

Newport Borough Council
September 4, 2018 – Regular Meeting
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, Barbara Leach and Douglas Beatty present. Councilman John McNaughton was absent.

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

GUESTS – Kayla Nailor, Thomas Beers, Maynard Gardner, Cody Harris, Gwyn Smith, Brenda Mayer, Paddi Sharar, and Frank Campbell.

112-114 MARKET STREET UPDATE – Mr. Beers reported that Mid-Penn Bank has opened an investigation regarding this property and he can't seem to get a clear answer concerning the property deed and whether or not it is clear of liens. He has already invested money in this; however, Mr. Beers and his business partner are not going to continue to pay legal fees to pursue purchase of the building. Although they have spent a significant amount of time and money, there remains too many difficulties due to the owner of the building having filed bankruptcy. Mid-Penn Bank has now turned this over to their Bankruptcy Department. Mr. Beers thanked the Borough Council for their patience while he tried to work through this process noting he thought it was a good investment to chase, but after five months and the information has changed in dealing with Mid-Penn Bank. President Robinson stated he admired Mr. Beers for his efforts. Mr. Beers stated that he hates to see the building torn down and for the Borough to incur the costs, but at this point there is not much hope for purchasing the property. There was a brief discussion regarding the property and the delinquent water bills. Mr. Beers state the Newport Borough Water Authority did reduce the fees. He said they were able to work through liens related to the water/sewer as well as the State and the Bank of Landisburg. However, the lien with Mid-Penn Bank remains to be resolved. Cl'm Halstead moved, seconded by Cl'm Beatty to allow more time for the purchase of the property until Mr. Beers can get a final answer regarding the remaining lien from Mid-Penn Bank. The motion carried 5-1 with Council President Robinson opposed.

REQUEST FOR CLOSURE S. 2ND STREET FOR RELAY FOR LIFE 5K- Mr. Beers stated the Riverbend Brewery is sponsoring a 5K Run on October 28, 2018. The proceeds will go to Relay for Life of Perry County – Angie's Hope. Mr. Beers said there are a number of participants in this event including the Newport Area School District. They would like to have S. 2nd Street closed from Market to New Bloomfield Avenue. The local Fire Police are agreeable and will be handling the traffic control. Cl'm Halstead moved, seconded by Cl'm Roush to approve the closure of S. 2nd Street from Market to New Bloomfield Avenue on October 28th for the Relay for Life 5K event as requested. Motion carried unanimously.

PUBLIC COMMENT – Gwyn Smith spoke about the property on 4th Street with the bird infestation problem. She said the problem has not been resolved and the owner needs to repair the siding on the house. She noted he had begun to do some work, but it has slowed, and nothing has been done in recent weeks. The Code Enforcement Officer will issue another ticket to the property owner.

Brenda Mayer, who resides at 340 N. 5th Street, reported that she had contacted the Borough's Code Enforcement Officer on Dec. 5th. On Dec. 17th she wrote a letter asking if there was any progress. As of Jan. 17th there was no response. On Jan. 18th they spoke by phone and it was confirmed. Feb. 18th, no response and then on Feb. 19th she wrote a letter to the Mayor. On April 2nd, she spoke with the Mayor. Ms. Mayer asked if the Borough has a Code of Ordinances then why can't it be enforced? John Shiffer, Code Enforcement Officer, stated that he had issued another ticket on this date. He also noted the difficulties with the Magisterial District Justice's response when these cases go to court. He said the District Justice once replied, "One man's flowers are another man's weeds." Mr. Shiffer stated it's hard to enforce when the Judge is lenient and once the fine has been paid, the process starts over. He stated that he sent another ticket and will begin the process again to try to have the property owner take action to clean up the residence.

Mr. Shiffer reported that Bloomfield Borough recently lost a similar case and as a result their Borough also lost a lot of money in legal fees. Frank Campbell said it comes down to the question, "What do we want Newport to look like?"

Patti Sharar stated the taxpayers have spent thousands and it still “looks like a dump.” She said there needs to be a bigger effort to clean up the town. Cl’m Halstead noted Chapter §173-14, Violations and Penalties under the Borough Code, imposing a fine not to exceed \$600 combined with costs of prosecution, or imprisonment for a term not to exceed 30 days. Each day a conviction in violation of the article exists beyond the 30 days shall constitute a separate violation. There was additional discussion regarding the process and the fines that have been established. It was recommended that the Code Enforcement Officer consider having the Borough’s Solicitor attend the court hearings with him to see if that would make a difference, and to be sure the violations are properly documented.

