

**NEW BERLIN BOROUGH COUNCIL
REGULAR MEETING**

A council meeting of the New Berlin Borough Council was held on July 8, 2020, at 7:00 pm at the New Berlin Borough Community Center located at 318 Vine Street, New Berlin, PA. Present were President Julianne Finkbiner, Councilwoman Barbara Stamm, Councilwoman Meghan Shambach, Councilwoman Betty Kratzer, Councilwoman Lynda Frederick, Vice-President Lisa Decker, and Councilman Barry Kuhns. Wendy Cole, Solicitor; Curt Keister, Street Department Supervisor; and Rebecca Witmer, Secretary/Treasurer were also present. L. Eric Hassenplug, Chief of Police and Bonnie Hamilton, Mayor, was absent from the meeting. Visitors present were borough residents and members of the citizens' group Tonya Greiner, Nancy Showers, David Farmer, Sally Farmer, Jill Benfer, Michael Palermo, Mary Palermo, Ryan Palermo, Stephanie Yasick, Benjamin Pilko, John Showers, and Liz Devett.

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

APPROVAL OF MEETING MINUTES – June 10, 2020 - Discussion was brought regarding the June 10, 2020 minutes. Councilman Barry Kuhns made a motion to approve the June 10, 2020 minutes. Councilwoman Betty Kratzer made a 2nd to the motion. Councilwoman Barbara Stamm stated, regarding the subject "Cherry Street Trucks", she would like the statement in the minutes that she asked for the discussion to be delayed due to not knowing the subject was going to be on the agenda. The secretary/treasurer stated she would check the tape and put the statement in the minutes if it was stated at the meeting. Vote was taken to approve the minutes with the correction. Vote was taken with all in favor and none opposed. Motion carried.

VISITOR BUSINESS – David Farmer – Concerns – David Farmer stated that he has been coming to council for a long period of time but it was only recently that he realized the issue he really cares about which is communication or lack thereof. Specifically, a lot of residents in town aren't aware of what borough council is doing. There have been times that council has been accused of doing things they haven't and then others when council has been accused of doing nothing when indeed they had been. David Farmer stated he has a simple proposal that he thinks would remedy the situation. At the beginning of each meeting, each committee would give a report on if they've met

in the past month, what they talked about, what recommendations they will have, what issues are still before them, and when they will meet next.

Last month, Tonya Greiner stood before council and stated she had a problem with noise and traffic going through town. Mr. Farmer inquired what committee would be responsible for looking into that issue. It was stated that the police are responsible for that issue and people who have complaints should contact the police and make an official report. David Farmer stated he had a few issues with that statement. First, Tonya Greiner was never told to do that and second, he believes it is an issue for borough council. Mr. Farmer continued by stating that he thinks the issue should have been assigned to a committee and a committee should investigate it. It isn't good that no action was taken on that issue when a new person in town was complaining about something. Mr. Farmer suggested that council amend the procedure to assign issues like that to committees to discuss the issue and delegate it to the correct person(s). That way, citizens would know if any action has been taken.

Councilwoman Betty Kratzer stated maybe she should have been told to contact the police if she wasn't told that at the meeting. Councilwoman Lynda Frederick stated she hadn't had the thought that it was warranted since Mrs. Greiner stated she saw the police sitting at the intersection on a regular basis and the only suggestion Mrs. Greiner had was to have the police work more evening and weekend hours. Mr. Farmer stated the police committee's job is to advise the police and should maybe have suggested to the police that they work some different hours. The secretary/treasurer stated that council does not and cannot set the police hours. They only have an authority to do so from a budget standpoint, not on a regular schedule basis. The secretary/treasurer stated she shouldn't get into it too much since she's not the person responsible for that but she does know that council does not govern the everyday police hours. Mr. Farmer stated that when someone comes to council with a complaint and the council directs them to contact the police regarding the complaint, it is an indication that council does not take the issue seriously. Councilwoman Kratzer stated is it not council's job to know the happenings of the police. Further, council only has so much authority. Mr. Farmer stated that council should at the very least be advocating for something to change regarding the issue brought before them, that council has done nothing since the issue was brought to them, and for that they should feel bad.

Councilwoman Stamm stated that, at this point in the meeting, Mr. Farmer does not know that nothing has been done. Councilwoman Decker stated that committees give reports at the council meetings. Mr. Farmer stated it is rare that the committees meet and give reports.

Jill Benfer – Complaint – Freezer - Ms. Benfer, 215 High Street, New Berlin, stated the police officer does sit at the intersection doing traffic patrol on a regular basis. However, her issue is that she lives in a half double house and the people who own the other side of the half double have an electric freezer on the porch hooked up by several extension cords that are put together with an adapter. Ms. Benfer stated she believes it is a fire hazard. They also have a grill that was placed on the porch next to the vinyl siding and one could guess what happened to that. Ms. Benfer stated she actually asked her neighbors what type of person would not realize that the grill would melt plastic siding; that's the type of people she is dealing with. Ms. Benfer stated she realizes she does not own the property and does not have a right to say anything but she does think it's a fire hazard. Ms. Benfer stated she read the ordinances and the ordinance does address that no appliances should be on porches. The secretary/treasurer stated that the ordinance addresses appliances that are in disrepair, not all appliances. Ms. Benfer stated that was stupid. The secretary/treasurer stated Ms. Benfer can have that opinion but the police cannot go by opinion, they need to do the job according to what is in the ordinances. Ms. Benfer stated she is not even talking about enforcing the ordinances and inquired if there was an ordinance talking about junk in yards and on porches. The secretary/treasurer stated the ordinance language addresses items in disrepair. The secretary/treasurer inquired if Ms. Benfer filled out a complaint form regarding the freezer. Ms. Benfer stated she did not because she came to council to speak. Further, she did call the office and spoke with someone. The secretary/treasurer stated that Ms. Benfer spoke with her regarding the freezer and that she told Ms. Benfer that a written complaint form would need to be filled out and she would then give it to the police or Ms. Benfer could call the police. Ms. Benfer stated she did not fill out a complaint form because nothing would be done about it anyway. The secretary/treasurer inquired if Ms. Benfer said that because others told her nothing would be done or where she got that information. Ms. Benfer stated she sees all the yards and front porches and it shows that no one does anything. The secretary/treasurer stated she remembers the conversation with Ms. Benfer which took place several months ago and Ms. Benfer never filled out a complaint form nor called the police. Ms. Benfer stated she was never told to contact the police.

