

**NEW BERLIN BOROUGH COUNCIL
REGULAR COUNCIL MEETING**

A regular meeting of the New Berlin Borough Council was held on June 12, 2019, at 7:00 pm at the New Berlin Borough Community Center located at 318 Vine Street, New Berlin, PA. Present were President Julianne Finkbiner, President Pro-Tem Betty Kratzer, Councilwoman Barbara Stamm, Councilwoman Lynda Frederick and Councilwoman Meghan Shambach. Wendy Cole, Solicitor; Bonnie Hamilton, Mayor; Curt Keister, Street Department Supervisor; and Rebecca Witmer, Secretary/Treasurer were also present. Vice-President Elaine Hopkins, Councilwoman Lisa Decker, and L. Eric Hassenplug, Chief of Police were absent from the meeting. Eric Kuhns and Jonathan Daddario, residents of New Berlin; Graham C. Showalter, Attorney at Law; James Emery, Central Keystone COG; and Marna Benion, Representative for Chad and Tonia Grinner were present as visitors.

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

APPROVAL OF MINUTES – May 8, 2019 - Discussion was brought regarding the May 8, 2019 minutes. Councilwoman Betty Kratzer made a motion to approve the minutes. Councilwoman Meghan Shambach made a 2nd to the motion. Vote was taken to approve the minutes. All in favor and none opposed. Motion carried.

VISITOR BUSINESS – Jonathan Daddario – Jonathan Daddario, a resident of Motter Lane in New Berlin Borough, was present to voice a complaint about this neighbor’s property. Mr. Daddario stated he put in a complaint with the office last year and talked to the street department this year about brush and trees on his neighbor’s property. The police visited the area and concluded that the matter does not fall under the grass and weed ordinance as it is a wooded area. Mr. Daddario stated that it is only a wooded area because no one made her take care of her lawn 30 years ago. Some of the tree limbs are encroaching on his property and clogging up his gutters. He would like someone from the borough to require the other homeowner to cut all her trees and brush at least 5 feet from his property. Mr. Daddario was asked to file another complaint with the office. Solicitor Cole stated that from listening to the issue, it does appear to be civil. However, Mr.

Daddario should fill out a complaint then, if it does not fall under the ordinance, he should talk to his neighbor or obtain an attorney.

407, 409, and 411 Front Street - Graham Showalter, Esquire, was present as the attorney for the seller of 407, 409, and 411 Front Street.

Before discussion, President Julianne Finkbiner read a section of the International Property Maintenance Code aloud which states 'It shall be unlawful for any owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.'".

President Finkbiner stated the borough's position is that the borough owns the property. Attorney Graham Showalter stated he agreed with President Finkbiner and stated he was present on behalf of the seller to see if there was any way the borough would let the property be sold to responsible people who will renovate the property.

President Finkbiner stated council is concerned about the number of locks that have been broken and how many people have been illegally entering the property. Jim Emery, CKCOG, stated that three sets of locks have been placed on the property since it has been condemned. The property was first secured by CKCOG by the locks on the door handle. The second lock was a lockbox from the property management company, who also gave CKCOG the lockbox code. Now all those locks have been twice removed because the person who thought he purchased the property replaced the locks with his own. Then, those locks were taken off and the realtor placed his own locks on the property. Now, CKCOG has again secured the property.

President Finkbiner stated no one should be in the structure because it is condemned. Jim Emery agreed. Attorney Showalter agreed and stated that people can be arrested for going into a condemned property.

Marna Benion was present as a visitor. She stated she was there on behalf of her daughter, Tonya Greiner and her husband Chad, who would like to purchase the property at 407, 409, and 411 Front Street. Her Daughter, Tonia Greiner and her husband Chad, looked at the condemned property on Front Street with a realtor. They would like council to consider allowing them to purchase and rehabilitate the property. The Greiners have taken over and rehabilitated many properties. Ms. Benion gave pictures council pictures of a property they recently renovated on Green Street in Mifflinburg.