Frank Campbell spoke about the PPL Grant received by NRPS for the park. He said they received some good public relations with having filmed an interview at the park which will be published on PPL’s website. He also noted that the Pennsylvania Cable News (PCN) will be doing a feature in November on the historical markers in town.

Mr. Campbell also noted while there has been a lot of emphasis on 112-114 Market Street, the old train station is literally falling, and nothing has been said regarding that property. He noted NRPS spent over a year trying to negotiate with the owner to restore it, but to no avail. Again, he asked “What do you want Newport to look like?”

Maynard Gardner stated there are several properties in town that are nuisance properties, citing 152 N 2nd Street – where there is junk piled on the front porch. He spoke about another property where the grass was extremely high, and children had to walk through it to go to school. He said that 6th Street should be looked at just as much as the square and it should be maintained. He said that he as lived in Newport for 48 years and it has never look like it does now. He understands there are too many rental properties, but noted they need to be enforced, and people need to respect properties and the homeowners. Neighbors are tired of it and it is driving down the property values.

Council President Robinson called on Cody Harris to comment on an opportunity the Borough had to demo a new CAT skid loader. Cody stated the Streets Department used it to sweep the streets and while it was faster than the Borough’s current tractor, he felt that it did not pick up as much because of the faster speed. He said they also used it to push/compact the brush collected into the dumpster. It is more powerful than the tractor and noted it was easy to operate. President Robinson noted it will improve productivity with a small workforce.

Cody Harris asked Borough Council to consider adding to its Ordinance a limit to the number of brush loads per residence. He said in recent weeks the crew has had 5-6 truckloads per home. While the Borough does provide a dumpster at the shop for residents use, he noted 12 truckloads from one homeowner to fill the dumpster at the expense of all the local taxpayers in his opinion is not right. Cl’m Halstead noted on the flipside, Council is hearing the complaints that folks are not cleaning up, and the Borough needs to provide a mechanism. Cody Harris noted most residents comply with rules, noting that brush is not to be more than 4ft. in length. He said that he was just putting the idea out there for Council’s consideration. Cl’m Halstead questioned how much a chipper would cost and whether that may be beneficial, and then the Borough could provide free mulch. Council President Robinson said the matter would be tabled for now until there is a mutual agreed upon policy. He noted they will review past practices and come up with a reasonable solution.

Cody Harris requested permission to have the paint machine serviced and permission was granted. He also stated the Streets Department was requested to spray the Borough Building for spiders and would need to purchase spray for pest control.

APPROVAL TO PURCHASE PEST CONTROL SPRAY FOR BOROUGH BUILDINGS & GROUNDS – Cl’m Halstead stated that she would like to have the Borough’s Streets Department power wash the Borough Building and spray for spiders. She also offered to help.

PLANNING COMMISSION ITEMS – Gwyn Smith, Chair, reported on the Discover Newport Event that was held on July 8th. She noted they had more businesses participate this year, however, the number of yard sales was about the same as

compared to last year's event. Several of the Food Truck vendors had near record days. The Food Truck Festival raised \$1,100 in donations distributed among Perry County Animal Shelter, Newport Revitalization and Preservation Society,

Bread of Life Outreach, and Disabled American Veterans. She also reported the Movies in the Park series were well attended.

The Planning Commission is considering another community event this fall. Neighbors helping Neighbors, with a possible decorating contest. Additionally, they are continuing to work on the comprehensive plan update.

OLD BUSINESS –

5th STREET RECONSTRUCTION PROJECT UPDATE – President Robinson reported the project is completed. There was one area that had some minor sidewalk damage which was repaired. No bills have been submitted yet for the project by G&R Charles Excavating. He also noted the As-Built drawings have not yet been received.

STATUS OF SALE & TRANSFER OF RECYCLING CONTAINERS TO PERRY COUNTY – Secretary Ilgenfritz reported that she received a call from Marty Smith, Perry County Maintenance, and they are waiting to receive official correspondence from DEP for approval to transfer the dumpsters back over to the County. The County has also requested their Solicitor to draft a letter to include the VIN numbers to show the transfer of ownership and better track the dumpsters should there be any incidents in the future during transport. Once the official approval is obtained, the County will arrange to have Sylvester's transport the dumpsters to the County's requested location.

ZONING DISCUSSION REGARDING KAUFFMAN'S SERVICE CENTER – AUTO SALES / ZONING 250-45 –

Patti Sharar, Chair of the Newport Borough Zoning Hearing Board, stated she read a recent news article regarding the approval of auto sales at Kauffman's Service Center. She disagreed with Council's approval and noted the matter should have come before the Planning Commission for recommendation to the Zoning Hearing Board.