The secretary/treasurer stated she did tell her that and also offered to print out a complaint form if Ms. Benfer did not know how to access it online or didn't have a printer as expressed during the phone call. Ms. Benfer stated "dada, dada, dada, da, da, da I know this". The secretary/treasurer stated that Ms. Benfer is making it seem as though the police and other staff are not doing their jobs but Ms. Benfer was not willing to fill out a complaint form. Further, even though Ms. Benfer did not file a complaint, as is the proper procedure, the police checked it out anyway because the secretary/treasurer mentioned it to them and asked if they would check into it when they were on patrol over that way. They later told the secretary/treasurer that they followed up on the freezer, as requested. Ms. Benfer inquired why she wasn't informed and, since she wasn't, how would she know that the police came to check into it. The secretary/treasurer stated Ms. Benfer probably wasn't informed that they checked into the complaint because Ms. Benfer didn't fill out a complaint form so the police wouldn't have known who was complaining or how to contact her. The police only checked into it because the secretary/treasurer mentioned it to them when some time had lapsed and it was apparent Ms. Benfer was not going to come fill out a complaint. The secretary/treasurer stated she did it as a courtesy and a favor since she knew Ms. Benfer was concerned but then also stated she will be sure not to go over and above her job or break policy again. Ms. Benfer stated she appreciated that and it is fine.

Ms. Benfer inquired if a permit was needed for a ramp to be placed on her property. The secretary/treasurer asked Ms. Benfer to call the office to leave a message then she would give the information to the zoning officer so he could contact her. Ms. Benfer inquired if mentioning it now was good enough and if the secretary/treasurer could just jot it down. The secretary/treasurer stated she would write it down but doesn't have Ms. Benfer's telephone number so it would still be best for her to leave a message at the office so it isn't forgotten.

Ms. Benfer inquired what the ordinance said about disrepair. The secretary/treasurer stated the ordinance addresses discarded items and those in disrepair; that one must look at the ordinance in its entirety, including the definitions, not just one section of it. The secretary/treasurer stated she is in the middle of explaining something that she shouldn't be in the middle and that's why a written complaint should be filed so it can be given to the police. Ms. Benfer stated she

appreciates that and thanked the secretary/treasurer for asking the police to check into the freezer.

Councilwoman Stamm stated there were two parts to Ms. Benfer's complaint; one was regarding the junk and one was regarding the fire hazard. The secretary/treasurer stated that is another reason for the written complaint, so the complainant can write all of the issues down and none will be forgotten. The secretary/treasurer stated she does not remember a fire hazard being mentioned in the phone call and she doesn't think the police looked into ordinances regarding that issue. Again, that's a reason for written complaints, so all bases are covered. Ms. Benfer stated she would be down to fill out a complaint form. The secretary/treasurer stated she is certainly welcome to do so and that would be the best way to ensure all aspects of the complaint are considered. The secretary/treasurer stated codes may be able to be called regarding the issue but is unsure. She again explained that she didn't remember that part being mentioned during the phone calls so she's not sure that part was looked into. Ms. Benfer stated she thinks she knows what to do and who else she could call.

Sally Farmer stated that Ms. Benfer brought to council an issue of safety regarding her house. If it is still an issue then council should enact something to prevent it from happening. As leaders of the community to have the authority to help her, it's not fair to throw it back to Ms. Benfer to take care of on her own. People are helpless and someone should help her. Council is able to find a way to deal with the issue.

John Showers – Complaint – Motorcycles – Mr. Showers addressed the crowd of visitors by asking them to raise their hand if they were in attendance due to a burning issue. Mr. Showers again addressed the crowd of visitors and asked them to raise their hand if they were present at council because they live in close proximity to a pig sty. Mr. Showers again addressed the crowd of visitors and asked them to raise their hand if they were present because of the noise in town. Mr. Showers stated that there are citizens in attendance at the present meeting and those who have been in attendance at past meetings due to not getting follow-ups regarding people's properties and other complaints which have been filed. Mr. Showers continued by stating that someone must be doing something because people are starting to clean up their

properties; they aren't cleaning up the whole damn yard, but they are still cleaning up some of it. Mr. Showers continued by stating that it would certainly help the disgruntled citizens if council would share information about what is being done to their neighbors and about their junk. Mr. Showers stated that he and others refer to one of the properties in his neighborhood as "the circus" and if council doesn't know where that is, he encourages them to walk about a block west of his house.

