

**NEW BERLIN BOROUGH COUNCIL  
REGULAR COUNCIL MEETING**

A regular meeting of the New Berlin Borough Council was held on July 11, 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 Lisa Decker, Councilwoman Lynda Frederick, and Councilwoman Barbara Stamm. Rebecca Witmer, Secretary/Treasurer; Bonnie Hamilton, Mayor; Wendy Cole, Solicitor were also present. Councilwoman Betty Kratzer and L. Eric Hassenplug, Chief of Police were absent from the meeting. Diane Lengle, Jim Lengle, Brett Runkle, Cheryl Hoover, Ronald Blatchley, Steve Cusick, and Sherry Cusick all residents of New Berlin; Jennifer Rager Kay, Candidate for PA State House for 85th District; Carolyn O'Connor, Union County Republican Committee Chair; and Teri Provost, Senior Project Coordinator of Community Development for SEDA COG were all present as visitors.

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

**APPROVAL OF MINUTES – June 13, 2018 Council Meeting** – Councilwoman Elaine Hopkins made a motion to approve the minutes. Vice-President Jared Busby made a 2<sup>nd</sup> to the motion. Councilwoman Barbara Stamm inquired if the sentence “However, when the minutes are read in the future, she would like people to know the happenings but not have the details.” is correct. Councilwoman Stamm stated she is not certain she said “have the details”. Ms. Witmer stated she will check the tape. Also, on page 6, line 7, there’s an extra word “agreed”. Councilwoman Stamm also stated that the motion on page 13 was incorrect in that it states “One of the borough employees will open the gate on Wednesdays”. Councilwoman Stamm stated that her motion was that a “paid” employee open up the gate on Wednesdays. She does not want it misconstrued. Solicitor Cole stated that employees, by nature, are paid. Councilwoman Stamm stated she specifically remembers saying “paid”. Ms. Witmer stated she would put the word “paid” in that motion and make the other corrections. Vote was taken with all in favor and none opposed. Motion carried.

**VISITOR BUSINESS – Burning Ordinance** – Brett Runkle handed a letter written from him to the Borough back in 2012 asking them to rescind the Borough’s burning ordinance. Since then, nothing has changed. He would again like the Borough for safety, environmental, and health reasons to rescind the ordinance. Although there are rules and regulations governing burning, no one seems to be inspecting the barrels or enforcing the ordinance.

**Burning Ordinance - Cheryl Hoover** – Cheryl Hoover passed out several packets to council, stated she would be focusing on the first packet, and asked that council review the second packet on their own time. Ms. Hoover stated that she wanted council to hear the story of horrific events that happened as they prepare to review the ordinance and that burning in the borough needs to be prohibited because it has been a nuisance and a hazard. Soot and burning material adversely affects the all homes, people, and pets. Ms. Hoover stated that the Johnson property fire is a good example to look at and told council members that even if residents want burning, they should be considering what is best for the whole town. During the Johnson fire, both a Johnson family member and Ms. Hoover’s wife were home. Had they not been, the situation would have been much worse. Ms. Hoover explained the fire and damage in the pictures passed out to council and stated the damage was caused by burning in a burn barrel. In New Berlin, most properties are not large enough to accommodate burn barrels. Most towns that allow burning have a 20, 30, or 50 feet buffer from a burn barrel from structures or vegetation. On the day the Johnson’s burned, it was windy. The forecast called for winds up to 15 to 20 mph. Even after the fire happened and the Johnson’s garage was destroyed, the neighbor who lives behind Ms. Hoover came outside to burn. When Ms. Hoover asked him what he was doing, the neighbor told her he was burning. Ms. Hoover asked him if he could see what happened when people burned when it was windy. The neighbor responded by saying that if something happened to his property, that would be his problem. Ms. Hoover then said she responded to him by saying it doesn’t work that way. Ms. Hoover’s five minute speaking time ended. She asked council to notice a propane tank in one of her pictures and stated that thankfully the fire did not make the tank explode. She also asked council to consider if burning was what is best for the town as a whole.

**Burning Ordinance - Diane Lengle** – Diane Lengle stated that she had been before council a few years ago regarding the burn ordinance so council knows where she stands. Further, with the

recycling center so convenient and now accepting even more kinds of paper and cardboard, there really is no reason to allow the burning of paper.

