

Newport Borough Council
May 1, 2018 – Regular Meeting Minutes
Newport, Pennsylvania

President Gerald Robinson called the meeting to order at 7:00 P.M. with Borough Council Members Tami Halstead, Carl Roush, Richard Delancey, John McNaughton, Barbara Leach, and Doug Beatty present.

OTHERS PRESENT - Mayor Mary Hetrick and Secretary/Treasurer Heather Ilgenfritz.

GUESTS – Frank Campbell, Susan Osgood, Jacob Zentichko, Timothy Seiber, Luke Roman, and Sandi Janeski

President Robinson stated that Max Prosser, Junior Council Member, was not able to attend the Council Meeting this evening.

112-114 MARKET STREET PROPERTY UPDATE – Gabrielle Beers, with the River Bend Brewery, stated she was in attendance to represent her father, Tom Beers, and provide an update on the potential purchase of the property located at 112-114 Market Street which has been declared by the Borough as a dangerous and nuisance property. Ms. Beers stated they have received the engineer's report and there are no structural issues with the building. They are able to rebuild the inside. There are issues with the building, including but not limited to, loose bricks in the front, and an opening at the rear of the property that needs to be fixed so animals can't access. The financial situation of the current owner seems to be the hang up. There are currently four liens on the property. The first is the Bank of Landisburg which Ms. Beers reported is willing to work with them on negotiating the lien. Bank of Landisburg is willing to write-off the lien so long as the purchaser pays a small amount of money which appears to be approximately \$10,000. Mid Penn Bank also has a lien per a recent search. Mr. Beers is currently waiting to hear back from Corey Fleisher, current owner of the building, to determine for sure whether Mid Penn does or does not have this lien in place. Ms. Beers said it becomes a gray area as it appears Mr. Fleisher had filed for bankruptcy and then revoked his filing, and that may possibly be where the lien comes from. The Beers are trying to work with Mr. Fleisher as well as Mid Penn Bank to see whether there is a clear title. Whether or not all parties are willing to work with the Beers in the future seems to be unclear and depending upon the costs this may be a hard stop. Once they know more information Ms. Beers reported they are willing to share that information with the Borough. Ms. Beers reported the Newport Borough Water Authority (NBWA) has a lien of \$25,000 dollars and \$13,000 of that is late fees, and \$8,000 has been accrued in the last three years for having no water or sewer hook-up. Ms. Beers reported the Water Authority is willing to work with them and they are willing to pay the balance on the lien and send request to settle the balance at approximately \$6,000. The reason for this is to ensure that they are not responsible for the late fees that have accrued when there was no service. The late fees accrued at 5% per month and that is \$1,250 per month that they are hoping to avoid having to make payment on. Additionally, Ms. Beers reported the Commonwealth of Pennsylvania has a tax lien which is likely not negotiable. They are waiting for Mr. Fleisher to provide some additional cost information and so currently it is unclear. Further, Ms. Beers reported there are two parties who are unwilling to work with them and they are the State and Mid Penn Bank. Therefore, they are relying on Mr. Fleisher to feed information back and forth. They remain interested in continuing to pursue purchase of the building. The largest hurdle is the numbers and they would like to narrow down the costs to purchase the property if possible. This will take considerable time; therefore, Ms. Beers requested the Council to consider granting an extension of time – 1 month, to continue gathering all the information. Mr. Beers will attend the next Council Meeting to provide another update and will continue to be transparent throughout the process.

President Robinson asked Council whether they felt the Borough would need a copy of the numbers that Ms. Beers was referencing. Cl'm Halstead stated she believes it's just a matter of them getting a clear title. Cl'm Halstead moved, seconded by Cl'm Leach to allow another 30 days to Mr. Beers, the buyer, to investigate the financial situation of the building. Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 05-18 ADOPTING A PROPOSED AMENDMENT TO THE ARTICLES OF INCORPORATION OF THE NEWPORT BOROUGH MUNICIPAL AUTHORITY – Cl'm Halstead moved, seconded by Cl'm Beatty to approve Resolution No. 05-18 that would start the 50-year Articles of Incorporation effective today, May 1, 2018; and, the pre-existing Articles of Incorporation will be terminated. Motion carried unanimously.

PUBLIC COMMENT – Frank Campbell reported they are making headway with the park improvements through the PPL Grant. They have had nice weather and are continuing the work to get it finished.

