

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

A regular meeting of the New Berlin Borough Council was held on Wednesday, June 10, 2009, at 7:00 pm at the New Berlin Borough Community Center located at 318 Vine Street, New Berlin, PA. Present were President Pro-Tem R. Kurt Zimmerman, Councilman Christopher Wysocki, Councilman James Diehl, Councilman William Bachorski, Councilman Thomas Stickley, Mayor Craig Egli and Solicitor Edward Greco. Lester Hummel, Street Supervisor, and Rebecca Witmer, Secretary/Treasurer was also present. President Christopher Janzen and Vice-President Julianne Finkbiner was absent from the meeting. Fire Chief John Benfer was present as a visitor.

The meeting was brought to order by President Pro-Tem R. Kurt Zimmerman with the Pledge of Allegiance.

**APPROVAL OF MINUTES** – Discussion was brought regarding the May 13, 2009 regular Council meeting minutes. Christopher Wysocki made a motion to approve the minutes. William Bachorski made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed and James Diehl abstaining. Motion carried.

Discussion was brought regarding the May 27<sup>th</sup> special meeting minutes. William Bachorski made a motion to approve the minutes. William Bachorski made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed and James Diehl abstaining. Motion carried.

**VISITOR BUSINESS – Fire Chief John Benfer** – Chief Benfer stated that Ms. Witmer called him regarding the house on the corner of High and Vine Street, beside the fire company, going up for sale. Ms. Witmer asked for Chief Benfer to speak with the other members of the fire company and let Council know if they were looking at purchasing the property. Chief Benfer stated that the house is a safety hazard and the fire company would like to purchase the property or go into a joint venture to purchase the property. However, they cannot financially afford to purchase the property at this time.

William Bachorski stated that he felt \$95,000 was too high for that property and also felt that the borough should not purchase the property right now with all the other projects going on. Mr. Stickley inquired if eminent domain was a possibility. Solicitor Greco stated that eminent domain entails condemning the property but the owner is still entitled to compensation. The issue would go before a board of view and whatever compensation the board decided upon would need to be paid to the owner by the borough. William Bachorski stated that he does not like eminent domain and would not vote for it. Mr. Wysocki agreed with Mr. Bachorski. Mr. Wysocki stated that there is a lot of money available out there and stated that the borough should look for possible grants.

**Paving** – Chief Benfer inquired what the State was going to do with Vine Street this summer. Mr. Hummel stated that they are going to pave from the New Berlin 4-way intersection all the way to Route 45. That work is schedule to begin on July 8<sup>th</sup>.

**COMMITTEE REPORTS – Focus New Berlin** – Mr. Wysocki stated that Focus New Berlin met to discuss the bulletin board. The triangular one in the catalog is a little big for the designated space. Mayor Egli is drafting a smaller scaled triangular bulletin board. Mr. Haines from the Tech School is making it one of their fall projects. Two of the three sides of the board would be for public use and one of the sides would be locked and saved for municipal announcements. The top of the bulletin board is flat but the committee is looking at putting a panel on it for LED lighting in the evening.

