

**NEW BERLIN BOROUGH COUNCIL
REGULAR MEETING**

A council meeting of the New Berlin Borough Council was held on August 12, 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 Mary Palermo, Michael Palermo, Jill Benfer David Farmer, Sally Farmer, Liz Devett, Alicia Hertzler, and Nancy Showers.

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

APPROVAL OF MEETING MINUTES – July 8, 2020 - Discussion was brought regarding the July 8, 2020 minutes. Councilwoman Lynda Frederick made a motion to approve the July 8, 2020 minutes. Councilwoman Meghan Shambach made a 2nd to the motion. Vote was taken to approve the minutes with the correction noted that Cub “Smith” should be Cub “Snook”. Vote was taken with all in favor and none opposed. Motion carried.

Resolution - 2020-7 – Rules of Conduct – President Finkbiner brought for discussion a proposed resolution for adoption addressing rules of conduct at council meetings. The proposed rules of conduct were previously sent to council for review and were read aloud at the meeting as follows:

“WHEREAS, the Borough of New Berlin conducts monthly meetings and emergency and other meetings as needed to conduct Borough business and handle the affairs of the community and

WHEREAS, Pennsylvania Sunshine Act, 65 Pa. C.S. §§ 701-716, requires agencies to deliberate and take official action on agency business in an open and public meeting in which citizens can attend and participate in, and

WHEREAS, in order for such public meetings to run in an orderly manner, it is necessary to have rules and guidelines for public participation in such meetings and guidelines for

the Order of Business;

NOW THEREFORE, intending to repeal all previous resolutions and regulations in the Borough of New Berlin which set guidelines as to conduct and participation in public meetings and intending to enact new rules and regulations, the Borough of New Berlin enacts the following:

ORDER OF BUSINESS: The Order of Business shall be conducted according to the following Order: Call to Order Pledge of Allegiance Minutes of Previous Meeting Treasurer's Report Public Comment Correspondence Administrative Actions Reports Old Business New Business Adjournment

RULES FOR PARTICIPATION AT PUBLIC MEETINGS

- 1. The Chairman/President of the Board shall preside over the public comment period.*
- 2. Citizens attending Council meetings are expected to conduct themselves in a responsible and respectful manner that does not disrupt the meeting.*
- 3. Citizens desiring to address the Council at its regular meetings may do so by providing notice in writing by providing their name, address and the subject matter to be discussed to the Borough Office any time before 5:00 p.m. on the day of the scheduled meeting or by printing their name, address and the subject matter to be discussed on a sign-up sheet found on the podium/table in Council Meeting Room between 6:45 p.m. and 7:00 p.m. on the day of the scheduled meeting.*
- 4. All sign-ups must be completed prior to the meeting being called to order. Those coming to the meeting after the meeting has started who have not given the notice required, and who wish to address council, will not be permitted to speak at the meeting.*
- 5. Speakers will be given five (5) minutes each of speaking time and shall identify themselves at the start of their comment period.*
- 6. Multiple speakers giving the same information to council as previous speakers will be asked to sit down as repetitive. If a group attends a meeting to support a certain topic, only one speaker on behalf of the group will be permitted to speak.*
- 7. Those wishing to have conversations should do so outside the Council Meeting Place.*
- 8. Public comment will occur only during the Public Comment period listed on the agenda. Those addressing council must stand (if physically able) at the podium/designated table and all remarks must be directed to Council as a body and not to any individual Council member or public or elected official or staff member in attendance. Clapping, calling out, and/or cheering when a speaker finishes his/her comments is not permitted.*
- 9. Citizens may not approach the Council tables at any time during the meeting.*
- 10. Residents must be prepared to quote their source of information presented and also*

refer to the specific ordinance they are addressing, if pertinent.

11. Citizens may direct questions at Council but Council is under no obligation to respond directly to any questions at the time of the meeting.

12. No speaker will be permitted to make negative, derogatory or prerogative comments to the council members and/or staff. Any person making threats of any type, personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking, removed from Council Meeting Room and/or cited.

13. Citizens will not be permitted to make comments, ask questions or disrupt the meeting in any way after the Public Comment time of the meeting has passed.

14. Failure to abide by these regulations could result in removal from Council Meeting Room and/or a citation. These regulations are meant to avoid disruptions at the meeting and they are not meant to interfere with public participation.

