

**NEW BERLIN BOROUGH COUNCIL
REGULAR MEETING**

A regular meeting of the New Berlin Borough Council was held on March 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 (via telephone), and Councilwoman Lynda Frederick. Wendy Cole, Solicitor; Rebecca Witmer, Secretary/Treasurer; Joshua Dreisbach, Police Patrol Officer; and Bonnie Hamilton, Mayor were also present. Visitors present were Borough residents David Farmer, Sally Farmer, and John Showers and Borough resident and auditor Diane Lengle.

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

APPROVAL OF REGULAR MEETING MINUTES – February 10, 2021 – Councilman Barry Kuhns made a motion to approve the February 10, 2021 council meeting minutes. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

VISITOR BUSINESS – Diane Lengle - Auditor – Borough resident and auditor Diane Lengle stated she has been auditing the borough accounts for many years. She is presently at the end of her current 6 year term and is not running for another term. Ms. Lengle stated it has been a pleasure working with the Secretary/Treasurer who is very conscientious about her job and keeps an eye on things very well. She stated that council is in very good hands. President Finkbiner thanked Diane Lengle for her years of service.

David Farmer – Borough resident David Farmer made a suggestion that when written committee reports and other written reports are submitted to council, that they be provided to visitors as well or have the context said out loud for the visitors. The public could make right-to-know requests but having to do so is a sign of lack of communication.

COMMITTEE REPORTS – Fire Company Liaison – Grants - The New Berlin Fire Company Liaison reported that the fire company has applied for a 2021 FEMA Grant and also received information regarding a grant from Highmark. The fire company is still looking at the information regarding the Highmark grant to see if they can qualify for any funding.

Tanker Truck – The fire company is considering the purchase of a used tanker truck. The tanker truck they are considering for purchase can hold double the amount of gallons than the current tanker truck. The listed price of the tanker is \$350,000.00; the fire company will negotiate the price.

Events – The scheduled events of the fire company include a chicken and ham potpie drive through event on March 20th and April 17th at 4pm; an Easter Egg Hunt on April 3rd which is a tentative event with the location to be determined; and a Fireman’s Festival during the evening hours of June 25th and starting up again at 12pm on June 26th. They also hope to hold a coupon fundraiser though A Taste of Little Italy.

Motion – Fire Company Events – Councilwoman Barbara Stamm made a motion to approve the fire company events as aforementioned. Councilman Barry Kuhns made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Animal Ordinance Committee – Mayor Hamilton stated the committee has completed the proposed animal ordinance. The only change to the distributed copy is in the feral/community cats section wherein the word “owner” will be replaced with “the person or persons feeding them”. A joint and severability clause will be added if one is not already included.

Motion – Animal Ordinance Advertisement – Councilwoman Lynda Frederick made a motion to advertise the animal ordinance. Councilman Barry Kuhns made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Activities Committee – New Berlin Day Subcommittee - The New Berlin Day subcommittee of the activities committee met via zoom. A report will be sought regarding the meeting.

Fireworks – As reported last meeting, the fireworks are planned for July 4th. The secretary/treasurer stated she will need a certificate of insurance from the pyrotechnics company as the event draws closer.

Yard Sales – Community Yard Sales will be held the first Saturday in May 2021.

Motion- Activities Committee Events – Councilman Barry Kuhns made a motion to approve the aforementioned activities committee events. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

POLICE REPORT – Probationary Status Change – PD Rules and Regulations – Mayor Hamilton stated that the police committee would like to change the police officer probationary period from six months to one year, with the standard raise still being given at 6 months.

Motion – Police Officer Probation Period – Vice-President Lisa Decker made a motion to change the police officer probation period to one year, with the standard raise being given to officers at six months. Councilman Barry Kuhns made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

The language in the Police Department Rules and Regulations will be amended to reflect the change.

Officer-in-Charge – Police Department – The police committee made recommendation to promote Joshua Dreisbach from Police Patrol Officer, probationary status, to Officer-in-Charge. Officer Dreisbach will continue with his six month probationary period.