**Burning Committee** – Mr. Wysocki reported that the burning committee decided that their small committee needs to be expanded. They also would like to have a public hearing on burning sometime in September. There are a fair amount of verbal people on the side of banning burning but there are some that are fairly neutral and balanced about the issue. Mr. Wysocki stated that there should also be someone on the committee that is adamant about keeping burning. Mr. Bachorski stated that the burning issue has been being dealt with for the last 8 or 10 years. He asked Solicitor Greco how often an issue can be brought up for discussion when it is not passed. Solicitor Greco stated that it can be brought up as long as council keeps it alive. Mr. Zimmerman stated that he appreciates the committee's willingness to study the issue in detail and get feedback from citizens. Mr. Wysocki inquired if anyone feels it is inappropriate to spend more time studying the issue and bring others on the committee. Mr. Bachorski stated that he wants it wrapped up one way or another because council has spent a lot of hours discussing it. Mr. Wysocki stated that he felt having people look at it more closely would prevent it from continually coming up. Mr. Diehl inquired if the poll already done would be taken into the committee's consideration. Mr. Wysocki stated that the enforcement issue from the poll is being ignored. Mr. Diehl stated that the enforcement is up to the police department. Mr. Wysocki stated that council has not made sure it is done. Mr. Diehl stated that the ordinance is on the books and the official poll question did not include a question about enforcement. It asked if people wanted to ban burning. The poll showed that they did not want to ban burning. Mr. Diehl stated that the cat issue was brought up while he was sitting at the poll too but that wasn't on the actual question asked. Mr. Bachorski stated that the new police chief is listening and he is hopeful that something will be done about the enforcement. Mr. Zimmerman inquired if council wished to continue on with the committee or just deal with the enforcement issue. Mr. Diehl stated that New Berlin has an ordinance in the book; it should be enforced and should have been all along. Mr. Diehl suggested eliminating the committee. Mr. Zimmerman inquired if there were any other comments about eliminating the committee. Mr. Bachorski stated that he agrees with both Chris and Jim but he is not for a burning ban. The poll was taken and the people have spoken. They want to burn. Mr. Wysocki stated that he thinks maybe things should just be held off until September. Mr. Zimmerman inquired if the chief could keep a separate log of burning complaints to see how many people actually complain about burning. Chief Wolfe stated that he would have the department keep such a log. Chief Wolfe inquired if council wished for the police department to issue a warning or a fine for the first offense. It was agreed that a warning for a first offense was fair. Mr. Zimmerman stated that the chief should keep a log and report back with any complaints in September.

**Junk Cars** – Mr. Hummel stated that there are several junk cars that he would like the police department to take care of.

Chief Wolfe stated that he would have the department take care of them if Mr. Hummel would supply the addresses. Mr. Hummel stated the he would get those addressed to the chief.

**Police Committee** - Mr. Bachorski stated that the new chief started last week. There were quite a few things in the department that have not been taken care of for quite awhile. Mr. Bachorski stated that the chief may be asking for a few things out of the police department's budgeted money.

**POLICE REPORT** – Chief Wolfe read the May police report. There were 214 miles traveled. Revenue was \$141.98. There were 7 calls for service. Those consisted of two criminal mischief calls, 1 solved, 2 thefts, 1 police assist and 1 identity theft. There were 10 traffic citations issued. The officer hours were listed at the bottom of the report.

**Crown Victoria Cruiser** – Chief Wolfe stated that the cruiser had broken down, it was fixed but it broke down again. Mr. Bachorski stated that the cruiser broke down within about an hour or so of getting it back. Mr. Bachorski stated that the cruiser should be fixed before paying of the bill.

**Radios and Site on Gun** – Chief Wolfe reported that there are three portable radios for the police but only one is working out of the three. The problem is that the radios need new batteries at a cost of \$70.00 each. Council stated that the batteries are an operational issue and they should be purchased. Council does not need to be consulted if it is a normal budgetary issue. Chief Wolfe inquired if the site on the gun is counted as the same. Council stated that it is an equipment repair that is needed.

**Pagers** - The police department was originally issued 4 pagers. Out of those 4 pagers, 2 are working. Union County Communications sends out a quarterly bill to the borough for those pagers. Officer Packard received a price of approximately \$200.00 for a new pager from Union County. There is a site on the internet that offers them refurbished for \$30.00 each. The pagers are on the same frequency as the pagers from Union County. Mr. Bachorski inquired why the police department needs the pagers. Chief Wolfe stated that it is basically a secondary way of communication. If council feels that they are not needed because of the cellular phones, they can discontinue using the pagers. Mr. Bachorski stated that he remembers having the pagers because the police department was on call. Mr. Bachorski inquired how much the pagers cost. Ms. Witmer stated that the borough is billed \$90.00 per quarter for the pager service. Ms. Witmer further stated that she remembers a conversation about discontinuing the use of the pagers when on call was discontinued but thought there was a specific reason they were kept. Ms. Witmer stated that she could check the minutes when she had a chance.