15. If there is not enough time for public comment at a meeting, the Board, at its discretion, may defer the public comment period at a meeting until the next regular or special meeting.”

It was noted that the rules of order of the meeting will be changed as they are incorrect as written in the proposed resolution.

Motion - Resolution 2020-7 – Rules of Conduct - Vice-President Lisa Decker made a motion to pass New Berlin Borough Resolution 2020-7 regarding the rules of conduct and meeting order. Councilman Barry Kuhns made a 2nd to the motion. President Finkbiner addressed a question from Councilman Kuhns regarding the resolution. Specifically, Councilman Kuhns had a concern that a participant can't speak after the visitor comment time. Depending on the topic, a visitor may be a subject matter expert and could give great input to the council. President Finkbiner stated that in the event there was an expert in the audience and the council wanted to visit the discussion at a later date then council could invite that person back to speak. The person would then be added as an agenda item but not visitor business as in public comment rather visitor business as an agenda topic. That way, they would be prepared and council would be prepared as well. Councilwoman Shambach inquired how a visitor would address council if they had a question about something council was discussing after the visitor comment. President Finkbiner stated it could be at the discretion of the board president or they could submit a formal question at another time.

Councilwoman Stamm stated that if there is an email question from a councilperson regarding a topic, it is important to state that at the meeting so everyone knows the question and not just the answer at the meeting. President Finkbiner stated she did as soon as she realized she was only answering Councilman Kuhn's question rather than stating what the question was. Vote was taken with all in favor and none opposed. Motion carried.

VISITOR BUSINESS – President Finkbiner stated David Farmer is the first person that signed in on the signup sheet to speak and the next visitor and only other who person signed up to speak is Nancy Showers. Sally Farmer stated that she was running late to the meeting so her husband signed her in as an observer but she actually wished to speak. President Finkbiner stated it was not indicated on the signup sheet. David Farmer stated he made an error and the rules didn't exist at the time of the visitor sign in and asked for an exception. Sally Farmer stated she would like to address the council. Jill Benfer interjected and stated she also made an error and only signed in as an observer but wished to speak. Further, she did have something nice to say. President Finkbiner stated she is the President and must have order in the meetings. If she makes an exception for one person, she must make an exception for every person and council just adopted rules. Jill Benfer stated she just knows but she has something nice to say. President Finkbiner called on David Farmer to speak and stated she will make a decision about the others.

David Farmer – Council Procedures – David Farmer read a statement as follows:

*“Dear Borough Council,
Last month I suggested that Council adopt the procedure of referring issues (from public comment time) to a committee, and that Council have every committee report during every meeting.*

The Council leadership did not seem receptive, giving the reason that the purpose of Borough Council is to only to pass laws and to manage the budget. In other words, your mission does not include advocating for residents.

I am guessing that almost every person in the audience disagrees with that view, and I am disappointed that Council does not take a more active role in addressing issues that impact how people live in the community.

There are members of Borough Council who are sympathetic to my view. For example, after hearing about concerns with speeding, Megan looked into those signs that flash when someone is going too fast. Great idea. Great ideas arise when thoughtful people

actively look for creative solutions. The mere fact that Megan looked into the matter is proof that the topic was worth assigning to a committee, and it still is worth assigning to a committee.

The idea of a code enforcement officer also has not been adequately explored. It is a simple idea: a person being paid by the hour to walk around town and make people aware of problems. If a situation escalates, then the police can be involved. If a witness is needed in court, the code enforcement person is available. There is no reason to reject that idea without a more detailed discussion.

Creative solutions are what we seek, because when a problem persists for a long time, that indicates the current solution is not working. Betty acknowledged that traffic noise has been a problem for a long time. Well, that is proof that we need a creative solution.

I repeat my request that these ongoing problems are an indication that something different needs to be done, and that an official committee of Borough Council is a good way to do it. You are not alone. Several people here would be happy to volunteer. Many times we have said the phrase "we want to work with you". Well, we do.

But I ask Council to recognize that instructing us to fill out a form is using a failed solution, and it tells us that you don't recognize that persistent problems need new solutions, and it sends a message that Council does not see the quality of life in New Berlin as part of its mission.

