

## **NEW BERLIN BOROUGH COUNCIL REGULAR COUNCIL MEETING**

A regular meeting of the New Berlin Borough Council was held on August 8, 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 Lynda Frederick, Councilwoman Betty Kratzer, and Councilwoman Barbara Stamm. Rebecca Witmer, Secretary/Treasurer; Bonnie Hamilton, Mayor; Lester Hummel, Street Department Supervisor; Wendy Cole, Solicitor were also present. Councilwoman Elaine Hopkins, Councilwoman Lisa Decker, and Chief of Police L. Eric Hassenplug were absent from the meeting. New Berlin residents Sally Farmer, Brandon Resseguie, John Showers, and Wayne Resseguie were present as visitors.

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

**APPROVAL OF MINUTES – July 11, 2018 Council Meeting** – Vice-President Jared Busby made a motion to approve the minutes. Councilwoman Barbara Stamm made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed. Motion carried.

**VISITOR BUSINESS – Burning Ordinance - Brandon Resseguie** - Brandon Resseguie stated he was present at the current meeting as a town resident rather than in his role as the NB Fire Department Assistant Chief. Mr. Resseguie heard about visitors coming to the council meeting last month to request a burning ban within borough limits. He would like council to consider the other side before making a decision. Mr. Resseguie stated that he is a resident who burns within the confines of the borough ordinance. There are certain things that cannot be recycled, such as Christmas wrapping paper and take out bags. Mr. Resseguie acknowledged the recent garage fire and stated it was caused by a combination of the wind and a reignition of embers. It was the first time that he knows of open burning causing a fire to a structure within the borough. He has seen fires in the borough caused by candles, faulty electric, wood stoves, and grills but he doubts council wants to consider banning electric, wood stoves, grills, or candles in the borough. Accidents will always happen despite efforts to prevent them. If someone is breaking the law by burning illegally, they should suffer the consequences, not everyone else. There are people who save money by burning

within the confines of the ordinance. If the borough bans burning but brings a shredder into town for people to use, they will be using tax money. So, the people who save money by burning will now either need to pay more money for trash pickup or tax dollars for a shredder. If the people who are illegally burning are fined, that brings income into the borough. It only makes sense for the borough to want income instead of more expenses.

As far as smoke goes, smoke will always be present due to chimneys, wind bringing smoke into town from outdoor burners even if they are located outside the borough limits, among other things. If burning is done responsibly, the fire is done within a matter of minutes, there's minimal smoke, if any at all, and there's no smoldering.

In closing, Mr. Resseguie stated he understands there are those who want burning banned within the borough, but there are also those who burn responsibly and would like to continue to do so. If a burning ban is pushed, others could push for the old burning ordinance to be reinstated which allows for more burning days and more material to be burnt. The current ordinance is a good compromise for both groups. If the council is highly considering a burning ban, it would be nice if the entire town was notified and had a chance to speak regarding the matter whether it's via survey, or another method. Also, not everyone gets the newspaper so advertising it in the paper won't notify everyone of what's happening.

Mayor Hamilton stated that one of the main complaints is that there are a number of people in town who burn trash instead of paper only and inquired if Mr. Resseguie has seen a lot of that. Mr. Resseguie stated he personally doesn't see that. However, if people are doing that, the police should be called, and they should be fined. That is why there's an ordinance and the fines will be revenue for the borough.

President Finkbiner stated there won't be any big decisions made in any secretive way. Council will try to keep everyone informed. Also, an ordinance would need to be adopted which takes time and involves a process.

**Burning Ordinance - John Showers** – John Showers stated he is present as a citizen, not a Union County Commissioner. His reason for wanting the burning ban is that it's bad for health. So many times we hear of people in New Berlin getting cancer or having a heart issue and New Berlin residents should take care of their health by watching what they do. With the recycling center changing to include a lot more items, there's really no reason to burn.

**Burning Ordinance - Sally Farmer** – Sally Farmer stated she does not see anything wrong with the current burning ordinance. The issue is that it's not being enforced. When plastic is burned, particularly at lower temperatures, it can become toxic. It would also be nice to be able to hang laundry out without the sheets being brought into the house smelling like smoke. If the current ordinance is not being enforced, it is up to council to find a solution.

