

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

A regular meeting of the New Berlin Borough Council was held on Wednesday, April 14, 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 and Councilman Mark Spiro, Solicitor Edward Greco, and Mayor Craig Eli. Lester Hummel, Street Supervisor; Rebecca Witmer, Secretary/Treasurer; Charles Pensyl, Chief of Police was also present. Councilman Theodore Beiler was absent from the meeting. Diane Lengle, Penns Creek Watershed was present as a visitor.

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

APPROVAL OF MINUTES – March 10, 2010 - Discussion was brought regarding the March 10, 2010 regular Council meeting minutes. R. Kurt Zimmerman made a motion to approve the minutes. Jeffrey Swanger made a 2nd to the motion. Vote was taken to approve the minutes. All in favor and none opposed. William Bachorski abstained from the vote due to being absent from the March meeting. Motion carried.

VISITOR BUSINESS – Diane Lengle, Penns Creek Watershed – Diane Lengle was present to give council and update on the rain garden construction at the New Berlin Recreation Field.

COMMITTEE REPORTS – Police Committee – Employment Contract – William Bachorski stated that he believes the contract is ready for approval. Solicitor Greco confirmed that the contract was ready.

Motion – William Bachorski made a motion to approve the police contract for 2010. Jeffrey Swanger made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Botts and Chilcote Employment – William Bachorski stated that Solicitor Greco wrote a letter to Botts and Chilcote regarding the fact that they have not worked any hours for the New Berlin Police Department since last year. William Bachorski stated that they would like to take Solicitor Greco's name off the letter and put the Mayor and the Chief's name on it for signature. Solicitor Greco stated that he could email the letter to Ms. Witmer for her to make the changes.

Chief Employment Hours – William Bachorski stated that the Chief is having trouble getting all his work done within the 30 hours per month allotted time because he needs to catch up on some of the work not completed before he was hired. Council agreed that the Chief could have a few more hours per month until the police department work is caught up. The hours are to be approved on a monthly basis.

Motion – William Bachorski made a motion to give the Chief five (5) more working hours per month for the month of April, if needed. Thomas Stickley made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Water Street – One Way – William Bachorski stated that the Chief has not had any time to review the report to make a recommendation on making it a two way street. The Chief will make a recommendation at the next meeting.

POLICE REPORT – Chief Pensyl read the March 2010 police report. The police report showed the following: There were 348 miles traveled. There were a total of eleven traffic violations consisting of one DUI, three speeding and seven traffic control device violations. There were five incidents reported consisting of one assist to another agency, one stop sign violation, one theft complaint, one drug investigation, and one trash complaint.

The police department reported that the hours for February were 30 for Charles Pensyl, 45 for Shawn Packard and 45 for Phillip Ingerick.

Shotguns – Chief Pensyl reported that the shotguns were purchased as approved by council. Ms. Witmer requested the information one the shotguns so she can contact the insurance company.

Patrol Car Graphics – Chief Pensyl reported that he has been talking with the Vo-tech school about the new graphics for the car.

STREET SUPERVISOR REPORT – Brush Pick-up - Mr. Hummel stated that he would like to do another brush pick-up in the borough. The date of May 8th was chosen to hold the event.

Motion - William Bachorski made a motion to hold a brush pick-up within the borough on May 8th. Jeffrey Swanger made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Walnut Street Bridge - Mr. Hummel stated that Bill, a construction worker working on the sewer plant, looked at the Walnut Street Bridge. The bridge is not in as bad of condition as he originally thought. Mr. Hummel will be doing some minor repairs to the bridge but it is structurally sound.

Shed at the Recreation Field – Mr. Hummel reported that the recreation association is building a shed for storing lawn maintenance and other equipment. Solicitor Greco stated that the shed should be approved since it is on borough property.

Motion – Thomas Stickley made a motion to allow the recreation association to build a shed at the recreation field on borough property providing that there is no cost to the borough except insurance. Jeffrey Swanger made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Green Street Pond - Mr. Hummel reported that the borough engineer wrote a letter regarding the Green Street Pond. Council and the Solicitor reviewed the letter. Mr. Hummel stated that the letter didn't really give him anything concrete to go on. However, he would like to put a culvert in to try to minimize the problem and maybe even clear up the problem altogether. Solicitor Greco stated that he is concerned if culvert to be put in is on private property. The borough's responsibility is with the drainage pipes. The drainage pipes are on the borough right-of-way and can be cleaned out without issue. Solicitor Greco recommended that the borough only do work on the right-of-way and not on private property. Council agreed to go with the Solicitor's recommendation to only complete work within the right-of-way. Solicitor Greco stated that he noticed that the letter also referred to Mr. Hummel as the borough manager. Mr. Hummel stated that he is not the borough manager. Solicitor Greco stated that the borough should clarify that with the engineer since it could create a situation where someone misunderstands the capability of Mr. Hummel as well as Ms. Witmer to make decisions for the borough. If someone misunderstands their roles or authority within the borough and that someone relies on something they've stated as an actual decision of the borough, it could create a liability issue. Ms. Finkbiner inquired if the borough was going to clear out the drainage pipes on the borough right-of-way. Mr. Hummel stated that he thinks the pipes are on the right-of-way but isn't completely sure. There also may be an easement to take care of the line. Solicitor Greco stated that the subdivision map should be obtained by the borough. That way, the borough will be able to see any easements or right-of-ways. Solicitor Greco recommended getting the map for review and further recommended that the borough do nothing else regarding the Green Street Pond area until the map can be reviewed.