I hope you see that I am not asking for action on any specific issue. I am asking the Borough Council to adopt better procedures so that you can properly address future issues that may arise."

Mr. Farmer gave each councilperson and staff a written copy of his statement.

President Finkbinder stated Sally Farmer could speak next followed by Nancy Showers then Jill Benfer.

Sally Farmer – Unfortunate Flyer – Sally Farmer stated that between the last council meeting and the current meeting, she wrote council about an unfortunate, inaccurate, and hurtful sign posted. Ms. Farmer stated she would like to thank those members of council who responded to her email and expressed their concerns. She ended by stating she hopes the matter can come to a resolution.

Nancy Showers – Unfortunate Flyer and Other Matters – Nancy Showers stated she wanted to make several statements about the past, present, and future and also wanted to address the paper that was posted at the recycling center as hurtful and full of lies. Ms. Showers stated they would like to hear from council regarding the status of the investigation, or lack of one, and would like an opportunity to view the videotape.

Ms. Showers stated she would like to avoid a third occurrence of the same. The first time a paper came out, the state police came to her and her husband's home and filed it as criminal mischief. The incident was in the paper and it reflects on the community as a whole. This time, the state police also came and stayed with them for 45 minutes and heard everything that's been happening. The officer had the information from the first incident and this incident and it's on the record. Ms. Showers stated that this is serious stuff and they want resolution.

Ms. Showers stated it is important to tackle concerns before they get to this stage without deferring discussion or making excuses. They have real concerns and there are people affected by these actions. One of the ways to tackle the problem is to have these issues referred to committees so there's time to deal with them, time to care, and stop saying it's not their job or they aren't going to do favors for people. It is a part of community service to this town.

Ms. Showers inquired if anyone on council knows or cares about Chub, who worked for New Berlin for years, and who just had surgery or that Betty Hollenbach is having knee surgery next week, and that Logan Roush is not doing well and got really bad news over the last few days. Logan has been struggling with one more medical complication, blindness, that is necessitating a trip to Duke in North Carolina on Tuesday. Wouldn't it be nice of council was concerned about these things as a part of community service and took care of each other so they have time to do the fun things and get this stuff taken care of? Council just passed a resolution within a month. Think about all the other ordinances and resolutions that can be passed in that same amount of time; it's not that hard.

Ms. Showers ended with her favorite quote “Make something everyday. Make a song. Make a move. Make a friend. Make a difference.”. That’s all they are trying to do and they don’t need to be stifled.

Jill Benfer – Zoning Officer – Jill Benfer stated that someone had the zoning officer contact her regarding the ramp she spoke about last meeting. Her phone number is not public record but she would like everyone to know that someone is trying. She would like everyone to know she is appreciative of that. Ms. Benfer stated that the zoning officer told her he could not do anything about the freezer on the neighbor’s porch because it was an ordinance matter rather than a zoning matter.

The secretary/treasurer stated she was the one who asked the zoning officer to contact Ms. Benfer. The secretary/treasurer conceded that Ms. Benfer’s cell phone number is not a matter of public record but because Ms. Benfer asked at the last meeting that she be contacted regarding the ramp, she took her cell phone number from the sign in sheet and gave it to the zoning officer. The secretary/treasurer stated she’s only speaking up because she thought it should be on the record given some other events and statements made recently by visitors at public meetings regarding her not doing her job. So, the secretary/treasurer wanted to state for the record that the cell phone number was only given to the zoning officer because Ms. Benfer requested to be contacted and also wanted on the record that she did her job. The secretary/treasurer stated she knows Ms. Benfer is appreciative that he made contact but, again, wanted to speak up for the record given recent accusations. Ms. Benfer stated she understands that and further stated that the zoning officer did ask Ms. Benfer to fill out a form detailing her complaint about the ramp and he would look into it. The secretary/treasurer stated she only gave the zoning officer Ms. Benfer’s name and cell phone information and asked him to contact Ms. Benfer.

Liz Devett stated she wanted to speak. President Finkbiner stated the sign in sheet indicated Ms. Devett possibly wanted to speak. Ms. Devett stated the rules weren’t in place until after the visitors signed in. President Finkbiner stated she would allow her to speak.

