



**Borough of Berlin
700 North Street
Berlin, PA 15530**

Council Meeting of the Whole

July 21, 2022 – 4:00 P.M.

Official and Approved Minutes

The meeting was called to order by President Charles Rhodes.
Pledge of Allegiance to the American Flag was quoted.

Council members attending were Charles Rhodes, Michael Lottig, Clifford Horner, Marshal Engleka, Thomas Fisher and Stephen Custer.

Others Attending – Traci Horning, Executive Borough Secretary; Cindy Flamm, Borough Treasurer; Brian Coughenour, Resident

April Ressler, Teeter Group Personal & Commercial Insurance Agent under AmTrust Insurance Company explained to the Council about Teeter Insurance to start handing the Workers Compensation Insurance, which is now through Mosholder Insurance, Agent to AmTrust Insurance. By making this change Teeter Group will handle all the necessary paperwork, follow ups and any other things for any workers compensation claims. April presented a letter to the Council for Teeter Group to have authorization to handle the Compensation Insurance Policy for 8/1/2022 to 8/1/2023 policy term effective immediately. Need to approve this change.

April Ressler, Teeter left the meeting at 4:20.

Motion by Stephen Custer, seconded by Thomas Fisher, to approve the July 7, 2022 Regular Meeting minutes. Ayes 6, Nays 0, motion carried.

Park and Planning

Gross Metal Fabrication Estimate on Kiosk \$1825. Waiting on Gross Metal Fabrication estimate. Would like to check with Shawn Gross to get a second estimate.

The clock on the Diamond has stopped working. Waiting for the part to be here this week.

Garbage

Discussion among the Council regarding putting a stockade fence up instead of a crib for metal recycling. Stephen Custer to look into what the cost will be for a stockade

fence.

Personnel and Finance

Motion by Marshal Engleka, seconded by Clifford Horner, to approve Roger Platt to attend training on ABC's of Identifying and Eliminating Inflow and Infiltration at Bedford Township Municipal Authority on August 23, 2022. Ayes 6, Nays 0, motion carried.

House

Borough Building Sign still waiting on Roger Clark to get a quote on the flagstone.

Motion by Stephen Custer, seconded by Thomas Fisher to approve the Property, Fire and Liability Insurance Policy (EMC Insurance) with Agent Teeter Group Insurance of 3375 Lynwood Drive, Altoona, PA 16602 in the amount of \$47,360 for the period of August 1, 2022 to August 1, 2023. Ayes 6, Nays 0, motion carried.

Motion by Clifford Horner, seconded by Marshall Engleka to approve the Workers Compensation and Employers Liability Insurance Policy (AmTrust Insurance Company) with Agent Mosholder Insurance of 135 West Main Street, Somerset, PA 15501 in the amount of \$30,209 for the period of 8/1/2022 to 8/1/2023. Ayes 6, Nays 0, motion carried.

Motion by Michael Lottig, seconded by Stephen Custer to approve the move of the Workers Compensation and Employers Liability Insurance Policy (AmTrust Insurance Company) with Agent Mosholder Insurance to Agent Teeter Group Insurance of 3375 Lynwood Drive, Altoona, PA 16602 effective July 21, 2022. Ayes 6, Nays 0, motion carried.

Discussion among Council regarding a letter received from Enviro Trac LTD on behalf of client Brett Custer owner/operator of 404 Diamond Street, Berlin, PA 15530 to conduct an environmental investigation of the property 404 Diamond Street which is located across the intersection from the aforementioned property at the right of way parking area in front 228 Main Street, Berlin, PA 15530. PennDot has ownership and the right of way at the upper diamond. Contact Enviro Trac LTD to explain PennDot has ownership.

Fire & Police

Motion by Thomas Fisher, seconded by Michael Lottig to approve the Memorandum of Agreement as follows.

Telephone: 814 267-3837

Fax: 814 267-3017

Berlin was settled in 1768, and incorporated into a borough in 1837.

The Borough of Berlin

700 North Street
Berlin, PA 15530

Date: July 21, 2022

To: FOP Lodge #98 for Berlin Police Department

From: Berlin Borough Council

MEMORANDUM OF AGREEMENT

At the Berlin Borough Council Meeting on July 21, 2022, a motion was made and carried to change the probation period from one year to sixty days to all Police Officers, Full-Time and Part-Time. Will be effective as of July 21, 2022 to all new Police Officers hired after this date.

Charles E. Rhodes, President

Officer In Charge

Ayes 6, Nays 0, motion carried.

Motion by Thomas Fisher, seconded by Michael Lottig to approve the advertisement of the 2009 Chev Impala the oldest police car for a minimum bid of \$500. Ayes 6, Nays 0, motion carried.