LAWN TRACTOR – Mr. Hummel stated that he would like to sell the old John Deere and inquired how much money council wanted to get for it. Solicitor Greco stated that the Borough Code requires council to advertise any property worth \$1,000 or more. If it is under \$1,000 in value, council can establish, by resolution, a procedure for the sale of such property.

Motion – Mark Spiro made a motion to pass a resolution to allow the borough to sell property under \$1,000 in value by councils approval of the sale of an item(s), council's establishing a minimum price to be accepted for the item(s), posting the sale of such property in two public places within the borough, accepting sealed bids for the item(s), opening and awarding the bid at a specified borough council meeting with the right to accept or reject any bid. If the person to whom the bid was awarded no longer wishes to buy the item(s) on which they bid, the next highest bidder will be contacted with the option to purchase the item(s) at their bid. Should the next bidder reject purchasing the item(s), the bid will be offered to the next person at their bid and so on down the consecutive list of bidders. Thomas Stickley made a 2nd to the motion. Vote was taken on the motion with all in favor and none opposed. Motion carried.

Lawn Tractor – Mark Spiro made a motion to put out for bid, by the procedure approved by council, the borough’s John Deere lawn tractor at a minimum bid of one dollar (\$1.00). William Bachorski made a 2nd to the motion. Vote was taken on the motion with all in favor and none opposed. Motion carried.

MAYOR’S REPORT – Auditing of Bookkeeping Records for Borough Entities - Mayor Egli reported that he was approached by the Activities Committee and Recreation Association who asked whether or not the borough auditors will or should extend their services to the committees which are entities of the borough. Solicitor Greco stated that the Borough Code states that the borough auditors are to audit the official books and records of the borough. That does not include the entities under the borough. Solicitor Greco stated that if those entities wished to use the borough auditors they were free to do so but at their own expense.

Bulletin Board – Mayor Egli reported that he will be meeting with the President of the Heritage Association regarding the bulletin board.

SOLICITORS REPORT – Solicitor Greco had nothing to report other than his reference to the other discussions contained herein.

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

Line of Credit – Mr. Zimmerman reported that the municipal authority decided not to open the line of credit referenced at the last meeting.

Sewer Plant – Mr. Zimmerman reported that the sewer project is approximately 30% completed.

SECRETARY/TREASURER REPORT - Balances - Rebecca Witmer reported the balance in the General Fund as \$54,591.27.

Hazard Mitigation Plan – Ms. Witmer reported that she had a phone conference with Union County representatives, the Union County Engineer working on a new Hazard Mitigation Plan and several other municipalities located within Union County. Union County is working on the new plan and would like input, if any, from borough council on potential hazards to address in the new plan. Ms. Witmer read a list of the hazards already included in the plan as well as a list of hazards they are already proposing to add to the new plan. The County hopes to have the plan completed by the end of the summer. If anyone has any input, please email them to her and she will talk to the appropriate people at the County. A proposed plan should be ready for review soon and she will be sure council gets a copy.

New Berlin Carnival and Parade – Ms. Witmer stated that she received a call from the Fire Chief telling her that the dates for the New Berlin Carnival will be from June 22nd through June 26th. The parade will be held June 24th and Ms. Witmer will do the permit to close the road as approved at the last meeting.

Bills to be Paid – William Bachorski made a motion to pay the bills as listed with the addition of Mifflinburg Lumber for \$182.52. Jeffrey Swanger 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

PA Department of Revenue	156.66
US Treasury	1,139.68
Cabela's	524.81
Mifflinburg Lumber	23.51
PP&L	756.63
R.W. Maust Jr. Garage Inc.	122.80
Shell Fleet Plus	101.00
Union County Treasurer	316.80
USA Blue Book	38.42
YIS Cowden Group Inc.	13.00
Phillips Supply House	76.70
B.S.&B Repair	13.92
Coles Hardware	12.34
Commonwealth of Pennsylvania	161.40
DJ's Foreign and Domestic Service	462.50
Law Office of Edward C Greco	364.00
Idding's Quarry	115.68
M&T Bank	1,683.38
Phil Miller's Electric	300.00
US Supply Company	35.20
WAL-MART Community	9.30
H.A. Thomson Company	1,901.75
Immix Wireless	76.17
PP&L Electric	1,310.47
Shell Fleet Plus	65.99
Union County Commissioners	19.50
Windstream Buffalo Valley, Inc.	214.35
Charles Pensyl	381.39
Curt Keister	167.18
Ernest Maurer	80.48
Jay C. Walter	29.99
Lester Hummel	844.51

Phillip Ingerick II	609.40
Rebecca Witmer	1,132.75
Rodney Styers	93.93
Shawn Packard	701.84
Mifflinburg Lumber	183.52

TOTAL 14,317.75

OLD BUSINESS – No old business was discussed by council.

NEW BUSINESS – Police Department Computer Need – William Bachorski made it known that a computer was needed for the police department. They would like to use it as a server. Ms. Witmer stated that she could start to clean her old office tower off and they could see if that computer would work for them. It may take some time but she would work on it as she could.

ADJOURNMENT – R. Kurt Zimmerman made a motion to adjourn the meeting. Thomas Sticklely 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