

Newport Borough Council
April 2, 2019 – Regular Meeting
Newport, Pennsylvania

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

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

GUESTS – Debra Fahnestock, Gwyn Smith, Kayla Nailor, Nissa McMillan, Breon Kosir, Brenda Mayer, Frank Campbell, Jacob Zentichko, Drew Gross, Luke Roman, Tara Snyder, Greg Shope, Scott Keyser.

PUBLIC COMMENT – Gwyn Smith requested Council to have the Streets Department include the crosswalks on the alleys the next time they are paving lines. Additionally, she pointed out there is a tree in front of the Perry County Council of the Arts building that had a tree branch broken as well as some damaged trees in front of Carpetbaggers that may need some grafting due to the damage sustained. Council President Robinson will reach out to PA Forestry and discuss this with the Street Department to have the lower branches trimmed.

Debra Fahnestock spoke about the condition of property located at 121 N. 6th Street. She indicated that her friend, Faylene Cramer, lives in this home and recently lost her husband, so she has been trying to help look after her. She could not believe the living conditions when she went to the home. Ms. Fahnestock shared photos with the Council of the residence and the unsafe and unsanitary conditions. She stated that Mayor Hetrick and John Shiffer, Code Enforcement Officer, had toured the home to take photos. Ms. Fahnestock has reached out to the Office of Aging in New Bloomfield, the landlords – Ken & Sonia Mixell, as well as the Perry County Literacy Council for help. The Perry County Literacy Council is assisting with trying to secure alternate housing for Ms. Cramer, however, there is a waiting list. Ms. Fahnestock asked Council members what the procedure was to have a property condemned. Cl'm Halstead asked if the PA Department of Health had been contacted. It was also noted that Perry Manor did not have vacancies. Ms. Fahnestock explained that if the residence was condemned then her friend would be able to be placed at the top of the list for Emergency Housing. There was a brief discussion over what resources are available in the area to help Ms. Cramer. Council stated the Borough Secretary could provide contact information for Perry Housing. Ms. Fahnestock stated that she would gladly take any assistance she can get in helping to obtain alternate housing for her friend. Council President Robinson explained that Council is sympathetic to the situation; however, the Borough has limited resources. He explained that the process for declaring a public nuisance property is not a speedy process.

Breon Kosir and Nissa McMillan, both residence on Mulberry Street, spoke about their concerns with on-going parking problems. They explained to Council the landlord of the mansion at the corner of Mulberry and S. Fourth Streets has not been cooperative. He has multiple apartments, one they believe was recently added, and is not complying with the Borough's Code for rental properties providing ample parking for tenants. In fact, they stated the landlord himself takes two of the provided parking spaces for his own vehicles which only leaves four parking spaces remaining for all of the tenants in that building. They further expressed frustration that one of the vehicles parked on the street is a truck which does not move, breaking the ordinance which states vehicles must be moved within four days. Cl'm Halstead stated that she is trying to encourage residents who have the available space behind their properties for parking to do so. Another property mentioned was 58 S. Fourth owned by Justin Turnbaugh. He too has multiple tenants with multiple vehicles. As homeowners and taxpayers, Ms. Kosir and Ms. McMillian expressed their frustration with the on-going parking problem and their desire to have the Borough take action. Council President Robinson requested the women to get the license plate numbers and provide them to the Borough Office. Parking is extremely limited. He will see what the Borough can do to notify landlords of the violation regarding the parking ordinance.

FINANCIAL REPORT – Newport General Fund Account balance on April 1, 2019 was \$241,395.94. Outstanding bills presented for payment totaled \$11,825.01. Estimated income for the balance of April was \$9,500.00. Estimated expenses for the balance of April totaled \$30,189.74, leaving an estimated remaining balance for the month of April of \$208,881.19. Liquid Fuels Account balance April 1, 2018 was \$133,507.77. The outstanding bills presented for payment in the amount of \$613.92 leaves a remaining balance of \$132,893.85. Cl'm Halstead moved, seconded by Cl'm Leach to accept the Financial report as presented. Motion carried unanimously.

APPROVAL OF BILLS – Cl'm Halstead moved, seconded by Cl'm Leach to pay the outstanding bills in the amount of \$11,825.01 from the General Fund and the outstanding bills in the amount of \$613.92. from the Liquid Fuels Account. Motion unanimously carried.