The concern of council is that the Greiners do not understand the extent of the issues with the property, including those with the structure, and therefore do not realize how much money it will require to bring the property up to code. If that is the case, then council may be back in the same position of needing to condemn the property again.

Mayor Hamilton inquired of Ms. Benion if she knew how many properties her daughter and son-in-law have renovated, the name of their contractor, and how much experience they have working with condemned properties. Ms. Benion stated they have renovated multiple properties but did not know the extent of their experience working with condemned properties. However, when Ms. Greiner went through the property with the realtor, she felt they could rehabilitate the property. Ms. Benion will contact the borough office with the name of the contractor after she speaks with her daughter.

Barry Kuhns – Barry Kuhns, a resident of New Berlin, stated he has attended many meetings of council and it seems council is eager to control other people's properties and what they do on them. Yet, council bought a school and is letting that go. There's mold in the school and council is not doing anything about it. Mr. Kuhns inquired what gave council the right to condemn that property when they were still paying their taxes. Mr. Kuhns continued and said people should have

a right to do what they want on their own property without council interfering and that council is greedy. Council explained that the property owner was not taking care of the property. Solicitor Cole explained that the properties were a public health concern. Council does not make any money off of condemning properties. They can only collect enough money to reimburse their costs for the condemnation.

Jim Emery, CKCOG, stated that the foundation of the structure at 407-411 Front Street is a cobblestone foundation and has been compromised. There are electrical and plumbing issues, some mold issues are starting due to the moisture, there is household garbage inside, and a few other issues.

Activities Committee – Storage of Event Items - It was discussed as to whether or not the borough would be cooperating with the activities committee for the upcoming events. Specifically, it was inquired if the street department would give the activities committee access to their items stored in the borough shed at the school and if they would they be setting some of the items up as they normally did for the activities committee during events. The street department supervisor stated he told Lester Hummel that he would give access to the activities committee's items in the shed when they want them. Reasonable notice was requested due to the street department being part-time staff and do not work on an everyday basis. Items the street department normally sets up for events will be set up as per the usual.

The office will make copies of the July 4th flyers. Councilwoman Lynda Frederick volunteered to make the copies at the office.

The 4th of July events will be as per the usual with new additions being karaoke and a corn hole tournament. Volunteers are being sought to help seek donations and to help with events.

Butterfly Garden - The butterfly garden at the Commons has been weeded.

New Berlin Elementary School Property School – Meeting with UC Soil Conservation –

Councilwoman Shambach reported that she, Councilwoman Kratzer, and Councilwoman Decker

had a meeting with UC Soil Conservation to gauge their interest in helping support an environmental education center at the former New Berlin Elementary School. They are very interested and want to do it as a joint effort with Snyder County. The Secretary/Treasurer stated that, while in a meeting about another matter, Union County Soil Conservation told her that they spoke with Snyder County Conservation about the project and they have also expressed interest. Councilwoman Meghan Shambach stated one of the major decisions that need to be made is if the building will be gutted and rehabilitated or if it will be demolished and a new building be situated in its place.

Union County Soil Conservation is willing to write the educational programs and helping to obtain support from local universities and a large list of entities such as the Fish and Boat Commission.

A feasibility study will need to be done to ensure the building would be able to financially sustain itself and one will need to be done to receive DCNR grants for the building.

Contractor Estimates Motion – Councilwoman Meghan Shambach made a motion to obtain estimates from two or three contractors for both demolition and rehabilitation of the building known as the old New Berlin Elementary School. Councilwoman Barbara Stamm made a 2nd to the motion. Motion was taken with all in favor and none opposed. Motion carried.

New Berlin Elementary School Property Loan – It was inquired how long the borough had until the loan for the former New Berlin Elementary School was paid in full. The Secretary/Treasurer stated the last payment should be in December of this year.

