

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

A regular meeting of the New Berlin Borough Council was held on Wednesday, July 13, 2011, 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 R. Kurt Zimmerman, Councilwoman Barbara Stamm, Councilwoman Lynda Frederick, Councilman Jeffrey Swanger, Councilman Michael Waltman, and Councilman Thomas Stickley. Solicitor Edward Greco; Lester Hummel, Street Department Supervisor; Charles Pensyl, Chief of Police; and Rebecca Witmer, Secretary/Treasurer was also present. Mayor Craig Egli was absent from the meeting. Mr. Dan Lichtel, Mr. Ken Wright, Mr. Neil Shoreman, and Ms. Donita Keister were present to represent the school district. Ms. Susan Chlebowski, Ms. Kathy Brady, Ms. Betty Hollenbach, Ms. Melinda Roat, Ms. Lori Weaver, Mr. John Showers, Ms. Nancy Showers, Ms. Becky Mapes, Ms. Jen Hoy and Mr. John Blake were present representing the group opposing the school closings.

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

**APPROVAL OF MINUTES – June 8, 2011** - Discussion was brought regarding the June 8, 2011 regular Council meeting minutes. Lynda Frederick made a motion to approve the minutes. Jeffrey Swanger made a 2<sup>nd</sup> to the motion. Vote was taken to approve the minutes with the correction. All in favor and none opposed. Motion carried.

**BID OPENING** – Signed, sealed bids for the 2011 Liquid Fuels paving project were opened by the Secretary/Treasurer. Ms. Witmer read the bids aloud as follows: HRI, Incorporated \$58,253.00; Eastern Industries, Incorporated \$48,049.00; Dave Gutelius Excavating, Incorporated.; \$49,474.00; Jay Fulkroad and Sons, Incorporated \$53,294.59. Solicitor Greco inspected the bid paperwork for the appropriate documentation.

Thomas Stickley made a motion to award the bid to Eastern Industries, Incorporated pending the approval of the bid documents by the Borough Solicitor and Pennsylvania Department of Transportation. Barbara Stamm made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed. Motion carried.

**COMMITTEE REPORTS – Police Discovery Committee** – President Finkbiner stated that the committee is moving forward and is planning on meeting again soon. President Finkbiner expressed a desire to meet and hold a public hearing sometime before the borough budget process begins in order to allow for planning of the budget.

Council reviewed the financial data given to them regarding the regional police department and the borough police department's hidden costs. Ms. Witmer answered questions regarding the numbers and line items. President Finkbiner answered questions regarding the regional police department's PPU's and services.

**Water and Vine Street Park Committee** – R. Kurt Zimmerman stated that the committee did not meet but received an email from Ms. Witmer regarding the plan they proposed at the last meeting. Ms. Witmer explained that she emailed David Grey from Seda COG with the permission to move forward with the plans the committee presented. Mr. Grey explained that the grant money was only to be spent on tables, chairs, benches, bicycle racks, and trash receptacles as Ms. Witmer had originally stated to the committee. Council had some discussion regarding the grant history and restrictions. It was decided that Ms. Witmer and Ms. Stamm will meet with SedaCOG to discuss the possibility of rewriting the grant, amending it or finding another way to utilize the grant monies.

**Activities Committee** - Ms. Witmer stated that she was asked to bring an issue to council for the activities committee. Ms. Witmer gave council some background on previous discussions with Mr. Johnson regarding New Berlin Day parking and access to his property. One of the previous discussions was held at a council meeting in September of 2010 when council decided that they could not deny Mr. Johnson the right to ingress or egress his property. The activities committee is concerned that Mr. Johnson will ingress and egress his property on a continual basis throughout the day for unnecessary reasons while the street is closed.

Solicitor Greco stated that if the street is closed, it is closed. If there is an emergency, Mr. Johnson will and should be able to leave and come back to his property. Solicitor Greco stated that he will write a gentle letter to Mr. Johnson regarding New Berlin Day.

**VISITOR BUSINESS** – President Finkbinder welcomed discussion regarding the New Berlin school closing issue. President Finkbinder stated that the group opposing the school closings and the council would like to make sure the school board members understood the impacts that closing the school would have on New Berlin as a community. President Finkbinder also stated that she was hoping the school board would answer some questions and participate in an open dialogue.

Several issues including but not limited to budgetary concerns, quality education, the goals of the school district, and the affect closing the school would have on the New Berlin community were discussed between several members of the school board, the school superintendant, council and the group opposing the school closings.