Cl'm Halstead stated that she has looked at the Ordinance and has suggested a change to the Ordinance, and Council has requested the Solicitor to review. She has recommended inserting the word "sales" under section 250-9 GARAGE, PUBLIC. Cl'm Halstead said that she did not realize Kauffman's was in the Manufacturing District. Council is trying to rectify this matter and has requested the Solicitor to provide his legal opinion with regard to changing the definition. Council President Robinson stated that is reasonable and it was an easy mistake to make the way it is currently written. He noted that Council unanimously approved this request the board is pro-business and when in the commercial zone it doesn't make sense to imply that doesn't mean "selling." Council acknowledged there will be expense incurred with having to advertise, however, it is necessary and again this action was taken of all seven Council members in favor. Patti Sharar stated that she believes the matter should go to the Zoning Hearing Board. She said that Council has just approved putting in a car lot next to the worst building in this town. She felt that Council was putting the public in danger and that part of her responsibility as Chair of the Zoning Board is to ensure public safety. Cl'm Halstead reiterated the solution is to change the definition of "Garage." Frank Campbell said the purpose of the Ordinance is for guiding – "What do you want the town to look like?"

There was a brief discussion on the placement of the cars to be sold on the lot and proximity to the Old Train Station. Patti Sharar said the building should be condemned and enforce having it torn down with the public walking in that vicinity. Council President Robinson stated that Council is not willing to rescind the action.

Gwyn Smith said what has been discussed before is having these situations referred to the Planning Commission to then make a recommendation with regards to building and zoning permits. Any new business must obtain a permit. Shouldn't it go to the Code Enforcement & Zoning Officer first? Council President Robinson state the legislation takes place at this table before Council, and Council is not concerned with the personal agendas of others. Patti Sharar noted for months a new process had been discussed and was recently developed.

Cl'm Halstead made a motion to do the necessary things to change the definition of "garage public" in the zoning ordinance 250-9. The motion failed for lack of a second. Council President Robinson asked Cl'm Halstead to write up the recommendation to have it circulated.

Patti Sharar stated Kauffman's are out of compliance with the Zoning Ordinance, noting C2 does not have a gas station in downtown commercial. All have been grandfathered, but Kauffman's remain out of compliance, she stated. President Robinson noted the matter should be tabled until there is further clarification. Cl'm Halstead restated her motion to insert the word "sales" into the definition of "garage public" under section 250-9 of the Borough Code. The motion died for lack of a second. President Robinson announced the matter would be tabled until further clarification and legal opinion is obtained from the Solicitor.

President Robinson discussed a surface water drainage problem on Pine Street at the Westford property. He questioned whether the Sewer Authority had any intent to connect that to the storm sewer as there is a problem when there is substantial rainfall. He noted the distance from the curbing from Walnut Street back to the inlet is approximately 100-120 feet which is not a monumental undertaking. Cl'm Roush is going to check on the matter for the next Sewer Authority Meeting.

NEW BUSINESS-

DISCUSSION ON NUISANCE PROPERTIES AND SOLICITOR'S LETTER DATED AUGUST 29, 2018 –

President Robinson noted that he was not opposed to Mr. Beer's plan intended for the 112-114 Market Street property; however, the timing was wrong. He cautioned that Council was going to have to stick to its guns as that property has remained in that condition for years. The problem that Mr. Beers discussed is with the financial structure for that property. The Solicitor's letter indicates he met with Mr. Shiffer who expressed his frustration in attempting to deal with these nuisance properties through the citation procedure.

John Shiffer, Code Enforcement Officer, explained the options to the Borough in dealing with this matter as recommended by the Solicitor. Option #1 is to file more citations with each day of a violation is a separate offense. However, this runs the risk of annoying the District Judge and provide no real path to abating the nuisance. Option #2, Council could declare the property a public nuisance and direct that the nuisance be abated within a set period of time. If the owner does not comply, the Borough after holding a hearing could then actually abate the nuisance itself and file a municipal lien against the proper for the cost. The Borough could take action through the court to compel the owner to abate the nuisance under threat of contempt of proceedings. Obviously, this comes with costs – attorney fees, filing fees, and clean up.

Mr. Shiffer cited numerous properties within the Borough. He said maybe homeowners would "wake up" if a lien were to be placed. Council President Robinson noted option # 2 – placing a lien on these non-compliant properties is worth a try. Mr. Shiffer stated there will be some costs incurred by the Borough, but it may be worth the effort if it works in getting folks to clean up.