Feasibility Study Motion – Councilwoman Meghan Shambach made a motion to conduct a feasibility study for the old New Berlin Elementary School building or other building situated in its place. Councilwoman Lynda Frederick made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

POLICE REPORT- May Police Report - Council reviewed the May police report. There were a total of 14 hours for the month of May. Council was disappointed with the number of hours and asked

the Mayor to address the issue with the Chief of Police.

Aggressive Driving Complaint - Visitor Jon Daddario inquired if council had an issue with the aggressive driving of Mr. Wenrick who lives at 509 Motter Lane. Mr. Daddario stated he talked to the police about it several times and even gave them the times he comes and goes so they can catch him driving aggressively. Mr. Daddario stated that the police department did not return his call the first time but then when he called back a few months later, they told him that they only work part-time in New Berlin. Mr. Daddario has yet to see them patrol the area. Council asked Mr. Daddario to contact the police department again or put in a written complaint on the form available online.

New Hire – It was suggested that the police department may want to start looking for another new hire. The police committee will consider convening to talk to the chief about a new hire. The secretary/treasurer stated permission was already given for two new hires. Only one has been hired so the police committee shouldn't need to meet again regarding the same. Mayor Hamilton stated she will speak with the chief about the low amount of hours.

MAYORS REPORT – Mayor Hamilton stated she submitted her name to the Democratic Committee to be considered the Democratic Nominee for the now vacant 85th District Representative.

STREET SUPERVISOR'S REPORT – Fall Brush and Limb Pick-up – The possibility of another fall season brush and limb pick-up was discussed. The first one was held last year. Most of what was placed out for pick-up was weeds from yards, flowerbeds, and gardens rather than brush and limbs. That type of material is not good for the chipper so another truck comes behind to pick it up. Other people have set out large trees and logs for the borough to pickup. The flyer is clear as to the diameter of the branch or brush that will be picked up. People should not be cutting down large trees and expecting the borough to pick them up.

Fall Brush Pick-Up – Councilwoman Barbara Stamm made a motion to do a fall season brush pick-up. Councilwoman Meghan Shambach made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Limestone Township Inclusion in Brush Pick-Up – Council discussed whether or not to approach the Limestone Township Supervisors about a contract that would include Vista Heights residents and a few other Limestone Township residents who reside in the area immediately surrounding the borough. Council decided against approaching Limestone Township at this time.

Commons Playground – Someone removed safety bolts from the bottom of the top panel of the playground equipment located on the Commons. The bolts on the playground equipment are safety bolts and also have a hole in the center to deter theft. It would have taken a lot of time and at least two people to remove the bolts. If a child would have pressed up against the area where the bolts were removed, they would have fallen from the top of the playground equipment down onto the bench below causing a serious injury or death. Councilwoman Frederick offered the borough several trail cams to be placed in the area. The borough will buy large memory cards to be placed in the trail cameras. A sign could be placed saying the area is under surveillance but is not necessary.

Trees at Plum Street Park – There are several trees at Plum Street Park that need to be trimmed. Most of the limbs are dead and it is a hazard. There is one tree that is questionable and may need to be taken down. They are the smaller trees up next to the school. Council gave permission to hire someone to trim the trees and take one down if needed. Council asked that care be taken when trimming the trees and that they preserve as much as possible.

Plum Street Park Lawn - For the Fireman's Carnival and possibly for New Berlin Day, the street department will be roping off the area of the lawn at Plum Street Park that was just planted. The ground is too soft due to the recent excavation and grass seeding. Any parking will cause damage to the lawn. There is a small chance the ground will be more stable for New Berlin Day, if that is the case, it can be used for that event but it shouldn't be counted on. There will not be a problem parking in the front of the school to the east of the driveway and behind the school. Council supported roping off the area.

Lighting During the Carnival – Councilwoman Stamm was concerned about the lack of lighting at the school since people park in that area for the carnival. It was stated that the fire company can rent lights to place around the parking area for the event if they feel some are needed.

