



Approved and Official Minutes of the BERLIN BOROUGH COUNCIL MEETING

December 5, 2019 - 7:00 p.m.

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

ROLL CALL

Barbara Zerfoss **Arrived 7:05pm**

Thomas L. Fisher **Present**

Michael A. Lottig **Present**

John Harding, Jr. **Present**

Thomas W. Jones **Present**

Mayor Joseph Krause **Present**

Clifford E. Horner **Present**

Charles E. Rhodes **Present**

Also, in attendance is Thomas E. Glessner, Executive Borough Secretary and Jr. Council Member – Josh Bonadio.

Members of the public: **Please sign the Guest Registry:**

Executive Session proposed time. _____

The following have asked to address the Council:

Dale and Mary Werner – 198 West Main St. – Street Variance request **Present**

Jason Huston- Builder - New Garage for Werner's **Present**

Adam and Richelle Powell – 194 West Main St. **Present**

John and Chloe Davis – **Richelle said they were unable to attend**

Steve Custer – No Comment.

Charles Addressed the Guest

A comment was made that Terry Rhodes – needs to stop plowing into someone's driveway.

Jason Huston – Builder for Werner said he got a permit from CCIS and the garage is 15 ft. from the street and 5 ft. from the neighbor's (Powell) Property line. He was told that he had to stay 10 ft from the street and 5 ft from the property line according to ordinance 300. And written on his land use application from the borough.

Adam Powell said it is 11ft from the roadway and has a negative impact on his home and property value.

*Tom Fisher asked Jason if it was 5ft from the Powell's property and held up the picture. And he asked Adam what direction & Distance is it from the property.
Attorney Alexander Boose spoke and said he was here to represent the Powell's and according to Section 6 – it is not Negative from the property line.*

Charles instructed that we would continue with Agenda.

Approval of Minutes:

Minutes of the November 7, 2019 Regular Borough Council Meeting were forwarded for review with the Council meeting packets. (*Exhibit 1*)

Motion by Mike Lottig and seconded by John Harding to approve and accept the minutes of the Regular Meeting of the Berlin Borough Council held at 7:00 P.M. and dated November 7, 2019.

Ayes: 7

Nays: 0 Motion: Carried

Minutes of the November 21, 2019 Committee of the Whole meeting of the Berlin Borough Council were forwarded for review with the Council meeting packets. (*Exhibit 2*)

Motion by Barb Zerfoss and seconded by Tom Fisher to approve and accept the minutes of Berlin Borough Council Committee of the Whole Meeting held at 4:00 P.M. dated November 21, 2019.

Ayes: 7

Nays: 0 Motion: Carried

President's Report

Census 2020 – April 1, 2020 is Census Day.

CCIS Activity Report – CCIS report for November 2019. (*Exhibit 3*) *Dale Werner on report Property Maintenance & Building Code Complaints –*

Rhonda Brandt – 104 Orchard St. #5 received 2nd notice – issued court date to be scheduled.

Susan Bracken – notified that her extension on property repair is due, requested permit.

Randy Probst 1402B Main Street – Court hearing scheduled for December 5th, and Permit has been issued to move the trailer. Tom G – said it is behind Mike Saylor antique shop corner of main and Hay St.

Meeting dates and times for the year 2020

Borough Council Regular Meetings – 7:00 pm - 1st Thursday of each month.

January 6, 2020 Reorganizational Meeting

February 6, 2020

March 5, 2020

April 2, 2020

May 7, 2020

June 4, 2020

July 2, 2020

August 6, 2020

September 3, 2020

October 1, 2020

November 5, 2020

December 3, 2020

Motion by John Harding and seconded by Mike Lottig to approve and accept the Borough Council Regular Meetings for the year 2020 for the Borough of Berlin.

ROLL CALL: Barbara Zerfoss *yes* Thomas L. Fisher *yes* Michael A. Lottig *yes* John Harding, Jr. *yes* Thomas W. Jones *yes* Clifford E. Horner *yes* Charles E. Rhodes *yes*

Ayes: 7

Nays: 0 Motion: Carried

Borough Council Meeting of Whole – 4:00 pm 3rd Thursday of each month.