Officer Dreisbach – Officer Dreisbach addressed the council and visitors stating he is currently a full-time officer at Buffalo Valley Regional Police Department. He has worked at several other police departments in the area and is now fortunate enough to work for New Berlin. He stated that he understands there is a lack of police coverage in New Berlin right now and, if council appoints

him as Officer-in-Charge, he hopes to bring the police department to new places and increase coverage. Officer Dreisbach ended with inquiring if council or the visitors had any questions.

President Finkbinder inquired how long Officer Dreisbach has been a police officer. Officer Dreisbach stated he has been an officer since 2012.

Motion – Officer in Charge – Police Department – Vice-President Lisa Decker made a motion to promote Joshua Dreisbach as Officer-in-Charge of the police department. Councilwoman Barbara Stamm made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

New Hires – George Geise and Martez Faulkner – Mayor Hamilton stated that Officer Dreisbach recruited two candidates for police patrol officer whom the police committee interviewed. Upon interviewing both candidates, the police committee felt they both were a good fit for New Berlin.

The police committee made a recommendation to hire George Geise and Martez Faulkner as police patrol officers with a probationary status of one year and the standard raise at six months. It will take some time to get them both on duty and working in New Berlin. It will take more time for George Geise to start his duties as a patrol officer due to his additional training needs and MPOETC requirements.

New Hire – George Geise - Motion – Councilman Barry Kuhns made a motion to hire George Geise as police patrol officer, probationary status, pending successful completion of his the needed clearances and qualifications. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

New Hire – Martez Faulkner – Motion – Vice-President Lisa Decker made a motion to hire Martez Faulkner as police patrol officer, probationary status. Councilwoman Barbara Stamm made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

POLICE REPORT – February Police Report – There were no questions regarding the February Police Report.

Paint for Police Offices – Lisa Decker stated both the police chief and police patrol office need painted. The secretary/treasurer stated she spoke with the street department about painting the offices. Initially they thought they could do the task but now thought it may be better to hire a professional.

STREET SUPERVISORS REPORT – The street department supervisor was absent from the meeting. There was no report in his absence.

MAYOR’S REPORT – Mayor Hamilton had nothing to report aside from that which was already reported.

SOLICITORS REPORT – 407-411 Front Street – Solicitor Cole reported that the 407-411 Front Street real estate closing has been completed. A check for the proceeds totaling \$4,193.00 will be given to the secretary/treasurer.

Answer to Legal Question - Limiting Rental Properties in Borough – Solicitor Cole reported on an answer to a question asked at the last meeting regarding a municipality’s legal ability to restrict the number of rental properties within its boundaries. There are no laws prohibiting a municipality from limiting the number of rental properties within its boundaries. However, there must be good reason to do so in the event it is challenged. There would need to be coordination with the borough zoning ordinance and a new ordinance would need to be enacted. If the reason for the restriction would be to reduce blight in the borough, amending the current borough landlord ordinance to include property upkeep may be a better course of action. Another thing for the council to consider is that it could be a challenge to keep track of administratively.

NEW BERLIN MUNICIPAL AUTHORITY – November 2020 Minutes – As requested by council at the last meeting, the liaison reported she asked the New Berlin Municipal Authority to change the language stating R. Kurt Zimmerman was reappointed to the NBMA board rather than requested to

be reappointed to the board.

Waterline Project – The New Berlin Municipal Authority Waterline project is expected to begin in the spring as planned. The liaison requested that the New Berlin Municipal Authority notify the fire company of the project because the fire hydrants on that street will be disabled during the project. In the meantime, the liaison reported to the fire company that the hydrants will be disabled during the project.

Water Meter Replacement – The NBMA still plans to replace water meters inside the houses that have the older meters. Homeowners who need their water meter replaced will get a phone call from the NBMA. It has yet to be determined if the NBMA or the homeowner will be responsible for the cost of the replacement.

SECRETARY/TREASURER REPORT - Balance – General Fund – The secretary/treasurer reported the balance in the general fund as \$29,034.09.

Liquid Fuels Allocation – The 2021 Liquid Fuels Allocation will be distributed in March in the amount of \$30,513.71.

Statement of Financial Interest Forms – The Secretary/Treasurer reminded council to submit their Statement of Financial Interest Forms.

