



## Official and Approved Minutes

### BERLIN BOROUGH COUNCIL COMMITTEE OF THE WHOLE

September 20, 2018 – 4:00 P.M.

1. The President called the meeting to order.
2. Pledge of Allegiance to the American Flag.

#### **ROLL CALL**

Barbara Zerfoss	Present
Thomas L. Fisher	Absent
Michael A. Lottig	Absent at Roll Call (entered meeting at 4:47 p.m.)
John Harding, Jr.	Absent
Thomas W. Jones	Present
Mayor Joseph Krause	Present
Clifford E. Horner	Present
Charles E. Rhodes	Present

Also in attendance:

Thomas D. Jones, Executive Borough Secretary and Cindy Flamm

Members of the public in attendance: *there were no members of the public in attendance.*

#### **Items for Deliberation:**

- 1) Appalachian Engineering, LLC submitted a quote for \$8,250.00 for the engineering services required for the project to replace curbs and sidewalks on the north side of East Main Street that will be done in conjunction with Columbia Gas. This includes surveying, engineering plans and drawings, obtaining a permit from PennDOT, compiling a contractor bid package, assistance as needed during construction, and for obtaining post construction final approval from PennDOT.

*Motion by Thomas W. Jones and seconded by Clifford Horner approving engineering services with Appalachian Engineering Group, LLC to perform the necessary engineering work including surveying, engineering plans and drawings, obtaining a permit from PennDOT, compiling a contractor bid package, assistance as needed during construction, and for obtaining post construction final approval from PennDOT, to replace the curbs and sidewalks in the vicinity of Cassel Drive, extending east to the intersection of Hay Street on the north side of Main Street, in conjunction with Columbia Gas as they replace the gas lines and sidewalks in this area, in the amount of \$8,250.00. The Borough will bid and contract out the costs to replace the sidewalks and curbs and Columbia Gas will reimburse the Borough for the costs to replace the sidewalks. AEG, LLC will work with Columbia Gas engineering in obtaining the PennDOT HOP permit and to incorporate the Columbia Gas PennDOT HOP permits into the permits for the Borough.*

**ROLL CALL VOTE:**

**Yes: Barb Zerfoss**

**Absent: Thomas Fisher**

**Absent: Michael Lottig**

**Absent: John Harding**

**Yes: Thomas W. Jones**

**Yes: Clifford Horner**

**Yes: Charles Rhodes**

**Ayes: 4**

**Nays: 0**

**Motion Passed**

- 2) Mike Wolfe is requesting a variance to the set-back ordinance for 317 5<sup>th</sup> Avenue. Berlin Borough Ordinance #300 requires a minimum of a 5-foot set-back from adjoining lots, and a minimum of a 10-foot set-back from a street, and/or alley. The Ordinance requires a *“hearing be set within 30 days... and shall give 10 (ten) days regular mail notice thereof to: 1) the applicant; 2) owners of real property situate within 200 feet of the property for which the special exception or variance is sought.”* Council will hold a public hearing on October 4, 2018 at 6:45 p.m. to hear public comments on Mr. Wolfe’s request for a variance. *Secretary Jones was directed to advertise the meeting as required per Ordinance #300.*
- 3) The Fall newsletter will be mailed in early October. Council suggested that no parking on sidewalks and cutting grass/weeds and blowing on the streets be mentioned in the newsletter and that citations could be issued.
- 4) Tom Fisher is requesting permission to add a parking entrance/area from the Washington Street side to his property located at 503 Diamond Street. He does not anticipate removing the curb; the parking lot will be compacted shale. *Council did not have any objections to the plan submitted by Mr. Fisher.*
- 5) Wyatt Fisher has given official notice of his resignation from the Borough public works department effective at the end of his regularly scheduled shift on Friday, October 12, 2018. *(discussion by Council on hiring options, and/or review of resumes/applications received). Council members were encouraged to come to the Borough office to review applications received. Three candidates will be selected and interviews will be held at 7:45 p.m. at the Council meeting scheduled for 7:00 p.m. on October 4, 2018.*

***Council Member Michael Lottig joined the meeting at 4:47 p.m.***

**Pending and Unresolved issues**

- 1) PennDOT has sent qualification packages to the Borough for 3 consultant engineers for consideration of services for Phase II-A of the Berlin Revitalization Project: 1) Appalachian Engineering, LLC – Meyersdale; 2) L.R. Kimball – Ebensburg; and 3) Stiffler McGraw – Holidaysburg. All are considered as qualified and approved consultants by PennDOT. The Borough needs to select one and then begin negotiations on a price and contract. These fees are the responsibility of the Borough and will not be reimbursed by the PennDOT TA Set-Aside grant funding.