**Burning Ordinance – Jim Lengle** – Jim Lengle stated that he also spoke before the council a few years ago asking them to ban burning. Mr. Lengle inquired how council can justify allowing burning to continue from a scientific, health, and safety standpoint. The only logic he can see is allowing it in order for people to save \$2.00 per week on a bag of additional paper for the garbage man that they may not even have to incur if they just visit the recycling center. Mr. Lengle stated that if you picked him up while hitchhiking and he lit a cigarette in your car, you would tell him to put it out or get out. When people burn in town, they aren't just fouling the air on their property, they are fouling the air on the entire block. Mr. Lengle has relatives who live out of state and can only visit on the weekends. It's very annoying when those relatives visit and you can't plan an event because a neighbor might be burning. The current burning ordinance only allows paper to be burnt. If you walk down the street and see either white or black smoke, that means people are burning more than just paper. The only way to enforce it is if you call and tell on your neighbor. Mr. Lengle doesn't want to be put in that position because his neighbors are his friends. Further, it's not his job to call and report them. There's no justification to continue to allow burning. It shouldn't even go to a referendum. The Borough Council should just ban it like other municipalities.

**Burning Ordinance - Ronald Blatchley** – Mr. Blatchley stated that he's lived in New Berlin for 50 years and he loves the town. However, sometimes it stinks. He's seen people burning on days burning isn't allowed, he's seen people burning things they aren't allowed to burn, and he's seen fires that smolder for over 12 hours. The only recourse he has is to report his neighbor. He doesn't want to do that. He wants to be the good neighbor, not the bad neighbor.

President Finkbiner thanked the residents for their concern, stated that council has a full agenda this evening, and that council will take the matter into consideration and hopefully be able to discuss it at another council meeting before September of this year. President Finkbiner stated that a number of years ago, an exit poll was taken on the burning issue. Maybe council will decide to do that again or maybe they will decide to do something different. When the subject is up for discussion again, President Finkbiner will try to notify some or all of the residents who spoke this

evening.

**Jennifer Rager-Kay – Candidate for PA State House – 85<sup>th</sup> District** – Jennifer Rager-Kay stated she is a proud coal miner’s daughter who grew up in a town much like New Berlin. Dr. Rager-Kay, her husband, and son have lived in Selinsgrove for approximately 5 years. She is a physician at Sunbury Community hospital. As a physician she took an oath to take care of people regardless of their political affiliation, race, sexual orientation, religion, or gender and she will do the same in Harrisburg. Dr. Rager-Kay stated her ideas for community and state economic growth, including infrastructure, and how it relates to ensuring the personal and environmental well-being of residents. Dr. Rager-Kay expressed concern with areas of rural Pennsylvania, like the 85<sup>th</sup> district, being looked over and more consideration being given to larger areas when it comes to funding for education, infrastructure, and health care. She placed a strong emphasis of putting people first rather than typical partisan politics. Dr. Rager-Kay concluded by stating she is the change the 85<sup>th</sup> district needs to see.

**Community Development Block Grant - Teri Provost, Senior Project Coordinator of Community Development for SEDA COG** – Teri Provost was present to give an update on the progress of the CDBG projects being considered. Surveys from the Liberty Street Bridge came back. The survey data determined that the area of the Liberty Street Bridge is a low to moderate income area and is therefore CDBG eligible. An opinion of probable cost was received from HRG, Inc. showing a project cost of \$344,470.00. The first opinion of probable cost was higher. After the Secretary/Treasurer worked with HRG, Inc. and gave information about New Berlin right-of-ways and easement work, and a few other issues, the probable cost decreased but not by a large amount. The Secretary/Treasurer explained some details of the conversations and emails exchanged between her and HRG, Inc. It was stated by both Ms. Provost and the Secretary/Treasurer that the cost seems excessive for a bridge and culvert of this size and a project of this nature. New Berlin’s PennDOT municipal representative was consulted and also agrees that the cost seems excessive. Further, the engineering fees are ---- of the project cost. The typical average of engineer fees are 15% of a project cost. It would be beneficial for another estimate of probable cost to be sought even though there are only a few days before the project summary is due.

