

**NEW BERLIN BOROUGH COUNCIL
REGULAR COUNCIL MEETING**

A regular meeting of the New Berlin Borough Council was held on May 9, 2018, 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 Jared Busby, Councilwoman Elaine Hopkins, Councilwoman Lynda Frederick, Councilwoman Lisa Decker, and Councilwoman Barbara Stamm. Lester Hummel, Street Department Supervisor; Rebecca Witmer, Secretary/Treasurer; L. Eric Hassenplug; Chief of Police; and Wendy Cole, Solicitor were also present. President Pro-Tem Betty Kratzer, Councilwoman and Bonnie Hamilton, Mayor were absent from the meeting. Matthew Hamilton, New Berlin resident and New Berlin Auditor; and John Showers, New Berlin resident and Union County Commissioner were both present as visitors.

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

APPROVAL OF MINUTES – April 11, 2018 Council Meeting – Vice-President Jared Busby made a motion to approve the April 11, 2018 Council Meeting minutes. Councilwoman Lynda Frederick made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

VISITOR BUSINESS – John Showers was present to discuss a town newsletter known as “The Herald” and also reported a few items related to New Berlin’s recycling center.

The Herald - A copy of “The Herald” went out to the New Berlin Community today. Another one is scheduled to go out around July.

Recycling Grant – Mr. Showers reported that the County may have grant money to place another cement slab at the New Berlin Recycling center which would allow for another bin to be placed. Mr. Showers stated that he spoke with the Secretary/Treasurer and the Street Department Supervisor regarding the possibility at which time the Secretary/Treasurer stated the recycling center land is actually owned by the New Berlin Municipal Authority. Mr. Showers will relay that information to personnel at the County to make certain grant money could be used to place a

permanent cement slab on property owned by the NBMA rather than the borough. The Secretary/Treasurer stated that if the County does not see a problem with the circumstances and council wants to explore moving forward, the NBMA could then be consulted.

New Berlin Recycling Center – Mr. Showers also reported it is now acceptable to place chipboard and office paper in the cardboard roll off container.

COMMITTEE REPORTS – Sidewalk Ordinance – The sidewalk ordinance committee reported that the final rough draft is almost complete. Changes were made based on the last council meeting. The Solicitor and Rebecca will now look over it and fine tune it for final approval.

Animal Ordinance – Jared Busby reported the animal ordinance is almost ready for review.

President Finkbiner hopes to see a draft of both ordinances circulated to council for review before the next meeting.

Landlord Ordinance – Lynda Frederick reported the landlord ordinance is almost complete. The committee will get a draft to Ms. Witmer and the solicitor for review before distributing to council.

Activities Committee Dates – Ms. Witmer stated she told the Activities Committee she would inquire if Borough Council was willing to contribute to the cost of the flag flyers. The total cost of the flyers was \$281.17. The NB Heritage Association agreed to pay \$100.00 of the total cost. The Recreation Association is going to discuss contributing to the flyers as well. Councilwoman Barbara Stamm is a member of the NB Recreation Association as well and stated she is sure the association will pay for a part of the cost.

Motion – Flag Flyer – Cost Contribution – Councilwoman Elaine Hopkins made a motion to pay half the remaining cost of the flag flyers to the NB Activities Committee. Councilwoman Lisa Decker made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Transportation Workshop – Councilman Jared Busby gave council information on Union County’s Transportation Workshop he recently attended. If an entity is applying for one of these grants, communication on a Federal and State level is greatly encouraged. A lot of the project price levels wouldn’t pertain to New Berlin but an inquiry will be made as to whether or not two projects could be combined to meet the project price requirements.

MAYOR’S REPORT – Matthew Hamilton reported on behalf of Mayor Hamilton. The butterfly garden planning is going well. Mr. Hamilton reported on several details regarding the plants and stepping stone materials. Sponsoring a stepping stone was also discussed. Some local businesses have donated materials and the activities committee is hoping more donations are received.

STREET SUPERVISOR REPORT – Mr. Hummel stated he had nothing to report.

Mountain Brush Area – President Finkbiner stated that she wanted to make sure things were clear about the mountain brush area and that Mr. Hummel understood council’s wishes regarding the same. The only allowable material at the site is organic material. Also, that council only wants the gate opened on Saturdays from 8am to 5pm; the only exception being the key may be distributed to borough residents on Wednesdays. Mr. Hummel stated he wasn’t sure things are clear. That he didn’t know. President Finkbiner stated that the gate had been open for several weeks during times it was not to be open. Mr. Hummel stated he knows it was open all last week because the borough got things hauled up there from the street projects. So, it was easier for him to just keep it open. Vice-President Busby inquired if the place was just a temporary place to hold the material until someone came to get it for disposal. Mr. Hummel stated it wasn’t just temporary. President Finkbiner stated the material placed up there wasn’t just dirt. It was clarified through discussion that the middle of the road was also dug up and placed at that location. Mr. Hummel stated he thinks it should be opened up for everyone because everyone is just dumping anyway. President Finkbiner stated that if council only allows organic material at the site, that’s all that should be placed there. Recently, there was asphalt, concrete and pipe dumped at the site. Mr. Hummel stated the material needs to be placed there to push down and compact the brush that is pushed off the sides. President Finkbiner stated dirt should be used to do that, not material that is prohibited. Further, that area is a watershed so asphalt and other material could put the