Mr. Showers stated that there are some things not right in New Berlin and council has the authority to do something about it. Mr. Showers also stated that he heard that one council person said her mission is to make sure nothing changes in New Berlin. Further, everything has changed in New Berlin and if that councilperson doesn't know it, she'd better come down off the hill to find out. It is noisy as hell in New Berlin because of the motorcycles and the trucks and wanted to know where the police are to stop it. Mr. Showers stated he and Ryan Palermo figured out how to stop it the other night and continued by saying that he jumped out into traffic while Ryan Palermo yelled "Shut the fuck up". They watched as the guy then turned onto Motter Lane. Mr. Showers continued by stating that he then forwarded a picture of the guy on the motorcycle to council and Rebecca and Rebecca then forwarded it to the police. The state police were called in the meantime but they didn't hear anything back. Mr. Showers stated that people cannot continue to fill out forms and make phone calls and have nothing happen; someone is going to get hurt.

Mr. Showers inquired if council knew the number of firemen whose lives were put in danger on the evening that Liz Devett's neighbor's house burnt down. If someone had died, that blood would have been on council's hands. Mr. Showers stated that the citizens' group wants to work with council but it is getting so frustrating and so noisy. Mr. Showers stated that he and Nancy and their new neighbors, the Greiners, get the same wakeup call from a loud motorcycle at 5:30am every morning and there's another motorcycle that goes by their house at 10:30am. If the police committee would sit down with the group, the group could tell them when these events are taking place; it's not rocket science. Mr. Showers stated the group is willing to help and some are even willing to serve on council but were rejected for someone who didn't even want to run again. Mr. Showers stated he understood that council only gets a small stipend for

their duties so they should enlist the services of those in the citizens' group who are willing to help.

Solicitor Cole stated that she appreciates all of the things said. The citizens' group needs to understand that there is a system set up for government. Council does not enforce the ordinances. They make ordinances and change them as needed. The enforcement is up to the police department and council has a system in place for residents to put in a complaint. Solicitor Cole stated that putting in a written complaint is important because it gives a date, time, and details regarding the issue. That complaint is then handed to the police to be investigated or given to the maintenance crew if there's something in the borough that needs to be fixed. If there is a violation of the law such as speeding or vehicle noise, that issue needs to go to the police. Solicitor Cole stated she appreciates that they think that council isn't doing anything but it's not their job to enforce the vehicle code nor are they legally permitted to do so. Further, the police are only hearing bits and pieces of what's happening through hearsay rather than through the citizens who actually witness it. The citizens are coming to council to complain about things rather than going through the correct procedure, which is contacting the police, so the police can be made aware of what's happening and do something about it. It is not council's job to enforce the law as the citizens are asking them to do. Ms. Benfer inquired if anyone from council has complaints. Solicitor Cole stated she has no idea. Councilwoman Decker stated she lives on Market Street and some of the cars and motorcycles are very loud. However, if they are loud but not speeding; there's not a law against that. The citizens' group stated there were laws about that. Councilwoman Decker inquired of the citizens' group if they think the council could prevent motorcycles from driving on the state routes. Mr. Showers and others stated they could. Solicitor Cole stated if that is what the citizens' group thinks, then they should complain to the police about it. The secretary/treasurer stated that it is not true that the borough can stop people from driving motorcycles on the state road. Councilwoman Shambach stated she didn't think that was true either. President Finkbiner stated that the noise ordinance of the borough does not address vehicles and that because vehicle noise is addressed by the Motor Vehicle Code.

Ryan Palermo inquired who was in charge of the police. It was answered that the Mayor is in charge of the police. Solicitor Cole stated that council cannot tell the police what to do. Mr. Palermo stated council should use their authority to direct the police and should use their representation of the people at the meeting to tell the police these things on their behalf. Mr. Palermo continued by saying it is an epidemic of noise and they are just looking for leadership. President Finkbinder stated that council cannot be a witness for someone else and therefore cannot put in a complaint for someone else. President Finkbinder inquired of the visitors how many people present have put in a complaint to the police. President Finkbinder noted that more than half of the people raised their hands. President Finkbinder also stated that she lives on Motter Lane and knows of whom the visitors are speaking when they refer to the person on the motorcycle. President Finkbinder also stated that she knows that person has been pulled over by the police several times and that the police have also been to his house several times to speak with him. President Finkbinder stated that the police follow up on all complaints received. Further, she specifically knows that they follow up on burning complaints because she has been approached by people in the borough with whom the police have spoken to about burning. She continued by stating that ordinance violations, noise, and speeding are not the only things New Berlin police officers deal with and referred to the most recent police report which shows that many hours during the month of June were utilized investigating and dealing with a sex crime. President Finkbinder continued by stating that the police are doing the best they can with the hours they have available. When the police are made aware of a sex crime or other violent crime, investigating that crime takes precedence over investigating an ordinance violation during that shift. Court hearings also take precedence over investigating an ordinance violation and over traffic control because if an officer doesn't show up for court, the case gets dismissed. It was also stated that it only stands to reason that most people are not going to speed or run a stop sign when they see an officer sitting there running traffic control. That's why people need to make reports and be willing to testify about incidents. Ryan Palermo stated the officers should be hiding rather than being out in the open. The secretary/treasurer explained that isn't always possible in that they need to see certain things to run speed. The visitors stated that was untrue and they could hide and then witness the lines of motorcycles that stop at the stop sign and reach 70 miles per hour by the time they go past. The secretary/treasurer stated it would be best for the citizens to contact the police and ask questions as to how the law works

and how they can operate within their confines and guidelines. Nancy Showers said that we need to work together. The secretary/treasurer told Ms. Showers that she was screaming and asked why she was screaming at her when she is not the police and is just trying to help. Ms. Showers stated that she is screaming because she is angry. The secretary/treasurer again asked why and stated she has absolutely no authority over the police and that she's only tried to help and has given information as a courtesy due to the police not being there. Nancy Showers continued by stating it was the secretary/treasurer's job and council's job to work with them to figure out a way to solve the problem. The secretary/treasurer stated it absolutely is not her job to do that and she's already gone over and above her job by forwarding complaints to the police and checking into things for the citizens. The secretary/treasurer then stated that she would make sure she did not do so in the future because it just gets her screamed at and treated this way.

