

Official and Approved Minutes

BERLIN BOROUGH COUNCIL

May 1, 2014 - 7:00 p.m.

1. President Kerrie Broderick calls the meeting to order.
2. Pledge of Allegiance to the American Flag.
3. A moment of silence.

ROLL CALL

Kerrie Broderick / President

Roger Clarke

Neil Scheller (Absent due to illness and pending resignation)

Eric Glotfelty

Brett Custer

Barb Zerfoss

John Harding, Jr.

Mayor Joseph Krause

Also in attendance were:

Terry Metzgar, Borough Secretary

Members of the public:

Mrs. Jane Scurfield and numerous others.

See Attached Roster

Citizen Comments:

Mrs. Scurfield wishes to address the council regarding signs attached to painted poles.

Questions were raised about interpretation of the 2010 Pennsylvania Code Title 18 - CRIMES AND OFFENSES Chapter 69 - Public Utilities 6905 - Nails and other hard substances attached to utility poles.

The Council directed the Borough Secretary to consult with the solicitor regarding this issue as it relates to Mrs. Scurfield's concerns.

4. Minutes of the April 24, 2014, Special Borough Council meeting for review. (Exhibit P8)

Motion by Barb Zerfoss and seconded by John Harding to approve and accept the minutes of Berlin Borough Council Meeting dated April 24, 2014.

Ayes: 6

Nays: 0

Abstain: 0

Motion Passed

President's Report (Kerrie Broderick)

Addressing the Council:

Mrs. Broderick asked that the council put aside personal and political differences so that the council might work together as a team for the betterment of Berlin.

Items:

Monthly committee meeting are no longer required but may be used as needed in accordance with the previously published dates. As a general rule, the fewer meetings the better.

Mayor's Report: Mayor Joseph Krause

Police Report (Exhibit P12)

Motion by Barb Zerfoss and seconded by John Harding to approve and accept the Police Report as presented.

Ayes: 6

Nays: 0

Abstain

Motion Passed

Committee Reports:

Electric & Equipment

Brett Custer (Chair)

Reclosers and fuses have been delivered and await installation.

Pole replacement near Bingman's is in progress as preparation for GOAB and Recloser installation.

Asset Inventory and why it is important for our Five Year Plan and Municipal Electric Revenue Generation.

Approval of the BBSD nominated Berlin Borough Asset Inventory Summer Intern (Exhibit P15)

Motion by Eric Glotfelty and seconded by John Harding to hire Nathaniel Custer as a summer intern to perform an asset inventory of Berlin Municipal Electric Distribution System at the established Non-Unformed Seasonal Labor Rate of \$8.30 per hour.

Ayes: 5

Nays: 0

Abstain: 1

Roll call vote:

Aye: Kerrie Broderick

Abstain: Brett Custer

Aye: Eric Glotfelty

Aye: Roger Clarke

Aye: John Harding

Aye: Barb Zerfoss

Motion Passed

Eric Glotfelty mentioned that the Summer Intern's job duties should be limited exclusively to the Asset Inventory Process.

PERSONNEL & FINANCE

Neil Scheller (Chair) Kerrie Broderick Acting Chair

Plaques have been distributed.

Our new Out-Side Supervisor, Brian Black started on 042314.

With the newly reorganized Council, we are required by law to adopt the following Resolution:

RESOLUTION NO. 5-14A

BE IT RESOLVED, that the Berlin Borough Council of the Borough of Berlin, Somerset County, Pennsylvania, authorizes Borough Council President Kerrie Broderick, Borough Council Vice-President Brett Custer, Borough Council President Pro Temp Eric Glotfelty, Executive Borough Secretary Terry L. Metzgar, and Borough Treasurer Cindy Flamm (any three of these five) to execute such documents as may be necessary to effect investments and transact business via checking accounts, payroll accounts, and savings accounts.

Kerri P. Broderick, Council President, 1206 Valley View Dr., Berlin, Pa.

Brett L. Custer, Council Vice-President, 509 North Street, Berlin, Pa.

Terry L. Metzgar, Executive Secretary, 10122 Glades Pike, Berlin, Pa.

Cindy L. Flamm, Treasurer, 823 Maple Street, Berlin, Pa.

Eric M. Glotfelty, President Pro Tem, 1505 Brubaker Street, Berlin, Pa.

Motion by Roger Clarke and seconded by Eric Glotfelty to approve the updated Berlin Borough authorized signature list as specified above by Resolution 5-14.

Ayes: 6

Nays: 0

Abstain: 0

Motion Passed

Treasurers Report and Bills:

Motion by Brett Custer and seconded by Eric Glotfelty to approve the bills and Treasurer's Report as specified on Exhibit P16.

Ayes: 6

Nays: 0

Abstain: 0

Motion Passed

FIRE & GARBAGE

Roger Clarke (Chair)

Advanced Disposal / Mostoller Landfill has increased our fuel and environmental tipping charges by 17.94%. (Exhibit P22)

STREETS, STORM SEWERS & SIDEWALKS

Eric Glotfelty (Chair)

Roger Clarke mentioned that he had received a request from citizens that a “Children at Play” sign be placed near Mulberry and Diamond Streets in an effort to slow vehicle traffic through this area. This issue was referred to the Street Committee for their consideration.

