

Newport Borough Council  
October 3, 2017 – Regular Meeting Minutes  
Newport, Pennsylvania

President Gerald Robinson called the meeting to order at 7:00 P.M. with Borough Council Members Richard Delancey, Penny Frownfelter, Tami Halstead, Douglas Beatty, and John McNaughton present. Councilman Carl Roush was absent.

**OTHERS PRESENT** - Mayor Mary Hetrick, Heather Ilgenfritz, Secretary/Treasurer

**GUESTS** – Nympha Miller, Luther Fleisher, Janet Kipp, Aaron Woodruff (The Kilmer Group), Gwyn Smith, Kayla Nailor, Frank Campbell, Wayne Garrison, Richard and Dana Steffy, Jacob Zenticko, Doug and Kathleen Bentley (Perry County Literacy Council), Luke Roman (Perry County Times), Drew Gross, Tom Fitzpatrick, Jeannine Metulavich (Perry Housing Partnership), Tim Wheelan (Cumberland County Housing & Redevelopment Authority), Kelley Coey (Hudson Companies).

**KILMER GROUP PRESENTATION** – Aaron Woodruff explained that The Kilmer Group is part of a cluster of agencies called Keystone Insurance Group. He presented an overview of their professional services and a proposal to take over the EMC insurance policies for the Borough. Mr. Woodruff gave a brief explanation of the premium summary breakdown as quoted by the Selective Insurance Company of America. Cl'm Halstead questioned whether the workers' compensation coverage included the local fire company, noting that the Borough is required to provide that coverage. Mr. Woodruff replied that it did not. Cl'm Halstead said to compare apples to apples that would need to be included as part of the new quote. Mr. Woodruff explained that most likely would not change as they are covered under AmeriHealth, however, all of the renewals are due November 1<sup>st</sup> which is a very short amount of time to provide another quote. He explained unless there has been a loss, most renewals do not have a significant change and they would be willing to quote the workers' compensation coverage for the Borough. Cl'm Frownfelter said she would be interested in obtaining a quote from Kilmer for the workers' compensation coverage.

**ACCEPTANCE OF THE PLANNING COMMISSION'S LETTER OF RECOMMENDATION FOR THE MILLWORKS PROJECT -**

President Robinson thanked Gwyn Smith and the members of the Planning Commission for their efforts and letter of recommendation for the project. Cl'm Beatty moved to accept the Planning Commission's letter of recommendation for the Millworks Project. Cl'm Frownfelter stated she wanted to make a few comments. She read the report and has two concerns. Information that she had heard previously was that Hudson Group said that Senator DiSanto and Representative Keller both supported the project. However, when the Planning Commission contacted their offices, both legislators said they would support the project if the Borough Council supported the project. She stated these are two different statements and it is a little misleading. However, if Council approves the project she believes that Council will have to work collaboratively with Hudson, and the other partners, to make it work in the setting that it is going to be in. There are traffic issues that the Planning Commission has defined very well, but there will have to be trust to work through the issues; so that is a concern. Cl'm Frownfelter stated she sees benefits from a tax revenue perspective, water revenue perspective, and sewer revenue, but at the same time she has concerns that the relationship among partners may be starting out on the wrong foot. President Robinson called for a second to the motion on the table and Cl'm Frownfelter seconded the motion. Roll Call vote was taken. Councilmen Tami Halstead, Richard Delancey, and John McNaughton voted no; Councilmen Penny Frownfelter, Jerry Robinson, and Doug Beatty voted yes. Councilman Roush was absent. Vote was (3) Yeas, (3) Nays. Mayor Hetrick cast her vote in favor of the Millworks Project to break the tie. The motion carried 4-3.