Liz Devett – Liz Devett stated that she thinks that what Mr. Farmer stated at the beginning of the meeting about people not knowing what is happening is the issue. She continued by stating that a group of people used to walk around town and write letters to people regarding violations of weeds, grass, sidewalks, garbage, and many other things.

Ms. Devett stated she made a complaint about the house beside her last July and it continues to be a pig sty. She knows she heard back from the office that they received the complaint and then also received another communication stating that, due to the fire, the property owner would have a little while longer to clean up the premises. Ms. Devett stated the grass was just recently cut for the first time this year. The secretary/treasurer stated the police have been checking on the grass at that location and knows the officer recently spoke with the owner regarding a few issues. Further, the property was turned over to CKCOG for code enforcement. Ms. Devett stated she was never notified about that. Ms. Devett also stated that her initial complaint, a year ago, mentioned the animals and nothing was ever done about the animals and all but one died in the fire. The secretary/treasurer inquired if Ms. Devett complained a day or two before the fire. Ms. Devett stated it was a week before the fire. The secretary/treasurer stated there is a certain amount of notice required to be given to a property owner which is regulated by the ordinance. Ms. Devett stated that the

secretary/treasurer has responded to every single person in the room in a very defensive manner and that she understands tensions are high but every single response the secretary/treasurer gives is basically saying "I'm not it, it's not my job, I have nothing to do with it". The secretary/treasurer stated that's because it's not her job and she's just trying to explain. Ms. Devett stated she filled out her complaint form. Further, she isn't sure how familiar Jill Benfer is with filling out an online complaint form but maybe the secretary/treasurer might have made some accommodations for her. The secretary/treasurer stated she did make an accommodation by stating she'd print a form for Ms. Benfer. Ms. Devett then stated that the secretary/treasurer also stated she will not do any more favors for people and, by saying that, she is continuing to say "I'm not it, it's not my job". The secretary/treasurer stated that it isn't her job to forward emails to the police or check into complaints for people and, further, she will be sure not to go over and above her job by doing those things again. Ms. Devett stated that it certainly is her job and that she's the secretary/treasurer so it's her job to do so. The secretary/treasurer stated Ms. Devett obviously does not understand what the secretary/treasurer's job is. Ms. Devett inquired who has the job of taking complaints. The secretary/treasurer stated it's the job of the police to take complaints. Ms. Devett stated the secretary/treasurer just takes complaint forms but doesn't take complaints. The secretary/treasurer stated that is correct and stated that when someone has a complaint, the process is for the person complaining to fill out a form and she just makes sure it is distributed where it needs to go, nothing further. That is the process that council put into place. The secretary/treasurer cannot fill out complaint forms for people; she cannot be a witness for what someone else sees. Sometimes the complaint is for the street department, sometimes it's for the police, sometimes it's for another department; she just gives it to the correct person. Ms. Devett stated accommodations should have been given to Ms. Benfer. Ms. Witmer again stated that she offered to print the form out for Ms. Benfer. President Finkbiner stated that the secretary/treasurer did give accommodation. Ms. Benfer stated that was true. President Finkbiner stated that the secretary/treasurer works for the borough council and she only works part-time. The secretary/treasurer's job is not to fill out complaint forms for people nor is it her job to listen to people's complaints. There are numerous everyday tasks that the secretary/treasurer is legally required to do for council and numerous everyday tasks assigned to her by council and the state and federal government.

President Finkbinder clarified that the secretary/treasurer does not work for the citizens of the borough nor does she work for any individual council member; she works for the local governing body as a whole which is council. Liz Devett stated that she was under the impression the secretary/treasurer can represent herself and council should be responding to the complaints; that is council's job. President Finkbinder stated that council's job is to pass ordinances, update ordinances, and make sure taxpayer money is spent in a responsible manner. John Showers stated if council is not enforcing the laws, then that's not being responsible. President Finkbinder stated it is not council's job to enforce the laws. Solicitor Cole stated if there is something a visitor thinks council needs to address in an ordinance then they should use their visitor time to state that. Liz Devett said council needs to enforce the ordinances that are there. Solicitor Cole stated the ordinances are being enforced by the police. Ms. Devett stated she put a complaint in about her neighbor's property over a year ago. The secretary/treasurer stated it was dealt with at that time. Further, the property was also turned over to Central Keystone COG for code enforcement. Ms. Devett stated no one made her aware of that and that the secretary/treasurer sent her several emails after her complaint but she never heard back from her again. The secretary/treasurer inquired of Ms. Devett if she is saying that she should have notified Ms. Devett about what was happening with someone else's property several months after the complaint. Liz Devett and Nancy Showers stated that was what the secretary/treasurer should have done, yes. Solicitor Cole stated Ms. Devett is not involved in the happenings of someone else's property and she should not have an expectation to be notified about what is happening with someone else's property. Ms. Devett stated the secretary/treasurer had emailed her several times over a period of months to give her updates so why would that be different. The secretary/treasurer stated she updated her twice about the complaint just by saying she put it into the police and it was being taken care of. Again, that was a favor and a courtesy just to let her know the police were taking care of things. Ms. Devett inquired if the town ordinances go away once CK COG is contacted for code enforcement. The secretary/treasurer stated how it gets enforced is between CK COG and the police. Ms. Devett inquired who is in charge of the police. President Finkbinder stated the Chief of Police is in charge of the police. Ms. Devett inquired who is in charge of him. The secretary/treasurer stated the Mayor is in charge of the Chief of Police. John Showers inquired if council has taken away the Mayor's power to execute her duties and enforce regulations as