CDBG County funds distributed is \$180,000.00 per year. Council has several options if they believe the numbers on the opinion of probable cost are correct, council could ask the commissioners for \$180,000.00 of CDBG funds and pay the remaining cost of the project from the general fund and liquid fuels, if budetarily conceivable. Another option is to ask the commissioners for a two year funding period, which would mean asking and applying for funds both this year and next year. That option would give New Berlin all the funding needed if \$180,000.00 is awarded each year. The exception would be the funds committed for engineering fees by the borough.

Other options would be to seek another opinion of probable costs hoping the amount projected is much lower than the current one received. It will be hard to obtain one given the short time period before the project summary is due but if it can be obtained and it comes in lower, New Berlin can then apply for funding as such with a certain amount of funds committed for engineering fees. If the borough applies for the grant with a lower opinion of probable cost but the bids come in higher, as long as the bid documents are compatible with liquid fuels requirements, the liquid fuels funds can buffer that amount. If the Borough applies for funds, gets the process moving then finds they need to abandon the project due to not having the funds, it will lose the money for the cost of the environmental review which is \$4,000.00.

Other options are to abandon applying for funds for the Liberty Street Bridge Project and apply for funding for detectable warning surfaces and curb cuts or not apply for any CDBG monies for this funding year.

Several questions were asked and answered. Council discussed the pros and cons of each option.

**Motion** – Councilwoman Lynda Frederick made a motion to seek another opinion of probable costs for the Liberty Street Bridge Project with a cost not to exceed \$5,000.00. Councilwoman Lisa Decker made a 2<sup>nd</sup> to the motion with all in favor and none opposed. Motion carried.

**Motion** – Councilwoman Lisa Decker made a motion to request, from the Union County Commissioners, 2018 Community Development Block Grant funds for two year funding using the

opinion of probable cost from HRG, Inc. unless an additional opinion of probable cost is received showing a lower opinion of probable cost within the yearly funding amount. If a lower opinion of probable cost is received and is within the yearly CDBG funding limit, application for funding should be made using that amount. In addition, the project summary should show a monetary commitment from the Borough of 10% of the engineering design fees. Councilwoman Elaine Hopkins made a 2<sup>nd</sup> to the motion with all in favor and none opposed. Motion carried.

**COMMITTEE REPORTS – Activities Committee Flag Contest** – The Secretary/Treasurer inquired if she could take the flag contest information off of the website. Mayor Bonnie Hamilton and Vice-President Busby stated the information could be removed from the Borough website. The Activities Committee has decided, based on the only two flag submissions being received from the Mayor, that the committee will work on creating a flag together. Several members of the committee had strong feelings about certain historical buildings on the flag. The committee has been asked to submit those requests to the Mayor who will incorporate them into a New Berlin Flag for review by the committee. The Mayor has yet to receive any submissions.

**4<sup>th</sup> of July** – The New Berlin 4<sup>th</sup> of July was a great success thanks to a lot of hard work from a lot of people. Several positive comments were made regarding the fireworks display even though there was a 30 minute rain delay. There were several new events at The Commons this year, which were well attended.

**Ordinance Committees – Sidewalk Committee** - The Secretary/Treasurer confirmed that the sidewalk ordinance was advertised as required by law.

**Motion - Sidewalk Ordinance** – Vice-President Jared Busby made a motion to adopt the sidewalk ordinance, 2018-2. Councilwoman Elaine Hopkins made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed. Motion carried.

**Animal Ordinance** – Solicitor Wendy Cole stated her concerns about the animal ordinance. The first concern is the Borough does not have an animal enforcement officer or a kennel to house animals in the event they are detained. There's an entire section in the ordinance about detaining

and taking care of animals but the Borough cannot follow through with what's in the ordinance. In response, Mayor Bonnie Hamilton stated the committee was not specific to an animal enforcement officer but any officer, including the New Berlin Police Department. Also, the ordinance provides for animals being able to be taken to a shelter. Solicitor Cole stated an agreement with a shelter should be in place before putting it in the ordinance.

**Motion – Animal Ordinance** – Councilwoman Barbara Stamm made a motion to table the discussion until the next meeting. Any suggestions regarding the ordinance should be sent to the committee in writing before the next meeting as to allow the committee time to make revisions. Motion died for lack of a second.

The other issue discussed was the ordinance not addressing feral cats or other problem animals that are not considered domesticated or pets.