Councilwoman Frederick stated she thought there was a dusk till dawn light there. The street department supervisor stated he does not believe it is there any longer. Councilwoman Stamm stated it is a safety hazard for the borough's property. Council agreed it was a fire company event and if they felt the need for lights, they would put some in the area. President Finkbiner stated she would mention it to Brandon Resseguie but leave it up to the fire company to determine if they need lighting at that location for the event.

Tree at Commons – Councilwoman Stamm stated one of the one of the trees at the Commons needs attention as soon as possible. It was explained that the tree is very tall and there are dead branches on it everywhere. The dead branches are definitely a safety issue and the tree should be trimmed by the 4th of July due to the events being held on the Commons. A professional tree trimmer will need to be contacted because of the height of the tree. No council motion was needed to hire a professional tree trimmer but permission was given.

High Street Culvert and Roadway – The culvert underneath the road on the west end of High Street is giving way which has greatly compromised the road. Measures have been taken to secure the area. There have been meetings with PennDOT, an engineer, Union County Soil Conservation, DEP, and a contractor to work to get this issue remedied as soon as possible. A permit had to be obtained by DEP for the waterway. The engineer worked very quickly to help the borough get the permit and UC Soil Conservation did as well. All entities involved agree that it is an emergency situation. The road should be closed due to the expected rain this week. The fire company has been notified as well as other emergency services.

At the present time, the DEP permit is being obtained as an emergency but a follow-up permit is required. The scope of work will be to replace the pipe under the roadway with the type and circumference of pipe to be determined by DEP. It would be ideal from water flow standpoint to replace the entire pipe from the north side of High Street starting at the end of the headwall to the bridge at Walnut Street. Altogether, the pipe is approximately 130' long. Anytime a waterway

project is done in over 100' feet of the waterway, a joint DEP and Army Corps of Engineers permit is required. This will make the permit process longer. It was recommended to replace just under 100' of pipe at this time in order to achieve a longer section of optimum flow results for Tan Run without needing the joint permit. However, the pipe runs under the property at 222 High Street and the borough does not have a construction or permanent easement.

Meeting discussions with all entities involved ended with an agreement that DEP would grant the emergency permit to replace an approximate 60' long piece of pipe under High Street just to the end of the borough right-of-way on both sides of the street. The new pipe will be connected to the old pipe with a cement collar for the time being. The borough must follow through with then obtaining an easement at 222 High Street to open up the waterway from the section of the new pipe to Walnut Street Bridge as soon as possible. If the owners do not grant the borough easement, there are legal steps that can be taken.

Scope of work will include returning the roadway over the pipe to its original condition.

High Street Road and Culvert Emergency – Councilwoman Betty Kratzer made a motion to declare the compromised High Street road and culvert an emergency and ordered the road closed. Councilwoman Lynda Frederick made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

SOLICITORS REPORT – Executive Session – Legal Matter – An executive session was held from 9:15 pm to 9:56 pm to discuss a legal matter involving property. All members of council, the secretary/treasurer, James Emery from Central Keystone COG, and the solicitor were in attendance.

Motion to Secure Property - 407-411 Front Street – Councilwoman Meghan Shambach made a motion for CKCOG to secure the property at 407-411 Front Street due to recent events of people illegally entering the property. Councilwoman Lynda Frederick made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Motion to Hire a Structural Engineer to Examine 407-411 Front Street – Councilwoman Barbara Stamm made a motion for CKCOG to hire a structural engineer to examine the property at 407-411 Front Street, with attention given to the structural integrity of the dwelling on the property. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Solicitor Response to Showalter Regarding 407-409 Front Street - Council directed the attorney to contact Showalter letting him know that council is continuing with the condemnation and that council directed CKCOG to hire an engineer to examine the property. Because there is a person interested in purchasing the property, council desires to be thorough as to its condition. Should council decide to allow someone to purchase and rehabilitate the property, they want to ensure the person has full knowledge of the deficiencies.

