



OFFICIAL AND APPROVED MINUTES

BERLIN BOROUGH COUNCIL

March 3, 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 (Absent)
John Harding, Jr.
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:

Robert Zerfoss has asked to address the Council on items related to his Mother's Legal Invoice. Mr. Zerfoss mentioned that in his opinion, the Pam Zerfoss letter to the Council was a personal matter and not a Council matter. And as such, the legal invoice should not be sent to his mother Barb Zerfoss.

He also feels that every citizen has a right to report construction code violations. This is true for both citizens and council members.

Kim Sarver asked about property maintenance on the Brubaker Street abandoned house. President Custer assured her that this violation has been referred to CCIS.

Troy Glotfelty mentioned that Fire hydrant on Glade View Drive has not yet been plowed out. He also mentioned that we need side-markers on Shady Lane.

- Minutes of the February 4, 2016 Borough Council Meeting are attached for your review. (Exhibit P8)

Motion by Barb Zerfoss and seconded by Roger Clarke to approve and accept the minutes of the Berlin Borough Council Meeting dated February 4, 2016.

Ayes: 6

Nays: 0

Motion Passed

Barb Zerfoss asked that the following narrative addition be placed on the February 4, 2016 minutes: "Discussion regarding the purchase of the Motorola APX 4000 radio voted to purchase for \$2388.80 at the June 4, 2015 meeting and this radio has now been turned over to the Berlin Police Department."

President's Report

Note to Council:

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 our next meeting in April.

If you wish to maintain PSAB as our administrative agent, we must pass a resolution that designates PSAB as the administrative agent for our Police Pension Plan

RESOLUTION NO. 030316A

WHEREAS, the Borough of Berlin (the "Employer"), on March 3, 2016, established a retirement plan for certain of its employees known as the Borough of Berlin Police Pension Plan (the "Prior Plan");

WHEREAS, the Employer now desires to adopt the Master Plan and Trust currently administered by the Pennsylvania State Association of Boroughs Municipal Retirement Trust (the "PSAB Municipal Retirement Trust"), effective as of January 1, 2014; and

WHEREAS, in accordance with such purpose, the Employer hereby adopts the PSAB Municipal Retirement Trust which shall constitute the retirement plan known as the Borough of Berlin Police Pension Plan (the "Plan"); and

WHEREAS, said Plan shall be deemed to be a continuation of and a successor to the Prior Plan;

NOW, THEREFORE, BE IT RESOLVED, that effective as of January 1, 2014, the terms of the Pennsylvania State Association of Boroughs Municipal Retirement Trust are hereby adopted by the Employer, to be known as the Borough of Berlin Police Pension Plan;

FURTHER RESOLVED, that said Plan shall be deemed to be a successor to and a continuation of the Prior Plan;

Motion by Roger Clarke and seconded by Charles Rhodes to accept and adopting Resolution 030316A maintaining PSAB as administrative agent for our police pension plan.

Ayes: 6

Nays: 0

ROLL CALL VOTE

Yes: Barb Zerfoss

Abs: Thomas Fisher (Absent)

Yes: John Harding, Jr.

Yes: Eric Glotfelty

Yes: Charles Rhodes

Yes: Roger Clarke

Yes: President Brett Custer

So that AMP might purchase energy on today's relatively low priced market in anticipation of increasing energy prices, you may wish to approve the following resolution adopting the amendment which authorizes American Municipal Power to purchase those futures contracts on our behalf. This would extend our pool purchase agreement with AMP until December 31, 2020.

**BOROUGH OF BERLIN FIRST AMENDMENT TO NON-POOL POWER SALES
SCHEDULE**

**Schedule to American Municipal Power, Inc, And Borough of Berlin, Pennsylvania
Master Service Agreement No. C-1-2004-3925**

WHEREAS, the Borough of Berlin, Pennsylvania (the "Municipality"), owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its citizens and taxpayers;

WHEREAS, Municipality entered into an Non-Pool Power Sales Schedule with American Municipal Power Inc. ("AMP") (AMP Contract No. C-3-2007-5519), in order to purchase energy from AMP;

WHEREAS, the parties desire to amend the Non-Pool Power Sales Schedule to authorize additional purchases of energy from AMP under similar terms and conditions for an extended term with delivery beginning on January 1, 2018 and ending no later than December 31, 2020;

WHEREAS, AMP has provided appropriate personnel and information regarding this First Amendment of the Non-Pool Power Sales Schedule to enable Municipality to evaluate the

benefits and risks of the additional energy purchases authorized by this First Amendment to the Non-Pool Power Sales Schedule and to determine the same are in the public interest.

NOW THEREFORE, in consideration of the conditions, terms and covenants hereinafter contained, the Parties hereto do hereby mutually agree as follows.

SECTION 1. The term in Article I and Section 201 shall be modified to extend the end of the term from December 31, 2017 to December 31, 2020.