Councilwoman Elaine Hopkins gave the committee a copy of the ordinance showing typos and questions. There was discussion about horse droppings on the roadway.

The Secretary/Treasurer stated she checked with Mifflinburg to see if they would be willing to detain animals for New Berlin should the need arise. Mifflinburg's Borough Manager is checking to see if they need a change in kennel licensing to house dogs for purposes other than its own. In conversation with Mifflinburg's Borough Manager, it was discussed that all dog laws need to be followed regarding detaining of dogs. Those were including but not limited to checking on the dogs every 8 hours make sure they have food and water, and taking them outside of the kennel for exercise and to defecate. Also, any kennel must not only be suitable as a shelter but must also have a place for dogs to exercise. The Secretary/Treasurer will let the committee know when she hears back from Mifflinburg.

The Street Department Supervisor inquired who is taking care of skunks, opossums, raccoons, etc. when they are on someone's property. Council agreed it was the responsibility of the homeowner to call a pest control company if they have an animal frequenting their property. It is not the Borough's responsibility. Mr. Hummel stated he gets calls about it and often takes care of it for

people. Solicitor Cole stated the Borough should not be taking care of nor trapping animals for people on their private property. Situations like that can open the Borough up to liability. Plus, putting a street department worker in that situation could get them injured. The committee stated they will add a section to the ordinance regarding those types of situations.

**Landlord Ordinance** – President Finkbiner stated she would like to see the landlord ordinance reviewed and ready to advertise at the next meeting, if possible.

The Secretary/Treasurer inquired who would be checking on the term “certificate of occupancy” and determining if a better or different term should be used. Solicitor Cole will check into the matter.

**POLICE REPORT – June Police Report** – The June Police Report was reviewed.

**Skid Marks at 4-Way Stop Sign** – There are more skid marks in the middle of the intersection at the 4-ways stop sign. The marks seem to be made late Saturday night, early Sunday mornings, and have been happening since last school year. The police department should be made aware so they can put someone on duty during that time.

**High Weeds at Motter and Vine Street Ditch Update** – A police officer spoke with the homeowner on the corner of Motter and Vine Street who is allegedly responsible for maintaining the ditch as a part of their property. The homeowner told the police the ditch is not a part of their property but rather, it is the property of the State and should be maintained by PennDOT. Research will be done and Councilwoman Barbara Stamm will contact PennDOT to verify who should be taking care of the ditch.

**STREET SUPERVISOR REPORT – Grass Bin at Recycling Center** – The Street Department Supervisor stated the street department will be rebuilding the grass bin at the recycling center.

**Storm Drains** – Councilwoman Stamm inquired if the storm drains have been cleaned. The Street

Department Supervisor stated they have been cleaned but as soon as people mow grass, they get clogged right back up again. Ninety percent of people in New Berlin blow their grass out onto the road when mowing. It was stated that blowing grass in the cart way is against the ordinance but the ordinance cannot be enforced unless people report those that are violating the ordinance.

**MAYOR'S REPORT** – Mayor Hamilton stated she had the opportunity to talk to residents while collecting money for fireworks. There are a lot of people who would like to be more involved in the community but aren't aware of event happenings. One of the things council, the activities committee, and the town as a whole can do better is communication. Not only communication regarding event happenings, but how can an open dialogue between council and the community happen, how can council make sure there's more opportunity for the voices of the people to be heard, and how can we make sure there's opportunity for more community involvement, and make sure people are aware of what's going on because people are still struggling with connecting to the community. The activities committee will be discussing some of these issues at their next meeting but council should think of these things as well. People aren't as aware of all the things the governing body does so they aren't as involved as they can be. It's not a particular point for discussion at this meeting but something to be considered is what opportunities there are for council as far as outreach to the community.

**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.

**NBMA Appointment** - Borough Council received a letter requesting the appointment of Michael Palermo to fill the unexpired term of Richard Kratzer on the New Berlin Municipal Authority Board. The letter states the resignation of Richard Kratzer is due to health concerns. The unexpired term ends December 31, 2018.

**Motion – NBMA Board Appointment** – Councilwoman Elaine Hopkins made a motion to appoint Michael Palermo to the NBMA Board to fulfill the unexpired term of Richard Kratzer which ends December 31, 2018. Vice-President Jared Busby made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed. Motion carried.