to the police. Solicitor Cole stated no one is able to take away her duties under the Borough Code. Ms. Devett inquired if the Mayor is able to view the complaints. It was stated that the complaints are confidential. Ms. Devett stated that means they can't follow up on complaints then and make sure they are doing their job. The secretary/treasurer stated any citizen who put in a complaint can contact the Mayor or police to tell them they put in a complaint and ask if it's being followed up with. The Mayor can ask the Chief of Police about the status. There may be some information, depending on the complaint, that the Mayor cannot be told but she can still ask for an update as to the status. Ms. Devett inquired why council was allowing the secretary/treasurer to receive complaint forms then. The secretary/treasurer stated it was put into place because she couldn't go to the carnival or enjoy dinner with her family without people coming up to her and telling her about a pothole on Water Street or that they had an issue with someone's grass. Those people complaining expected the secretary/treasurer not only to remember to address all that with the police or other department the next time she saw them, but also to be the person who complained for them. The form was a way for people to take responsibility for their own complaints and remove her from the process except in that she gets the form where it needs to go. Further, the secretary/treasurer cannot be a witness for what other people saw. She cannot attest that someone's neighbor's grass is 2 feet tall if she hasn't seen it herself; only the person who saw it can do that. Ms. Devett inquired if she understood that council really doesn't have anything to do with taking complaints then. The secretary/treasurer stated that is correct. Ms. Devett stated she agrees there needs to be a process but the process isn't working. John Showers stated council is the one in charge. Sally Farmer stated she thought people were being very unfair to the secretary/treasurer and it shouldn't be expected to keep track of all the things people are asking her to track. It's a lot for one person and it seems to effect her trying to have a personal life. Further, the process seems to have failed the council as well and it's creating friction. It makes sense for council to come up with alternate ways to make complaints. If someone comes with a complaint to council, it should be passed on to whoever the correct authorities are. It's a small community and it seems there just needs to be better communication and not all this fighting against each other; certainly people can be more constructive than this. Ms. Farmer continued by saying she felt for the secretary/treasurer in that she wouldn't want to be the one in her shoes. President Finkbiner inquired if Ms. Farmer understood that, when people complain, there shouldn't be

room for a telephone game to go on. When someone comes to verbally complain and then another person needs to verbally relay that complaint for them and pass it on where it needs to go, it opens it up for things to be missed or incorrect information to be given. The complaint should be put on paper so that paper can be put into the hands of the authority that handles the complaint. The other option is to call the police and speak with them directly. Sally Farmer explained that if people come to council and there's enough of the same complaint then council can see there's an issue with a certain matter in town. Ms. Farmer stated she does not think the role of council is just to make ordinances and decide how the tax money is spent. She thinks there is also an obligation to create a sense of community and provide a good quality of life. The secretary/treasurer stated the issue with that is council cannot witness something for someone else. If that were to happen and the accused takes it to court, the judge will dismiss it due to not having a witness. Solicitor Cole stated that is also the reason for a person to fill out a form or contact the police directly, so the police can contact the complainant to be a witness if it goes to court. Further, if a person makes a complaint to council then council gives it to the police and the complainant never hears from the police then that person will just come back to council complaining that they never heard back about the incident. However, the police wouldn't have been able to contact the complainant about the incident anyway because they didn't know who the complainant was to begin with. Ms. Farmer stated she understands that. John Showers stated that they all have, at times, filled out forms but there are also people in the room who have had their door knocked on because they complained. Further, his own home and car got a dozen eggs thrown at it, others have gotten threatened, and his wife's name is on a burn barrel because she filed complaints. So, if council wants to keep the peace in town, they need to make sure things are enforced. The secretary/treasurer stated that neither the police nor she has ever told anyone who files a complaint; that information is confidential. Mr. Showers stated no one is saying that the information has been given to the accused. Ms. Devett stated that what they are all saying is filing a complaint pits neighbor against neighbor. The people know who complain about them and that puts them all in a bad situation. Yes, they can fill out a complaint but people will know because it's not an ongoing, normal process for addressing the violations. President Finkbiner inquired if what Ms. Devett is saying is they'd rather have a group of people walking around or council complain for them and then those people can take all the blame rather than the person who really has the complaint. Ms. Devett

stated that is what they wanted and that is how the government is supposed to work. Curt Keister stated that is how is used to work and council used to walk around to look at grass and all that and he doesn't know why it stopped. Ms. Devett stated if she was made a part of the borough council, she would do it. Curt Keister stated again that was how it used to be and he isn't sure why they stopped doing that. Councilwoman Kratzer stated that people got angry about council doing that and went after them and so those people backed off of the committee and wouldn't do it anymore. John Showers inquired if Councilwoman Kratzer understood that they are angry. Councilwoman Kratzer stated she lived on that street too and remembers the loud trucks and burning of garbage but she couldn't do anything about it then either and neither would anyone else. Nancy Showers stated she can do something about it now. Councilwoman Kratzer stated that Nancy Showers should do something about it and stop coming to council about it and go to the police. Nancy Showers stated council has the authority. Councilwoman Kratzer inquired if he had the authority to do something and enforce things when he was a county commissioner. Mr. Showers stated that he did and gave an example of when he was a county commissioner and some Mifflinburg residents who lived along the rail to trail were upset because the grass wasn't getting mowed. The Mifflinburg Borough Council was getting upset and the neighbors were getting upset. The Mifflinburg Borough Secretary called Preston Boop as the commissioner and stated that they knew the county authority wasn't taking over the rail to trail until later in the month but inquired if there was anything they could do about the tall grass. Preston Boop called Mr. Showers and they got staff around and cut the grass; the commissioners solved the problem. It was stated that was not the same. Mr. Showers continued by saying that council is not doing a good job about the police matters and keeping the peace.