SECTION 2. A new Section 203 shall be added as follows:

SECTION 203 – PROCEDURE FOR ADDITIONAL POWER SUPPLY ACQUISITION AND SALE: The Municipality authorizes AMP to purchase energy (Long Term Energy Purchase) for the period January 1, 2018 through December 31, 2020 on behalf of the Municipality using the same process as set forth in Section 202 above.

Once a Long Term Energy Purchase is finalized and transaction confirmation executed, a copy of the final transaction confirmation between the supplier and AMP shall be added as Appendix B and become part of this Schedule.

SECTION 3. No other section of the Non-Pool Power Sales Schedule shall be amended or modified.

Resolution No. 030316B

Borough of Berlin, Pennsylvania

A RESOLUTION AUTHORIZING THE EXECUTION
OF THE FIRST AMENDMENT TO
NON-POOL POWER SALES SCHEDULE
WITH AMP

WHEREAS, the Borough of Berlin, Pennsylvania (the “Municipality”), owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its citizens and taxpayers;

WHEREAS, Municipality entered into a Non-Pool Power Sales Schedule with American Municipal Power Inc. (“AMP”) (AMP Contract No. C-3-2007-5519) in order to purchase energy from AMP (“Energy Purchase Power Supply Schedule”);

WHEREAS, the parties desire to amend the Non-Pool Power Sales Schedule to authorize additional purchases of energy from AMP under similar terms and conditions for an extended term with delivery beginning on January 1, 2018 and ending no later than December 31, 2020;

WHEREAS, AMP has provided appropriate personnel and information regarding the First Amendment of the Non-Pool Power Sales Schedule, as such officers and representatives of this Municipality have deemed necessary or appropriate, to enable this Municipality to evaluate the benefits and risks of the additional power purchases authorized by the First Amendment to the Non-Pool Power Sales Schedule and to take all other actions contemplated by the Resolution hereinafter set forth, and to determine the same are in the public interest.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF BERLIN, PENNSYLVANIA.

SECTION 1. The term in Article I and Section 201 of the Energy Purchase Power Supply Schedule shall be extended to December 31, 2020.

SECTION 2. A new Section 203 shall be added to establish the process to be used to enter into any new Long Term Energy purchases.

SECTION 3. No other section of the Energy Purchase Power Supply Schedule shall be amended or modified.

SECTION 4. That the Borough Council President is authorized to execute a First Amendment to the Energy Purchase Power Supply Schedule consistent with and within the scope of the authority set forth in this Resolution.

SECTION 5. That is it found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in meetings that were open to the public, in compliance with all legal requirements.

SECTION 6. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 7. That this Resolution shall take effect at the earliest date allowed by law.

Motion by Roger Clarke and seconded by Brett Custer to accept and adopt Resolution 030316B allowing American Municipal Power to execute a First Amendment to the Energy Purchase Power Supply Schedule.

Ayes: 6

Nays: 0

ROLL CALL VOTE

Yes: Barb Zerfoss

Abs: Thomas Fisher (Absent)

Yes: John Harding, Jr.

Yes: Eric Glotfelty

Yes: Charles Rhodes

Yes: Roger Clarke

Yes: President Brett Custer

Motion Passed

In accordance with the Municipal Records Retention Act, you may wish to authorize the disposal of outdated records.

Motion by Charles Rhodes and seconded by Eric Glotfelty, to approve the disposal of outdated records.

Ayes: 6

Nays: 0

Motion Passed

Mayor's Report: Mayor Joseph Krause

Mayor's Police Report

From: February 1, 2016 to February 28, 2016.

Officers worked 376.5 hours

Officers appeared in court 2 times for a combined time of 2.5 hours. Officers were dispatched for 23 calls.

Officers have investigated 16 incidents. 13 of these incidents are closed.

0 Non-Traffic citations were issued. 11 Traffic Stops were conducted.

4 Traffic Citations were issued.

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

Discussion on the forthcoming Demand Charge Increase and how it will impact Berlin Borough. Mr. Glotfelty offered the following information to the Council:

According to AMP, sometime during 2016, we will see our First Energy Demand Charge at least double, probably triple, and perhaps quadruple as the result of a change in the way that their tariff is calculated.

The tariff (Demand Charge) is now based on an approved PUC filing that assures Penelec will receive a 12% return on their capital investment and that tariff can only be changed after a long and arduous filing process through the PUC.

This method is about to change to one that is based on an automatic formula where First Energy merely plugs-in their capital investment number and the tariff changes without the need for a PUC filing.

As you might expect, without regulatory over-sight, that number will go up in accordance with increased capital investment.

Which is why AMP is giving us a heads-up to expect a fairly dramatic increase in our Demand Charge Multiplier.