The Hay Street 35 mph speed limit sign has been delivered, we must check with Dave to see if it has been posted.

The catch basin at Broadway and Meyers street has been replaced.

Complaints concerning the 2 hour parking on the diamonds were discussed with business owners by Terry Metzgar and myself and the only complaints were from Dollar General Concerning the one spot in front of the store, plus their handicapped parking Sonya Hyatt requests that she has 2 spots saved for her business, 3 if possible. Paint lines?

The Unique Paving Material Company did their presentation on April 8th, we fixed a pothole at The elementary school with numerous other boroughs participating. We have used approx. 3 ton So far with the first 2 tons being buy one get one free.

The 2014 MLF paving project has been studied and a plan has been proposed with the help of PENNDOT Municipal Services Manager, George Spinelli.

New business.

Terry Metzgar and I are getting a plan together for the sign inventory by June 14th
Crosswalks to be painted at the convenience of the workers schedules... Would like crosswalks painted at both school crossing guard positions, the Post Office, Dollar General, and the Pharmacy. Any other suggestions for painted crosswalks?
Painted fire hydrants?

Motion by Roger Clarke and seconded by Brett Custer to accept and advertise bids for the Municipal Liquid Fuels Paving Projects as specified on the PENNDOT generated Exhibit P34 .

Ayes: 6

Nays: 0

Abstain: 0

Motion Passed

Eric Glotfelty mentioned that inspectors should be present throughout the paving process.

Flea Market Parking Request from Lutheran Church for Food Pantry (Exhibit P46)

Motion by Eric Glotfelty and seconded by Brett Custer to recommend and refer to the mayor a request from The Holy Trinity Church Mission Group for parking restrictions along Main Street on 071214 as specified on Exhibit P46.

Ayes: 6

Nays: 0

Abstain: 0

Motion Passed

POLICE

Kerrie Broderick (Chair)

Damage to police car....Joe to turn it in to insurance?

Meeting with Teamsters and Mr. Rullo on 042314.

OIC Rodney Norman has requested the borough purchase police polo shirts
8 by \$18 for \$144

Motion by Roger Clarke and seconded by Barb Zerfoss to purchase Police Polo Shirts .

Ayes: 6

Nays: 0

Abstain: 0

Motion Passed

Personal cell phones

24/7 in car cam use

Scheduling of Officer Brant?

Cameras in office

Drug task force status

PLANNING & PROJECT

Barb Zerfoss (Chair)

The Borough's Five Year Plan hinges upon the Asset Inventory Process.

Bike Trail Update

Mrs. Broderick sends a special thank you to Neil Scheller for his dedication to the council and the community. The Council accepts his resignation with considerable regret. (Exhibit PX)

Motion by Roger Clarke and seconded by Barb Zerfoss to accept the resignation of Neil Scheller from the Berlin Borough Council effective 050114.

Aye: 6

Nay: 0

Abstain: 0

Motion Passed

At 08:31 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 Eric Glotfelty and seconded by Roger Clarke to adjourn to executive session.

Aye:6

Nay:0

This, of course, leaves us with a dilemma as to how we can maintain our municipal refuse collection in the face of this increase. Please bear in mind that our current collection rates are considerably less expensive than any competitive local service. (Exhibit P23)

Our options are:

1. Do nothing and absorb an annual loss of \$27,736
2. Adjust our rates in accordance with the 17.94% increased tipping fee.
3. Adjust our rates and place a bag limit on our currently unlimited collection process.

RESOLUTION NO. 5-14B

WHEREAS, the Borough of Berlin, Somerset County, Pennsylvania owns and operates a Municipal Garbage Collection System by authority of Berlin Borough Ordinance No. 156; and WHEREAS, additional revenue is needed to offset increased operational expenses of the Municipal Garbage Collection System; and WHEREAS, Berlin Borough Ordinance No. 156, Section 1 1 (dated July 6, 1959) provides the authority for periodic rate changes through resolution;

THEREFORE, BE IT RESOLVED by the Berlin Borough Council, Borough of Berlin, Somerset County, Pennsylvania that this resolution supersedes Resolution No. 1 1 1 dated October 1, 1986; Resolution No. 1 16 dated December 3, 1987; Resolution No. 1 19 dated December 7, 1989; Resolution No. 124 dated December 7, 1989, Resolution No. 2 13 dated April 7, 2005, Resolution 11-09, and any other garbage collection rates previously established; and the following rate changes for collection of garbage and ashes by the Municipal Garbage Collection system are made effective for the collection starting June 1, 2014 for the July, 2014 billing, and continuing until changed by the Berlin Borough Council:

1. Garbage and rubbish from all Borough residences collected weekly at the curb: \$14.60 per month.
2. Garbage and rubbish from all rural residences collected weekly at the curb: \$20.00 per month.
3. All other refuse rates both residential and commercial are increased by 17.94% as a reflection of the increased environmental tipping fees assessed to the borough specified on Exhibit P22
4. Tires and hazardous items will NOT be accepted.