President Finkbiner stated she remembers council having a discussion several years ago with the people who were asking for a burn ban. The discussion was that for enforcement to be effective, there needed to be a partnership between the people who see illegal burning and the police department. If complaints are not made to the police department when there's illegal burning, it will be hard to enforce the ordinance. Sally Farmer stated she has made several complaints to the police department about illegal burning and nothing has happened. So, there comes a time when you stop reporting it because you realize you aren't being heard. Councilwoman Kratzer inquired if there have been reports to the police department logged. The Secretary/Treasurer stated that the logged complaints show approximately 4 burning complaints in the past 3 years. Councilwoman Kratzer stated if people are aware of more illegal burning, they must report it or it can't be enforced. The only other way to enforce it would be for the police department to drive up and down the streets and alleys looking for illegal burning. New Berlin does not have a full time police department and cannot afford one so the police cannot do that every day. Mayor Hamilton stated the police department is not working all budgeted hours and she will speak with the Chief regarding that matter. This is not the primary job for any of the police officers since they all have full time jobs elsewhere. The Secretary/Treasurer stated that she knows when complaints are made the police department follows up on them. Just because the end result of a complaint is not known to everyone, does not mean the police aren't handling them.

John Showers stated the really annoying fires are the ones that smolder for hours. As a resident, when you walk down the street trying to find out where it's coming from, you feel like a snoop.

Further discussion regarding the burning ordinance was tabled due to a full agenda.

**COMMITTEE REPORTS – Activities Committee – New Berlin Cleanup** - Vice-President Busby stated the planned town cleanup with dumpsters being provided is being postponed until spring.

**New Berlin Day** - President Finkbiner inquired if the Fire Company and the Activities Committee worked out a plan for fire department trucks and equipment on New Berlin Day. Vice-President Busby stated it will all be the same as last year.

The Secretary/Treasurer stated that Chief Hassenplug has an officer scheduled to be on duty for New Berlin Day.

**Ordinance Committees – Animal Ordinance** – Vice President Busby stated there have been some difficulties in preparing the animal ordinance. The first issue is that New Berlin may need to hire an animal enforcement officer for when the police are not on duty. The Borough cannot currently follow through with protocol outlined in the existing ordinance. Specifically, the ordinance requires a captured animal to be held for 3 days. The borough neither has the facilities nor the man power to do that. There are a few municipalities who have hired an animal enforcement officer on an as needed basis. The person hired would take care of any captured animal at their home during the holding period. Mifflinburg was contacted but is not able to assist with New Berlin's captured animals for a number of reasons including a change in Mifflinburg's kennel license would be required.

There have been a minimal number of animal complaints over the past several years. Those complaints included barking dogs, possible rabid animals, a pig, and loose chickens. There hasn't been an instance where an animal has needed captured and detained. However, the new ordinance should still provide for such an instance.

Mayor Hamilton stated she and her son have been trying to track cat colonies. In doing so, they discovered that the cat colony on Cherry Street is no longer in existence. The police department had a great deal to do with that by enforcing the ordinance.

The animal ordinance committee will get more information on hiring an animal enforcement officer, including rate of pay. Solicitor Cole stated research should be done as to whether or not an animal enforcement officer needs a special license or other certifications.

**Landlord Ordinance** – A reformatted version of the landlord ordinance was distributed to council via email. The places highlighted indicated there were questions regarding that sentence or section. Councilwoman Barbara Stamm stated she does not feel the ordinance is anywhere near approval and hopes council doesn't rubber stamp it. Further, the primary reason a landlord ordinance was asked to be considered was for the purpose of being able to identify renters within the borough. Council now has a 22 page document before them for consideration. Councilwoman Stamm stated there are a lot of unnecessary sections in the ordinance. Councilwoman Frederick stated she has some questions for the Chief of Police since he thought New Berlin's ordinance should be modeled this way to aid in police enforcement.

Some of the highlighted sections were reviewed. It was determined that the committee seemed to want to focus more on the registration of renters and felt the some sections in the ordinance were excessive or unnecessary. It was also discussed that it's important for the ordinance to address absent landlords. Solicitor Cole suggested she make a list of items the ordinance addresses which seem most important to the committee, and a list of items which seem to be of less importance. The police department should also be included in discussions regarding the list since they are the ones ultimately enforcing the ordinance. Once the lists are complete, the ordinance can be revised into a more simplified version.

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

**Police Budget** – Budget numbers are due to the Secretary/Treasurer by September 1<sup>st</sup>.

**Police Committee Meeting** – It may be beneficial for the police committee to meet to talk about hiring another officer or two.

**Police Car Mileage** – Councilwoman Stamm stated the recently leased police car was one of the best decisions made. Based on the miles being driven, the car should last the department quite a long time.

