

Newport Borough Council
December 5, 2017 – Regular Meeting Minutes
Newport High School Auditorium
500 Caroline Street
Newport, Pennsylvania

President Gerald Robinson called the meeting to order at 7:00 P.M. with Borough Council Members Richard Delancey, Tami Halstead, Carl Roush, Douglas Beatty, John McNaughton and Penny Frownfelter present. Following the Pledge of Allegiance and Roll Call, Present Robinson adjourned the regular meeting and then opened the Public Hearing. An announcement was made that the meeting was being recorded.

OTHERS PRESENT – William Dissinger, Solicitor and Heather Ilgenfritz, Secretary/Treasurer. Mayor Hetrick was absent.

GUESTS – Attorney Paul Namey, (Flaherty & O’Hara, PC), David Gill (Weis Market, Inc.), Luke Roman (Perry County Times), Frank Campbell, Roseanne Kinter, Drew Gross, Daniel Bower, Jr., Jacob Zentichko, Dave Goerman, Pat Dorman, Dave Gill (Weis Market, Inc.), and Ryan Neuhard (Newport School District).

PUBLIC HEARING REGARDING THE INTER-MUNICIPAL TRANSFER OF A LIQUOR LICENSE FOR WEIS MARKET – A public hearing was held for the purpose of providing information and allowing public comment in regard to the request by Weis Market, Inc. for Resolution No. 08-17 of Newport Borough Council to approve an inter-municipal transfer of a Pennsylvania “R” or “restaurant” liquor license No. R-18608 from outside the municipality into the Borough of Newport.

Attorney Namey gave testimony concerning the request by Weis Market for the Borough Council to approve a resolution to permit the transfer of the liquor license currently held by Zeiderellis in Marysville to Weis Markets in the Borough of Newport. He said this was the first of a two-step process of which the Pennsylvania Liquor Control Board will ultimately approve. He explained the criteria noting Weis Market must have a minimum seating of 30 patrons in the café to qualify for the restaurant liquor license. However, there will not be table service. There will be seating for 30 patrons at the rear of the store near the deli in the area to be renovated. The area will also contain coolers for beer/wine display. The restaurant orders can be picked-up and checked out at the cafe. In addition, Weis Market would sell beer and wine. He noted there have been nearly 400 liquor licenses approved statewide for grocery store sales. Weis Market currently has 76 applications in front of the PLCB for approval. This trend is changing the retail marketplace for the distribution and sale of beer and wine. He referenced Pennsylvania’s Act 39 Legislation intended to reform the system by which alcohol is dispensed and controlled within the state. This legislation reflects the changes in the marketplace while continuing to protect the welfare, health, peace and morals of the citizens.

Attorney Namey further stated Weis Market is committed to supporting the community and continues to help fight hunger. The beer and wine sales at the Newport store will be done in a friendly and responsible way. Sales are expected to be an estimated \$400,000 in revenue annually. There will be a large variety of beer including Craft and international brands. The wines offered will not be quite as expansive, however, there will be various price points. Carry out sales will be limited to 192 ounces of beer or four bottles of wine per customer. There will be no liquor sales at any Weis location.

Weis Market has an established policy that limits the consumption of alcohol on premises to two alcoholic beverages. It was noted the majority of sales are anticipated to be take-out. The normal grocery store check-out lines do not recognize the beer/wine SKU numbers. The alcohol sales are limited to the store hours. Sales will cease at 12:00 AM. Consumers will be required to produce a valid ID to show proof of 21 years of age at the time of sale with a transaction scanning device. Weis Markets has a “No Exceptions” Carding Policy.

Mr. Dave Gill, representative for Weis Market, testified there are cameras in the store and the security system will be enhanced with the addition of the alcohol products. He also stated there will be no form of entertainment on-site that would keep customers on the premises for long durations.

Attorney Namey stated if approved by Council, the application would then go before the PLCB and it would take approximately 90-120 days before renovations at the store would begin. That is estimated to be the second or third quarter of 2018.

Councilwoman Halstead expressed disappointment that it is not a full-scale restaurant noting that's what the community had expected. She cited a past incident at the Weis Market store in Newport that involved a customer's vehicle smoking in the parking lot. The customer drove away from the Weis parking lot over to Fourth Street where the car eventually caught fire. At that time, Cl'm Halstead went to the store to request the video footage from the security camera and was told there were no cameras that recorded the exterior premises. Mr. Gill was unaware of this incident, but advised the security system would be enhanced with the addition of the beer and wine sales.