***Motion by Thomas W. Jones and seconded by Clifford Horner to hire Appalachian Engineering, LLC as the engineering consultant for Phase II-A of the Berlin Revitalization Project***

**ROLL CALL**

Yes: Barbara Zerfoss

Absent: Thomas L. Fisher

Yes: Michael A. Lottig

Absent: John Harding, Jr.

Yes: Thomas W. Jones

Yes: Clifford E. Horner

Yes: Charles E. Rhodes

*Aye: 5*

*Nay: 0*

***Motion Passed***

- 2) I.O.O.F. Cemetery – Mike Fogle has finished placing the berm at the cemetery.
- 3) Blighted properties – Ed Knittel from PSAB on establishing zoning in the Borough. Mr. Knittel has indicated he can attend the October 18<sup>th</sup> Committee of the Whole meeting. Solicitor Allison has also been asked to attend.
- 4) Update on mobile homes at 1306 Brubaker Street and 723 Fifth Avenue – Secretary Jones has spoken to Kevin Sleasman and Lynn Foy about 1306 Brubaker Street, and Council Member Thomas Fisher has spoke to Jennifer Poorbaugh about 723 Fifth Avenue. Work is being done on both properties to remove the mobile homes. *After discussion, Secretary Jones was instructed to send letters notifying all of those involved with the mobile homes and the real estate at these addresses that Council was giving them until October 31, 2018 to remove the hazardous mobile home or Council will have them removed and pass the cost to remove them back to the owners.*
- 5) Update on Berlin Backpack Program – *Council tabled any action on this matter.*
- 6) Humane Society of Somerset County is asking for a donation. \$100.00 was given last year. *Council tabled an action on this matter.*
- 7) Southern Alleghenies Planning & Development Commission will be holding its 2021 Transportation Improvement Program (TIP) outreach meeting in Berlin on September 25, 2018 at 3:00 p.m. All Council members were urged to attend.
- 8) PMEA restructuring plan – PMEA is proposing a restructuring of the bylaws of the organization.

**BOROUGH OF BERLIN  
RESOLUTION NO. 09202018-01**

**RESOLUTION OF THE BERLIN BOROUGH COUNCIL  
APPROVING THE PROPOSED BYLAW AMENDMENTS, STATEGIC PLAN  
AND DUES STRUCTURE OF THE PENNSYLVANIA MUNICIPAL  
ELECTRIC ASSOCIATION, AND APPOINTING THE VOTING DELEGATE  
REPRESENTATIVE**

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WHEREAS, the Borough of Berlin (“Borough”) owns and operates an electric distribution system, providing electric service to residents and businesses of the Borough; and

WHEREAS, the Borough is/has been a participating regular member of the Pennsylvania Municipal Electric Association (“PMEA”), the nonprofit corporation trade association which provides certain services to the 35 member Pennsylvania boroughs of PMEA, each of which own and operate electric distribution systems, providing electric service to their respective residents and businesses; and

WHEREAS, at the PMEA Annual Meeting of September 14, 2018, the members of PMEA considered a certain proposed Strategic Plan (“PMEA Strategic Plan”) presented by its Strategic Planning Committee, including certain recommendations to amend and restate the PMEA Bylaws and to revise the PMEA dues structure, and by unanimous consent of the PMEA members present it was determined to recommend the adoption and approval of the PMEA Strategic Plan, and the proposed amended and restated PMEA Bylaws, by each of the borough councils of the PMEA member boroughs; and

WHEREAS, the Borough Council has reviewed the proposed restated and amended PMEA Bylaws, and the proposed PMEA Strategic Plan, including the proposed change in the PMEA dues structure to a rate of five dollars (\$5.00) per electric meter per year; and

WHEREAS, the Borough Council finds that the recommendations set forth in the proposed PMEA Strategic Plan, and the proposed restated and amended PMEA Bylaws, are in the best interests of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council as follows:

RESOLVED, that the Borough Council hereby approves the proposed restated and amended PMEA Bylaws; and be it further

RESOLVED, that the Borough Council hereby accepts and approves the proposed PMEA Strategic Plan, including the proposed change in the PMEA dues structure to a rate of five dollars (\$5.00) per electric meter per year, which may be adjusted from time-to-time by majority vote of all PMEA members; and be it further

RESOLVED, that the Borough Council hereby appoints the following person authorized to act as the PMEA voting delegate representative of the Borough:

Thomas W. Jones,  
Email address: [hcgpa2010@gmail.com](mailto:hcgpa2010@gmail.com)

and that the Borough Council hereby appoints the following person to act as the PMEA alternate voting delegate representative, authorized to serve in the absence of the PMEA voting delegate representative named above:

Charles E. Rhodes

Email address: [charles.rhodes.133@gmail.com](mailto:charles.rhodes.133@gmail.com)

AND BE IT FURTHER RESOLVED, that as set forth in the PMEA Strategic Plan, the Borough supports action by the PMEA Board of Directors to engage a full-time Executive Director to accomplish the goals of the PMEA Strategic Plan; and be it further

RESOLVED, that the Borough hereby pledges its support of the goals and expanded scope of services as set forth the PMEA Strategic Plan; and be it further

RESOLVED, that a copy of this Resolution shall be transmitted to the Secretary of PMEA, and shall be deemed for all purposes as may be required under the currently effective PMEA Bylaws to constitute a bona-fide referendum ballot, authorized by the Borough; and be it further

RESOLVED, that the officers are hereby authorized to do or take any other actions as may be necessary, convenient, appropriate or desirable to effectuate or implement the aforesaid Resolutions of the Borough Council.

*Motion by Michael Lottig and seconded by Barb Zerfoss approving Resolution No. 09202018-01 and the proposed bylaw amendments, strategic plan and dues structure of the Pennsylvania Municipal Electric Association, and appointing the voting delegate representative.*

*Aye: 5*

*Nay: 0*

*Motion Passed*

- 9) The Berlin Brothersvalley School District is considering an application for a state grant through the PA School Safety and Security Grant Program that will pay/reimburse for having a police officer in school to make the school a safer place. Lori Gindlesperger, Business Manager inquired if the Borough would be willing to provide an officer to the school district and what the hourly rate would be for reimbursement. Secretary Jones provided a rate of \$35/hour if the Council were to approve participation in the project. *Council directed Secretary Jones to write a letter of support to the Berlin Brothersvalley School District.*
- 10) 2019 Budget Workshop – Secretary Jones and Treasurer Cindy Flamm reviewed a draft budget with Council for year 2019. Council Members were encouraged to stop in at the Borough offices to review the draft in more detail and/or to ask questions or to make recommendations. The draft budget will be reviewed again at the October 18, 2018 Council Committee of the Whole meeting.

Council Member Thomas Jones asked if there is a report that summarized the expenses for the West Main Street project. Secretary Jones replied that there was not. Ms. Flamm codes and enters all checks written into the Borough's accounting system per the DCED chart of accounts and guidelines. A special report or spreadsheet would have to be created to present such a report. Council Member Jones asked what if PennDOT asked for a summary report or what if a Council Member asked for it. Secretary Jones stated that PennDOT does not ask for such information unless grants are involved. The TA Set-Aside grant funds will be dispersed by the RDSC and they will be tasked with providing reports as required by PennDOT. Secretary Jones stated that Council as a Whole is empowered to request different types of reports and information and that an individual council member would have to have the approval of Council to have the Secretary, Treasurer, or administrative staff compile any such report. Secretary Jones stated that the Borough had already paid approximately \$168,000 towards the project and there is still approximately \$13,000 in unpaid bills. All of these have been approved by Council either as individual contracts, invoices, etc., or as a part of the monthly Treasurer's report that Council was provided and subsequently approved. Secretary Jones further stated that he had received a Right to Know Request relating to the West Main Project and that as the Right to Know Officer for the Borough, he had replied to the request as required by the PA Open Records Act.

## **ADJOURNMENT**

*Motion by Michael Lottig and seconded by Clifford Horner to adjourn the meeting.*

*Aye: 5*

*Nay: 0*

*Motion Passed*

The meeting was adjourned at 7:00 p.m.

Note: The next regularly scheduled monthly Council Meeting is Thursday, October 4, 2018 at 7:00 p.m.; the next Committee of the Whole meeting of the Berlin Borough Council is scheduled for Thursday, October 18, 2018, beginning at 4:00 p.m. at the Berlin Borough Council Conference/Meeting Room, 700 North Street, Berlin, Pennsylvania.



Executive Borough Secretary  
September 20, 2018





## Guest Registry

### Berlin Borough Council Committee of the Whole Meeting

September 20, 2018 – 4:00 P.M.

Name	Address	Telephone	Email
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NO ONE FROM PUBLIC ATTENDED

**If you would like to address the Council, please enter your name and subject you wish to address**

**Thank you for coming to the meeting. Your input is both welcomed and appreciated. Please follow the rules for speaking as follows:**

- Please state your name for the record when it is your time to speak
- Identify the agenda item or topic you wish to address
- Limit your comments to Five (5) minutes
- Please avoid foul language or derogatory remarks
- REMEMBER THAT YOU COMMENTS ARE PART OF THE PUBLIC RECORD!