Streets, Sidewalks, Storm Sewers

Discussion among council regarding the sidewalk at Cumberland Street and Fletcher Street. A concern that tractor trailers are coming out Fletcher Street to turn onto Cumberland Street and running up over the new sidewalk. Marshal Engleka going to check into this.

Marshal Engleka has emailed Kevin Yoder, Appalachian Engineering Group regarding the inspection from PennDot of ramp at Cumberland Street and Main Street for ADA compliance. If fails and M&B Services comes to fix the ramp need to ask to get a quote to fix the sidewalk in front of the Historical Center. Sidewalk cracked at the New National and out by the school still waiting on an answer from Kevin Yoder regarding the cracks.

Power washing of sidewalks was discussed due to being so dull looking. Thomas Fisher stated that Kevin Yoder commented in time the dullness will fade away. Not going to power wash sidewalks at this time.

Electric & Equipment

Letter for the homeowners with A Base electric meter is ok to send out.

Waiting on estimate from Mike Hess with Windy Hill Farm with the 2 trees at Main Street and Cumberland Street that need cut down.

Other Information

Motion by Stephen Custer, seconded by Michael Lottig to approve Resolution No. 07212022-01 as follows:

BOROUGH OF BERLIN
SOMERSET COUNTY, PENNSYLVANIA

RESOLUTION NO. 07212022-01

A RESOLUTION OF THE BOROUGH OF BERLIN, SOMERSET COUNTY, PENNSYLVANIA, OPTING AN AMENDMENT TO THE ARTICLES OF INCORPORATION OF THE MUNICIPAL AUTHORITY OF THE BOROUGH OF BERLIN TO INCREASE ITS TERM OF EXISTENCE TO A DATE NOT EXCEEDING 50 YEARS

FROM THE DATE OF APPROVAL OF THE ARTICLES OF AMENDMENT AND TO TAKE ANY AND ALL OTHER ACTIONS RELATED THERETO.

WHEREAS, The Municipal Authority of the Borough of Berlin (the "Authority") is a body corporate and politic, incorporated pursuant to action of its constituent municipality, the Borough of Berlin, and its existing under and is governed by provisions of the Municipality Authorities Act, 53 PA. C. S. §5601 et.seq., Act 22 of 2001, effective June 9, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented (the "Act"); and

WHEREAS, the Authority has submitted to the Borough Council of the Borough of Berlin a duly adopted Resolution dated July 13, 2022, amending the Authority's Articles of Incorporation to increase its existence to a date not exceeding 50 years from the date of approval of the Articles of Amendment pursuant to the powers vested in the Authority by the Act.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Berlin, and it is hereby resolved by authority of the same follows:

Section 1: The Borough of Berlin hereby adopts the following amendment to the Articles of Incorporation of The Municipal Authority of the Borough of Berlin, which amendment shall consist of the following new provision to be added to the said Articles of Incorporation:

"(f) The term of existence of the Authority is increased to a date which shall be fifty (50) years from the date of approval of these Articles of Amendment."

Section 2: This Resolution shall become effective immediately.

Section 3: All resolutions or parts of resolutions not in accord with this Resolution are hereby rescinded insofar as they conflict therewith.

DULY ADOPTED by the Borough Council of the Borough of Berlin in lawful session regularly assembled on this 21st day of July 2022.

BOROUGH OF BERLIN

By _____
President

(BOROUGH SEAL)

ATTEST:

Secretary

APPROVED this 22nd day of July 2022.

By _____
Mayor

Ayes 6, Nays 0, motion carried.

Regarding the request from Darryl Maust, 821 Diamond Street, to have the alley vacated next to his properties. Need to contact Darryl Maust to see if he has had contact with the Paul Berkey family to see if in agreement with vacating the alley.

Municipal Authority Info

Kukurin Construction almost done on Stadium Street.

Motion by Michael Lottig, seconded by Clifford Horner to adjourn to executive session. Ayes 6, Nays 0, motion carried.

Executive Session

At 5:09 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 and 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 Michael Lottig, seconded by Clifford Horner to adjourn to regular session. Ayes 6, Nays 0, motion carried.

5:16 P.M. the council reconvened the regular meeting.

Motion by Michael Lottig seconded by Marshal Engleka to approve the request of William Gonzalez to use 3 days of vacation for July 18-20, 2022 before his earned second week of vacation on September 8, 2022. Ayes 6, Nays 0, motion carried.

Motion by Michael Lottig seconded by Marshal Engleka to adjourn this meeting at 5:17 P.M. Ayes 6, Nays 0, motion carried.

Submitted By: Traci Horning, Executive Secretary