APPROVAL OF MINUTES - Cl'm Halstead moved, seconded by Cl'm McNaughton to approve the minutes of February 16, 2018 Special Meeting for the purpose of conducting a public hearing regarding property located at 112-114 Market Street, Newport. Motion carried unanimously.

FINANCIAL REPORT – Newport General Fund Account balance for May 1, 2018 is \$272,785.09. Outstanding bills presented for payment total \$17,875.27. Estimated income for the balance of May is \$25,300.00. Estimated expenses for the balance of May total \$30,211.74 to leave an estimated balance in the General Fund for May 31, 2018 of \$229,088.88. Liquid Fuels Account balance May 1, 2018 is \$109,626.26. The outstanding bills presented for payment in the amount of \$1,602.42 will leave a balance of \$108,023.84. Cl'm Halstead moved, seconded by Cl'm McNaughton to accept the Financial report as presented. Motion carried unanimously.

APPROVAL OF BILLS – President Robinson stated there was a question regarding an engineering invoice. He thought this was the invoice prepared as result of a Request for Proposals that was sent out. Secretary Ilgenfritz stated there are multiple invoices related to engineering fees in question and they are on the table in a folder for Council's review and discussion. These are the same invoices that have been under the scope and were discussed at last month's Council meeting. Secretary Ilgenfritz stated she is seeking Council's decision regarding these outstanding bills. Additionally, Secretary Ilgenfritz reported she received an email from Phillip Brath, Barton & Loguidice Engineering, with an explanation of the billing process which indicates it is a lump sum contract and billing detail is not required. Cl'm Halstead stated the invoice for \$3,491.01 is categorized as 5th Street Interconnection Project. The 5th Street Interconnection Project is not the same as the 5th Street Reconstruction Project. Cl'm Halstead further noted the Interconnection Project is for a PA Small Water Sewer Grant that was never approved by the Borough Council. She stated that she has a problem approving an invoice for a grant submission that was never discussed and approved by the Council, and it is different than the 5th Street Reconstruction Project. Cl'm McNaughton asked if she could clarify what the Interconnect Project is. Cl'm Halstead replied she called Phil Brath to obtain an explanation and he said it's a project that goes from Market Street to the cemetery. Cl'm Halstead stated Council never made a decision on this. She said the engineers put together a grant for the 5th Street Interconnection Project; however, it was never discussed and approved by Council. Cl'm Halstead said there is not a clear total for Phase 2 of the 5th Street Project. President Robinson stated that he would contact Barton & Loguidice to get further clarification of the billing. Cl'm Halstead moved, seconded by Cl'm Leach to table payment of the engineer's Invoice No. 95433 in the amount of \$3,491.91 and Invoice No. 95912 in the amount of \$2,014.83 until Council receives more clarification; and, approve paying the remaining outstanding bills presented for payment from the General Fund, and the outstanding bills in the amount of \$1,602.42 from the Liquid Fuels Account. Motion unanimously carried.

5TH STREET RECONSTRUCTION PROJECT REPORT OF BID OPENING AND BID AWARD – President Robinson reported a bid opening for the 5th Street Reconstruction Project was held on April 26, 2018 at 4:00 PM at the Borough Office. There were five bids total ranging from \$323,675.00 to \$222,628.00. The bids were reviewed and G&R Charles Excavating, Ltd. was the lowest qualified bidder at \$222,628.00 to complete the project. Barton & Loguidice has submitted the bid tabulation and is recommending the bid award to G&R Charles Excavating, 4729 South Susquehanna Trail, Port Trevorton, PA 17864. Cl'm Halstead moved, seconded by Cl'm McNaughton to award the 5th Street Reconstruction Project between Walnut and Market Streets to G&R Charles Excavating in the amount of \$222,628.00. Motion carried unanimously.

Tim Sieber, Treasurer of the Newport Borough Municipal Authority stated the Sewer Authority took official action to also approve G&R Charles Excavating at their meeting also so there would not be any further delay until their next meeting. He also reported the Authority assumed the mobilization costs would be split 50/50 for the 5th Street Project.

President Robinson stated now they can address and adjust the timing of the project with Barton & Loguidice. They are working through some subsidence issues at Dock and Pine Streets. Tim Sieber stated a pre-construction meeting is scheduled for Thursday, May 3rd in the afternoon and the contractor will most likely supply the Sewer Authority with a schedule of where he is going to start.