**PUBLIC COMMENT** – Nympha Miller, 23 S. Third Street, stated she has attended Borough Council Meetings on July 11, Aug 1, Aug. 14, Aug. 29<sup>th</sup> and Sept. 5<sup>th</sup> regarding the sidewalk replacement issue. She also attended a Planning Commission Meeting on Sept. 20<sup>th</sup>. At the August 1<sup>st</sup> meeting a motion was unanimously passed to send Ralph "Bubba" Lesh a letter giving him 30 days to resolve the issue of replacing the sidewalk with a concrete sidewalk in accordance with the ordinance. On August 21<sup>st</sup> and 22<sup>nd</sup> Ms. Miller stated she stopped in the Borough Office to see Jerry Robinson to check to see if the letter had been sent to Mr. Lesh. Ms. Miller stated that at that time Mr. Robinson was having computer problems and apparently the letter was never sent. On August 8th and 9th, Roger Fleischer, Bubba's

contractor, put in loads of cracker dust and stamped it down. Ms. Miller stated Lesh has driven his large truck over the lot several times so apparently it has settled. Ms. Miller requested a firm date on when the concrete sidewalk will be poured. She requested a firm date as rain, sleet, freezing rain will soon be coming. When someone is injured or killed in the street or on the cracker dust, they will be suing the Newport Borough and the owner of the property, Ralph "Bubba" Lesh. Ms. Miller said, "Obviously, public safety issues in accordance with a Borough Ordinance don't mean much to the Borough."

President Robinson asked Mr. Lesh to comment on the matter. Mr. Lesh said he is planning on replacing the sidewalk in 2018. Ms. Miller asked, "So for all these months we have to walk in the street?" Mr. Lesh replied "No, on the limestone." Ms. Miller replied she would like to see Mr. Lesh walk across limestone with a cane, or with a stroller and children, or in a wheelchair. She said "I guess that I am going to have to contact the Americans with Disabilities Act to get this resolved, and a lawyer."

Mr. Lesh explained that he has spoken with President Robinson and John Shiffer, Codes Enforcement Officer, many times. There are issues because the lot was never backfilled properly when the house was torn down. Mr. Lesh stated that is not his fault and he did not do it. He said that he thought PVC pipes sticking out of the ground and an uneven sidewalk in front of Ms. Miller's property are issues as well. He said there is vegetation growing down and pedestrians can't walk on that sidewalk without a tree limb hitting them in the face.

There was a brief discussion on the materials and options moving forward to replace the sidewalk, as well as what is considered a reasonable amount of time for material to settle before pouring concrete. President Robinson stated that he and the Codes Enforcement Officer would take another look at the sidewalk next week to set a remediation course and address a letter accordingly.

**MILLWORKS PUBLIC COMMENT** - Dana Steffy spoke about the Millworks Project. The Steffy's own rental property at the corner of Mulberry and she wanted to say that she is happy about the project and what it will bring to Newport. However, her only concern is parking around this area and ensuring that ample parking would be provided at the Millworks to avoid overflow into the current public parking places, including up the street and around the corner. These are the parking spaces where her tenants park as well as homeowners in this area who do not have off-street parking. Cl'm Halstead stated public parking is public parking and the Borough can't monitor it. She believes some parking may have to be eliminated on one side of the street to control traffic, but stated they have not gotten to that point yet. President Robinson noted that parking is an ongoing problem in Newport; however, it is not a matter that Council can regulate. The parking spaces in front of homeowner's properties are not the owner's property. It's not ideal, but that is just the way it is. Council can't legislate or change that matter.

Jacob Zentichko stated his opinion closely aligns with Cl'm Frownfelter's where there are a lot of potential benefits, but the Borough has a lot to do between now and then in terms of projects. He wants to make sure the 5<sup>th</sup> Street Project is completed in a timely manner and the Borough's sewer and water systems are ready to go. Mr. Zentichko stated we need to make sure that everyone here is ready to commit to that before signing the letter of recommendation. He also recommended having some contingencies ready to address unknowns.

Frank Campbell apologized for being out of sequence with the agenda. He had a request unrelated to the Millworks Project. Mr. Campbell requested approval to close the square for the Annual Tree Lighting Ceremony on December 2, 2017. Cl'm Halstead moved, seconded by Cl'm McNaughton to close the square for the Annual Holiday Tree Lighting Ceremony on December 2, 2017. Motion unanimously carried.