OLD BUSINESS

PAVING DISCUSSION – Cl'm Halstead discussed a hand-out (see attached) in the Council's packets with a plan for addressing the paving needs of the Borough and budgetary considerations. She explained the Borough ended 2018 in a much better financial position than anticipated with a carryover of \$218,000 in the General Fund. She said the Borough has been very frugal the last three years. She also reviewed the Liquid Fuels Account noting the Borough could comfortably expend approximately \$150,000. in state aid monies on paving projects in addition to what monies are available in the General Fund. She reviewed the proposed sheet outlining the paving priorities including Second Street between Dock Street and Oliver Street at an estimated cost of \$46,000; Walnut Street from Second Street to Sixth Street estimated cost of \$83,699; and the first block of Walnut from Front Street to Second Street for approximately \$22,000.00. Cl'm Halstead stated she believes that Council can approve the paving projects with a total estimated cost funded by the General Fund of \$150,519, with the carryover monies the budget will remain intact. Council President Robinson discussed milling and the possibility of recycling the material for additional savings. He would like to have an estimate for that as well. Robinson commented that he was surprised to see the lower costs projected for Walnut Street. Cl'm Halstead replied it is a lower cost because the work is being completed in conjunction with the Newport Borough Municipal Authority's sanitary sewer separation project. The prices were obtained working with the Sewer Authority's engineer for the project. She stated that Council needs to provide an answer to the Municipal Authority on whether the Borough is going to proceed with the paving as proposed.

Cl'm Halstead explained the section of Walnut Street from Front Street to Second Street, the quote that M.F. Ronca & Sons provided was about a \$1,500.00 difference from the lowest quote. However, for the sake of consistency, the fact that this contractor is already mobilized, doing the milling and familiar with the project is a legitimate reason to award the project to the higher quote.

The paving of sections of Pine Street and Locust Street would be completed using Liquid Fuels monies.

It was noted the 5th Street Reconstruction Project is funded through the Borough's Pennsylvania Infrastructure Bank Loan and it is separate from the General Fund.

Cl'm Halstead moved, seconded by Cl'm Beatty to approve the paving from the General Fund on Walnut Street from Second to Sixth as proposed for the estimated cost of \$83,699.00. Motion carried 5-1 with Council President Robinson opposed. Cl'm McNaughton was absent.

Cl'm Halstead moved, seconded by Cl'm Beatty to approve paving Walnut Street from Front to Second Street as Project #1 from the Liquid Fuels Budget for an estimated cost of \$20,330.10 as quoted by M. F. Ronca & Sons. Motion unanimously carried.

Cl'm Halstead asked the Councilmembers if they wished to put out for bid the alleys as discussed. Pine Street, the section from Mulberry to Market and Caroline to Gantt; and, Locust Street from Caroline to Gantt. There was a brief discussion and Council came to a consensus. Cl'm Halstead moved, seconded by Cl'm Beatty to authorize the paving of Pine Street and Locust Street as proposed. Motion unanimously carried.

Cl'm Halstead moved, seconded by Cl'm Roush to authorize the advertising of bids for the paving of Pine Street - sections from Mulberry to Market and Caroline to Gantt; and, Locust Street from Caroline to Gantt on PennBid as well as The News Sun. Motion unanimously carried. Cl'm Halstead said that she would work with the Borough Secretary and they will contact Rick Levan at PennDOT for assistance in drafting the advertisement and then Council could award this at the May meeting.

REPAIR OF SINK HOLE AT 6TH & DOCK STREET – APPROVAL OF INVOICE - \$7,532.60

There was a brief discussion regarding the recent rains and this year's wet weather pattern, which triggered the sinkholes on Dock Street. Ronca estimated the cost of that repair at \$7,500. Work will need to be done to redirect the water to prevent the sinkholes from reoccurring. It was noted the invoice was included and approved with the bills presented for payment.

APPROVAL OF AGREEMENT WITH NEWPORT BOROUGH MUNICIPAL AUTHORITY – Council President Robinson stated that the Borough's Solicitor was not in favor of approving the agreement. He noted the change of status when the Sewer separated from the Borough to become its own operating authority. Robinson stated the Municipal Authority should not be using the Borough's tax identification number as the payroll for their employees is reported under the Borough's tax identification number. Robinson stated the Borough's Solicitor could write a new contract. Cl'm Halstead stated it may not be an ideal situation, but this process provides for better health insurance coverage for the employees of both entities and in the end is a savings to the taxpayers. Cl'm Halstead moved, seconded by Cl'm Beatty to approve the agreement between the Borough and the Newport Borough Municipal Authority the way it is. Motion unanimously carried.

CLARIFICATION OF CUPP INSURANCE AGENCY'S REQUEST FOR ESTIMATED PROPERTY VALUES – BUILDINGS AT VETERANS MEMORIAL PARK – PAVILLION, OLD BATHROOMS, AND TENNIS FENCING – Council President Robinson stated that he had reviewed the Borough's insurance policy with Cupp Insurance. He recommends the following replacement values for the playground items- \$10,000.00 for the Old bathroom, \$5,000.00 for the pavilion, and \$3,000 for the fencing. Cl'm Halstead suggested at least \$15,000.00 in coverage on the pavilion to cover any teardown costs that might be incurred if something were to happen. Cl'm Halstead moved to approve the replacement values of \$10,000.00 for the Old bathrooms, \$15,000.00 for the pavilion, and \$3,000.00 for the fencing. Motion unanimously carried.