Liz Devett – Police Department – Ms. Devett stated that council, at the last meeting, told visitors that council was not responsible for supervising or instructing the police department. However, there is a New Berlin borough ordinance numbered 1957-3 that says the borough is in charge of the New Berlin Chief of Police and the New Berlin Police Department. The secretary/treasurer stated that those facts are incorrect and the ordinance does not say that. Ms. Devett stated that the ordinance says the burgess is in charge of the police department. The secretary/treasurer stated that is correct but that a burgess is a mayor, not council. Ms. Devett inquired what enforcement the mayor has and if the secretary/treasurer is still forwarding complaints to the police department. President Finkbiner stated that complaints are given to the police department. Ms. Devett inquired if council understood that people get to say whatever they want to say at council meetings and if the elected officials do not want to hear what people have to say, they shouldn't run for council. Ms. Devett stated that the borough ordinances are not being enforced. President Finkbiner stated that they are being enforced by the police department. Ms. Devett stated that there's no code enforcement on an ongoing basis and when people come into town, they wonder what happened to New Berlin because it used to be such a nice town. Further, at the last meeting, the secretary/treasurer was the only one speaking so she got the push back but she's not a member of council. President Finkbiner stated that the police department does their job and does enforce complaints; council has explained that again and again. Further, if they don't receive complaints, they can't do anything without a witness. Ms. Devett stated if the police aren't working all their hours, why not take some of the allotted money for a code enforcement officer? President Finkbiner stated that council looked into doing that several times but the borough cannot afford it. Ms. Devett stated that it's not important to New Berlin Council that the town be a nice town. Grass is high, there's garbage everywhere, there's plastic being burned, and there's a lot of noise violations. President Finkbiner stated people are not complaining about these the things Ms. Devett is speaking about or the police would be receiving complaints. Ms. Devett stated that the visitors are there complaining. President Finkbiner inquired if Ms. Devett has put a complaint in with the police department and stated that council does not enforce the ordinances; the police enforce the ordinances. Ms. Devett stated that the President just stated that complaints are forwarded to the police. President Finkbiner stated that if a form is filled out and given to the secretary/treasurer and not the police department, the secretary/treasurer will place the form in the police department box. Ms. Devett stated that is not something the council has communicated

in the past. President Finkbiner stated once something becomes an investigation, they have no right to hear about it after that. Ms. Devett stated she's talking about knowing something has been completed.

COMMITTEE REPORTS – Community Center Committee – Landscaping – Councilwoman Shambach stated the committee has not yet met but will do so soon.

Fire Department Liaison Report – Grant - Councilwoman Meghan Shambach stated the fire department and the EMS applied for COVID-19 grant funds she reported about at the last meeting.

Fire Department New Member Application – Councilwoman Shambach stated the fire department received an application for a new member. The applicant needs to be approved by the fire department.

Activities Committee – Firework's Contract Letter – Councilwoman Barbara Stamm stated the solicitor attended the last activities committee meeting to speak about the down payment given to the pyrotechnics company for the 2020 fireworks display which was ultimately cancelled due to COVID-19. The activities committee asked the solicitor to write a letter requesting a refund of the down payment. The letter has since been written and given to the committee for approval.

New Berlin Day – New Berlin Day is scheduled for August 22nd. The event will go on as scheduled.

Animal Ordinance Committee – Vice-President Decker reported the animal ordinance committee completed the animal ordinance. The solicitor will need to review the ordinance. Vice-President Decker stated that Mayor Hamilton is planning to send the ordinance to the secretary/treasurer for distribution to council and the solicitor.

Police Committee – Speed Sign – Councilwoman Barbara Stamm reported the police committee met on July 27, 2020. Items discussed were possible acquisition and use of a "radarsign" on streets in town. The speed sign or "radarsign" could be used as a deterrent for speeders but cannot be used for enforcement. Councilman Barry Kuhns stated the cost estimate previously received did

not include the mounting poles needed for the sign. The police committee is awaiting an updated cost estimate that includes the poles. Once the updated cost estimate is received, it will be forwarded to the finance committee. PennDOT will also be consulted as to whether or not a permit is required for a sign to be placed on the PennDOT right-of-way.

Excess Noise – The committee discussed the complaints at recent council meetings regarding excess vehicle noise in town.

Police Presence at Council Meetings – The police committee discussed with the Mayor about her asking the police to have more of a presence at the monthly meetings.