Cl'm Halstead moved to amend the motion to include the Borough splitting the \$22,900.00 in cost for mobilization/demobilization for the 5th Street Reconstruction Project with the Newport Borough Municipal Authority, so each will pay \$11,450.00. Cl'm Beatty seconded the motion and it unanimously carried.

President Robinson stated there are four categories of expenses being common, including the mobilization/demobilization. The sanitary sewer are all the unit items having to do with the sanitary sewer. The storm sewer includes the storm sewer inlets and the curbing. The last item is contingent excavation, including any damage to front yards, but he doesn't believe there are any on 5th Street. President Robinson suggested the Sewer Authority's obligation be for the sanitary sewer items and then sharing half of the costs for all of the common items with the Borough.

Cl'm Halstead amended the motion to have the Borough split the costs of the common items 1 through 5 of the e-bid Exchange Export as listed totaling \$22,900.00 with the Newport Borough Municipal Authority. Each entity will pay \$11,450.00 in costs for common items, not just the mobilization/demobilization. Cl'm Beatty seconded the motion and it unanimously carried.

APPROVAL TO AMEND FINANCIAL REPORT – Secretary Ilgenfritz requested Council's approval to amend the Financial Report. The Financial Report prepared included payment of multiple invoices for engineering fees. Since Council tabled payment of the engineering fees billed on Invoice No. 95433 in the amount of \$3,491.91 and Invoice No. 95912 in the amount of \$2,014.83 until more clarification is obtained, the Financial Report should be amended. The amended Financial Report is less the check to be voided in the amount of \$11,662.59 for the engineering fees. Cl'm Halstead moved, seconded by Cl'm Roush to accept the amended Financial Report with the Outstanding Bills presented for payment in the amount of \$6,212.68. The motion unanimously carried.

OLD BUSINESS –

APPROVAL OF BANNER RESOLUTION NO. 04-18 FOR DISCOVER NEWPORT – Cl'm Halstead moved, seconded by Cl'm Leach to approve the Banner Resolution No. 04-18 for the Discover Newport: Eat, Shop, Explore event. Motion unanimously carried. It was noted the matter was previously discussed at a Council Meeting; however, the official action to approve the Banner Resolution needed to be done.

NEW BUSINESS -

NEWPORT HIGH SCHOOL CLASS OF 2018 – COMMUNITY SERVICE SCHOLASHIP AWARD – The Borough received fourteen candidate applications this year from the Newport High School Senior Class for the participation in the Annual Community Service Award. (3) votes were received for Applicant #12; (1) for Applicant #1; (1) for Applicant #4; (2) for Applicant #7. No other Applicants received a vote. Applicant #12 (Shelby Anderson) will be presented with the 2018 Community Service Award by Mayor Mary Hetrick at the May 29, 2018 Awards Ceremony to be held at the School.

APPROVAL OF ANNUAL LIBRARY DONATION – Secretary Ilgenfritz noted this is a budgeted item, however, since she is still in a learning curve, there was an oversight in issuing the check and the Library Director had called about it. Cl'm Halstead moved, seconded Cl'm McNaughton to give the Newport Public Library their annual donation of \$1,000. Motion unanimously carried.

FICKES STREET RAILROAD CROSSING – Cl'm Halstead stated the Borough had checked in prior years about having Norfolk Southern do something with the Railroad Crossing on Fickes Street. It continues to deteriorate and so she sent an email out and did receive a reply. A representative from the Public Utilities Commission did come out to evaluate the site. The representative indicated the site is not ideal and the next step would be to file either a formal or informal complaint with the Public Utilities Commission. Cl'm Halstead stated that she did not want to take that upon herself to file a report without discussing with Council and a vote. The railroad had indicated to the Borough in prior correspondence from 2001 that they would maintain that crossing to be in smooth, good, passable condition. The correspondence indicates 24 inches from the edge of the tracks to the whole way over to 24 inches to the other side. Cl'm Halstead said the Borough is only responsible for up to 24 inches from the tracks.

Cl'm McNaughton moved, seconded by Cl'm Leach to file a complaint with the Public Utilities Commission. The motion unanimously carried. President Robinson suggested supporting the complaint with photos.

RATIFICATION FOR HIRING OF PART TIME STREET LABORER AND PART TIME PLAYGROUND PERSONNEL – Cl'm McNaughton moved, seconded by Cl'm Leach to approve the hiring of Benjamin Harris to fill the position of part-time street laborer at \$9.96 per hour, effective April 16, 2018; and, rehire Donna Sheibley for part-time playground janitorial at \$9.96 per hour, effective April 13, 2018. Motion unanimously carried.

