



OFFICIAL and APPROVED MINUTES

BERLIN BOROUGH COUNCIL

April 7, 2016 - 7:00 p.m.

1. The President calls the meeting to order.
2. Pledge of Allegiance to the American Flag.
3. President offers a non-denominational prayer.

ROLL CALL

Barb Zerfoss
Thomas Fisher
John Harding, Jr. (Absent)
Eric Glotfelty
Charles Rhodes
Roger Clarke
President Brett Custer
Mayor Joseph Krause

Also in attendance were:

Terry Metzgar, Borough Executive Secretary

Members of the public:

See Attached Roster

Citizen Comments:

The following residents have asked to address the Council:

Bobby Zerfoss:

Mr. Zerfoss wants to know why he must go through the borough to file a property maintenance complaint.

He also wanted to know why the borough is not policing the maintenance code?

Tom Fisher replied the code enforcement is the job of the code enforcement officer and NOT the borough council.

Eric Glotfelty directed the borough secretary to include correspondence from CCIS regarding Mr. Zerfoss and his interactions with CCIS on property maintenance complaints as part of the official minutes from this meeting.

Brett Custer replied “Bobby, I share your concern and as specified under Act 43, I am hereby dissolving the Berlin Borough Permit Committee. All further property maintenance complaints will flow through the borough secretary and then to the Council-As-A-Whole.”

Tom Jones:

Mr. Jones mentioned that he has devoted considerable resources to his PUC complaint and would like to meet with the borough to discuss before May 6, 2016.

Sam Popovitch asked if and when he might be changed from part time to full time borough laborer.

Carolyn Dale mentioned that she felt that she was being harassed on property maintenance issues. She felt that a council member was harassing her on Facebook. She also mentioned that she thought the Berlin Borough Council was doing a fine job.

4. Minutes of the March 3, 2016 Borough Council Meeting are attached for your review.

Motion by Tom Fisher and seconded by Charles Rhodes to approve and accept the minutes of the Berlin Borough Council Meeting dated March 3, 2016.

Ayes: 6

Nays: 0

Motion Passed

President’s Report

Notes to Council:

1. Would you like to schedule Spring Clean-Up Day for Thursday, 051216?

Motion by Eric Glotfelty and seconded by Roger Clarke to establish Spring Clean-Up day as Thursday, 051216.

Ayes: 6

Nays: 0

Motion Passed

2. Our next News Letter is scheduled to go out this spring so if you have any items that you would like featured, please let the staff know by Monday of next week.

3. The next SCBA meeting is on Thursday, May 19, 2016 at 6:30 PM at Our Coal Miner’s Café in Jennerstown.

Motion by Charles Rhodes and seconded by Barb Zerfoss to send members of the Berlin Borough Council, the Mayor, Borough Secretary, and Borough Treasurer, to the SCBA meeting on 051916 with costs to be paid by the Borough of Berlin.

Ayes: 6

Nays: 0

Motion Passed

4. We now do background checks in excess of that required by law. This, of course, entails considerable expense and time. Given that, should we streamline the process to do drug testing, Criminal History and FBI Clearance checks but forgo the lengthy, expensive, and unnecessary Child Abuse History?

Motion by _____ and seconded by _____ to streamline the new hire process by mandating both drug testing and background checks but eliminating the Child Abuse History requirement.

Ayes: 6

Nays: 0

Motion Passed

The Council elected to table this motion until further information can be obtained.

5. Winter Storm Jonas disaster reimbursement funds are available through PEMA. In order to remain eligible for a possible \$5600 reimbursement, we must designate an agent to represent the borough.

Resolution 040716A

DESIGNATION OF AGENT RESOLUTION FOR Winter Storm Jonas

BE IT RESOLVED BY THE BOROUGH COUNCIL OF BERLIN BOROUGH

THAT , Cindy Flamm, Borough Treasurer

IS HEREBY AUTHORIZED TO EXECUTE FOR AND IN BEHALF OF

Berlin Borough, Somerset County

a public entity established under the laws of the Commonwealth of Pennsylvania, all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288 as amended by Public Law 100-707).

Passed and approved this day of Seventh Day of April, 2016.

Motion by Barb Zerfoss and seconded by Tom Fisher to adopt Resolution 040716A, appointing Cindy Flamm as Berlin Borough's Agent of Resolution for Winter Storm Jonas funding.

Ayes: 6

Nays: 0

Motion Passed

ROLL CALL VOTE

Yes: Barb Zerfoss

Yes: Thomas Fisher

ABS: John Harding, Jr.