Luther Fleischer asked if the Millworks Project was limited to the 55+ community. Kelley Cohey, Hudson Companies, replied no it is not limited, but those folks are welcome to live there.

Mr. Fleischer also commented on Ms. Miller's sidewalk issue. He noted Bubb said the property was not properly backfilled, but he did not do it. He questioned how many contractors in this Borough come in and don't properly backfill. Mr. Fleischer believes that Ms. Miller has a legitimate complaint and the Borough Council should start addressing it to get a new sidewalk in place. He also commented on codes enforcement and how long the codes enforcement officer and the Borough allow warnings to go on. He commented there is a sticker on Randy Hoke's house that was tagged for a code violation and the warning has been there for months.

Wayne Garrison stated that he is not in favor of the Millworks Project. He understands that there will be some tax revenue but he does not know that the Borough is ready for it based on what he has seen. Everything from sewer to water and traffic problems need to be ironed out ahead of time. Millworks is a big project that is going to impact that area of town.

Kathleen Bentley said she was going to give one last pitch for the benefit of the Millworks Project. She stated that she is looking at the project from the side of social responsibility. It is an opportunity to embed housing and services. What's going to happen there will be a tremendous innovation. Newport will be recognized for allowing this project to move forward and the benefit will be to Perry County people. It is Perry County preferred. Residents will have more affordable, modern housing and services available. She understands the traffic concerns, but believes it is workable. Parking she believes has been addressed in the plan. In her opinion, with the benefit the people will gain from it, and the Borough of Newport, she does not see a loss here.

Tom Fitzpatrick asked about the status of the power washer that was donated to the Borough approximately four years ago. He said it is his understanding the power washer that was donated went on the blink and the Borough is now using a cold water power washer in the winter. He said the Borough should not be using a cold water spray on equipment during the winter. Cl'm Beatty said the power washer would not pump an ounce of spray. He had called the manufacturer to get a price to repair it. The cost of a new pump alone was nearly \$500.00 and the machine would have to be sent to Lititz for repair. Now that the Borough has a heated garage, equipment does not have to be washed outside. Mr. Fitzpatrick said the power washer was an \$1,800 investment and he wanted to know why it wasn't being used. Cl'm Beatty said the Borough can't use it if it does not work. Cl'm Beatty said the consensus of the Council was not to send it out for repair. Council did not want to spend that much money to send it out for repair when a new one could be purchased for less and repaired here locally.

Jeannine Matulevich, Perry Housing Partnership, stated she is looking forward to working with the Borough and participating in the planning and implementation of the Millworks program should they be successful in receiving the tax credit dollars.

Kelley Coey with Hudson thanked the Planning Commission for the work they did and for their recommendation to Council on the Millworks Project. They are appreciative of the support. She noted it will not be until spring 2018 when they learn whether the project will be funded. She said it will probably be mid-April when they receive notice concerning the funding. Hudson plans on working very closely with the Planning Commission and Council on all aspects of the project should it move forward.

Gywn Smith discussed the four-way stop at 5<sup>th</sup> and Mulberry Streets. She said there are reports of people running the current stop sign and the mailbox on the corner should be moved. These concerns have been embedded with the Millworks Project recommendation presented by the Planning Commission. President Robinson stated that Council would take all of these comments under advisement as they continue to move on with this project. There was some discussion with regard to relocating the mailbox and the need to petition the U.S. Postal service.

**APPROVAL OF MINUTES** – Cl'm Frownfelter moved to approve the minutes of June 20, 2017; July 18, 2017; August 1, 2017; and September 5, 2017 as recorded, seconded by Cl'm Delancey. The motion unanimously carried.