Dave Goreman, 510 Market Street, Newport questioned how many seats would be added in the restaurant area. Attorney Namey replied 30 seats and reiterated the seating area will feature three tables with seating capacity for ten at each table in a designated area at the rear of the store in the deli area.

Jacob Zentichko, 227 Walnut Street, Newport stated that he personally does not have an objection to grocery stores selling alcohol as this practice is done in other parts of the country. However, Mr. Zenticko said that Weis Market needs to address the issue of loitering and security.

Frank Campbell, 300 N. 4th Street, Newport asked if there was going to be a separate access to the eatery? Attorney Namey replied no, that logistically in order to create a separate entrance there are more regulations that would need to be met. There is, however, a distinct area from the remainder of the store as well as a separate check out. He reiterated the minors regulation provision in the Liquor Code.

Pat Dorman, 2 Community Road, Newport questioned for security purposes whether or not Weis Markets had to allow sales until 12:00 AM or could those sales be cut-off earlier? Attorney Namey replied there is nothing to prevent that within the Liquor Code. Ms. Dorman noted the Borough depends on the Pennsylvania State Police as there is no longer a municipal police department. She is looking for the community to grow economically. However, until there is better security to improve the loitering concerns, she recommended evaluating and watching this closely to see how it goes. Elements of crime are everywhere and she does not believe the town is ready for this type of facility. She also voiced her concerns over the establishment being open until midnight.

Luke Roman, 1080 State Park Road, Newport asked for clarification on no sales before 7:00 AM, Monday through Saturday. Attorney Namey replied yes, that is correct.

David Gill testified that Weis Markets will hire a special manager for this licensed area, in addition to one, two, or even three additional staffers. He said there could be as many as four or five new hires depending on shifts. Mr. Gill also testified that Weis Markets is extremely concerned about security and responsible alcohol sales. Cameras will be installed inside as Weis renovates, as well as outside. Absolutely everyone will be carded and the cafe is not an atmosphere where individuals stay to have beverages and hang out to watch a game. Mr. Gill estimated 70% of their customers are women. The eatery will offer sit down seating with enhanced food such as speciality pizzas. Weis plans to enhance what is currently offered to have a larger variety of foods.

Pat Dorman asked "What is the volume of sales projected?" Mr. Gill replied it varies with every store as they are all a little different and he did not have that information. Mr. Gill stated it's about convenience. It's about the existing customer base and providing options. Mr. Gill stated if Weis Market thought the sale of alcohol was detrimental, they would not do it. It's always evaluated. Weis Market wants to remain competitive in the marketplace.

Dave Goerman stated he wanted to go on record in support of Weis Market's efforts to have beer and wine sales and expand with the eatery. He said that it will be nice to go to a clean environment without large alcohol consumption later in the evening.

Attorney Namey thanked the Council and the public in attendance for their comments.

President Robinson called for a motion to entertain the approval of Resolution No. 08-17. Cl'm Frownfelter moved, seconded by Cl'm Beatty to adopt Resolution No. 08-17 approving the inter-municipal transfer of Restaurant Liquor License No. R-18608 into Newport Borough from Marysville Borough. Roll Call Vote was taken and the motion carried 6-1 with Cl'm Halstead voting no.

President Robinson adjourned the Public Hearing and reconvened Borough Council's Regular Meeting at 7:59 P.M.

FINANCIAL REPORT – Newport Borough General Fund Account balance December 1, 2017 was \$151,962.90. Outstanding bills presented for payment in the amount of \$4,804.33. Secretary Ilgenfritz requested the report be amended to reflect an additional \$150.00 in outstanding expenses for the \$30.00 monthly cell phone reimbursements to employees and the President of Council. Estimated income for the balance of December is \$13,200.00. Estimated expenses for the balance of December is \$24,343.67 which will leave an estimated balance as of December 31, 2017 of \$135,864.90, that reflects the additional \$150.00 in reimbursement checks to be issued. Liquid Fuels Account balance for December 1, 2017 was \$75,993.86. Outstanding bills presented for payment in the amount of \$2,416.96 and Juniata Valley Bank truck payment of \$1,235.78 will leave a balance of \$72,341.12. Cl'm Halstead moved, seconded by Cl'm Beatty to accept the Financial Report as presented. Motion carried unanimously.