**POLICE REPORT** – A written police report was available for council. The Chief answered several questions regarding the report.

**Police Car** – Chief Pensyl stated that Ralpho Township has a 2006 police car that he may be interested in for the police department. The car has approximately the same mileage as the current car and would cost approximately \$2,000. Chief Pensyl expressed his concerns to council regarding the current police car.

President Finkbiner referred the matter to the police committee to discuss and make a recommendation to council.

**STREET DEPARTMENT – Street Department Vehicle** – Mr. Hummel stated that he would like to start looking around for another vehicle for the street department. Mr. Hummel stated that Ms. Witmer told him that there is approximately \$34,000 in the liquid fuels savings for a truck. However, he would like to be sure some of the projects he is thinking about are completed first so he may have to wait another year for the vehicle.

**Corner of Green and Plum** – Mr. Hummel stated that he would like an engineer to look at the corner of Green and Plum Street. There is a water problem and he would like it taken care of. Mr. Hummel stated that he is sure the problem won't be fixed without a new storm drain. Several different engineers were discussed by council and it was decided that Mr. Hummel should go with the engineer he chooses.

**Motion** - Lynda Frederick made a motion to allow Mr. Hummel to go to the engineer of his choosing for the project on the corner of Green and Plum and to get the project completed. Jeffrey Swanger made a 2<sup>nd</sup> to the motion. Mr. Hummel stated that Green and Plum was in the bid to be done but that will need to wait now. Solicitor Greco stated that it cannot wait since it was bid that way. Mr. Hummel inquired if he could take the same allotment of paving material and go somewhere else in the borough. Solicitor Greco stated that you can't just change the bid. Mr. Zimmerman explained that a change order would need to be completed and council would need to approve that before moving forward.

**Subsidiary Motion** – R. Kurt Zimmerman made a subsidiary motion to table the matter until the next meeting due to the change orders needed and to check with Eastern Industries to see if there is anything they can do by sloping their ammonite. Michael Waltman made a 2<sup>nd</sup> to the subsidiary motion. Vote was taken with all in favor and none opposed. Motion carried.

**Cherry and High Street** – Mr. Hummel stated that he received a price from Gutelius Excavating to do work on Cherry and High Street. The cost was approximately \$8,000. He stated that he is thinking he will wait on that matter since he is considering taking on the project himself.

**MAYORS REPORT** – No Mayor's report was given.

**SOLICITORS REPORT – Patriot Energy** – Solicitor Greco stated that he reviewed the Patriot Energy contract and he has a problem with the penalty fee should the borough decide to get out of the contract. Solicitor Greco recommended going with a different company.

**SECRETARY/TREASURER REPORT - Balances** - Rebecca Witmer reported the balance in the General Fund as \$149,863.23.

**Reimbursement Check for EMC's** – Ms. Witmer reported that the borough received the reimbursement check for the Energy Conservation Measures done to the buildings. The check was in the amount of \$3,000. A letter stating the amount and what the check was for was included in council's packet.

**Workman's Compensation Claim** – Ms. Witmer reported that one of the volunteer firefighters burnt his hand while frying french fries at the fireman's carnival. Ms. Witmer stated that the claim and all the paperwork is being taken care of quickly and efficiently. The fireman lost one day of work due to the incident but is healing well.

**Bills to be Paid – Motion** – Michael Waltman made a 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 none opposed. Motion carried.

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

Immix Wireless	85.69
PP&L	318.39
Shell Fleet Plus	231.55
Sherwin Williams	134.82
Windstream Buffalo Valley Inc.	198.33
Charles Pensyl	37.71
Curt Keister	192.40
Daniel Jacoby	199.40
Eugene Keister	126.19
Jay Walter	125.96
Leif Hassenplug	1,275.20
Lester Hummel	1,104.72
Rebecca Witmer	1,261.30
Rodney Styers	29.62
Coles Hardware	11.39
DJ's Foreign and Domestic	260.04
Law Office of Edward C. Greco	346.00
Horning's Pallet Forks and Welding	197.67
Martin's Steel LLC	50.60
Mifflinburg Lumber	91.70
New Berlin Activities Committee	1,000.00
Phillips Supply House	67.00
R. Zeigler Machine Shop	21.15
Richard's Portable Toilets	160.00
Roger's Uniforms	94.00
S.J. Eaton	65.00
Union County Commissioners	10.00
Union County District Attorney	40.00
Zimmerman's Harness Shop	150.15
US Treasury	1,315.20
PA Dept. of Revenue	169.71
A-1 Lock and Key	216.00
Cardmember Service	67.74
Informant Technologies, Inc.	420.00
R. Zeigler Machine Shop	51.66
Wal-Mart Community	93.09
DJ's Foreign and Domestic	649.07

