm	302.09
Ace of Signs	125.56
Barbara Stamm	150.00
Barry Kuhns	150.00
Betty Kratzer	150.00
Bill Stamm	50.00
Bonnie Hamilton	150.00
Julianne Finkbiner	150.00
Kim Barton	155.00
Cole & Varano	937.50
Lisa Decker	150.00

Lynda Frederick	150.00
Meghan Shambach	150.00
Out Shine Promotions	61.00
Topp Business Solutions	23.64
VFIS	13,601.00
AMTRUST North America	12,705.00
Ervin Blank Associates, Inc.	125.00
Fisher Auto Parts	23.14
PP&L Electric Utilities	959.62
The Daily Item	282.30
Windstream Buffalo Valley, Inc.	411.84
Cardmember Service	941.49
PP&L Electric	486.60
AT&T Mobility	91.05
DE LANGE Landen Financial Services Inc.	75.57
Hometown Disposal Ip	77.90
Stahl Brothers Garage LLC	126.00
PA Department of Revenue	289.02
US Treasury	2,036.18
Berkheimer	750.60
Ace of Signs	83.70
PLGIT	32,750.00
Ace of Signs	348.38

TOTAL	79,719.31
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**OLD BUSINESS – Zoning Hearing Board Resignation** – Charles Ritter resigned from the New Berlin Zoning Hearing Board. Mayor Bonnie Hamilton wrote a letter of interest to serve on the New Berlin Zoning Hearing Board. She is also resigning from the New Berlin Planning Commission.

**Motion – Zoning Hearing Board Appointment** – Councilwoman Barbara Stamm made a motion to appoint Bonnie Hamilton to the New Berlin Zoning Hearing Board. Vice-President Lisa Decker made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor, and none opposed. Motion carried.

**Zoning Hearing Board – Subdivision Plan – 524 Front Street & 117 Hazel Street** – The New Berlin Zoning Board will meet tomorrow evening to hear the application of Mark Noll for a subdivision of the property known as 524 Front Street & 117 Hazel Street in the Borough.

**Tax Collection for 2022** – The New Berlin Tax Collector seat remains open after the election. Wendy Yoder, Union Township Tax Collector, submitted a proposal to collect taxes for New Berlin Borough for a rate of \$3.50 per paid bill. A motion to adopt a Resolution is needed.

**Motion – Resolution 2021-6** – Councilwoman Betty Kratzer made a motion to adopt Resolution 2021-6 to appoint Wendy Yoder as New Berlin Borough Tax Collector. Vice-President Lisa Decker made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor, and none opposed. Motion carried.

**Decorating Community Center** – Councilwoman Stamm inquired about decorating the community center. The Secretary/Treasurer stated that it is her understanding that since the building was newly restored and painted, it would not be a good idea to put the screws back into the outside windows. Doing so would allow winter weather to again damage that which was restored. Several alternate ideas were discussed for securing the candles. Also discussed was whether or not the street department will be hanging the greens or securing candles to the building for future holidays. Council did not make a decision on the matter at the present meeting.

**ADJOURNMENT – Motion** – Councilwoman Betty Kratzer made a motion to adjourn the meeting. Vice-President Lisa Decker 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