UPDATE ON USDA LOAN APPLICATION FOR SKID LOADER – Cl'm Halstead gave a brief update. She has made calls and spoke with Sean McElroy at USDA who said it's not necessarily a spring or fall application for the purchase of equipment. They are working on it and there is still a chance for the application to be approved this year. She stated if the loan is approved, so is the grant – it's not separate.

PROPOSED FLOODPLAIN ORDINANCE – Cl'm Halstead spoke about the update to the Floodplain Ordinance noting the final copy of the floodplain update has been emailed to Leslie Rhoads, the Sustainability Coordinator for Pennsylvania Municipal League. The special permitting was initially taken out, however, now has been put back into the ordinance. The Borough's update to ordinance has had a second review by Leslie Rhoads. The Borough Secretary remains the Administrator of the Floodplain Ordinance. The ordinance mostly applies to new construction or something significant, as there is not a lot of construction activity within the floodplain portion of town. Cl'm Halstead moved,

seconded by Cl'm Roush to approve the update to the floodplain ordinance and authorize advertising the updated Floodplain Ordinance. Motion carried 6-0. Council President Robinson opposed. Cl'm McNaughton was absent.

NEW BUSINESS

AUTHORIZE ADVERTISING FOR NOTICE OF AUDIT - ANNUAL AUDIT REPORT FOR YEAR END 2018 – Cl'm Halstead moved, seconded by Cl'm Leach to authorize the advertising of the Notice of Audit for Year End 2018. Motion unanimously carried.

APPROVAL OF REQUEST BY THE AMERICAN LEGION TO HOLD ANNUAL MEMORIAL DAY PARADE – SUNDAY, MAY 26, 2019 – 3:00 PM – Cl'm Halstead moved, seconded by Cl'm Leach to approve the request made by the American Legion to hold the Annual Memorial Day Parade on Sunday, May 26, 2019 at 3:00 p.m. Motion unanimously carried. The Borough Secretary will submit the Special Event Permit Request to PennDOT.

PLANNING COMMISSION UPDATE - Gwyn Smith gave a brief update on the Planning Commission's efforts for 2019 Discover Newport Events. An announcement was also made that the annual Spring Clean Up is scheduled for Saturday, May 18, 2019 from 8:00 a.m. until noon. There will be two dumpsters and a vendor has been established for removal of scrap metal. Ms. Smith also submitted and reviewed the Yearly Report (see attached) of the Planning Commission. Cl'm Halstead asked about the status of Melanie Schubert, Planning Commission member. Ms. Smith replied that Schubert has taken a temporary leave of absence. Cl'm Halstead reminded the Planning Commission of the rules and noted she should resign and then the Borough will advertise for letters of interest for serving on the Planning Commission.

APPROVAL OF BANNER RESOLUTION NO. 02-19 DESIGNATING THE BOROUGH'S INTENT TO ERECT AMERICAN FLAGS DURING THE MONTH OF MAY ACROSS SR34 – MARKET STREET BRIDGE, SPECIFYING CONDITIONS SET BY PENNDOT
Gwyn Smith, Planning Commission Chairman, presented a proposal to Council for their consideration of a request to PennDOT to have U.S. Flags placed on the Paul Reider / Market Street Bridge. Ms. Smith submitted a drawing and discussed how the flags would be mounted to the steel bridge tresses using cables with grommets. The flags would be replaced every two years. They are proposing beginning in May and display the flags for the next six years. They have obtained sponsors and approvals for letter of recommendations. Ms. Smith stated that she is scheduled to attend Howe Township's next Board of Supervisors Meeting to request their support for this proposal as well. She has also spoken with the Deputy Bridge Supervisor at PennDOT regarding the proposal and they were in favor of the plan. Cl'm Tami Halstead said that she was not in favor of this plan as the Borough of Newport does not own the bridge, it is owned by the State of Pennsylvania. Cl'm Halstead also expressed insurance concerns and potential liability that would be associated with an effort such as this one. Council President Robinson also stated that there are concerns with the liability to the Borough of the plan and there are significant crosswinds on the river bridge. He would be concerned that a cable could break causing vehicle damage and/or harm to motorists. Cl'm Halstead said that she does not believe that the Borough's Insurance Policy would provide the necessary coverage and the Planning Commission doesn't have the money or budget to assume this liability. She further stated the role of the Planning Commission is to make recommendations to Council, and it does not have the authority to make decisions on its own. Cl'm Halstead stated it is the Borough's responsibility to speak with PennDOT, not the Planning Commission. Scott Keyser asked if there was another place in town where the same affect could be achieved with less liability. Cl'm Halstead stated she supports showing patriotism, but this proposal is a little out of the Borough's league. Cl'm Leach said the role of the Planning Commission as she understands it to be is limited to subdivision and land development issues and that she is not in favor of it. Ms. Smith stated that the VFW, Senator John DiSanto, and Representative Mark Keller's offices were all on-board with the proposal and are preparing Resolutions in support of the patriotic effort. Cl'm Halstead moved, seconded by Cl'm Leach not to approve the Planning Commission's Flag Project and the Banner Resolution to mount U.S. Flags on the Market Street Bridge. Ms. Smith requested withdrawing the request for approval. Council came to a consensus that it was too late to withdrawal the request and proceeded with a vote. Motion carried unanimously by a vote of 6-0.

