

NEWPORT BOROUGH COUNCIL
September 3, 2019-REGULAR MEETING
Minutes

President Gerald Robinson called the meeting to order at 7:00 PM with Borough Council Members Tami Halstead, Douglas Beatty, Carl Roush, Barbara Leach and Mayor Mary Hetrick present. Borough Council Members Richard Delancey and John McNaughton were absent. Tami Halstead was the Assistant Secretary to record the meeting minutes.

OTHERS PRESENT: Frank Campbell, Jennifer Caron, Jacob Zentichko, Karen Anderson, Harry Nazarro, Linda Bates and Allan Hornberger.

GUEST: JENNIFER CARON

Jennifer Caron is a bond attorney with the firm Eckert Seamans. She was present this evening on behalf of the Newport Borough Municipal Authority (NBMA). She presented the Newport Borough Ordinance #375 for NBMA's Debt Service Guaranty. Ordinance # 375 authorizes the Newport Borough to execute the guaranty for the debt of the NBMA Waste Water Treatment Project for the sum of \$11,849,000. NBMA's loan is through RUS governmental loans. NBMA will close the existing bond. The interim loan lent from Juniata Valley Bank will be paid in full and incorporated within this loan and is stated in this ordinance. Jennifer Caron requested a roll call vote. Cl'm Halstead, Cl'm Roush, Cl'm Leach, Cl'm Beatty and Cl'm Robinson all voted yes, unanimously (5-0). She provided documents that need to be signed for the department. Assistant Secretary Halstead will complete the remaining paper work and return to Jennifer Caron via mail delivery.

GUEST: FRANK CAMPBELL

Frank Campbell presented information on the National Registry Signage Grant Program from the William Pomeroy Foundation on behalf of NRPS. NRPS is requesting approval from the Borough Council to apply to the William Pomeroy Foundation for historic signage for the historical areas in Newport. To move forward NRPS seeks the Borough Council's permission to apply for this grant for a metal historical marker. Placement of the marker(s) will be determined once the foundation approves the request. In addition Frank has an interested sponsor for a second marker. Cl'm Halstead moved, seconded by Cl'm Roush to allow NRPS to apply for the grant for the historical signage marker for Newport. Motion carried unanimously.

Frank reported that DCNR representatives are coming up to VMP next Tuesday, September 10, 2019, at 9:00 AM. In attendance will be Budget Secretary Jen Swails and her Special Advisor Heather Hallman, Marci Mowery and Mary Soderberg from PPF and Stacie Amsler, Tom Ford and Jay Schreiber from DCNR. There will be a site tour including Keystone-Funded Projects. VMP received \$152,973 from Keystone Recreation, Park and Conservation Fund; constructed comfort facility/concession stand, parking area, pedestrian walkway and more in 2013. Newport Veterans Memorial Park Land Acquisition Project Grant of \$14,600 from Keystone Recreation, Park and Conservation Fund; acquired 0.35 acre adjacent property for park expansion; completed in 2016. The purchase was the White property adjoining the park. NRPS has provided some funds to tidy up the park in preparation of this visit next week.

PUBLIC COMMENT:

Alan Hornberger owns the apartment building at 301-309 Market Street, Newport. He discussed his concerns with the 2 hour parking in the vicinity of his building. He would like the borough to consider taking away the 2 hour parking signs that were recently posted for Brothers Pizza business so his tenants could have more parking.

Linda Bates Linda is a tenant in Alan Hornberger's apartment building. She has photographs of vehicles that do not park at the newly posted parking areas for Brother's Pizza and park on the opposite side of the street and go to the pizza shop. The parking for the pizza shop is empty. Additionally, last week her building had a new roof put on it and 5 parking spaces were not available for the tenants because of this. She got a parking ticket because she had to park in 2 hour parking space as there were no places available to park. She felt she should be extended some courtesy because of the roof situation. Also the phone company takes parking spaces as well. She mentioned Flickinger's also puts out cones to save parking spaces and at times the cones are out for 5 hours. Alan mentioned there were 3 more apartments added by him in the downstairs with no parking off street. Cl'm Halstead said there should be off street parking for apartments. They would like the council to consider removing the 2 hours parking they gave Brothers Pizza. Cl'm Robinson tabled this until council can review the situation for a later decision. Parking is extremely restricted in the borough.

Karen Anderson introduced herself as a candidate for County Commissioner. She came to introduce herself and wanted to know if we had any questions for her and she would stay for the meeting if anyone wanted to speak with her afterwards.