Motion by Brett Custer and seconded by Barb Zerfoss to revise the Berlin Municipal Garbage Collection Rates in response to the increased tipping fee cost as specified by Resolution 5-14B.

Ayes: 5

Nays: 1

Abstain: 0

Roll call vote:

Aye: Kerrie Broderick

Aye: Brett Custer

Nay: Eric Glotfelty

Aye: Roger Clarke

Aye: John Harding

Aye: Barb Zerfoss

Motion Passed

BUILDING PERMIT & PROPERTY

Neil Scheller (Chair) Kerrie Broderick Acting Chair

Held-over IBTS complaints are still pending action from CCIS despite several email requests for updates.

Status of complaints for Baltzer's Trailer Court?

Brubaker Street - Lyons Trailer 1306?

List of permits still open?

All items are still pending with CCIS. This as of 050114.

The council directed the borough Secretary to contact Clem at CCIS.

HOUSE

Kerrie Broderick (Chair)

Old:

Joint 042114 Fire Department / House Committee Meeting.

AED has been placed

CPR and AED training forthcoming

Carpet installation estimates

Motion by Barb Zerfoss and seconded by Eric Glotfelty to accept the low bid of \$739 from Paul Cramer Carpet for installation in the Borough Office.

Ayes: 6

Nays: 0

Abstain: 0

Motion Passed

HVAC advice from CCIS who's response is pending

New:

South Borough Building Sidewalk paving in conjunction with MLF but must be paid out of the General fund.

Since our Smoke detectors are obsolete, BVFD obtained estimates from MEI for the installation of a new system at the borough building (Exhibit P32)

The Council directed the Borough Secretary to obtain estimates for electrical work connecting smoke detectors to the back-up generator.

Letters on borough sign are no longer sticking.....etched in granite?

The Council directed the Borough Secretary to inquire about engraving granite or marble for the sign.

SCBA Dinner on 052214 at 6:30 PM.

Hooversville Borough

Holy Family Catholic Church

321 Sugar Street

Hooversville, PA 15936

Motion by Brett Custer and seconded by Barb Zerfoss to send any members of the Berlin Borough Council, the Mayor, Borough Secretary, Borough Treasurer, and the Borough Solicitor to the SCBA meeting on 052214 with costs to be paid by the Borough of Berlin.

Ayes: 6

Nays: 0

Abstain: 0

Motion Passed

At 08:57 PM, the council reconvened the regular meeting.

1. New Council Member Appointment

Resolution 5-14C

RESOLUTION TO FILL VACANCY IN ELECTED BOROUGH OFFICE

WHEREAS, a vacancy in the office of Borough Council for the Borough of Berlin in the County of Somerset has occurred due to a resignation.

WHEREAS, Section 901 of the Borough Code provides that the borough shall fill such vacancy by resolution within thirty (30) days by appointing a registered elector of the borough (who has also resided one year continuously prior to the date of appointment) to hold such office until the first Monday in January after the first Municipal Election occurring more than sixty (60) days after the vacancy occurs at which election an eligible person shall be elected to the office for the remainder of the term.

RESOLVED by the Borough Council of the Borough of Berlin this First day of May in the year 2014.

Motion by Roger Clarke and seconded by Barb Zerfoss to appoint Thomas L. Fisher as Berlin Borough Council Member.

Aye: 5

Nay: 1

Roll call vote:

Aye: Kerrie Broderick

Aye: Brett Custer

Nay: Eric Glotfelty

Aye: Roger Clarke

Aye: John Harding

Aye: Barb Zerfoss

Motion Passed

Note: The Oath of Office may not be administered until the new member's Affidavit of Residency has been completed and notarized.

Roger Clarke made a motion seconded by Eric Glotfelty authorizing Solicitor Rullo to send a letter of concern to Barb Zerfoss regarding her actions and potential liability to the borough.

Aye: 5

Nay: 0

Abstain: 1

Roll call vote:

Aye: Kerrie Broderick

*Aye: Brett Custer
Aye: Eric Glotfelty
Aye: Roger Clarke
Aye: John Harding
Abstain Barb Zerfoss*

Motion Passed

Motion by Eric Glotfelty and seconded by Brett Custer to rebuke Barb Zerfoss for actions unbecoming a Council Member that may jeopardize the standing of the Borough Council.

Aye: 5

Nay: 0

Abstain: 1

Roll call vote:

Aye: Kerrie Broderick

Aye: Brett Custer

Aye: Eric Glotfelty

Aye: Roger Clarke

Aye: John Harding

Abstain Barb Zerfoss

Motion Passed

Motion by Roger Clarke and seconded by Eric Glotfelty to adjourn this Meeting of the Berlin Borough Council at 09:14 PM.

Aye: 6

Nay: 0

Motion Passed

Note: The next regular meeting of the Berlin Borough Council is scheduled for June 5, 2014, beginning at 7:00 p.m., at the Berlin Borough Council conference/meeting room, 700 North Street, Berlin, Pennsylvania.