SUBMISSION OF 2019 PMRS PENSION MINIMUM MUNICIPAL OBLIGATION (MMO'S) – Cl'm Halstead moved, seconded by Cl'm Beatty to approve the payment in the amount of \$21,932.00 for the 2019 non-uniformed pension minimum municipal obligation payment. Motion unanimously carried.

2019 PROPOSED BUDGET WORKSHEET – Council President Robinson requested consideration of street improvements, particularly N. 2nd Street from the playground to Dock Street, as a priority for the 2019 Budget. He asked council members to review their respective areas and try to keep line items as budgeted. Any requests for increases will have to be justified. He reiterated it's important to get the streets done. Grant opportunities or borrowing options can also be explored to consider doing more street improvements.

DISCUSSION REGARDING INSURANCE RENEWALS - President Robinson reported he is working on obtaining insurance He will be looking at all of the figures. The current carrier does not anticipate a substantial increase in the rate for the

Borough’s general property and liability coverage; however, the workers’ compensation policy may have a slight increase.

APPROVAL TO PURCHASE PEST CONTROL SPRAYING FOR BOROUGH BUILDINGS & GROUNDS – This item was covered by Cody Harris under the public comment period.

DISCUSSION ON TREE TRIMMING – VETERANS MEMORIAL PARK – Cl’m Halstead reported she received a request from Tina Langel regarding having the trees trimmed at the park that are encroaching on her property. Cl’m Halstead stated the trees are too large to have the Borough’s Streets crew do the work. There was a brief discussion regarding obtaining quotes from professional tree trimmers to do the work. Cl’m Halstead will obtain the quotes.

NEW EQUIPMENT – CAT SKID LOADER – President Robinson spoke about the possibility of purchasing a new skid loader for the Borough. He is working on obtaining multiple quotes and estimates the cost to be approximately \$56,000. He said the Borough does not need to rush into this, and he is trying to gather the pricing information. In the interim, he did set up a demo for the Streets Department so the guys could see the capabilities of the equipment. He stated the Borough is in need of bigger equipment, especially to handle heavy snow events. He noted the cost of repairs this past year for the tractor and said it would be beneficial to keep the tractor as the Borough would not get much money if it were to trade it towards the purchase of new equipment. He also stated a skid loader option would offer accessories that run the full gamut of municipal public works. He also noted a skid loader can sweep the streets at 12 mph which is faster than the tractor and will increase productivity. Cl’m Halstead stated the Borough should be able to obtain funding for the purchase of new equipment through a USDA loan and she will do research on that option.

DISCUSSION ON WEBSITE FOR INFORMATION & ADVERTISING – Secretary Ilgenfritz requested Council’s consideration of budgeting for a website upgrade in 2019. The Borough’s current site is built on an old version of Joomla software which soon will no longer be supported. Technology is expensive and ever-changing. There was a brief discussion regarding what a new site would look like – more modernized with a responsive web design for viewing on multiple devices, as well as the anticipated cost. Improving communications with residents is important and a new website would enhance the Borough’s communications. Community events could also be advertised. Cl’m Halstead stated an updated website would also aid in the Borough’s Emergency Management efforts. Council gave permission to obtain pricing information.

MAYOR’S REPORT - Mayor Hetrick stated the Code Enforcement Officer is up against a wall. He has issued many, many citations. In one instance, there was a fine owed in the amount of \$400.00. The Constable has also been contacted to pick up offenders. However, she reminded everyone once a fine is paid, the process starts over. Unfortunately, there are repeat offenders. The Code Enforcement Officer continues to issue warnings, but this is the process. President Robinson said the Council will have to “put on their thinking caps” and should also get the Solicitor’s input on this matter.

REPORT OF EXECUTIVE SESSION – Cl’m Halstead moved, seconded by Cl’m Beatty to go into an executive session at 8:55 P.M. to discuss personnel matters. Motion unanimously carried. The Council came out of executive session at 8:58 P.M.

Cl’m Beatty questioned Council President Robinson regarding the quotes for a new skid loader. He said in order to compare apples to apples, the Council must have multiple quotes from vendors. He stated that he would not vote on the matter until Council has multiple prices to compare.

There being no further business to come before Borough Council, Cl’m Roush moved, seconded by Cl’m Delancey to adjourn the meeting at 9:00 P.M.

Respectfully Submitted,
Heather Ilgenfritz
Secretary