Solicitor Greco suggested that the Chief get a report on how many times the pagers have been activated within a certain period of time. That way, council can determine if they are worth having. Mr. Wysocki stated that it shouldn't be much for the county to pull that information up on their computers. Mr. Zimmerman stated that the police have radios, cell phones and pagers and is not sure they need all three to get information around. Chief Wolfe stated that he would check

on that and get back to council.

**Uniform Patches** – Chief Wolfe stated that the police uniform patches are depleted. He inquired if council wanted him to order the patches as they have in the past or if they want a new style. Council inquired if there was something wrong with the current style of the patches. Chief Wolfe stated that there was not but the other officers suggested getting a new design. After further discussion, council decided to stay with the current design.

**Uniforms** – Chief Wolfe stated that Officer Chilcote brought to his attention that he was promised new uniforms by Chief Klopp but they were never received by Officer Chilcote. Chief Wolfe inquired if anyone knew anything about it. Ms. Witmer stated that she doesn't remember a paying an invoice to any uniform place but could check.

**New Hire** – Chief Wolfe inquired if it would be wise to hire additional patrolman to take up some of the allotted hours. Mr. Bachorski stated that he does not have a problem with that. Chief Wolfe stated that he does know an officer who is already a certified policeman that wouldn't mind having a few more hours at another department. Mr. Zimmerman stated that the police committee could interview him and come back to council with a recommendation.

**STREET SUPERVISOR REPORT – Community Center Steeple** – Mr. Hummel stated that the steeple on the community center needs painted. Solicitor Greco stated that Mr. Hummel can get estimates. As long as the estimates are not over \$10,000 the job does not need be bid out.

**Parking and Crosswalk Painting** – Mr. Hummel stated that he is getting ready to do some painting around town. He wanted to clarify that council wanted large, angled lines in the pedestrian crosswalks as Lewisburg has. Mr. Bachorski stated that he feels it would take away from the historical looks of the town. Mr. Stickley agreed. Mr. Zimmerman stated that the two white lines as in previous years are fine for a crosswalk.

**MAYOR'S REPORT** – Mayor Egli stated that he is glad to have a new chief on board.

**Strawberry Festival** – Mayor Egli reported that the town Strawberry Festival will be held on Saturday from 4:30 to 8:00 pm at the recreation complex.

**SOLICITOR'S REPORT – Municipal Authority Loan** - Solicitor Greco stated that the municipal authority and borough paperwork for the sewer plant loan is ongoing. The authority has most of the paperwork they need from the borough but now needs the guarantee signed. At the special meeting held on May 27<sup>th</sup>, the borough approved the guarantee so a motion is not needed but the paperwork needs to be signed. Solicitor Greco stated that he did have Attorney Lemon change some of the wording with regard to the borough's requirements. One of the changes is the removal of the requirement to have the borough put aside money in their budget every year in order to pay back the sewer loan if the municipal authority fails to meet their obligation. The language was changed to require the borough to

put the money in the budget only if and only after the municipal authority defaults on the loan.

William Bachorski made a motion to enter into and sign the guarantee agreement between the Borough of New Berlin and the Pennsylvania Infrastructure Investment Authority for \$5,836,599. Christopher Wysocki made a 2<sup>nd</sup> to the motion. Thomas Stickley inquired if the guarantee would hinder the borough from borrowing money for its own projects. Solicitor Greco stated that it may or not affect the borough's ability to borrow. As long as the municipal authority is paying as agreed, it should not be an issue. Vote was taken on the motion. Christopher Wysocki and William Bachorski were in favor of the motion. Thomas Stickley and James Diehl were opposed to the motion. R. Kurt Zimmerman abstained from the motion. Mayor Egli broke the tie vote with a vote in favor of the motion. Motion carried.

**NEW BERLIN MUNICIPAL AUTHORITY - Minutes** – Kurt Zimmerman inquired if anyone had questions regarding the Municipal Authority's April 28<sup>th</sup> and May 7<sup>th</sup> minutes. No questions were raised.