Idding's Quarry, Inc.	44.85
M&T Bank	1,683.38
Mifflinburg Lumber	89.39
PP&L	1,316.08
Windstream Buffalo Valley, Inc.	193.98
The Daily Item	350.00
Lester Hummel	9.00
Mahlon Boop	44.00

TOTAL \$14,513.44

**NEW BERLIN MUNICIPAL AUTHORITY - Minutes** – Kurt Zimmerman inquired if there were any questions regarding the municipal authority's minutes. No questions were raised.

**Sewer Plant Update** – Mr. Zimmerman stated that the extensions outside of town and the pump station on Route 304 are completed. People outside of town are now ready to hook on. DEP understands that the project is almost finished and Mr. Zimmerman does not expect any problems from DEP.

A letter to Galloway Bay, the company doing construction on the sewer plant, has been written notifying them that they are not following the contract and the bond company will be notified.

**Central Keystone COG** – Mr. Zimmerman reported that the municipal authority has decided not to pursue the Central Keystone COG contract but rather pursue the homeowners of the property and place a lien on the property.

**Energy Project** – Mr. Zimmerman reported that the authority received a letter from Stacy Richards from SedaCOG basically stating that if the authority does not provide the account numbers for their energy accounts, the authority will cause the New Berlin energy commission to loose funding. Mr. Zimmerman stated that he was also approached by several people regarding this issue and that, along with the letter, got the authority's attention. As a result, the authority called PPL and spoke with Rachael Weaver regarding this particular issue and asked if the authority would be jeopardizing the project if they did not hand over the numbers. Ms. Weaver assured the authority that is not the case and the funding will not be jeopardized, neither will it affect any grants nor the community at all. As a matter of fact, Ms. Weaver was rather upset that the authority was approached this many times regarding the numbers.

Ms. Weaver has since done a survey of the authority's usage. The result of the survey showed that the authority uses less than 1% of the commercial usage within the community and has little or no impact on the energy project. Ms. Weaver did understand that the authority is under construction and ran the numbers before and during construction. The results were still the same in that the authority uses less than 1%. Ms. Weaver did contact Ms. Richards at SedaCOG and forwarded the information to her and everything has been taken care of.

**Authority Question** - Ms. Stamm inquired how the authority is not a part of council if the council appoints the authority board. Solicitor Greco stated that the municipal authority is a separate and distinct entity. Ms. Stamm inquired how they serve the people and if they were non profit. Solicitor Greco stated that they provide a service to the community. Mr. Zimmerman added that the Borough Code stipulates how the authority board is appointed. Ms. Stamm inquired who was responsible for them. Solicitor Greco stated that they are responsible for themselves. However, if the council does not like what the municipal authority board is doing, they can choose not to reappoint the members when their term runs up. President Finkbiner stated that the borough is responsible for the authority financially.

**OLD BUSINESS – Vince Barsch Property** – Ms. Stamm stated that Diane Lengle has scheduled several meetings with people to get ideas for the Vince Barsch property. Ms. Witmer stated that she is awaiting both a letter stating that the title to the property is clear and the proposed deed. Both items are to be sent to the Solicitor for review when the attorney for the Vince Barsch Estate has completed them.

**Executive Session** – Ms. Witmer stated that there was supposed to be an executive session at the last meeting in order to address a personnel issue but everyone forgot about it till the end of the meeting. Therefore, it should be done now. An executive session was called at 9:39 pm and ended at 9:44 pm.

**Bulletin Board Keys** – Ms. Witmer stated that she knows council already discussed the bulletin board keys but wanted to bring it back up for discussion since it was suggested that Martha at the bank have the keys. Several members of council stated that the bulletin board is not owned by the bank and they should not have the keys, plus the borough wanted control over what was put on the board. Ms. Witmer stated that she didn't mind if Martha had one key and she could keep the other. That way, the borough could still check and control what was on the board. It was decided to table the discussion until the next council meeting due to the late hour.

**NEW BUSINESS** – No new business was brought for discussion.

**ADJOURNMENT – Motion** – R. Kurt Zimmerman made a motion to adjourn the meeting. Michael Waltman 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