Active Job Posting – The police committee discussed the currently active job posting for police officers.

Police Department Rules and Regulations – President Finkbiner read a few excerpts from the Police Department Rules and Regulations in order to help everyone gain understanding about how the police department functions in relation to council and how police committee and council functions in relation to the police department. President Finkbiner read aloud as follows:

“Section 823-INFLUENCING

Employees of the Police Department shall not visit with or discuss any Police Department business with the members of the New Berlin Borough Council, prominent citizens, other persons holding political office or representatives of the news media for the purpose of attempting to obtain or exert influence on said individual(s) which would affect any Police Department members status within or without the department.

Employees will not discuss any complaint or operating aspect of the Police Department with anyone without first discussing the matter with his next superior officer, if the matter can not be resolved at that level, both will discuss the matter at the next level in the "Chain of Command". At no time will an employee discuss a Police Department matter with an individual

member of the New Berlin Borough Council who is acting on his own behalf and not in the name or knowledge of the entire Council. See Section 1303 for Chain of Command

Section 1303-CHAIN OF COMMAND

Except in cases of extenuating circumstances, all members of the New Berlin Police Department will observe the formal Chain of Command in all matters directly related to the Police Department and the Borough of New Berlin. The Chain of Command shall be as follows:

Mayor

Chief of Police

Officer in Charge

NOTE: Any individual member of the New Berlin Borough Council acting individually or without majority agreement is not authorized to make any directive to any member of the Police Department. All communication with the Police Department and the New Berlin Borough Council is to be conducted through the Chain of Command.”

President Finkbiner stated that the next section is what the secretary/treasurer was referring to when she sent the Police Department Rules and Regulations to council and asked that council consider a formal process for complaints against borough staff in the same way people have a formal process for making complaints against police officers. The section was read aloud as follows:

“Section 1603-TAKING OF COMPLAINTS

Any person making a complaint against a police officer for any reason shall be given full opportunity to do so. Such complaints shall be taken by the Chief of Police. The complainant shall make the complaint in writing on a form supplied by the Police Department and shall be signed.”

President Finkbiner stated there is a separate section about investigation into those complaints.

Personnel Committee – President Finkbiner asked the personnel committee to meet to discuss and recommend a procedure for complaints against borough street department workers, the borough secretary/treasurer, and any other borough staff not a member of the police department.

The President noted that the secretary/treasurer is in charge of the personnel files and is required to keep a full records of such.

Street & Light Committee – Research of Minutes - The secretary/treasurer stated she did some research regarding how the street and light committee disbanded. The research is not complete but so far the research shows that the street and light committee gave their duties to the street department a few months after Lester Hummel was hired. This was due to him being more available and more likely to notice some of the ordinance violations while performing his regular street department duties around town. At that time, the borough office wrote letters to those allegedly violating some of the ordinances. The letters gave the alleged violator the proper time to correct the violation according to what was stated in each specific ordinance. If the violation was not corrected by that time, the violation was given to the police department. The secretary/treasurer will do more research as time allows.

Finance Committee – The finance committee will soon begin to meet regarding the 2021 budget. Budget requests are due to the secretary/treasurer by September 1st.

POLICE REPORT – Council reviewed the July police report. There were no comments or questions.

Officer Shipman Resignation – President Finkbiner read aloud a letter submitted by Officer Shipman resigning from the police department.

“Dear New Berlin Borough Council,

This letter is to inform you of my respectful resignation as a police officer for the New Berlin Borough. I appreciate the opportunity to work in the borough for the past 5 years but with some personal circumstances and decisions, I felt it is what I need to do at this

time for my personal life and also with the best interest of the borough in mind. I would like to respectfully resign on good terms. Thank you for your understanding.
Patrolman Jacob Shipman”

Regret was expressed and it was stated that Officer Shipman was very respectful, good police officer.

Motion to Accept Resignation – Councilwoman Stamm made a motion to regretfully accept the resignation of Officer Shipman. Councilwoman Meghan Shambach made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

STREET SUPERVISORS REPORT – Pavilion Roof at Commons – The street department supervisor reported that the roof on the pavilion at the commons is in need of repair. Quotes were sought and two were received. One quote is from Raymond Sampsell in the amount of \$2,450.00 for metal roof. Mr. Sampsell also quoted a shingle roof which was a little more expensive due to needing to dispose of the shingles and the different preparations needed for a shingled roof. The street department supervisor recommended the steel roof over the shingles. The other quote received for a metal roof was in the amount of \$2,500.00.