Benjamin Pilko – Full-Time Officers - Benjamin Pilko stated it seems as though a lot has to do with lack of law enforcement. He understands that there is limited hours available for local law enforcement and inquired what steps people should take to get a regular police patrolman. President Finkbiner inquired if Mr. Pilko was asking about a 24/7 police force. Mr. Pilko stated one or two full-time police patrol officers. President Finkbiner stated that each full-time police officer would cost the borough approximately \$100,000 per year with benefits included. Plus, the borough would need to have a part-time officer for holidays and/or when the full-time

officers take vacation and are sick. The borough's entire yearly budget is approximately \$290,000 for a year. That means that everyone's taxes in town would almost double from what they are now. That is why the borough has stayed with a part-time police department, so they can still have police but not double taxes for everyone in town. The borough's police budget is approximately 20% of the entire yearly budget. Further, once the borough employs so many full-time officers there is civil service, pensions, and other requirements come into play.

Mr. Pilko inquired if there's any way to increase the number of hours the police have available. President Finkbiner stated that, last month, one of the officers worked approximately 100 hours. The other officers have been prohibited by their full-time employment to work elsewhere during COVID-19. Councilwoman Shambach stated that council recently increased the police department's pay in the hopes to get more officers to come work in New Berlin and, in turn, to get more hours. President Finkbiner stated that is correct and the borough has been doing what it can do without causing too much of a burden on the taxpayers. The officers who work for New Berlin are good, qualified, honest, and are of good character which is also important.

Route 304 – Benjamin Pilko inquired if he understood correctly that State Route 304 does not fall under the local jurisdiction and that in order to get speed bumps, stop signs, or anything similar on that road, PennDOT would need to be contacted. President Finkbiner stated Mr. Pilko is correct and all state routes are in PennDOT's jurisdiction. Mr. Pilko inquired of the street department supervisor, who also works for PennDOT, if he thinks PennDOT would put additional speed hindrance devices on the state routes in town. The street department supervisor stated PennDOT has a number of guidelines that need to be adhered to and he does not get into that part of the job, he just works on a crew. However, the rumble strips can be quite loud inside and outside of a vehicle and that noise would just be another issue for people. The street department supervisor stated he could check into some things and ask questions of some of the people at PennDOT. Further, it would be great if the borough could have more officers but COVID-19 is preventing them from being able to work here, at their part-time job. Mr. Pilko stated it would be great if someone could get in contact with PennDOT to inquire about additional traffic devices.

Sally Farmer stated it seems that some of the issues that were raised today, the street crew could be looking into and remedy. Another idea would be to take some money from the police budget and hire someone from outside New Berlin to come and enforce the laws. President Finkbiner stated that has been looked into but they would not have the same police powers so the police would ultimately need to take care of the issue.

Michael Palermo – Motorcycle – Michael Palermo thanked council for sharing the information that the person spoken about earlier who drives the motorcycle has been approached by the police. He was not aware of that and appreciates the information.

COMMITTEE REPORTS – Community Center Committee – Landscaping – Councilwoman Shambach stated the committee has not yet met but will do so soon. The presentation from the Penn State students was provided to council along with a cost analysis for the project they proposed. The committee may pull a few small things from the plan that would work in the space.

Fire Department Liaison Report – COVID-19 Grant Money - Councilwoman Meghan Shambach stated the fire department and the EMS will be applying for some COVID-19 grant funds which recently became available. They are permitted to apply for monies lost due to not being able to have the carnival and other fundraising events. The application is due in one month so they are working diligently to complete and submit the application.

Sunshine Fundraiser – The sunshine fundraiser the fire department held generated a little over \$2,000.00. Some of that money was from food sales and some was from donations. While that money doesn't compare to the money generated by the carnival, it was good to at least be able to raise some funds this year.

Archangel Fundraiser – The archangel fundraiser scheduled for next month has been cancelled due to COVID-19.

Chicken BBQ – The chicken BBQ fundraiser will still be held since it is planned to be a drive thru and pick-up type event.

Activities Committee – Firework Contract – Lester Hummel dropped the firework contract off at the borough office this afternoon. The contract was forwarded to the solicitor for review as discussed last month. In addition, Shirl Hummel called to ask the secretary/treasurer to let council and the solicitor know that if any entity of New Berlin has fireworks before March of next year, the money the activities committee lost is transferrable to that entity. So, if the fire department decides they want to have fireworks before March, the money originally placed down as a deposit can be used towards that event. It is Shirl Hummel's understanding the fire company may want to have an event and include fireworks as a part of that event. Councilwoman Stamm stated Ms. Hummel doesn't exactly have that correct and that Councilwoman Stamm was speaking with Steve Resseguie and told him that the activities committee would lose \$2,000.00 of their deposit if New Berlin does not have fireworks before March of next year. Steven Resseguie mentioned that the fire company may be doing an event in the fall and Councilwoman Stamm replied that the activities committee may do something in the fall as well so maybe they could do a combined event and have fireworks be a part of that event.