**Motter & Vine Street - High Weeds - Ditch - Update** – Councilwoman Stamm stated PennDOT Personnel came on site to look at and answer the borough’s question regarding maintenance of the ditch which runs between State Route 204 and the property at 100 Motter Lane. The determination was made by PennDOT that the homeowner of the ditch is responsible for the maintenance of the weeds and grass. When PennDOT passes by that area while mowing along the State Route once or twice a year, they may mow the side closest to the State Route side as a courtesy but it is not a guarantee.

The Secretary Treasurer and the Solicitor will compose a letter to the homeowner with PennDOT’s determination regarding maintenance of the ditch.

**Officer Kuhns - Resignation** – Officer Sam Kuhns submitted a letter resigning from his position as part-time police patrol officer, effective August 11, 2018. President Finkbiner read the letter aloud as follows:

*“Chief Hassenplug:*

*This is to formally notify you that I am ending my employment as a Patrolman with New Berlin Borough Police Department, effective on August 11, 2018.*

*I appreciate the experience, training, and opportunities I've had while with the New Berlin P.D.;*

*Thank you for the support you have provided me during my tenure here. I've been presented an opportunity with the Pennsylvania State Police which I will be pursuing. I will contact you to make arrangements for return of departmental equipment.*

*Best regards,  
Samuel Kuhns III*

**Motion** – Councilwoman Barbara Stamm made a motion to accept the resignation of Officer Kuhns. Vice-President made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed. Motion carried.

**Police Committee** – Councilwoman Stamm inquired if council would agree if the police committee should recommend hiring two part-time officers. There was no objection. Mayor Hamilton stated the committee should talk about hiring a full time police officer. It was stated that the borough couldn't afford a full time officer since it would then need to provide benefits. Mayor Hamilton stated the police committee will meet before the next meeting.

**STREET SUPERVISOR REPORT – Fall Brush and Limb Pickup** – The possibility of a fall season brush and limb pickup event was placed on the agenda from a previously tabled discussion. The Street Department Supervisor stated he did not think it was a good time of year for the event due to leaf pickup and also not having enough man power. Possible fall dates were discussed as well as the process of changing out equipment from leaf pickup to brush and limb pickup.

**Motion** – Councilwoman Barbara Stamm made a motion for the Street Supervisor to add a fall brush and limb pickup to the street department's work schedule. 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.

**MAYOR'S REPORT** – Mayor Hamilton had nothing to report.

**SOLICITOR'S REPORT** – Solicitor Cole had nothing to report.

**NEW BERLIN MUNICIPAL AUTHORITY – Minutes** – There were no questions or discussion regarding the New Berlin Municipal Authority Minutes.

**Mountain Brush Area - NBMA Meeting** – Mayor Hamilton stated she and Vice-President Busby attended the NBMA Meeting to discuss matters regarding the mountain brush area. The NBMA Board is in agreement with the Borough that the area should only be for vegetation. However, the Street Department Supervisor is able to place clean fill at the site when needed. Clean fill should

be considered anything within the guidelines of DEP. A copy of the publication is on file at the Borough Office and one was given to the Street Department Supervisor for reference. The NBMA Board is also in agreement that the lock on the gate should be changed. The NBMA would like one copy of the key.

Vice-President Busby recommend the sign at the brush dump be updated showing the new hours. Council agreed.

**SECRETARY/TREASURER REPORT - Balance – General Fund** - The Secretary/Treasurer reported the balance in the General Fund as \$108,909.31.

**Budget Report** – The Secretary/Treasurer referred to a budget report given to council. Since the report has a lot of information. If council has questions, they can email, call, or wait until the next meeting.

**2019 Budget - Finance Committee** - The finance committee should think about meeting soon. Budget requests are due to the Secretary/Treasurer by September 1<sup>st</sup>.

**SIGNING OF BILLS/PAYROLL – Motion to Pay Bills** – Councilwoman Barbara Stamm 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**

M&T Bank – July Checking Service Charge	25.00
M&T Bank – August School Payment	1,994.36
M&T Bank – Yearly Police Car Payment (9-16-18)	3,098.91
Martin’s Small Engine Repair	6.00
PP&L	261.76
Union County Commissioners	2.00
Walter L. Stuck Lumber & Coal	294.00
AT&T Mobility	134.47
Martin’s Small Engine Repair	15.00
Richard’s Portable Toilets	160.00