Yes: Eric Glotfelty

Yes: Charles Rhodes

Yes: Roger Clarke

Yes: President Brett Custer

Motion by Tom Fisher and seconded by Barb Zerfoss to acknowledge receipt of the auditor's financial report.

Ayes: 6

Nays: 0

Motion Passed

Given that Berlin Borough's electric customers have overwhelmingly endorsed (425 to 90) our proposed electric generation project, the time has now arrived when each individual council member must decide to either proceed or terminate the project. Please bear in mind that council members are not bound by the public mandate but should instead vote as their judgment and conscience directs them.

Toward that end, the following resolution is offered for your consideration and vote:

RESOLUTION

No. 040716B

RESOLUTION OF BOROUGH OF BERLIN, SOMERSET COUNTY, PENNSYLVANIA, ACCEPTING THE BID OF POWERSECURE IN THE AMOUNT OF \$2,234,274.00 RELATED TO AN ELECTRICITY GENERATION SYSTEM PROJECT AND AWARD OF CONTRACT TO POWERSECURE, SUBJECT TO ITS EXECUTION OF SAME AND PRODUCTION OF REQUIRED AND SUFFICIENT PAYMENT AND PERFORMANCE BONDS

WHEREAS, the Borough of Berlin (hereinafter "the Borough") advertised in accordance with law and made invitation for bids for that certain project being an electricity generation system (hereinafter "the Project"); and

WHEREAS, only two bids were received with respect to the Project; and

WHEREAS, PowerSecure, Inc., a Delaware corporation located in Wake Forest, North Carolina was the lowest bidder to provide a bid related to the Project in the amount of \$2,234,274.00, plus appropriate bid bond; and

WHEREAS, the bid has been reviewed by the Borough's engineer(s) and determined to be responsive to the Borough's invitation to bid; and

WHEREAS, the Borough desires to accept such bid and to proceed with the Project and award of the contract with respect thereto and issuance of a notice to proceed contingent upon Bidder signing the appropriate Agreement with the Borough and providing the required and sufficient payment and performance bonds;

NOW, THEREFORE, BE IT RESOLVED and it is hereby resolved by the Borough Council of the Borough of Berlin, Somerset County, Pennsylvania as follows:

1. The bid of PowerSecure, Inc. located in Wake Forest, North Carolina related to the Project in the amount of \$2,234,274.00 is hereby accepted.
2. Contingent upon bidder signing the Agreement with the Borough and providing the required and sufficient payment and performance bonds for the Project, the Borough hereby awards the Project to PowerSecure, Inc. The Borough Council President is hereby authorized, on behalf of the Borough, to provide notice of the award of the contract to PowerSecure, Inc.; to sign the Agreement on behalf of the Borough; and to issue and/or direct issuance of Notice to Proceed with the Project to PowerSecure.

Motion by Tom Fisher and seconded by Eric Glotfelty to adopt Resolution 040716B, accepting and awarding the low bid from Power Secure to proceed with the Berlin Borough Electric Generation Project.

Ayes: 4

Nays: 2

Motion Passed

ROLL CALL VOTE

No : Barb Zerfoss

Yes: Thomas Fisher

ABS: John Harding, Jr.

Yes: Eric Glotfelty

No : Charles Rhodes

Yes: Roger Clarke

Yes: President Brett Custer

President Custer had the following response to passage of Resolution 040716B:

I would like to congratulate the Council and the community for their support in moving forward with a project that will work for the benefit of the entire borough.

Proceeding with generation provides us with both back-up power and insulates us from future demand and capacity increases that would otherwise balloon everyone's electric bill.

It is my hope that the entire council might proceed in a united manner as we continue our path toward true energy independence for Berlin Borough.

Mayor's Report: Mayor Joseph Krause

Mayor's Oral Police Report

From: March 1, 2016 To: March 31, 2016.

Officers appeared in court 4 times for a combined time of 5 hours.

Officers were dispatched for 44 calls.

Officers have investigated 22 incidents. 15 of these incidents are closed.

4 Non-Traffic citations were issued.

4 Traffic Stops were conducted.

4 People were arrested.

Motion by Barb Zerfoss and seconded by Roger Clarke to approve and accept the Police Report as presented.

Ayes: 6

Nays: 0

Motion Passed

Committee Reports:

Electric: Chair Eric Glotfelty

First Energy Interconnection Agreement:

First Energy has conceded to some but not all of our requests.