Solicitor Cole stated there are legal defenses that can be used to try to obtain all of the deposit back since COVID-19 is an act of God. However, if an entity of the borough is going to utilize the company for a fireworks display before March, it may not be the best idea to contact the company and ask for the money back. Councilwoman Stamm explained that the only reason there's interest in trying to incorporate a fireworks display into a town event before fall is so the activities committee doesn't lose \$2,000.00 of their deposit. Solicitor Cole inquired how the activities committee would like to proceed. Councilwoman Stamm stated she would need to inquire of the other members of the activities committee as well. Solicitor Cole asked Councilwoman Stamm to let her know how to proceed once the activities committee makes a decision. Councilwoman Stamm stated that one of the concerns is that the pyrotechnics company is keeping their deposit but also applying for funds through opportunities available to small businesses because of COVID-19. Solicitor Cole stated that she would be willing to attend an activities committee meeting. Councilwoman Stamm stated she would let her know when they are meeting next.

New Berlin Day – The activities committee is planning on having New Berlin Day on August 22nd, as scheduled.

Activities Committee Dissolving – Shirl Hummel also asked the secretary/treasurer to inform council that the activities committee will likely be dissolving by the end of the year and will not be doing fireworks or any events next year. Ms. Hummel stated she wanted council to be aware so they could make another committee to take care of the events or pick up the duties as a borough.

Animal Ordinance Committee – The secretary/treasurer stated she placed the committee on the agenda in the event there were updates from Mayor Hamilton. Councilwoman Decker stated that the committee has not yet met.

Police Committee – Councilwoman Shambach stated she obtained some estimates for a sign called radarsign which could be placed along a state route to register the speed of vehicles going through town. The secretary/treasurer forwarded the information to everyone on council via email for review. The information includes a link to a video which is very helpful. Councilwoman Shambach also inquired about speed cameras but found out that speed cameras are illegal on state routes. The radarsign could possibly work as a speed deterrent for vehicles and will help with driver speed correction. The sign will not take license plate information or pictures of the vehicles and cannot be used to issue citations. The sign will be placed as a deterrent only. To further explain, the sign will flash the speed of approaching vehicles up on the sign so motorists will know how fast they are traveling through town. The data from approaching vehicles can be set to record and analyze the data which could be helpful for police to recognize patterns of behavior such as more people speeding on the state route between 4pm and 5pm every day, etc. There is only one sign for which she obtained an estimate that is PennDOT approved; the estimate for that sign is \$4,010.00. Councilwoman Decker inquired if the PennDOT approved sign was the one which is also portable. It was uncertain as to whether or not that one was portable but it was mentioned that the portable one would be more advantageous due to having two state routes going through town. President Finkbiner asked the police committee to meet before the next meeting to discuss the sign.

Police Report - Councilwoman Shambach inquired if the police report given to council is public knowledge. The secretary/treasurer stated it is and that it can be requested via a right-to-know request. Councilwoman Shambach stated it may be helpful for the visitors to request it so they can understand what the police are doing while on duty.

POLICE REPORT – The June police report was reviewed. No questions were raised.

Help Wanted Advertisement – The secretary/treasurer stated that Chief Hassenplug would like a help wanted ad placed for a police patrol officer.

Motion - Police Officer Advertisement – Councilwoman Barbara Stamm made a motion to place a help wanted advertisement in the newspaper for a police patrol officer. Councilwoman Decker made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

STREET SUPERVISORS REPORT – Water at Plum Street Park Pavilion – The street department supervisor reported that the water source was placed at the Plum Street Park pavilion. President Finkbiner stated she noticed some of the area around the pavilion was dug up and inquired if that was due to placing the water source. The street department supervisor stated it was because he didn't know the line was equipped with a valve to permit the line to be drained. The contractor who put in the line told him that it was just a regular curb box to turn the water on and off; not one that permitted the line to be drained. So, the line was dug up to put the piece on to allow the line to be drained but it was ultimately found that it that line did already have the accommodation to allow for drainage.

Security/Foyer at the Office – The street department supervisor reported that the foyer at the borough office is complete besides painting and a few finishing touches. The space provides the security needed.

Community Center Paint Quotes – President Finkbiner inquired if the street department supervisor made any progress on quotes to paint the community center. The street department supervisor stated he called several contractors but has not had anyone get back to him.

Cleanliness of Playgrounds - Councilwoman Shambach stated the playgrounds needed power washed and the one at the commons was particularly dirty. The street department supervisor stated he would check into it and he's working on getting mulch for the playgrounds as well. He and Cub Snook are working on getting some community service workers to help spread the mulch at the playgrounds.

MAYOR'S REPORT – Mayor Hamilton was absent from the meeting. No report was given in her absence.

SOLICITORS REPORT – 608 Spangler Street – Auctioneer Contract – Motion – The lot at 608 Spangler Street was sold via auction by Hess Auctioneering. The highest bid and purchase price was enough for the borough to recover all the money spent condemning and demolishing the structure previously on the property as well as all the other costs expended during the process.