Cl'm Halstead said she has one concern related to the July 18, 2017 minutes. There was a previous debate on the hourly wage of the new Borough Secretary. There is a discrepancy with the \$19.00/hr wage that is documented in the July 18, 2017 minutes and what the new secretary is currently being paid, which is \$19.75 per hour. Cl'm Halstead said this matter needs to be properly ratified. Cl'm Frownfelter moved, seconded by Cl'm Beatty to change the new Borough Secretary's starting salary to \$19.75 per hour retroactive to the date of hire. The motion carried unanimously.

**FINANCIAL REPORT** – Newport Borough General Fund Account balance October 1, 2017 was \$222,114.15. Outstanding bills presented for payment of \$4,357.08. Estimated income for the balance of October is \$19,226.46. Estimated expenses for the balance of October is \$55,968.05 which will leave an estimated balance as of October 31, 2017 of \$181,082.94. Liquid Fuels Account balance October 1, 2017 was \$85,103.63. Juniata Valley Bank truck payment of \$1,235.78 will leave a balance of \$80,563.87. Cl'm McNaughton moved, seconded by Cl'm Halstead to accept the Financial Report as presented. Motion carried unanimously.

**APPROVAL OF BILLS** – Cl'm Frownfelter moved, seconded by Cl'm McNaughton to approve payments of the outstanding bills in the amount of \$4,357.68 from the General Fund Account and the outstanding bills in the amount of \$3,303.98 and 1,235.78 from the Liquid Fuels Account. Motion carried unanimously.

**OLD BUSINESS**

**PETITION TO REDUCE BOROUGH COUNCIL (CV-2017-601)** - President Robinson reported the hearing to petition the court to reduce the size of Council was held on September 29, 2017. The judge did not agree with the petition of the Borough and Council is currently awaiting notice of the official denial ruling.

**COMCAST FRANCHISE AGREEMENT** - President Robinson reported the Comcast Franchise Agreement has not been signed yet. Comcast is withdrawing the second internet connection line with the Borough Garage and this needs to be resolved before signing the final agreement.

**RESCIND REFUND OF REAL ESTATE TAXES – PARCEL 190,046.03-001.000 & 002.000** - Cl'm Halstead moved, seconded by Cl'm McNaughton to rescind the Property Tax Refund in the amount of \$132.42 to Sandra Janeski and issue the Property Tax Refund for the correct amount of \$199.19 as calculated by the Borough Secretary. Motion unanimously carried. President Robinson clarified for the record, the check previously cut was for the wrong amount. It was the County's portion rather than the Borough's. Secretary Ilgenfritz reported that check has been properly voided and it was never issued to the homeowner. The \$199.19 is the correct amount owed to the homeowner by the Borough. The calculation was done back to 2011 which is the year the County completed the reassessment.

**2018 BUDGET WORKSHOP DATE SET** - President Robinson set the date of the 2018 Budget Workshop during the Council's Mid Month Meeting on October 17, 2017 at 7:00 PM.

**STREET LIGHTING** - President Robinson briefly discussed the Borough's Street Lighting and possibly changing it over to LED lighting. There are some issues with some of the existing electrical service. He has asked for some proposals to try keep comparing apples to apples. So far he has received one proposal which is approximately \$6,000.00. He noted the Borough is going to seek some grant help, possibly from PPL. President Robinson stated he is just trying to gather some pricing so that Council can review and then make a decision whether to move forward. He mentioned the life expectancy of the ballasts are about 10 years and these lights are 11 years old. The ballasts also do not work well during cold weather periods. He found pricing for an LED light bulb for approximately \$70.00 per bulb and it is a screw in type bulb. Cl'm McNaughton recommended contacting PPL to see if the company can offer assistance. Cl'm Halstead suggested more research on this matter and then bringing it forth at the Budget Workshop.

**NEW BUSINESS**

**NOTICE OF ESTIMATED LIQUID FUELS 2018 ALLOCATION** - Cl'm Halstead moved, seconded by Cl'm Frownfelter to accept the notice of estimated Liquid Fuels Allocation for 2018 in the amount of \$48,563.51. Motion unanimously carried.