Discussion?

Regarding Penelec's planned five hour outage during a weekday from 06:00 to 11:00, there is some fear that an extended outage during a workday might be overly disruptive to residents, businesses, and schools. Out of concern, The Mayor, Snyder's, and BBSD have all sent letters to Penelec requesting that they defer the planned outage to within the customary maintenance window of 02:00 to 07:00 on a Sunday Morning.

Would the Council like to direct the borough secretary to write a similar letter?

The Council directed the borough secretary to write a letter to Penelec requesting that the outage be scheduled during the early Sunday Morning maintenance window.

In addressing a load balancing condition on Main Street, we have used our last 50KVA transformer. As such, we need approval from the Council to order additional refurbished 50KVA units.

Motion by Roger Clarke and seconded by Eric Glotfelty to approve the purchase of five refurbished 50KVA Transformers at a cost not to exceed \$7,500.

Ayes: 6

Nays: 0

Motion Passed

AMP / Marc Gerken's Joint Solar Project Partnership Proposal.
The Council expressed no interest in the joint AMP Solar proposal.

PERSONNEL & FINANCE: Chair Tom Fisher

Treasurer's Report and Bills:

Motion by Charles Rhodes and seconded by Roger Clarke to approve the bills and Treasurer's Report as specified on.

Ayes: 6

Nays: 0

Motion Passed

REFUSE: Chair Roger Clarke

BUILDING PERMIT & PROPERTY: Chair Tom Fisher

CCIS Activity Report / No Activity in March (Exhibit P22)

HOUSE: Chair Barb Zerfoss

The vendor (Hilltop Office Supply) for our present Kyocera KM3035 copy machine has informed us that parts are no longer available and is asking that we purchase a new contract unit through them for \$1100 plus 1cent per page. Would it be more cost effective to simply order a less expensive but equally capable unit online at a price not to exceed \$750?

Motion by Roger Clarke and seconded by Barb Zerfoss to purchase a new copy machine at a price not exceeding \$750.

Ayes: 6

Nays: 0

Motion Passed

EQUIPMENT: John Harding

Since we have over \$300,000 in the refuse truck replacement account would you like consider purchasing a new Refuse Truck?

If so, the following Resolution is offered for your consideration.

Resolution Number 040716C

WHEREAS, the Borough of Berlin provides refuse service to residents of the borough and surrounding areas, and

WHEREAS, fully functional refuse trucks are needed in order to provide this service.

WHEREAS, the Borough's Refuse Truck is need of replacement,

THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED, that the Borough of Berlin enter into a COSTAR Compliant Contract with Legacy Truck Center of Somerset, Pa. to purchase a new Volvo VHD64B200 Refuse Truck with Leach Packer as described on the attached contract.

BE IT FURTHER RESOLVED, that officials of the Borough of Berlin are hereby authorized to execute said agreement for between the Borough of Berlin and Legacy Truck Center.

Motion by Eric Glotfelty and seconded by Tom Fisher to adopt Resolution 040716C authorizing the purchase of a new refuse truck through a COSTARS compliant contract with Legacy Truck Center in Somerset, Pa. for the price of \$177,690.84.

Aye: 6

Nay: 0

Motion Passed

ROLL CALL VOTE

Yes: Barb Zerfoss

Yes: Thomas Fisher

ABS: John Harding, Jr.

Yes: Eric Glotfelty

Yes: Charles Rhodes

Yes: Roger Clarke

Yes: President Brett Custer

STREETS & SIDEWALKS: Chair Eric Glotfelty

Bumble Creek Drain Cleanout is in progress.

POLICE: Chair John Harding

All is well with our Police Force operating in an exemplary fashion.

BEAUTIFICATION: Chair Charles Rhodes

Planting trees on the Lower Diamond

The Committee will meet for further discussions.

The Council directed the borough secretary to send a thank you note to both Mrs. Merrill and Somerset Trust for their \$800 contribution to the tree planting effort.

Jim Yutzky mentioned that his Church Men's Group might be willing to help with the minor restoration efforts on blighted property.

At 09:27 PM the council adjourned to executive session to review and discuss agency business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law, including matters related to the initiation and conduct of investigations of possible or certain violations of the law and quasi-judicial deliberations.

Motion by Roger Clarke and seconded by Eric Glotfelty to adjourn to executive session.

Aye: 6

Nay: 0

Motion Passed

Motion by Roger Clarke and seconded by Eric Glotfelty to reconvene the regular meeting.