Motion to Advertise and Post Notice – 407-411 Front Street – Councilwoman Betty Kratzer made a motion to advertise the condemnation notice and post the property at 407, 409, and 411 Front Street with the condemnation notice as required by law. Councilwoman Lynda Frederick made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

NEW BERLIN MUNICIPAL AUTHORITY - Minutes – No comments or questions were made regarding the Municipal Authority minutes.

SECRETARY/TREASURER REPORT - Balance – General Fund - Rebecca Witmer reported the balance in the General Fund as \$116,136.17.

Motion to Pay Bills – Councilwoman Lynda Frederick made a motion to pay the bills with any additions. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

BILLS TO BE PAID FROM GENERAL FUND

M&T Bank – May Checking Service Charge	25.00
M&T Bank – June School Payment	1,994.26

YSM, Inc.	298.52
YSM, Inc.	525.00
Schlegel Excavating, Inc.	15,143.00
A-1 Lock and Key	252.00
B.S.& B. Repair, Inc.	139.75
Ebright's Garage and Auto Sales, Inc.	36.00
Hometown Disposal, lp	200.00
Knauss Plumbing, LLC	115.04
PP&L Electric	338.95
Windstream Buffalo Valley, Inc.	260.40
YIS Cowden Group, Inc.	100.00
Hometown Disposal, lp	71.34
Central Keystone COG	204.00
Schlegel Excavating, Inc.	1,135.60
AT&T Mobility	134.61
Hometown Disposal, lp	1,500.81
Kim Barton	35.00
New Berlin Activities Committee	2,000.00
Quill Corporation	159.74
Rebecca Witmer	22.20
Richard's Portable Toilet	120.00
Benjamin Pilko	56.60
Curt Keister	598.46
Jacob Shipman	72.64
Leif E. Hassenplug	120.59
Michael H. Mattocks	638.52
Rebecca A. Witmer	2,006.06
Rodney E. Styers	196.09
William Stamm	504.25
A+ Office Outlet	80.21
Coles Hardware	55.85
County of Union	4.00
Kathy A. Diehl	105.00
Middle Creek Signs, Inc.	199.52
PP&L	888.11
Susquehanna Fire Equipment	186.60
Windstream Buffalo Valley, Inc.	264.29
YSM, Inc.	2,625.00
Cardmember Service	1,681.31
Martin's Small Engine Repair	105.50
A-1 Lock and Key	80.00
Hometown Disposal, lp	71.34
PP&L	293.40
Technology Enterprise Group, Inc.	245.00
The Daily Item	236.55
PA Department of Revenue	181.06
US Treasury	1,348.26

TOTAL \$37,655.43

OLD BUSINESS – 608 Spangler Street – Mosquito Treatment - The Secretary/Treasurer reported that 608 Spangler Street was treated for mosquito larvae.

Demolition Permit – The Secretary/Treasurer reported she applied for and received the demolition permit for 608 Spangler Street.

Demolition Timeline – The demolition can start as soon as the solicitor petitions the court for the final order. The time required for objections just expired. Once the final order of court is received, neighbors will be notified and Schlegel Excavating can start the demolition.

NEW BUSINESS – Plum Street Park Electricity – The only quote for the pavilion electricity received was from \$5,000.00.

Motion – Councilwoman Lynda Frederick made a motion to hire Phil Miller to do the electricity at the Plum Street Park pavilion for \$5,000.00. Councilwoman Betty Kratzer made a 2nd to the motion. Councilwoman Barbara Stamm stated she thinks the amount is too high and isn't completely pleased with the lights he placed at the recreation park. Discussion was held about seeking other proposals. Councilwoman Lynda Frederick stated she will contact JBK to ask if they intended to submit a quote. No vote was taken on the motion. If another quote is received, council will consider them via email.

RTK Resolution – Tabled until the next meeting.

ADJOURNMENT – Motion – Councilwoman Betty Kratzer made a motion to adjourn the meeting. Councilwoman Meghan Shambach made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried. Meeting adjourned.

June 12, 2019

Respectfully Submitted,

Rebecca A. Witmer,
Secretary/Treasurer

MAYOR