

**NEW BERLIN BOROUGH COUNCIL
REGULARLY SCHEDULED COUNCIL MEETING**

A regular meeting of the New Berlin Borough Council was held on Wednesday, March 10, 2010, at 7:00 pm at the New Berlin Borough Community Center located at 318 Vine Street, New Berlin, PA. Present were President Julianne Finkbiner, Vice-President William Bachorski, President Pro-Tem R. Kurt Zimmerman, Councilman Jeffrey Swanger, Councilman Thomas Stickley, Councilman Theodore Beiler and Councilman Mark Spiro. Lester Hummel, Street Supervisor; Rebecca Witmer, Secretary/Treasurer was also present. Charles Pensyl, Solicitor Edward Greco, and Mayor Craig Eli were absent from the meeting.

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

APPROVAL OF MINUTES – February 10, 2010 - Discussion was brought regarding the February 10, 2010 regular Council meeting minutes. William Bachorski made a motion to approve the minutes. Thomas Stickley made a 2nd to the motion. Vote was taken to approve the minutes. All in favor and none opposed. Mark Spiro abstained from the vote due to being absent from the January meeting. Motion carried.

VISITOR BUSINESS – No visitor business discussed.

COMMITTEE REPORTS – Auditors – President Finkbiner stated that Debra Wetzel and Ronald Blatchley are willing to fill in to help Terry Hobbins complete the 2009 audit.

Motion – Thomas Stickley made a motion to appoint Debra Wetzel and Ronald Blatchley to help with the 2009 audit. R. Kurt Zimmerman made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

New Berlin Energy Independence Commission – William Bachorski stated that the commission did meet but there was nothing new to report.

Police Committee – Mr. Bachorski reported that the police committee met and reviewed the police contract. They would like to make a few changes for the 2010 contract. The contract will need to be approved by council. Ms. Finkbiner stated that council should receive a copy of the contract in their minute packet so they have time to review the contract before making a decision.

An executive session was held at 7:18 to discuss a personnel matter. The executive session ended at 7:23.

Motion – Thomas Stickley made a motion to give each police officer a fifty cent (\$.50) raise. Theodore Beiler made a 2nd to the motion. Vote was taken with all opposed. Motion failed.

POLICE REPORT – In the Chief’s absence, council reviewed the January 2010 police report. The police report showed the following: There were 358 miles traveled in January. There were a total of eighteen traffic violations consisting of three speeding, two stop sign violations, two expired registrations, two expired inspections, and nine violation of obedience to traffic control devices. There was one non-traffic citation for harassment. There were a total of eight incidents reported consisting of one animal complaint, two assists to another agency, one harassment, one public drunkenness, two bad checks and one pending investigation.

The police department hours for December were 30 for Charles Pensyl, 45 for Shawn Packard and 45 for Phillip Ingerick.

Pagers – Ms. Witmer reported that Chief Pensyl asked her to bring a pager question to council in his absence. Ms. Witmer read a note from Chief Pensyl to council regarding the pagers. Chief Pensyl would like council to approve the discontinuation of the use of pagers for the New Berlin Police Department.

Motion – Thomas Stickley made a motion to discontinue the use of pagers for the New Berlin Police Department. Theodore Beiler made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

STREET SUPERVISOR REPORT – Green and Nagle Street Pond - Mr. Hummel reported that there is a house basement at the corner of Nagle and Green Street that gets flooded every time it rains hard. Mr. Hummel reported that he would like to do something about it because it looks as though the sediment has clogged or hindered the pipe in a way that the water cannot wash down as it should. Then, the water backs up into the residence as Nagle and Green Street.

Ms. Witmer stated that Solicitor Greco told her to look for a construction easement or, if it was on the right-of-way, there would be no need to have an agreement with the homeowners to have the problem fixed. Mr. Hummel stated that he was sure it was on the right-of-way and there was also probably a construction easement.

Council agreed to have the engineer look at the issue and give council an idea of what needs to be done along with a cost estimate of the project.

Union County/New Berlin Borough Recycling Event – Mr. Hummel reported that Union County would like to hold a special recycling event within the borough. Ms. Witmer stated that everyone should have a flyer from another event which shows what would be recycled at this event.

Motion – Mark Spiro made a motion to hold the Union County/New Berlin Borough special recycling event during a weekend that Mr. Huntington and Mr. Hummel decide. Theodore Beiler made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Borough Shed – Mr. Zimmerman inquired if the borough shed was satisfactory for all of the borough equipment. Mr. Hummel stated that everything fits inside and he is extremely happy with the outcome.

MAYOR’S REPORT – A Mayor’s report was not given.