watershed in jeopardy. President Finkbiner inquired if anyone understood the consequences of allowing non organic material to be placed at the site. Mr. Hummel stated he doesn't think President Finkbiner understands what needs to be done at that location to compact the brush and other material. There was discussion about what is allowable at the site. Mr. Hummel stated the New Berlin Municipal Authority owns the site so council should be cautious about what they are complaining about. President Finkbiner stated if someone reports illegal dumping or dumping of nonorganic material, the borough will be responsible for the fines and cleanup that could amount to \$20,000 a day for whatever penalties are imposed. President Finkbiner inquired if Mr. Hummel understood. Councilwoman Elaine Hopkins inquired who designated the area as an area for organic material only. President Finkbiner stated she only knows that it was that way when she came 12 years ago. Mr. Hummel stated that wasn't true and that it was President Finkbiner that designated the area for organic material of her own accord. President Finkbiner stated that wasn't true and inquired when the site was first created. Mr. Hummel stated it was time to resign, resigned his position, and exited the building. Discussion regarding the brush site continued. Councilwoman Barbara Stamm stated the site has been in existence ever since she moved into town 47 years ago. President Finkbiner inquired if it has been an organic material site for as long as Councilwoman Stamm can recall. Councilwoman Lynda Frederick stated it wasn't always an area that was open to the public. The area was originally for borough use only. Solicitor Cole stated that everyone, including the borough, should be careful what they place in an area of that nature. Solicitor Cole stated she doesn't have knowledge of what the site is exactly or what it looks like so cannot counsel definitively about the issue at this time. Solicitor Cole stated she could look into some of the issues discussed and try to get a better understanding of the site. President Finkbiner stated the borough cannot control if other people place nonorganic material at the site without the borough's knowledge. However, the borough is responsible if employees allow nonorganic material to be placed there. Councilwoman Barbara Stamm inquired how Mr. Hummel is responsible for materials placed there from a New Berlin Municipal Authority Project. President Finkbiner stated it was because he allowed it by opening the gate for them because he wanted fill. The gate was opened all week last week at Mr. Hummel's admission. Councilwoman Barbara Stamm stated Mr. Hummel may be allowing the material due to past practice. President Finkbiner stated past practice doesn't matter if it's illegal. The borough is responsible for correcting an issue if it knows something happening is wrong or illegal. Councilwoman Barbara Stamm stated Mr.

Hummel is not responsible for past actions of others and not all of the material that is up there at this point was allowed by Mr. Hummel. President Finkbiner stated she has no idea what has been placed there in past years. However, council cannot continue to turn a blind eye if they now know what's being done. President Finkbiner stated last year asphalt was dumped up there on the direction of Mr. Hummel even though it shouldn't have been and the issue was left go at that time. Councilwoman Elaine Hopkins stated it sounds as though it has been past practice but council has not addressed the issue. Therefore, Mr. Hummel may not realize there's something wrong or illegal with doing it. Further, if council wants to convince him that it's wrong, it needs to be done in a logical way because Mr. Hummel obviously does not react well to emotion. It will be best for the borough if Mr. Hummel stays on as Street Department Supervisor. President Finkbiner stated that it is an employee's job to follow out the will and directives of council. Mr. Hummel has not been agreeing to do that. President Finkbiner stated there are other instances where Mr. Hummel has gone outside the scope of his employment in this way but in order to talk about them, an executive session should be called. Councilwoman Barbara Stamm stated the last time Mr. Hummel's insubordination was discussed, it should have been in an executive session but it wasn't.

The waterline at the school started to be discussed. It was stated that no one gave Mr. Hummel direction as to where the waterline was to be placed. Ms. Witmer stated there were discussions and there were minutes and emails distributed to everyone regarding placement of the waterline. Mr. Hummel met with personnel from the New Berlin Municipal Authority about the placement. Ms. Witmer also arranged a meeting between Mr. Hummel, The New Berlin Municipal Authority, and the Plum Street Park Project Consultant regarding the matter. Ms. Witmer was present for the beginning of that meeting as well to read the email with directives from the NBMA on where they would allow the borough to connect. The other meeting participants discussed the best way to proceed from there. Mr. Hummel was present for that discussion. Councilwoman Lynda Frederick inquired if Mr. Hummel knew where to place the waterline, why wasn't it done yet. Ms. Witmer stated she could not answer that on behalf of Mr. Hummel. However, the borough is under contract to provide at the site to be used during construction of the Plum Street Park improvements. Rusty's H2O Service will be placing the line with the help of Mr. Hummel. Ms. Witmer stated she's always tried her best to include Mr. Hummel in anything pertaining to the streets or projects that might at all pertain to his area. All Ms. Witmer knows is that Mr. Hummel