January 16, 2020	February 20, 2020	March 19, 2020	April 16, 2020
May 21, 2020	June 18, 2020	July 16, 2020	August 20, 2020
September 17, 2020	October 15, 2020	November 19, 2020	December 17, 2020

Motion by John Harding and seconded by Mike Lottig to approve and accept the Borough Council Meeting of the Whole for the year 2020 for the Borough of Berlin.

ROLL CALL: Barbara Zerfoss *yes* Thomas L. Fisher *yes* Michael A. Lottig *yes* John Harding, Jr. *yes* Thomas W. Jones *yes* Clifford E. Horner *yes* Charles E. Rhodes *yes*

Ayes: 7

Nays: 0 Motion: **Carried**

Meeting dates must be advertised in the newspaper

Motion by Cliff Horner and seconded by Mike Lottig to approve the advertisement of the meeting dates and times for the Regular and Meeting of the Whole for the year 2020 for the Borough of Berlin.

Ayes: 7

Nays: 0 Motion: **Carried**

2020 Proposed Budget – Reviewed by Council members and tentatively passed in November, was advertised on November 23rd and available for review by the public at the Borough Offices. The borough has not received any public comments as of December 4th. (**Exhibit 4**)

Motion by Mike Lottig and seconded by John Harding to approve and accept the 2020 Budget for the Borough of Berlin.

ROLL CALL: Barbara Zerfoss *yes* Thomas L. Fisher *yes* Michael A. Lottig *yes* John Harding, Jr. *yes* Thomas W. Jones *yes* Clifford E. Horner *yes* Charles E. Rhodes *yes*

Ayes: 7

Nays: 0 Motion: **Carried**

Are there any questions or comments?

Mayor's Report: Mayor Joseph G. Krause

November 1 through November 30, 2019:

Calls dispatched: 51

Investigations: 3 Open 0 Closed 3

Traffic Stops: 5 - 3 Warnings 2 Citations

Parking tickets: 0

Borough Ordinance Violations: 0

Non-Traffic citations: 0

Criminal arrests. 0

Motion by Mike Lottig and seconded by John Harding to approve and accept the Police Report as presented.

Ayes: 7

Nays: 0 Motion: **Carried**

Committees:

GARBAGE COMMITTEE – John Harding – (Chair)

1. Jimmy Snyder has repaired 5 Dumpsters ready to return to service.
2. There are 34 Customers with ashes pickup, customers will be audited this month to confirm accuracy and billing.

John asked Tom G how many extra Dumpsters are available. Tom to get an accurate count.

STREETS, STORM SEWERS & SIDEWALK – Barb Zerfoss (Chair)

1. Cumberland Street Update.

- a. Project sidewalk – slope is out of tolerance - PennDOT reviewed and not approved.
- b. Darr construction, PennDOT and AEG meet on November 21, report was submitted by AEG, to PennDOT.
- c. Jim Darr meet with Tom G. on 12/03 and updated borough on action taken cut expansion joints and tapped and rolled sidewalk, and discuss possible future action.

2. East Main St – Columbia Gas project – Phase I - 12th Street to Cassel in front of school.

- a. AEG working on Phase I plans for review at 12/10 Streets committee meeting.
- b. Waterlines in this area identified 9 lines possible replacement – timing issue.
- c. Phase II – M and B estimated start Date March for Phase II– weather permitting.

3. Diamond street project —

- a. Somerset County Commissioners awarded funding in the amount of \$210,420 to be combined with the \$33,985 from 2018 CDBG funds for the Diamond Street project.
- b. AEG proposals requested for combination of Main St project and separate project discussion on Streets committee meeting 12/10.

4. West Main Street project.

- a. Cost estimate is to be prepared by AEG – for Main Street.
- b. PennDOT safety meeting suggestion to extend curb at Upper Diamond.
- c. Funding for water line replacement-Grant does not pay for utilities.