Curt Keister	255.42
Jacob Shipman	231.42
Leif Hassenplug	394.69
Lester O. Hummel	1,141.82
Michael Mattocks	448.34
Rebecca Witmer	1,865.71
Rodney Styers	141.58
William Stamm	271.04
A-1 Lock and Key	54.09
Cardmember Service	255.08
Coles Hardware	161.37
Kathy A. Hummel-Diehl	45.00
Kim Barton	35.00
Mifflinburg Lumber	56.62
PP&L	883.39
The Daily Item	110.55
TOTAL	\$12,342.62

**DCNR Grant Acct**

Schlegel Excavating, Inc.	\$10,800.00
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**OLD BUSINESS – DCNR Grant Change Order** – The Secretary/Treasurer stated council has a draft change order for the DCNR Park Project. The change in the project will be 2 parking spaces instead of one and the lawn volleyball court at no additional cost.

**Motion** – Vice-President Jared Busby made a motion to approve the change order. Councilwoman Betty Kratzer made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed. Motion carried.

**Waterline Extension** – A plan of action was discussed with the Street Department Supervisor and Schlegel Excavating to extend the existing waterline to the pavilion area at the Borough’s expense if council so agrees. There will be two spigots for use. One regular spigot will be for park maintenance and be locked. The other will be an automatic shut off spigot as requested by the New Berlin Municipal Authority and be for recreational use.

**CDBG - Update and Engineering Fees** – New Berlin’s Bridge Project is being heavily considered for Community Development Block Grant funding. The last motion of council allowed the Secretary/Treasurer to commit New Berlin Borough General Fund money in the amount of 10% of the bridge design cost towards engineering fees. When the 2<sup>nd</sup> cost estimate for the bridge was received after the meeting, 10% of the design cost was only \$490.00. The Secretary/Treasurer stated committing more funds towards the project may make the project more appealing to fund. There are \$3,000.00 in engineering fees in the 2018 Budget not yet expended and \$3,000.00 in engineering fees typically budgeted every year. This project is planned to be funded in 2019. The Borough could reasonably commit up to \$6,000.00 to the project.

**Motion** – Vice President Jared Busby made a motion to amend the CDBG Project Summary to show a Borough commitment of up to \$6,000.00 towards the Liberty Street Bridge project. Councilwoman Betty Kratzer made a 2<sup>nd</sup> to the motion. Vote was taken with all in favor and none opposed. Motion carried.

**Walnut Street Bridge** – Councilwoman Stamm inquired if the Walnut Street Bridge will be soon be considered for repair. There is a small part of the bridge that fell into the water. President Finkbiner stated the Borough could close the bridge if it becomes unsafe. Council will table discussion on the Walnut Street Bridge until next summer.

**Burning Ordinance** – President Finkbiner gave a history of council’s past actions when asked by residents to consider an open burning ban. Past actions over the years included a poll at the election, distributing town wide flyers informing residents of burning restrictions, and asking those requesting the ban to report illegal burning when they know it is happening.

Typically, when people want to change a law, they get people to sign a petition then take that petition showing interest in the law change to public officials. President Finkbiner inquired if council should ask those asking for the ban to obtain a certain number of signatures for their cause before time and cost is spent for a public meeting.

Council discussed that the burning issue is a very touchy topic for both sides of the issue and it will be very difficult, if not impossible, for council to come to a decision in which everyone is pleased. It was also discussed that the issue involves more than just the burning of paper. It involves other issues for council to consider such as banning all open flames due to some people who asked for the ban being allergic to smoke. The inquiry was made as to whether council also considers banning grilling and smoke coming from chimneys which will in turn affect how people heat their homes. Also for consideration is having the power to enforce any decision council makes.

Council will consider, between now and the next meeting, a possible course of action to take whether it be to ask for a certain number of signatures before having a special meeting or something else all together.

**NEW BUSINESS – Flood Workshop Flyers** – Information regarding an upcoming flood workshop at the Union County Government Center has either been sent or hand delivered to all residents along Tan Run.

**Activities Committee Copies** – The Street Department Supervisor inquired if the Activities Committee could use the borough copier to make copies for New Berlin Day.

**Motion** – Councilwoman Barbara Stamm made a motion allowing the Borough Office to make copies for borough committees or organizations whose funds benefit or those who hold various activities within New Berlin, provided the committee provides the paper for the copies and reasonable notice is made to the office personnel. Councilwoman Betty Kratzer made a 2<sup>nd</sup> to the motion.

**ADJOURNMENT – Motion** – Vice-President Jared Busby made a motion to adjourn the meeting. Councilwoman Betty Kratzer 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