Motion – Pavilion Roof – Councilwoman Lynda Frederick made a motion to enter into a contract with Raymond Sampsell in the amount of \$2,450.00 for a steel roof for the pavilion at the commons. Councilwoman Meghan Shambach made a 2nd to the motion. Vote was taken with all in favor and none opposed. Motion carried.

Cleanliness of Playgrounds – The street department supervisor reported that the playground equipment at the commons has been power washed and he ordered mulch for all playgrounds. He is currently working with someone to get help from individuals who need to complete community service to help spread mulch and help with other street department duties.

Jill Benfer – Tree – Visitor Jill Benfer stated that the street department should cut the dead tree down along Walnut Street down from the cemetery. It was stated that the property is in Limestone Township and the borough cannot go onto other people's property to cut down trees.

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 monies expended condemning and demolishing the structure on the property as well as all the other costs expended during the process. The closing on the property should occur in approximately 2 weeks.

407-411 Front Street – Solicitor Cole inquired if council made a decision regarding whether they wanted to auction off 407-4011 Front Street with the structures erect or without the structures erect. Councilwoman Frederick stated council discussed it at the last meeting and was undecided. Therefore, the discussion was tabled until current meeting. The solicitor gave a brief summary of the options and the auctioneer's recommendation as discussed at the last meeting. Also discussed was if council should set a reserve, the pros and cons of auctioning off the property with the structures erect and without the structures erect, and the terms of sale council wanted to ensure were in the agreement.

Motion – 407-411 Front Street – Auction – Councilwoman Lynda Frederick made a motion to hire Lori Hess as auctioneer to auction the property at 407-411 Front Street with the structures erect and with a condition in the agreement of sale that the buyer demolish or remove the structures within 90 days. The time for removal or demolition of the structures is permitted to be extended upon the discretion of council. Councilwoman Betty Kratzer made a 2nd to the motion. Vote was taken with all in favor except Councilwoman Meghan Shambach who opposed. Motion carried.

The fire company is still permitted to do training at that location if the training is scheduled before the property is scheduled to be auctioned.

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

Liaison Report - Grant - Councilwoman Shambach reported that the municipal authority is still waiting to find out if they were awarded grant monies for the grant mentioned at a previous council meeting.

SECRETARY/TREASURER REPORT - Balance – General Fund - Rebecca Witmer reported the balance in the General Fund as \$134,851.78.

Response to Accusations at Last Meeting – The secretary/treasurer stated that, given the accusations made against her at the last meeting, she would like to read two emails into the minutes. Specifically, the accusation was that she did not continue to update Liz Devett about a complaint Ms. Devett made against her neighbor. The secretary/treasurer continued by saying that her recollection at the last meeting was that she did so. To be certain she wasn't mistaken in her memory of the events, the secretary/treasurer explained that she pulled the complaint from her files which had those communications attached. The secretary/treasurer stated that the complaint was received via email on July 9, 2019. On that same day, the secretary/treasurer wrote the first email to Ms. Devett acknowledging the complaint. The secretary/treasurer read the email aloud as follows:

*“Liz,
I am in receipt of your complaint form. I will give it to the police department so they can check into it.
Rebecca Witmer”*

On July 14, 2019, there was a structure fire on the property that was the subject of the complaint.

On Thursday, July 18, 2019, the secretary/treasurer sent Ms. Devett another email. The email was read aloud as follows:

*“Liz,
I just wanted to touch base with you while I had a moment. The police did send out notice to the property owner at 320-322 Front Street regarding the issues we were able to address - the grass/weeds, the garbage, the chickens, and any other violations within our ordinances that the police observed while checking into the complaint.*

As you likely know, the property recently had a fire. That fire happened about a day after we sent the notice out, which has changed a few of the circumstances. The property owner is required to clean up the garbage and debris from the fire but they are given some time to do so. In the meantime, if you notice that there are other continuing violations, please let us know.”.