Aye: 6

Nay: 0

Motion Passed

At 10:38 PM, the council reconvened the regular meeting

Motion by Eric Glotfelty and seconded by Charles to change Sam Popovitch from Part Time to Full Time effective Monday, 041116.

Aye: 6

Nay: 0

Motion Passed

Motion by Eric Glotfelty and seconded by Tom Fisher to approve Sherry's Cleaning of Berlin as our new bonded and insured janitorial service at a price of \$125 per week.

Aye: 6

Nay: 0

Motion Passed

The Council directed the borough secretary to contact the solicitor to prepare amendments to the noise ordinance.

The Council directed the borough secretary to advertise for candidates for the Executive Borough Secretary position in The Somerset Daily American, Johnstown Tribune Democrat, and LinkedIn.

Motion by Eric Glotfelty and seconded by Barb Zerfoss to adjourn this Meeting of the Berlin Borough Council at 10:42 PM.

Aye: 6

Nay: 0

Motion Passed

Note: The next regular meeting of the Berlin Borough Council is scheduled for Thursday May 5, 2016, beginning at 7:00 p.m., at the Berlin Borough Council conference/meeting room, 700 North Street, Berlin, Pennsylvania.

Terry L Metzgar

Terry L. Metzgar
Executive Borough Secretary
April 7, 2016



Guest Registry

Berlin Borough Council Meeting

April 7, 2016

Name	Address	Telephone	Email
Chelsea McCarty			
Nancy Glotfelty			
Cathy Dale			
Eric Kistner			
Randy Ross	Heght		
Carlie Berg			
Matthew ...			
CURT GLOTFELTY			

If you would like to address the Council, please enter your name and the subject that you wish to discuss here:



Thank You for attending the Berlin Borough Council Meeting.

Your input is both welcomed and appreciated.

Guest Registry

Berlin Borough Council Meeting

April 7, 2016

Name	Address	Telephone	Email
Brian Eughenour			
Robert Eughenour			
David Chonko Jr			
Jim Eutsey			
Sue Walker			
Jimmy Werner			
Cindy Flamm			

If you would like to address the Council, please enter your name and the subject that you wish to discuss here:



Thank You for attending the Berlin Borough Council Meeting.

Your input is both welcomed and appreciated.

April 5, 2016

Terry Metzgar
Berlin Borough
Berlin, PA 15530

Terry,

I wanted to send you this letter concerning my dealings with Mr. Robert Zerfoss.

Mr. Zerfoss came into the office three times wanting information about properties that Brett Custer had permits with. He was very pushy and arrogant, telling me that if I didn't give him the information he would get forms to allow him to have the information. He was here at the office this morning when I arrived with said forms. I was upset and didn't look closely enough at the forms and didn't realize until after he left that I probably shouldn't have given him the information. I will not give him anything else if he returns. I will send him directly to the Berlin Borough office for permission to have any information. He seems to have a vendetta against Mr. Custer. He was the only one that he wanted information on.

I was afraid because he was acting like he wanted to pick a fight. He was acting like a bully. Intimidating me so that he could get his way. He reminded me of how a fighter is in the ring right before the fight trying to intimidate his opponent.

He said he was coming back for more information. I will not give him any more. I don't care what he says or what he has with him.

He called me on the phone several times besides coming into the office and also called Marty, our inspector. Marty said he would email you information on his dealings with him.

Cordially,

Tami Klinger
Office Manager
Commonwealth Code Inspection Services
421 Georgian Place
Somerset, PA 15501
814-445-8133
814-443-3040 (fax)
somerset@commonwealthcode.com




Commonwealth Code Inspection Service, Inc.
 Bedford Office
 9528 Lincoln Highway, Suite 3
 Bedford, PA 15522
 (814) 624-0224

Invoice

Date	Invoice #
4/6/2016	12911

Bill To
Berlin Borough 700 North Street Berlin, PA 15530

Permit #	Customer Name

Description	Amount
1 Hour Enforcement 4/04/2016 Investigation of complaint called in by Bob Zerfoss pertaining to Dollar General Store roof and apartment. Complaint lacked probable cause as owner had previously applied for a building permit. Met with borough secretary Metzgar and Mr. Zerfoss. During this meeting Mr. Zerfoss commented that he told his mother to take a vacation that he would cause trouble while she was away. After the meeting I visited the site to appease Mr. Zerfoss. 	40.00

Total	\$40.00
Payments/Credits	\$0.00
Balance Due	\$40.00