407-411 Front Street – Solicitor Cole stated the secretary/treasurer met with the same auctioneer regarding 407-4011 Front Street to get her professional opinion regarding the property at 407-411 Front Street. The auctioneer is recommending the borough auction the property with the structures still erect but require the buyer to demolish the structures within a certain period of time or the property reverts back to the borough. This will save on costs to the borough. The last demolition estimate was \$24,431.00 which is over the amount legally permitted to enter into contract without bidding out the project. The costs incurred on the property known as 407-411 Front Street, plus the estimated demolition cost, totals approximately \$27,854.41. That amount does not include the taxes paid listed on last month's agenda or the solicitor's fees. That recommendation was made due to the extra costs involved with needing to bid out the project and not being certain the lot would bring enough to cover all the borough's costs. If the council does not wish to auction the property with the structures erect, the borough can proceed with hiring an engineer to compose the bid package for the demolition. After discussion, council tabled the discussion until the next meeting due to not being ready to make a decision at the current meeting.

NEW BERLIN MUNICIPAL AUTHORITY - Minutes – No questions or comments were made regarding the May 2020 NBMA minutes.

Liaison Report – Equipment - Councilwoman Shambach stated the municipal authority is looking into hiring a vendor to perform leak detection. The vendor will use equipment similar to ultrasound technology to help find pipe leaks in town.

Line Replacement – Councilwoman Shambach stated she asked the NBMA to let the street department supervisor know if they have any lines they are planning to replace in case any of those roads will also be scheduled to be paved next year. Coordination will prevent newly paved roads to be dug up for line replacement.

NBMA Audit Available – The secretary/treasurer reported that the New Berlin Municipal Authority's 2019 Audit was completed and a report was given to the borough as legally required. It is available for inspection at the borough office.

SECRETARY/TREASURER REPORT - Balance – General Fund - Rebecca Witmer reported the balance in the General Fund as \$115,577.54.

2nd Amendment Sanctuary Resolution Survey Results – The secretary/treasurer stated the 2nd Amendment Sanctuary Survey Results were due on July 30th. She inquired if the survey results should be released to the media if the media called to inquire about the results. The secretary/treasurer stated the total survey results, but not personal information on the individuals who responded, would be a permissibly releasable document according to the Right-to-Know Act. So, the media could technically fill out the Right-to-Know form to obtain the results anyway. Council agreed that the information could be released to the media via telephone if they inquire.

2nd Amendment Sanctuary Resolution – It was stated that Union County passed a resolution making Union County a 2nd Amendment Sanctuary county. It was inquired if New Berlin still needs to or should pass its own resolution. Solicitor Cole stated that was the decision of council. After

discussion, council decided to discuss it more next month after they are in receipt of the survey results.

READING AND SIGNING OF BILLS/PAYROLL – Councilwoman Meghan Shambach made a motion to pay the bills with any additions. Councilwoman Lynda Frederick made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

BILLS TO BE PAID FROM M&T GENERAL FUNDS ACCOUNT

A-1 Lock & Key	5,280.00
AT&T	53.50
Coles Hardware	201.36
Keystone Communications	390.00
Kim Barton	35.00
L/B Water Service, Inc.	2.00
PP&L	1,072.99
B.S. & B. Repair	395.04
Fisher Auto Parts	12.94
Hess's Auctioneering	1,474.52
Hometown Disposal, Ip	76.93
Kim Barton	30.00
Martin's Small Engine Repair	57.95
Mifflinburg Lumber	85.35
Richard's Portable Toilets	160.00
Andrew K Bustin	1,315.82
Curt Keister	599.57
Leif E Hassenplug	336.21
Michael H Mattocks	1,070.81
Rawlin Swanger	311.25
Rebecca A. Witmer	2,323.08
Rodney E Styers	144.64
William Stamm	1,257.97
L/B Water Service, Inc.	90.05
New Berlin Fire Company	653.05
Cardmember Service	1,595.41
PA Department of Revenue	239.05
US Treasury	1,748.38
TOTAL	\$21,012.87

OLD BUSINESS – Copier – Heritage Association – The secretary/treasurer inquired if council thought anymore about what to do with the former borough office copier. It was mentioned that the Heritage Association may want the copier. Councilwoman Shambach stated she would contact Logan Roush to inquire if the Heritage Association would be interested in the copier.

Hazard Mitigation Plan – The secretary/treasurer stated that the updated Union County Hazard Mitigation Plan was distributed to council for review.

Motion – Hazard Mitigation Plan – Councilwoman Meghan Shambach made a motion to pass a resolution to adopt Union County’s updated Hazard Mitigation Plan. Councilwoman Lisa Decker made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Deputy Emergency Management Coordinator – Councilwoman Shambach reported that Union County lost their Deputy Emergency Management Coordinator.

NEW BUSINESS – Bid Award Liberty Street Culvert – A bid opening for the Liberty Street culvert project was held on July 1, 2020 at the New Berlin Borough Office. Council was sent the Liberty Street culvert bid results. The solicitor reviewed and approved all bids. The bid results were also read aloud at the meeting for the record as follows:

Gutelius Excavating	183,787.00
GR Charles	159,310.39
Schlegel Excavating	114,376.00
Robert Young, Inc.	165,412.00
Fairchild Brothers, Inc.	107,446.00

Motion - Bid Award Liberty Street Culvert – Councilwoman Stamm made a motion to award the Liberty Street culvert project to Fairchild Brothers, Inc. in an amount of \$107,446.00 pending review of the engineer and SedaCOG. Councilwoman Meghan Shambach made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

ADJOURNMENT – Motion – Councilwoman Meghan Shambach made a motion to adjourn. Councilwoman Lynda Frederick made a 2nd to the motion. Vote was taken with all in favor. Motion carried. Meeting adjourned.

July 8, 2020

Respectfully Submitted,

Rebecca A. Witmer,
Secretary/Treasurer

MAYOR