The secretary/treasurer reiterated the last sentence of the email and stated that not only had she felt her part in the process was completed, she didn't think she gave Ms. Devett any reasonable expectation that she would continue communicating with her about the matter.

Complaint Process Requested – The secretary/treasurer asked council to consider developing a policy for making complaints against non-uniform staff. The police have one in place and maybe that policy could be used to develop something similar. A policy would not only protect the employee being accused, it would protect the borough and any visitors who are publicly making untrue and/or unsubstantiated defamatory statements regarding borough employees at a public meeting. If it continues to happen and the borough does not have a process in place other than allowing it to continue in a public meeting, they could potentially suffer legal ramifications as well. There have been recent public accusations made not only about her not doing her job but about others not doing their jobs as well. All of these statements are a part of public record. If it continues and an employee should suffer emotional distress, health issues, or ultimately lose their job because of their reputation being damaged from the untrue statements and unsubstantiated allegations, thereby suffering monetary damage, the employee could have cause to seek damages in court.

Motion – Personnel Complaint Policy – Councilwoman Shambach made a motion for the personnel committee to create a personnel complaint policy for recommendation to council for adoption. President Finkbiner asked the personnel committee to meet to develop such a policy and asked Councilwoman Kratzer to take the lead on it. Reviewing the process of other municipalities was discussed. Solicitor Cole stated she would look into it and send something to council or the personnel committee for review and consideration. President Finkbiner stated it should be kept in mind that the secretary/treasurer is required to keep personnel records on all employees.

Visitor Jill Benfer inquired what the difference was between a policy and an ordinance. President Finkbinder stated an ordinance is codified and enforceable by the police department and a policy would be part of personnel. Ms. Benfer inquired if the ordinances have been reviewed since Bill Reigle signed them. President Finkbinder stated she didn't understand what Ms. Benfer was speaking about. Ms. Benfer stated that ordinances are signed by the president of council and some of them are signed by Billy Reigle. President Finkbinder stated council does not review and change every ordinance. When things come to council's attention that they agree need reviewed, they consider changes and update them accordingly. Ms. Benfer stated she looked online and doesn't see any with President Finkbinder's name on them. President Finkbinder stated that they are there. Further, new ordinances aren't always uploaded as soon as they are adopted. The secretary/treasurer has many tasks and uploading ordinances to the website isn't one that is a top priority.

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

Bilger Automotive	40.00
Gessner Excavating	300.00
Iddings Quarry, Inc.	155.46
Informant Technologies, Inc.	1,200.00
Martin's Small Engine Repair	19.90
The Daily Item	1,050.15
Windstream Buffalo Valley, Inc.	267.85
Berkheimer	426.39
PA UC	14.41
PP&L	248.11
DE LAGE Landen Financial Services, Inc.	75.57
AT&T Mobility	58.76
D.A. Dorman Wildlife Pest Control Service	45.00
Union County Commissioners	180.00
Cardmember Service	225.76
Coles Hardware	34.45
Fisher Auto Parts	38.57
Kim Barton	65.00
Kuhn's Bros Lumber Company	1,480.00
Cole & Varano	1,892.50
PP&L	851.11
Richard's Portable Toilets	160.00

Susquehanna Fire Equipment	75.00
The Daily Item	714.70
Mifflinburg Lumber	921.39
PA Department of Revenue	281.39
US Treasury	2,047.26
Andrew K Bustin	182.84
Curt Keister	296.87
Leif E Hassenplug	322.55
Michael H Mattocks	930.80
Rawlin Swanger	199.44
Rebecca A. Witmer	2,805.47
Rodney E Styers	32.41
William Stamm	1,149.38

TOTAL \$18,788.49

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.

2nd Amendment Sanctuary Resolution Results – The 2nd amendment survey results were given as follows:

Online surveys	97	yes = 75	no = 22
Paper surveys	15	yes = 12	no = 03
Total surveys	112	yes = 87	no = 25
<i>Survey's disqualified</i>	8	yes = 7	no = 1
Total qualified surveys	104	yes = 80	no = 24

Motion – 2nd Amendment Sanctuary Resolution – Councilwoman Lynda Frederick made a motion to pass the 2nd Amendment Sanctuary Resolution as presented by Solicitor Cole. Councilwoman

Meghan Shambach made a 2nd to the motion. Vote was taken with all in favor except Lisa Decker who opposed. Motion carried.