Councilman McNaughton was absent. Cl'm Halstead stated that the Planning Commission does not have authority to make these decisions and in the future this kind of proposal should come to Council first.

Cl'm Leach also expressed concerns with the Planning Commission's earlier proposal – Neighbors Helping Neighbors. This plan was meant to assist property owners, particularly elderly residents that may need assistance in maintain their yards. Ms. Smith said this is just one of the ideas that the Planning Commission members have come up with to try to help clean up the town. They are open to any other ideas. Drew Gross stated they are looking at avenues to help people in town and are not constantly worrying about liability. Council President Robinson will look into the issue of the liability concerns with the possibility of having a waiver. Ms. Smith replied that we all have a common goal here to help the town. The Planning Commission has been constantly attacked. Cl'm Halstead replied that some of that stems from the Code Enforcement issues. She asked if members of the Planning Commission were going around town taking pictures of residences. Ms. Smith stated the Planning Commission made a simple information request regarding the code violations of properties and it should not have been viewed as picking on the Code Enforcement Officer. Smith stated the pictures are not on Facebook and Planning did so to determine the needs for the proposed Neighbors Helping Neighbors program.

OTHER BUSINESS

APPROVAL TO PURCHASE COLD PATCH – Cl'm Beatty stated the Streets Department has requested to place an order for a tri-axel load of Cold Patch for approximately \$2,300.00. Cl'm Beatty moved, seconded by Cl'm Halstead to approve the purchase of Cold Patch for a tri-axel load with an estimated cost of \$2,300.00. Motion unanimously carried.

Council made a request of Luke Roman, News Sun Reporter, to include an article regarding the Brush Pickup Schedule for Newport residents. It is the first and third Monday of each month and will continue until approximately mid-late October, weather permitting.

MAYOR'S REPORT - Mayor Hetrick reported that she received a request from PA One Call System, Inc. for a Proclamation for PA 811 Safe Digging Month 2019. The Proclamation has been sent.

REQUEST FOR EXECUTIVE SESSION REGARDING PERSONNEL – Cl'm Halstead moved, seconded by Cl'm Beatty to go into Executive Session at 8:44 p.m. to discuss personnel issues. Motion unanimously carried. Cl'm Halstead moved, seconded by Cl'm Roush to conclude the Executive Session at 9:26 p.m. Motion unanimously carried

Council came out of Executive Session and Cl'm Leach moved, seconded by Cl'm Halstead to rehire Donna Sheibley for the Veterans Memorial Park part-time janitorial position at \$10.26 per hour. Cl'm Halstead noted Ms. Sheibley has worked part-time for the Borough for three years. She stated Donna has agreed to taking on additional cleaning duties on a part-time temporary basis for cleaning of the park restrooms seven days per week – 2 hours per day. Cl'm Halstead explained that in the past she has volunteered her time to help with cleaning but with her Council duties and other obligations she can no longer continue to keep doing it. Motion carried 5-0. Cl'm Halstead abstained.

Cl'm Beatty moved, seconded by Cl'm Delancey to accept the resignation of John Shiffer, Code Enforcement Officer and authorize advertising for a part-time Code Enforcement Officer. Advertising with The News-Sun, Indeed.com, and the Borough's website. Motion unanimously carried. Council President Robinson appointed a committee to include Council members Barbara Leach, John McNaughton, Mayor Hetrick as well as himself to review the applications received for the Code Enforcement position.

Cl'm Halstead announced that April 10th is the date planned to open the restrooms at the park, if the weather is accommodating and temperatures remain above freezing.

There being no further business to come before Borough Council, Cl'm Halstead moved, seconded by Cl'm Roush to adjourn the meeting at 9:32 p.m. Motion carried unanimously.

Respectfully Submitted,
Heather Ilgenfritz
Secretary