Addendum to January 2020 Minutes – The Secretary/Treasurer reported that there were checks issued in January 2020 that were approved but were not listed in the minutes. An addendum to the minutes should be made listing the checks issued. The checks were:

B.S. & B. Repair, Inc.	25.46
Coles Hardware	176.91
H.A. Thomson Company	324.00
Hometown Disposal	71.34
PIRMA	8,879.00
PP&L Electric	1,599.63
Quill Corporation	276.68
Windstream Buffalo Valley, Inc.	269.66
YCG, Inc.	172.50

Motion – Addendum to January 2020 Minutes - Councilwoman Barbara Stamm made a motion to make an addendum to the January 2020 Council Meeting Minutes listing the above-referenced checks therein. Councilman Barry Kuhns made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

DCNR Grant Feasibility Study and Grant Contract – The contract for the feasibility study on the former NB Elementary School was received. No action needs to be taken as the Borough’s application was their signature on the agreement.

DCNR Grant Feasibility Study Group & Draft RFP – A study group is required to be formed as a part of the feasibility study to be done on the former New Berlin Elementary School. Persons chosen for the study group must be appointed based on a number of DCNR guidelines. The persons chosen should be stakeholders in the community such as committee members, association members, business owners, religious leaders, etc. The people chosen to be in the study group must also be approved by DCNR and Borough Council. The study group will be charged with finalizing a Request for Proposals which will be used to solicit consultants to bid for the feasibility study service. The group will also interview potential consultants and choose one to recommend to council. The group will assist the chosen consultant with composing a survey designed to gather information from New Berlin residents and perform a few other similar tasks.

The Secretary/Treasurer has drafted an RFP that meets DCNR guidelines for the study committee’s review.

Council Appointment to Study Committee – Julianne Finkbiner appointed Councilwoman Meghan Shambach as the council representative on the study committee.

It was recommended that the Secretary/Treasurer contact and appoint people to the study committee. There were no objections from council.

WEX Fleet Card for Fuel – The Secretary/Treasurer stated she would like to apply for a WEX fuel card for the borough workers should she research it more and find it beneficial for the borough. She has not yet had time to fully check into the pros and cons of the card. However, one of the benefits of having the card is that the gas tax immediately comes off the cost at the pump. As it is now, the gas tax is not immediately taken off the cost of the fuel. This results in the need to manually track of the gallons used for each separate borough vehicle as well as making two copies of each original receipt to accommodate the filing of a motor fuels tax return at the end of each year. Once the return is filed, the borough gets refunded gas tax expended.

Motion – WEX Fleet Fuel Card – Vice-President Lisa Decker made a motion to apply for a WEX Fleet Card to be used for Borough vehicle fuel. Councilwoman Lynda Frederick made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

READING AND SIGNING OF BILLS/PAYROLL – Vice-President Lisa Decker made a motion to pay the bills with any additions. Councilwoman Lynda Frederick made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

BILLS TO BE PAID FROM THE GENERAL FUND

M&T Bank – Service Charge	25.00
AT&T Mobility	53.50
Bradley Bilger	133.20
Christopher Snyder	60.04
Curt Keister	199.45
Joshua Dreisbach	379.84
Michael Mattocks	1,173.01
Rawlin Swanger	105.47
Rebecca A. Witmer	2,263.68
Rodney E. Styers	69.33
William Stamm	1,277.12
Cardmember Service	282.15
Central Keystone COG	260.00
DE Lange Landen Financial Services Inc.	75.57
Diane Lengle	120.00
Ervin Blank Associates, Inc.	225.00
Gessner Excavating	100.00
Hometown Disposal	72.42
Kim Barton	80.00

Mifflinburg Lumber	579.48
New Berlin Fire Company	795.69
PP&L	937.34
Share Corporation	448.92
Topp Business Solutions	37.10
Windstream Buffalo Valley, Inc.	495.25
Buffalo Valley Sportsmen’s Association	75.00
Matthew Hamilton	120.00
Michael Mattocks	25.27
PP&L	551.72
Qualification Targets Inc.	106.46
Rebecca Witmer	358.81
The Daily Item	157.35
Union County Treasurer	433.75
PA Department of Revenue	218.54
US Treasury	1,633.06
Berkheimer	424.79
TOTAL	\$14,353.31

OLD BUSINESS – Tax Collector Resolution 2021-2 – At last month’s meeting council set a commission for the tax collector of \$3.50 per parcel collected. A resolution is needed.