**NPDS Permit** – Mr. Zimmerman stated that the Authority is required to apply for the NPDS permit to operate the sewer system. A copy of the application is available for council to look at and inquired if there were any questions. No questions were raised.

**Bid Opening** – Mr. Zimmerman reported that a bid opening was held today to open bids for the 4 separate phases of the sewer plant. One phase was for the general plant itself. One phase was for the HVAC. One phase was for the electrical and there was one for the plumbing. The bids did come in a little higher than expected. There will be a special meeting on Friday to review the details of the bids and potentially award the bid.

**Annual Water Drinking Quality Report** – Mr. Zimmerman stated that the annual water drinking quality report has been completed and mailed out. Everyone should have received a copy.

**Subdivision** – Mr. Zimmerman reported that he stopped by the Union County Planning office to sign the subdivision. The subdivision needs to be filed within 30 days. Solicitor Greco stated that Attorney Lemon will file the subdivision. Attorney Lemon will also need to prepare a deed.

**SECRETARY/TREASURER REPORT - Balances** - Rebecca Witmer stated that the balance in the General Fund is \$112,836.64.

**Bills to be Paid – Motion** – William Bachorski inquired why there were two D&E Communications bills. Ms. Witmer stated that one must have come in after the other. There are three D&E Communications bills paid monthly and she usually pays them with one check. This time they all didn't make it on one check. Christopher Wysocki motion to pay the bills as listed. R. Kurt Zimmerman made a 2<sup>nd</sup> to the motion. Vote was taken on the motion with all in favor and

James Diehl abstaining. Motion carried.

**BILLS TO BE PAID FROM GENERAL FUNDS ACCOUNT**

Christopher P. Janzen	120.00
Christopher Wysocki	120.00
James Diehl	120.00
Julianne Finkbiner	120.00
Craig Egli	120.00
R. Kurt Zimmerman	120.00
Thomas Stickley	120.00
William Bachorski	120.00
US Treasury	903.98
Central Tax Bureau	275.89
PA US Fund	8.87
Christopher Chilcote	89.05
Corey Zerbe	67.68
Curt Keister	115.24
Ernest Maurer	37.38
Lester Hummel	736.30
Phillip Fingerpick II	410.17
Rebecca Witmer	1,271.05
Rodney Styers	108.14
Shawn Packard	486.84
Kathy A. Hummel Diehl	307.52
Cardmember Service	253.54
Coles Hardware	49.55
DUE Communications	133.76
DJ's Foreign and Domestic	100.49
Edward C. Greco	574.00
H.A. Thomson Company	1,885.74
M&T Bank	1,683.38
Martin's Small Engine Repair	31.53
PP&L Electric Utilities	1,151.60
R.W. Maust Jr. Garage, Inc.	569.44
US Supply Company	43.83
Valley Pest Management	125.00
Wagner's Surveying	2,250.00
Wal-Mart Community	26.70
YIS Cowden Group	13.00
D&E Communications	65.52
Rebecca Witmer	13.20
Richards Portable Toilets	150.00
<b>TOTAL</b>	<b>14,898.39</b>

**NEW BUSINESS – Planning Commission** - Ms. Witmer stated that there are 3 openings on the planning commission. The borough has received a letter from Sally Farmer and also from Diane Lengle expressing interest in the open positions.

Christopher Wysocki made a motion to appoint Sally Farmer and Diane Lengle to the New Berlin Planning Commission.

William Bachorski made a 2<sup>nd</sup> to the motion. Vote was taken to appoint Diane Lenge to the planning commission. All in favor and none opposed. Motion carried. Vote was taken to appoint Sally Farmer to the planning commission. Christopher Wysocki, R. Kurt Zimmerman and William Bachorski voted in favor of the motion. James Diehl and Thomas Stickley voted opposed. Motion carried.

**ADJOURNMENT** – William Bachorski made a motion to adjourn the meeting. Christopher Wysocki made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Respectfully Submitted,

Rebecca A. Witmer,  
Secretary/Treasurer

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MAYOR