SOLICITORS REPORT – A Solicitor’s report was not given.

NEW BERLIN MUNICIPAL AUTHORITY - Minutes – Kurt Zimmerman inquired if anyone had questions regarding either set of the municipal authority minutes. No questions were raised.

Mr. Zimmerman reported that Dave Gutelius won the bid for phase 2 of the sewer project and reported how the project was progressing. Mr. Zimmerman also reported on the funding of the project and which funds have supported the project thus far.

SECRETARY/TREASURER REPORT - Balances - Rebecca Witmer reported the balance in the General Fund as \$55,058.30.

Public Record Charge - Cassette Tapes – Ms. Witmer stated that she needed council to come up with an amount to charge for cassette tapes in the event that someone requested one through the right to know/pubic records act.

Motion – William Bachorski made a motion to charge \$3.00 per cassette tape requested under the right to know act and \$5.00 per cd or dvd requested under the same act. R. Kurt Zimmerman made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Website Training – Ms. Witmer stated that she will be attending an all day website training on February 16th.

CDBG Check Received – Ms. Witmer reported that the borough received the reimbursement check from the block grant for the purchase of the Vine and Water Street property. The check was in the amount of \$25,840.47. There are remaining funds in the account which can be used to improve the property. Ms. Witmer will give a report on the remaining funds next month.

PennDOT – Vacation of Right-of-Way – Ms. Witmer reported that PennDOT has given up their right-of-way on some properties located at the east end of the borough. Ms. Witmer stated that council members should have received a copy of the paperwork regarding the vacation of the right-of-ways. The properties included the Sun Area Vo-Tech, the Plank property, the Original Italian Café and some others. The paperwork will be kept on file at the borough.

Bills to be Paid – Thomas Stickley made a motion to pay the bills as listed. William Bachorski made a 2nd to the motion. Vote was taken on the motion with all in favor and none opposed. Motion carried.

BILLS TO BE PAID FROM GENERAL FUNDS ACCOUNT

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|------------------------------------|-----------|
| Pennsylvania Department of Revenue | 155.21 |
| US Treasury | 1,087.50 |
| Charles Pensyl | 406.39 |
| Curt Keister | 167.20 |
| Kathy A. Hummel Diehl | 61.84 |
| Lester Hummel | 884.57 |
| Phillip Ingerick II | 527.63 |
| New Berlin Borough Petty Cash | 50.00 |
| Rebecca A. Witmer | 1,195.49 |
| Rodney Styers | 314.48 |
| Shawn Packard | 538.88 |
| A-1 Lock and Key | 108.00 |
| Ash Resources, Inc. | 182.16 |
| Coles Hardware | 33.83 |
| D&E Communications | 274.23 |
| Law Office of Edward C. Greco | 394.00 |
| H.A. Thomson Company | 1,950.75 |
| Iddings Quarry, Inc. | 154.00 |
| Kevin Raker Construction | 1,051.52 |
| M&T Bank | 1,683.38 |
| Mifflinburg Lumber | 47.06 |
| PP&L | 958.75 |
| R.W. Maust Jr. Garage, Inc. | 264.35 |
| SEDA-COG | 10.00 |
| Staples Credit Plan | 90.07 |
| Union County Public Safety | 90.00 |
| YIS Cowden Group Inc. | 13.00 |
| Kevin Raker Construction | 367.85 |
| DJ's Foreign and Domestic | 63.00 |
| Postmaster | 100.00 |
| PP&L | 781.55 |
| | |
| TOTAL | 14,006.69 |

OLD BUSINESS – Borough Debt – Thomas Stickley inquired if Ms. Witmer had any answers regarding the borough's credit and how much it can borrow. Ms. Witmer stated that she and Solicitor Greco have talked about the issue a few times. It is hard to gauge the borough's credit because the borough does not have a credit score. When the borough borrows money, it is pledging its full taxing power. Therefore, if the borough needs something, it would borrow but then raise taxes if it could not afford to pay the loan. Mr. Stickley inquired how much more the borough could borrow without raising taxes. Ms. Witmer stated that it cannot borrow any more money without raising taxes because the budget is already stretched as far as it can go and there needed to be a small tax raise in 2010 just to meet general operating expenses.

NEW BUSINESS – Zoning Permit for Retaining Wall – Ms. Finkbiner stated that her neighbor wants to put up a retaining wall but isn't sure if he needs a permit. Mr. Hummel stated that he will require a zoning permit.

ADJOURNMENT – William Bachorski made a motion to adjourn the meeting. Kurt Zimmerman made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Respectfully Submitted,

Rebecca A. Witmer,
Secretary/Treasurer

MAYOR