MAYOR'S REPORT – Mayor Hetrick reported that she attended the Ribbon Cutting Ceremony last Saturday for the Message Therapy business at the corner of 4th & Walnut Street. May 11th she will be attending the Perry County Historical Society's 95th Anniversary celebration at the Fire House. She also will be presenting the Community Service Award to the Class of 2018 student recipient at the Awards Ceremony at the High School on May 29. Mayor Hetrick said that she was approached by Audrey Kerr who wanted to convey her thanks to the Borough and to the Street Department for working with her during the renovations done at her property. Everyone was very courteous.

Additionally, she reported the Code Enforcement Officer reported there is somebody walking around town with a snake. It is either a boa or a python. The resident wants to know that he is allowed to that. Cl'm Halstead stated there is an ordinance regarding animals and there are no reptiles permitted in the Borough. Gwyn Smith stated if it's considered a pet then it is permissible. Gwyn stated that is how she interpreted the ordinance when she reviewed it with the Code Enforcement Officer. Cl'm Halstead said that she would review it, but if the ordinance states "no reptiles" it doesn't matter whether or not they are considered pets.

OTHER BUSINESS –

President Robinson reported the Borough has received complaints from Susan Osgood regarding surface water coming into her basement and this has been an ongoing situation. President Robinson stated that he has spoken with her regarding the problem and she does not want to accept that the responsibility is hers. Ms. Osgood believes the problem is related to the storm drain on the street.

Another item he has for discussion is the milling and paving of S. Second Street from Mulberry to the Bridge. He stated the Borough could possibly look into whether money could be spent there as well. He reminded Council if the Borough wanted to consider this work being done, there would need to be action to begin the process prior to the October deadline for use of Liquid Fuels money. Cl'm Halstead said the Council should be mindful of not having too many projects going on at the same time and having multiple road closures.

Going back to the snake issue, Mayor Hetrick read out loud "Ordinance Chapter 78 – Animals § 78-1 Definitions. WILD ANIMAL – Any animal, including bird, fowl, or reptile not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not capable of being kept as a household pet." There was discussion regarding the reptile not being domestic to this area and whether its capable of being a domestic pet. Mayor Hetrick stated the Code Enforcement Officer is aware of public safety concerns raised by residents

regarding this snake. Gwyn Smith pointed out in drawing parallels that people are afraid of Pit Bulls. Council gave permission for the Code Enforcement Officer to contact the Borough Solicitor if he needed further clarification on the matter.

Cl'm Leach congratulated Gwyn Smith on the success of the Spring Clean Up event. She thought they did a very good job.

REPORT OF EXECUTIVE SESSION - Cl' Roush moved, seconded by Cl'm McNaughton to go into Executive Session at 8:15 P.M. regarding personnel issues. Cl'm Halstead moved, seconded by Cl'm McNaughton to come out of Executive Session at 8:30 P.M. Cl'm Halstead moved, seconded by Cl'm Leach to instruct Mayor Hetrick to set the Code Enforcement Officer's schedule and that Council allow an additional five hours per week for a total of 25 hours per week for code enforcement. Motion unanimously carried.

COMMUNICATIONS REPORT - Secretary Ilgenfritz reviewed the Communications Report dated May 1, 2018 and highlighted the correspondence from the Perry County Commissioners announcing the FY 2018 Community Development Block Grant (CDBG) Program. Council was reminded of the Workshop meeting scheduled for Thursday, May 3, 2018 at 6:00 P.M. in the Commissioners' Meeting Room of the Veterans Memorial Building. Cl'm Halstead asked what projects the Council may wish to submit for consideration if she were to attend the meeting. There was a brief discussion and the consensus was to consider potentially applying for CDBG funding for the paving of Second Street. Cl'm Halstead noted the deadline was May 21st and that would be a very tight timeline to submit the grant request. Cl'm Halstead stated that she would attend the Workshop to determine if it would be feasible to apply for a CDBG Grant.

The next meeting is June 5, 2018 at 7:00 P.M.

There being no further business to come before Borough Council, President Robinson moved, seconded by Cl'm Roush to adjourn the meeting at 8:40 P.M. Motion carried unanimously.

Respectfully Submitted,

Heather Ilgenfritz
Secretary