Anyway.....if our present Demand Charge multiplier doubles, it will cost Berlin Borough an additional \$51,572.76 per year on top of the \$51,572.76 that we already pay.

If it triples (the most likely scenario according to AMP's Mike Migliore) it will cost us an additional \$103,145.52

If it quadruples (worst case scenario) it will cost us an additional \$154,718.28 per year.

Just as a point of reference, a 3240 kW peak shaving generator would reduce the \$154,718 additional charge to a mere \$3051. This illustrates how much peak shaving generation insulates the borough from future demand charge increases just like this one.

First Energy Interconnection Agreement:

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

Discussion?

Roger Clarke made a motion to remove the PPA but it died for lack of a second. The Council tabled the measure for further study.

PERSONNEL & FINANCE: Chair Tom Fisher

Treasurer's Report and Bills:

Motion by Roger Clarke and seconded by Charles Rhodes 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. (Exhibit P22)

HOUSE: Chair Barb Zerfoss

Sound System options for the borough building from the House Committee Chair?
Barb Zerfoss will explore pricing options for discussion at the next meeting.

EQUIPMENT: John Harding

Status on Trucks 1 and 16.

Do we wish to establish a new account in which to save for a regular and established truck replacement schedule?

If so I will entertain a motion:

Motion by John Harding and seconded by Roger Clarke to establish an equipment replacement account and place \$2,000 per month into that account.

Aye: 6

Nay: 0

Motion Passed

STREETS & SIDEWALKS: Chair Eric Glotfelty

Bumble Creek Cleanout and dredging.

The Council directed the borough secretary to contact Mike Fogle and ask for his help in clearing the drains along Bumble Creek.

Eric briefly covered the process and procedure for a Community Movie Night should the Council elect to pursue this activity.

The Council directed the borough secretary to explore the liability aspects of borough sponsored movie nights with Cover Insurance.

The Council directed the borough secretary to explore this concept with BBSD.

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

Discussion

At 09:50 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 Eric Glotfelty and seconded by Roger Clarke to adjourn to executive session.

Aye: 6

Nay: 0

Motion Passed

Motion by John Harding and seconded by Roger Clarke to reconvene the regular meeting.

Aye: 6
Nay: 0
Motion Passed

At 10:45 PM, the council reconvened the regular meeting

Motion by John Harding and seconded by Eric Glotfelty to approve the purchase of 48 new Itron Centron Electric meters.

Ayes: 6
Nays: 0
Motion Passed

Motion by John Harding and seconded by Charles Rhodes to approve the rental of Somerset Borough's Vacuum Truck so that Borough Crews might clean out our storm sewers.

Ayes: 6
Nays: 0
Motion Passed

Motion by Barb Zerfoss and seconded by Roger Clarke to accept the Rockwood Insurance damage settlement offer on the Main Street Pole and water damage.

Ayes: 6
Nays: 0
Motion Passed

Motion by Barb Zerfoss and seconded by John Harding to amend the motion made on 020416 nominating Brian Walker to the Municipal Authority and making it retroactive to 010116 .

Ayes: 6
Nays: 0
Motion Passed

In an effort to promote the democratic process, perhaps it might be best to encourage the members of our Municipal Electric System to vote their preference on the Generation Project.

Motion by Roger Clarke and seconded by John Harding to allow each Berlin Municipal Electric Customer to vote by numbered ballot as a straight yes or no preference on proceeding with the generation project. This vote to be completed and tabulated before our next Council Meeting on 040716.

Ayes: 6
Nays: 0
Motion Passed

Motion by Roger Clarke and seconded by Eric Glotfelty pay all expenses for Charles Rhodes to attend a Dirt & Gravel Roads Seminar in Altoona, Pa. on April 26 and 27, 2016.

Aye: 6
Nay: 0
Motion Passed

Motion by Eric Glotfelty and seconded by John Harding to adjourn this Meeting of the Berlin Borough Council at 10:52 PM.

Aye: 6
Nay: 0
Motion Passed

Note: The next regular meeting of the Berlin Borough Council is scheduled for Thursday April 7, 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
March 3, 2016



Guest Registry

Berlin Borough Council Meeting

February 4, 2016

Please print

Name	Address	Telephone	Email
CURT GLOTFELTY	BERLIN		
Chelsea McCarty	Berlin		
Nancy Glotfelty	Berlin		
Janolyn Dale	Berlin		
Ram Zerfoss	High Street		
Kimberly Sarver	XXXXXXXXXX Brubaker St.		
David A Chonko Jr	Berlin		
Mike A. AD	Berlin PA 15530		
Eric Kieta	Daily American		
Lori Benning	Berlin		
Bob Zerfoss	Berlin		

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

February 4, 2016

Please print

Name	Address	Telephone	Email
Brian Loughner	Berlin	267-4636	N/A
Jim Eutsy	Berlin	267-4974	

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.