only wanted to touch or run the waterline one time down from the school. The waterline needed to first be placed in an area outside the construction zone as to provide water but not interfere with construction equipment, grading of the project area, etc. Then, once the project is to a certain point or completed, the line will be extended to a place near the pavilion as to provide water for anyone utilizing the pavilion and also for park maintenance. Lynda Frederick inquired why he refused to place the line. Ms. Witmer stated she knows he said it would be more expensive to bring equipment in to run the line once then bring it back in to extend it but she's not sure if that was the only reason or not. Ms. Witmer stated she doesn't know if the word "refusing" is the best term to use. Ms. Witmer stated she doesn't think Mr. Hummel ever said he refused to do the waterline. Councilwoman Frederick stated she thinks Mr. Hummel was just trying to save the borough money. Ms. Witmer stated she agrees but the borough has a contract to provide water to the construction crew for the project, the borough council originally agreed to do that, borough council also made Ms. Witmer the project coordinator which means she is responsible for making sure all of the details get done behind the scenes, DCNR guidelines are followed, the required reports and paperwork gets done, etc. So, she recently called Rusty's H2O to have him start the project. Ms. Witmer also called Mr. Hummel to let him know Rusty's H2O was contacted to start and he could call Rusty to see how he could help. Mr. Hummel told Ms. Witmer he would contact Rusty. The result of that conversation, as Ms. Witmer knows from Mr. Hummel, is that Mr. Hummel was still going to be very much included in the waterline work. Ms. Witmer explained the process of how it was determined to place the waterline, what was brought to council at the meetings over the last several months, and how things progressed from that point. Ms. Witmer stated she would like clarity on which situations council would have her not follow through with her job when someone gets disgruntled. Council wished for Ms. Witmer to continue to follow through with her job in all circumstances. Councilwoman Frederick inquired who placed the stone at the school property and if it was being used for the waterline. Ms. Witmer stated Mr. Hummel placed the stone there because it was one of the things he said he was doing to help Rusty's H2O Service.

Ms. Witmer inquired how to proceed should Mr. Hummel come to the office saying he made a mistake by resigning. Council stated Mr. Hummel would be welcomed back. However, there are certain things that should be clarified to him regarding the brush site. Council's desire is also to

make certain he is willing to follow through with its directives and instruction should he come back. Vice-President Busby stated that because council is ultimately responsible for the brush site, it needs to be made clear to everyone what is allowed to be dumped at the site. If not, the site needs to be permanently closed and give the keys back to the New Berlin Municipal Authority. Council asked Ms. Witmer to inquire of the New Berlin Municipal Authority what material is acceptable to be dumped at the site.

Solicitor Cole made certain she understood correctly that the Street Department Supervisor position is a position of someone hired by council. Council verified that is the case. Solicitor Cole stated that, legally, the borough is responsible for the Street Department Supervisor's actions. Therefore, council is also responsible for his actions.

POLICE REPORT – April Police Report – The April Police Report was reviewed. No questions were raised.

Chief Hassenplug stated the new officer has been working a lot of hours at his full time job, not giving him time to do hours at New Berlin in April. He has worked some hours in May and is still employed.

The recent speeding through the borough was discussed. It was stated that the speed of vehicles seems to be higher than normal and happening more. It was also discussed that people enter the Recreation Complex at excessive speeds. The possibility of placing temporary/removable speed bumps along that road was discussed and will be considered.

Police Department – Landlord Ordinance – It was asked that the police department give input about the landlord ordinance.

Chief Hassenplug stated, from an enforcement and public safety view, if the ordinance does not require tenant information to be registered and doesn't allow for enforcement; there's really no use in adopting one. The ordinance should be as similar to surrounding borough's ordinances as possible. Those are already in place and give the police the ability to go to the property owner and

force their hand to fix issues their tenants are creating.

A councilmember inquired if the police recommend the ordinance permit the borough to notify a landlord to evict a certain tenant or face penalty. Chief Hassenplug stated, under certain circumstances, yes. If a certain tenant owns a meth lab on the property or if there have been multiple calls of disturbance at a property which interrupt the health and safety or otherwise affects other residents of the borough, the borough should allow for remedy of those issues via the landlord.

The committee will take the police department's comments under heavy consideration and values the input.

The solicitor, police department, and the secretary/treasurer will all review the ordinance when received by the committee.