APPROVAL OF BILLS – Cl'm Delancey moved, seconded by Cl'm Roush to approve payments of the outstanding bills in the amount of \$24,343.67 from the General Fund Account and the outstanding bills in the amount of \$2,416.96 and \$1,235.78 from the Liquid Fuels Account. Motion carried unanimously.

OLD BUSINESS

COMCAST FRANCHISE AGREEMENT – President Robinson stated that he has spoken with Solicitor Dissinger concerning the Comcast Franchise Agreement, and Comcast is not budging, which is unfortunate given the revenue that Comcast makes from the Borough of Newport. The recommendation is that Council move forward with this agreement for the next ten years. Comcast has refused to authorize more than one courtesy internet account to the Borough. Solicitor Dissinger reported this is the case for other municipalities as well, and the other cable providers are doing the same. Cl'm Frownfelter questioned what the down side would be to not having a Franchise Agreement. Solicitor Dissinger stated other franchises could come in. The federal law is intended to free local control. The Borough Council cannot prohibit other cable companies from coming into the borough. Cl'm Halstead moved, seconded by Cl'm Frownfelter to approve the Comcast Franchise Agreement. Motion unanimously carried.

NEW BUSINESS

APPROVAL OF RESOLUTION NO. 09-17 AUTHORIZING A BANNER FOR THE NEWPORT SCHOOL DISTRICT'S ONE COMMUNITY, ONE DISTRICT, ONE BOOK LITERACY EVENT – Cl'm Beatty moved, seconded by Cl'm Roush to approve Resolution No. 09-17 authorizing a banner suspended across Market Street for the School District's literacy event from January 22-March 2, 2018. Motion unanimously carried.

APPROVAL OF RESOLUTION NO. 10-17 REGARDING PENNSYLVANIA LEGISLATIVE ACT 42 OF 2017 AUTHORIZING A MUNICIPALITY TO PROHIBIT THE LOCATION OF A CATEGORY 4 LICENSED CASINO FACILITY WITHIN ITS MUNICIPALITY – Cl'm Halstead moved, seconded by Cl'm Frownfelter to approve Resolution No. 10-17 to prohibit the casinos in the Borough of Newport and opt-out. Motion carried unanimously. A copy of the official Resolution will be forwarded to the Pennsylvania Gaming Control Board by the December 31, 2017 deadline.

COMMENTS AROUND THE TABLE –

Cl'm McNaughton gave a Streets Report. He noted a non-work related employee injury and the employee is anticipated to be out of work for at least 2 weeks with 6 weeks of light duty. Cl'm Beatty suggested extending leaf pick-up beyond December 8th due to the mild temperatures.

Cl'm Frownfelter stated she wanted to follow-up on the IT discussion and whether anyone had obtained additional quotes. Secretary Ilgenfritz stated Cl'm Halstead had provided contact information for another vendor, however, no pricing information had been obtained yet. Cl'm Frownfelter moved, seconded by Cl'm Roush to appoint Select Tech for technology services and approve the contract agreements with SelecTech that were reviewed at the last Council Meeting. Motion carried unanimously.

Cl'm Beatty asked whether Council had decided on arrangements for a Christmas party. He suggested the Borough along with the Water and Sewer Authorities hold a combined party at the Water Authority on December 22nd. There was no opposition.

Cl'm Halstead gave a brief report on the playground. She stated a schedule of events has been drafted for 2018. She also met with the ball teams and will have signed agreements for the February Council Meeting agenda.

President Robinson gave an update with regard to the recent Election. He noted Cl'm Frownfelter's term will end this year. There was a brief discussion on the resignation of Doug Morrison, Borough Council candidate elect. Solicitor Dissinger stated there will be a two-year appointment to fill the vacancy, however, that can't be done until the vacancy is officially declared at the January 2, 2018 Reorganization Meeting. A copy of Mr. Morrison's resignation letter has been sent to the Perry County Voter Registration Office. Council must wait until January 2018 before considering any candidates for appointment, as Mr. Morrison may or may not attend the January 2nd Reorganization Meeting. President Robinson stated in all probability there will be a vacancy on Council come the first of the year and Council is aware of the interest of transparency in filling the vacancy.

There being no further business to come before Borough Council, Cl'm McNaughton moved, seconded by Cl'm Delancey to adjourn the meeting at 8:29 P.M. Motion carried unanimously.

Respectfully Submitted,
Heather Ilgenfritz
Secretary