Motion – Tax Collector Commission - Councilwoman Lynda Frederick made a motion to pass Borough Resolution 2021-2 setting the commission for the tax collector at \$3.50 per parcel. Vice-President Lisa Decker made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

NEW BUSINESS – Messiah Lutheran Church – There was a request from the Messiah Lutheran Church to reserve the Plum Street Park pavilion every Sunday from May 2nd to July 25th from 9am to 12pm. However, the policy prohibits any reservation of the pavilion until May 15th of each year. A motion would need to be made to allow the pavilion to be reserved before the permitted May 15th date, if council agrees to do so.

Motion – Plum Street Park Pavilion – Vice-President Lisa Decker made a motion to permit the Messiah Lutheran Church to reserve the Plum Street Park pavilion before May 15th. Councilwoman

Lynda Frederick made a 2nd to the motion. Vote was taken with all in favor and Councilwoman Barbara Stamm opposed.

Worker's Compensation Resolution 2021-3 – Act 108 of 2020 is now in effect and impacts workers compensation for the fire company. The act adds classifications of members of fire companies to the Workers Compensation Act and states under what circumstances each type of member is eligible for workers compensation coverage.

Member classifications are:

- Active Members are those who respond to emergency calls.
- Special Fire Police as appointed under 35 PA C.S. CH. 74 Subchapter D.
- An officer or director of a volunteer fire department of volunteer fire company.

These members are still covered under the activities listed in Section 601(a)1 of the Act. These activities are:

- (1) actively engaged as a firefighter.
- (2) going to or from a fire which their company attended including travel time from and the direct return to a firefighter's home, place of business, or other place where he/she shall have been when he/she received the call/alarm.
- (3) participating in a fire drill with his/her company.
- (4) preparing or doing work on or about the fire apparatus or buildings and grounds if authorized by the Chief or whoever is in charge.
- (5) while answering any emergency call for any purpose.
- (6) riding on the fire apparatus which is owned or used by the fire company.
- (7) while performing any other duty of the volunteer fire company as authorized by the municipality. (i.e. fundraisers – must be approved by municipality)

In order for the fire company's participating members to be covered, Borough Council must pass the recommended resolution. Participating members are those who provide necessary operational support and do not respond to emergency calls.

These activities are only covered if the operational support activity is conducted on a regular basis for the benefit of a volunteer fire department or volunteer fire company as approved at the beginning of each policy year by the Borough.

Operational support includes:

1. Maintaining the station and equipment
2. Acting as trustee
3. Organizing fundraisers
4. Providing information technology support and assisting with recruitment and other administrative tasks.

Social Members are not covered under any circumstances. Social members are a member of the organization whose class of membership is social in nature and is primarily intended to facilitate fraternization with other members of the organization or access to social amenities and social events offered by the organization, whether or not the member occasionally provides unpaid operational support to the organization.

Motion – Workers Compensation Resolution 2021-3 – Councilwoman Lynda Frederick made a motion to pass Resolution 2021-3. Vice-President Lisa Decker made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Sun Area Technical Institute – West Campus – As Built Plans – As built plans for the West Campus Sun Area Technical Institute have been submitted for approval. The changes between the plan approval and the as built plans are as follows:

1. (12) Parking Spaces striped in (2) locations near entrance at Maize Hiley Road and Cherry Street entrance, increase from (11) parking spaces proposed. See Sheet S-4 for more information.
2. (2) depressed curbs installed near entrance at Maize Hiley Road and Cherry Street entrance. See Sheet S-4 for more information.
3. Sidewalk and crosswalk location changed along the northern boundary of proposed project. See Sheet S-4 for more Information
4. New manhole installed along northern boundary of proposed project. See sheet S-4 for more information.
5. Stop sign and painted stopping line location changed near entrance at Maize Hiley Road and Cherry Street entrance. See Sheet S-4 for more information.
6. Single lighting fixture installed near northern boundary of proposed project, double lighting fixture was proposed. See sheet S-6 for more information.

Motion – As Built Plans – Councilman Barry Kuhns made a motion to approve the as built plans for Sun Area Technical School. Councilwoman Barbara Stamm made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

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