SOLICITOR'S REPORT – Solicitor Cole reported her item will be discussed in executive session due to possible future litigation.

NEW BERLIN MUNICIPAL AUTHORITY – Minutes – There were no questions or discussion regarding the New Berlin Municipal Authority Minutes.

Repaving of Water, Front, and Cherry Street - The Secretary/Treasurer stated she received several calls from residents asking when the streets will be repaved after the recent municipal authority project. Ms. Witmer referred the calls to the NBMA but inquired if anyone else had the answer to that question. No one had an estimated date for the repaving.

Balances – The high balances of the water and sewer accounts were discussed as well as the need for repairing of some of the lines.

SECRETARY/TREASURER REPORT - Balance – General Fund - Rebecca Witmer reported the balance in the General Fund as \$45,231.27.

DCNR Grant Update – The Secretary/Treasurer stated one bid came in for the park project, DCNR requires two. The project will be advertised again on two separate dates as before. Bids will be discussed at the next meeting of council.

Liquid Fuels Return – The Secretary/Treasurer reported the 2017 Liquid Fuels Return has been filed and gas receipts submitted. The borough recently received a call from the Department of Finance and Revenue stating that receipts from the town gas station are no longer accepted because they do not have the gas station name printed on them. The same gas station receipts were submitted for the last 15 years without issue and there was no notice given to the borough reporting this change in Department of Finance and Revenue Policy. The department will accept a letter from the owner, on the gas station letterhead, verifying the gallons purchased. Since the gas station closed, letterhead may no longer be available. The borough will not have this issue in the future since the gas station recently closed but it may be an issue she will have the solicitor get involved in if it cannot be resolved.

SIGNING OF BILLS/PAYROLL – Motion to Pay Bills – Councilwoman Elaine Hopkins made a motion to pay the bills with any additions. Vice-President Jared Busby made a 2nd to the motion. The Secretary/Treasurer stated that the April checking account service charge amount is not yet known. It will be added when they are drafted. Vote was taken with all in favor and none opposed. Motion carried.

BILLS TO BE PAID FROM M&T GENERAL FUNDS ACCOUNT

M&T Bank – April Checking Service Charge	
M&T Bank – May School Payment	1,994.36
Atlantic Tactical	71.96
Equiparts	274.05
Hometown Disposal, Ip	64.50
Cole & Varano	625.00
PP&L	443.62
Susquehanna Fire Equipment	26.25
PAUC	8.54
AT&T Mobility	132.20

Union County Commissioners	29.00
Curt Keister	137.77
Jacob A. Shipman	170.78
Leif E. Hassenplug	496.92
Lester O. Hummel	1,239.50
Michael Mattocks	106.25
Rebecca A. Witmer	1,478.53
Rodney E. Styers	134.71
William Stamm	190.65
Cardmember Service	846.99
Hoover Tractor	39.25
Kathy A. Hummel Diehl	67.50
Martin's Small Engine Repair	14.95
Richard's Portable Toilet	160.00
Union County Commissioners	25.00
Union County Commissioners	59.00
Atlantic Tactical	409.00
Coles Hardware	17.45
Kim Barton	35.00
Mifflinburg Lumber	32.34
PP&L	955.07
Union County Commissioners	112.00
Windstream Buffalo Valley	255.76
Hoover Tractor	54.01
Informant Technologies	205.00
TOTAL	\$10,991.91

DCNR Grant Acct

YSM, Inc.	1,200.00
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OLD BUSINESS – No old business was discussed.

NEW BUSINESS - Community Development Block Grant – Ms. Witmer reported she has been in communication with Teri Provost about the upcoming CDBG funds. Several ideas were discussed. Ms. Witmer she will move forward and have Teri Provost at the next council meeting should council desire to pursue block grant funding. Council will email Ms. Witmer additional project ideas for discussion with Ms. Provost before the next council meeting.

Councilwoman Betty Kratzer – Council Seat – Councilwoman Betty Kratzer will not be able to help with council tasks and committees as much as she has done in the recent past due to her husband’s health. There is also possibility she will not be able to attend all council meetings over the next few months. Due to this, Councilwoman Kratzer is willing to resign from council should council so desire. Council did not desire for Councilwoman Kratzer for resign. Rather, they would like her to take the time she needs and return when she is able.

Bench and/or Tree at the Commons – Juanita Newman, resident of New Berlin, is seeking the approval of council to donate and place a bench and/or tree at the commons in memory of her late husband. After discussion, would like Ms. Newman to pick the type of bench and/or tree she desires and consult Marvin Wagner regarding the location.

Executive Session – An executive session was held at 8:51pm to discuss a legal matter. Executive session ended at 9:25pm and the regular session resumed.

ADJOURNMENT – Motion – Councilwoman Elaine Hopkins made a motion to adjourn the meeting. Vice-President Jared Busby 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