5. Main Street Revitalization – Committee Meeting 11/19/2019 –AEG, Tom Jones, Barb Zerfoss and Tom Glessner reviewed proposed Budget of \$1,550,000 for the project, vs Grant of \$1,200,000. The overage of \$350,000 for discussion. Review of the PennDOT schedule and proposed dates have changed. 85% completion submitted to PennDOT.

6. East Main Street – project

- a. DCED –Project was submitted 07/31/2019. Grant was denied. Request of 406 million submitted for 178 million available.

7. Dale Werner Variance request at 194 West Main St. to build a garage, adjacent to his current structure that is within the ROW. The structure is setback 15ft from the edge of the road and is 5 ft from his property line to the west.

8. Jane Scurfield - Petition request to Vacate proposed alley extending Fletcher St. to 1st Avenue. Borough has determined that Sewer lines are in the rear of the properties and continue along proposed alley to a manhole located on High St.. The water lines are connected in front of properties at Main St. The alley is used during the winter to haul snow when necessary.

~~Motion by _____ and seconded by _____ to approve Street variance request by Dale Werner at 194 West Main St. St. to Pen Mar Avenue.~~

~~Ayes:~~

~~Nays: _____ Motion:~~

Motion was initiated, by Mike Lottig and rescinded his motion due to additional discussion.

Motion by Tom Fisher and seconded by Mike Lottig to deny the request by Jane Scurfield petition to vacate the proposed alley from Fletcher St. to proposed 1st Avenue.

Ayes: 7

Nays: 0 Motion: Carried

Cumberland St. – Darr construction the slope of the sidewalk is out of tolerance for PennDOT vs the ADA ramp which is correct. The slope of the walkable surface leans toward the street at a 8-9% grade and is to be at 1.4% grade.

Main Street – Tom Jones and Tom Fisher discussed the distance and the amount of money it would take to accomplish the project as planned. The option of a tax increase and Imil would generate 28K Tom Jones stated .75 of PPA was 7dollars for a resident and we could adjust the PPA. It was tabled at this time.

The Variance request by Werner's' was discussed –

Codes

Esthetics of the home and adjoining property.

Hardship of Werner – First State of Home Buyers

From the edge of Front of Werner Garage

Is it Possible of moving.

Powell's – Purchased House on October 8th

Werner's plan was to build additional Garage with attic and storage – from the existing roof line.

Question was asked what affect it would have.

Convenience vs Hardship

Notice – was given and put them on from last meeting.

Powell's attorney present and issue continued in all fairness - motion rescinded.

Hold for Legal from borough & request for Werner's.

Tom Jones – discussion on vacating Fletcher St. said if trailer is allowed to be installed at the back of the lot we then have an additional issue, Tom Fisher – only if it is accessible. Motion.

PERSONNEL & FINANCE COMMITTEE – Clifford Horner- (Chair)

1. Contract/Personnel Recommendations – Executive Session.
2. The 2020 Budget presented for review and prepared for approval at 12/5 meeting.
3. Property Maintenance Complaints & Right to Know Law Requests Cost Summary:
 - a. There were zero RTK requests received in November and minimal time spent on Property Maintenance Complaints YTD total \$2,777.50.
4. Treasurer's Report and Bills: – The reports for November 2019 have been included in the Council Meeting Packets (Exhibit 5,6).
5. Berlin School requested the contract date (3/1/2020), amount (\$30,000) and a minimum number of hours (850) be listed in the contract. (30,000/35). (Exhibit 7).

Motion by Tom Fisher and seconded by Mike Lottig to approve the bills and Treasurer's Report as specified for November 2019 on Exhibit 5 & 6.

Ayes: 7

*Nays: 0 Motion: **Carried***

Motion by Cliff Horner and seconded by John Harding to approve and accept the ADJUSTED school contract as presented.

Ayes: 7

*Nays: 0 Motion: **Carried***

ELECTRIC & EQUIPMENT COMMITTEE – Michael Lottig – (Chair)

Generator Update – The generator report was not available at this time.