**NBMA Audit** – A copy of the NBMA Audit was received to be filed at the Borough Office as required by Law.

**SECRETARY/TREASURER REPORT - Balance – General Fund** - Rebecca Witmer reported the balance in the General Fund as \$107,639.12.

**Complaint Form** – The Secretary/Treasurer referred to a complaint form drafted by the Solicitor. The complaint form will be used by the Secretary/Treasurer to take complaints from residents rather than receiving them verbally if council so agrees. The Secretary/Treasurer hopes the form will resolve several issues that happen on a regular basis. The form will also be a way to have complaints, as well as the subsequent actions taken, on record for future reference. The form will in no way take the place of police complaint forms.

**Motion** – Vice-President Jared Busby made a motion to implement the complaint form and a policy requiring all complaints to the Borough Office from residents to be in writing. Councilwoman Lisa Decker made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed. Motion carried.

**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 2<sup>nd</sup> to the motion. Several questions were asked and answered. 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 – June Checking Service Charge	79.00
M&T Bank – July School Payment	1,994.36

PA Department of Revenue	155.00
US Treasury	1,219.52
AT&T Mobility	134.57
PP&L	245.45
State Chemical Solutions	2,400.00
Valley Pest Management	500.00
PA Department of Revenue	172.71
US Treasury	1,321.68
Berkheimer	313.03
Cardmember Service	1,075.74
CH Waltz Son, Inc.	306.62
Informant Technologies, Inc.	1,200.00
Lester Hummel	3.18
Martin's Small Engine Repair	20.99
Richard's Portable Toilets	160.00
Union County Commissioners	4.00
Union County Commissioners	15.00
PA UC	9.29
Curt Keister	333.55
Jackson Stroup	185.23
Jacob Shipman	421.16
Leif E. Hassenplug	527.80
Lester O. Hummel	1,171.78
Michael H. Mattocks	299.58
Rebecca A. Witmer	1,437.35
Rodney E. Styers	139.30
William Stamm	374.40
Coles Hardware	17.24
Kathy A. Hummel-Diehl	45.00
Kuhn's Bros Lumber Company	94.08
Cole & Varano	2,162.50
Mifflinburg Lumber	297.41
PP&L Electric Utilities	934.36
Windstream Buffalo Valley, Inc	255.57

TOTAL	\$20,026.45
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**DCNR Grant Acct**

YSM, Inc.	750.00
YSM, Inc.	1,500.00

**OLD BUSINESS – DCNR Grant Update** – The Secretary/Treasurer stated the contract between Schlegel Excavating and New Berlin Borough was drafted by DCNR, signed by Schlegel Excavating, and reviewed by the Borough Solicitor. A motion is needed to sign the contract. The work should be completed by September 28<sup>th</sup>. There is a change order being considered which may push the date back but it shouldn't be by much time.

**Motion** – Councilwoman Lynda Frederick made a motion to sign the contract between Schlegel Excavating and New Berlin Borough for the Plum Street Park improvements. A 2<sup>nd</sup> to the motion was made by Councilwoman Lisa Decker. Vote was taken with all in favor and none opposed. Motion carried.

A meeting will be held between Schlegel Excavating, Inc., The Secretary/Treasurer, and Ann Yost, the consultant of the project. The purpose of the meeting is to negotiate a change order. It is thought that several small changes can be made which will save the Borough money as well as allow the lawn volleyball court to be included as originally planned. The Secretary/Treasurer is requesting authority to negotiate that change order so the project can start as soon as possible. However, council will need to ultimately approve the change order via motion at the next meeting. Council expressed confidence in The Secretary/Treasurer to negotiate a change order for the Plum Street Park Project.

**NEW BUSINESS – Playground at NB Recreation Complex** – There is a rather large thistle infestation on the playground at NB Recreation Complex. The Recreation Complex is looking at replacing the mulch with other material.

**Executive Session** – An executive session was held at 9:19pm to discuss a legal matter. Executive session ended at 9:25pm and the regular session resumed.

July 11, 2018

**ADJOURNMENT – Motion** – Councilwoman Elaine Hopkins made a motion to adjourn the meeting. Councilwoman Lisa Decker 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

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MAYOR