**ACCEPTANCE & DISTRIBUTION OF VOLUNTEER FIRE RELIEF ASSOC. STATE AID** - Cl'm Halstead moved, seconded by Cl'm Frownfelter to accept the Volunteer Fire Relief Association's State Aid Distribution in the amount of \$6,723.38, and also make payment to the Citizen's Fire Company No. 1 of Newport in the amount of \$19,203.90. Motion unanimously carried.

**ACCEPTANCE OF 2017 PENSION STATE AID & PAYMENT OF MINIMUM MUNICIPAL OBLIGATION** - Cl'm Halstead moved, seconded by Cl'm Frownfelter to accept the 2017 Pension State Aid in the amount of \$13,764.76 and make payment of the Minimum Municipal Obligation in the amount of \$22,501.00; the Borough's obligation is \$8,736.24. Motion unanimously carried.

**DONATION FROM THE CHURCH OF THE NATIVITY & ST. STEPHEN** - President Robinson reported The Church of the Nativity & St. Stephen gave a donation of \$250.00. He noted the church has done this on an annual basis and the Borough will send a thank you letter.

**APPROVAL TO WITNERIZE MEMORIAL PARK** - Cl'm Halstead requested approval to winterize Memorial Park. Cl'm Frownfelter moved, seconded by Cl'm McNaughton to authorize expense up to \$800.00 to winterize and seal the floors at Memorial Park. Motion unanimously carried.

**NEW TIME CLOCK FOR BOROUGH GARAGE** - Cl'm Frownfelter moved, seconded by Cl'm Halstead to approve the purchase of a new time clock for the Borough Garage up to \$300.00.

**DISCUSSION OF SIGNS REGARDING ORDINANCE 78-7 REMOVAL OF ANIMAL EXCREMENT** - Frank Campbell reported there have been complaints concerning this problem at the Newport Plaza and Public Library when the Amish come to town. There was a brief discussion on need for signage. Cl'm Halstead mentioned the Perry County Planning Commission is working to get in touch with key leaders of the Amish Community in order to address issues. President Robinson suggested holding off on the purchase of signs. Cl'm Halstead also noted these are private businesses and they could certainly post something. Cl'm Halstead said it was brought to her attention, and she was recently asked what the Borough is doing to accommodate the Amish Community with buggy parking. Cl'm Halstead said Council may want to consider a designated parking area for the Amish when they come to town.

**CARPET CLEANING FOR THE BOROUGH OFFICE** - Cl'm Frownfelter moved, seconded by Cl'm Halstead to approve carpet cleaning for the Borough Office by Durundo's not to exceed \$200.00. Motion unanimously carried.

**DIGITAL AUDIO RECORDER FOR THE BOROUGH OFFICE** - President Robinson stated he has been researching new recording devices for the Borough's public meetings. They vary in pricing and he is looking in the \$300.00-350.00 price range. Frank Campbell suggested reaching out to SEDA-COG to see whether they could assist the Borough with this endeavor.

**COMMUNICATIONS**

President Robinson reviewed recent communications. He noted PennDOT's Winter Partnership Meeting is scheduled for October 17, 2017 at 8:00 AM at Little Buffalo State Park and thought a representative from the Streets crew may want to attend. He also reported the Sheriff Sale at 320 Market Street on October 27, 2017.

Cl'm Halstead reported one of the playground personnel resigned. She said the schedule has been worked out with the other playground staff person and the playground duties will be covered until it is closed on November 1<sup>st</sup>.

**MAYOR'S REPORT –**

Mayor Hetrick stated that Saturday, October 7<sup>th</sup> is Canal Day and she invited everyone to come out and enjoy in the festivities.

There being no further business to come before Borough Council, Cl'm Halstead moved, seconded by Cl'm Delancey to adjourn the meeting at 8:31 P.M. Motion carried unanimously.

Respectfully Submitted,  
Heather Ilgenfritz  
Secretary