NEW BUSINESS – Liberty Street Culvert – Start Date – The Liberty Street culvert project will start by September 21st. A pre-construction meeting was held on August 19th, at which the contractor mentioned the required pipe is on backorder and will take approximately 3 to 4 weeks to arrive. The project will start once the pipe arrives. All emergency services personnel will be notified of the bridge closure when a more concrete project start date is known.

Liberty Street Culvert Project - Property Owner Concern – Guide Rail – The project manager received a telephone call from a property owner adjacent to the Liberty Street Culvert project. The concern was that the bridge design showed a guide rail along the front of her the property which, due to the length, would cut off access to the northeast corner of their property where a pool and shed are located. The property owner has no other access to the northeast part of their property due to the retaining wall located along the north side of the property. PennDot was contacted and has since waived the regulation requiring the length of that guide rail. Subsequently, the engineer changed that part of the project design. The project manager contacted the property owner regarding the change. The property owner is satisfied with the new design. A change order was completed and approved as required. The change does increase the project cost.

Plum Street Park Walkway –DCNR Grant - Bid Opening – August 5th – On August 5, 2020, a bid opening for the Plum Street Park Walkway was held at the borough office. The bid results were as follows:

Watson Excavating, Inc.	70,803.10
Mid-State Paving and Excavating	83,898.00
Big Rock Paving, LLC	87,655.00
Columbia Excavating, LLC	93,295.00
Schlegel Excavating, LLC	96,492.00

Watson Excavating, Inc. is the lowest bidder. The references of the company were checked and came back positive. There are positive reviews online for the company as well. The company has done work for Watsontown Borough which is pleased with their work.

Motion – Watson Excavating, Inc. – Councilwoman Meghan Shambach made a motion to award the Plum Street Park Walkway Project to Watson Excavating, Inc. in the amount of \$70, 803.10. Vice-President Lisa Decker made a 2nd to the motion. Vote was taken with all in favor except Councilwoman Barbara Stamm who opposed. Motion carried.

Future Meetings – COVID-19 – Solicitor Cole inquired if council wished to discuss the procedure or a different procedure for future meetings due to COVID-19. The August meeting had 24 people in attendance which is just under the 25 person threshold mandated by the state for indoor gatherings. Councilwoman Shambach stated she thought the social hall may be a better place to meet due to the facility having WiFi. That way, people can join digitally and there’s more space for people to be spread out more. Plus, the acoustics are better in that building. Solicitor Cole stated it is something to think about for future meetings. Meghan Shambach stated she looked into each council member having individual microphones for the meetings but she found that an entire sound system would be needed as well. Discussed was doing Zoom meetings, obtaining WiFi for the community center building, and using Microsoft Teams.

Security for Council Meetings - Council discussed obtaining security for the council meetings for those held when the New Berlin police officers cannot be present. Council agreed that it would be a good idea to obtain more information and to check with a few law enforcement officers to see if they would be willing to work occasional security at council meetings.

No Smoking Signs at Plum Street Park – Councilwoman Shambach stated there are some teenagers who are smoking in Plum Street Park on a regular basis and would like the borough to post “no smoking” signs at Plum Street Park. The signs shouldn’t be that expensive. There was no objection to the purchase of the signs.

Grant Updates – DCNR Grant – Feasibility Study – Councilwoman Shambach inquired if the borough heard anything about the DCNR Grant for which the borough applied for a feasibility study on the former New Berlin Elementary School building. The secretary/treasurer stated the borough wouldn’t likely hear anything until November or December of this year. It may be even longer this grand round due to COVID-19.

Recycling Grant Update – The secretary/treasurer stated the borough hopes to hear about the recycling grant sometime this year but that may be delayed until next year as well, for the same reasons.

Rodney Kline Property – Councilwoman Stamm inquired if the Rodney Kline Property will be discussed since she and the street department supervisor met with Mr. Kline about a property transfer he would like to propose. The secretary/treasurer stated there was an email from the solicitor stating that Mr. Kline’s proposal should be in writing and outline exactly what action he is requesting the borough take. Then, the borough council can make it a discussion item.

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

Respectfully Submitted,

Rebecca A. Witmer,
Secretary/Treasurer

MAYOR