1. Brian Wiedenhoft has been trimming trees in various parts of town.

2. Brethren Church requested line coverage for safety due to JLG usage for building repairs.
3. Ford F350 – is scheduled for repair December 5th. A recall repair on the truck a few weeks ago resulted in trailer code and light issues.
4. Police car has been located – In Huntingdon PA, it is a black car and there are few cars available. The upfit cost is determined by the required light bar, which was \$1600, the decals, and radio connections and interior upfit. Actual amount is based on vehicle selected.

Motion by John Harding and seconded by Tom Jones to proceed with the purchase of a police car from Jim Shorkey dealership in the amount of \$26,275.34.

Ayes: 7

Nays: 0 Motion: Carried

Mike said he spoke to Bingman about the pine trees next to the substation and the borough is permitted to bring them down.

F350 – taken in for warranty work and returned.

FIRE & POLICE COMMITTEE – Thomas Fisher (Chair)

1. Fire Sirens - sent to John Walker to touch up fiberglass and paint Fire Engine Red, waiting on completion.
2. Police radio batteries need to be replaced.

Motion by Tom Jones and seconded by John Harding to approve the purchase of 2 - PMMN4065A mics at a cost of \$97.00 each and 3- NNTN8128BR batteries at a cost of \$87.00 each from BEARCOM in the amount of \$455.00.

Ayes: 7

Nays: 0 Motion: Carried

Brian said the mics/cords are frayed and needed to be replaced.

HOUSE COMMITTEE – Thomas W. Jones – (Chair)

1. Security Camera – System reviewed at School and meeting to be scheduled to discuss.
2. Security Camera – system reviewed at police station and meeting with MEI scheduled for 12/12.
3. Epson printer purchased from CDW. *Tom G was asked the cost \$1,499*
4. Laptop Computer provided by the school, to support SRO. *Tom G – Spoke to Lori Gindlesperger – she has the computer.*

Meeting scheduled for 4PM Tom Fisher changed to 8am – asked Joe, Tom J, Brian and officers to attend to discuss office and equipment.

Parking street signs on Diamond enforcement was questioned from a resident. Parking is restricted from Dec 1 – March 31

Marcus or a representative from Somerset Trust Bank would like to present to the council their plans for reworking the building at a borough council meeting soon. Date to be determined.

*PennDOT – Request for sidewalk was discussed and direction provided by Tom G
JVS recycling – discussion for Thursday.*

Executive Session

There are contractual and personnel matters that Council needs to discuss privately.

Motion by Barb Zerfoss and seconded by John Harding to recess to executive session.

Ayes: 7

Nays: 0 Motion: Carried

At 9:30 P.M. 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 John Harding and seconded by Tom Jones to reconvene the regular meeting.

Ayes: 7

Nays: 0 Motion: Carried

At 10:29P.M., the council reconvened the regular meeting.

Motion required after executive session

Motion by Mike Lottig and seconded by Cliff Horner to approve and accept the Police Contract as presented.

Ayes: 7

Nays: 0 Motion: Carried

Motion by Tom Fisher and seconded by Tom Jones to approve and Accept and Approve the Wage increases as presented for the borough employees effective January 1, 2020.

Ayes: 7

Nays: 0 Motion: Carried

Motion by Mike Lottig and seconded by Cliff Horner to approve the Annual Recognition Awards as presented for Borough employees and water Authority members who have obtained specified number of years of service to be presented at recognition dinner.

Ayes: 7

Nays: 0 Motion: Carried

Motion by Mike Lottig and seconded by Tom Fisher to approve the Annual Christmas Bonuses as presented.

Ayes: 7

Nays: 0 Motion: Carried

Motion by John Harding and seconded by Mike Lottig to adjourn this Meeting of the Berlin Borough Council at 10:30 P.M.

Ayes: 7

Nays: 0 Motion: Carried

Note: The next regular meeting of the Berlin Borough Council is scheduled for Monday January 6, 2020. It will follow the reorganization meeting scheduled for 7:00 p.m. The next scheduled meeting of the Berlin Borough Council Committee of the Whole is scheduled for Thursday January 16, 2020 at 4:00 p.m., at the Berlin Borough Council Conference/Meeting Room, 700 North Street, Berlin, Pennsylvania.