APPROVAL OF MINUTES: August 6, 2019, June 4, 2019, and May 21, 2019 Meeting Minutes
Cl'm Leach moved Cl'm Roush seconded to approve the August 6, June 4 and May 21, 2019 minutes as amended. Motion carried unanimously. Amendments are to May 21 minutes on page 2 under paving projects in the third line should be completing instead of competing. May 21 minutes page 3 under heading replacement of street lights that are out line 4 there is no "h" in Whales and it should be Wales.

FINANCIAL REPORT: The Newport General Fund Account balance as of September 1, 2019 was \$173,634.33. Outstanding bills presented for payment were \$4,094.47. Estimated income for the balance of September is \$10,800. Estimated Expenses for the balance of September is \$18,250.06. Estimated balance as of September 30, 2019 will leave a balance of \$162,089.70. Liquid Fuels Account Balance as of September 1, 2019 was \$122,944.69. Outstanding bills presented for payment \$170.85. The estimated balance as of September 30, 2019 is \$122,773.84. Cl'm Beatty moved and Cl'm Leach seconded to approve the financial report. Motion carried unanimously.

APPROVE BILLS TO DATE: Cl'm Halstead moved and Cl'm Beatty seconded to approve payment of the bills for \$4,094.47 from the General Fund Account and \$170.85 from the Liquid Fuels Account. Motion carried unanimously.

OLD BUSINESS:

APPROVAL OF INVOICE FOR REIMBURSEMENT TO NBMA FOR ENGINEERING FEES FOR 2ND ST AND DOCK ST PROJECTS Cl'm Robinson stated that these fees were incurred by the work that was done on behalf of the borough. Cl'm Halstead moved and Cl'm Beatty seconded to pay the invoice to reimburse NBMA for engineering fees in the amount of \$4047.50 from the 2nd ST and Dock ST projects Motion carried unanimously.

APPROVAL OF THE 2020 MINIMUM MUNICIPAL OBLIGATION (MMO) FOR NEWPORT BOROUGH PENSION PLANS Cl'm Halstead moved and Cl'm Leach seconded to approve the submittal of the 2020 MMO for Newport Borough in the amount of \$20,338 for the non-uniform and police pension plan. Motion carried unanimously. Cl'm Halstead stated the MMO for the uniform police pension was \$0 that the borough had to pay. Each council member received documentation on both 2020 MMO plans.

PROGRESS AND STATUS OF PROPERTY AT 640 OLIVER ST Cl'm Robinson is seeing signs that the property needs worked on. There is a pile of scrap metal that needs removed. Cl'm Robinson thinks we should send out another letter to encourage the work to be completed. Cl'm Halstead thinks it would be a good idea if they would be done by November. Halstead offered to call them and see where they are and offer them some suggestion as to where to get rid of their waste. Cl'm Leach wants to give them more time as this could be a financial hardship. We will discuss at the mid-month meeting our findings.

UPDATE ON 5TH ST RECONSTRUCTION PROJECT FROM OLIVER ST TO WALNUT ST

Cl'm Robinson gave a report that today they finished the concrete work. The paving crew is now on site. They have about an hour of work to complete and then likely paving would begin tomorrow, September 4. Possibly the paving could be finished on Thursday. They had a storm sewer line that was not connected and had to cut into Walnut ST. That area will be restored with paving. Oliver ST they had to cut as well and that will be repaved. The curbing came out very nice. They tried to stay within the restraints of the contract and finances. On the upper side they only did curbing where needed.

UPDATE ON USDA LOAN APPLICATION FOR PURCHASE OF SKID LOADER. Cl'm Halstead stated that the application is not yet completed and planned on working on it soon.

SPECIFICATIONS AND QUOTES REGARDING DISCONNECT OF STORMWATER INLETS FROM THE SANITARY SEWER LINE IN MARSH STREET & STORM DRAIN LINE CONNECTIONS INTO OLIVER ST NEAR VETERANS

MEMORAL PARK Cl'm Robinson is writing specification for the project but has not completed them yet. He has no quotes at this time. Cl'm Halstead asked him if engineer Phil Brath has looked at the project. Cl'm Robinson replied he had been on site with the engineer and discussed the roof water runoff with him. Cl'm Halstead suggested that there should be paving done where the brush dumpster sits as a part of this project.

QUOTES FOR JET-VACING OF STORM LINES Cl'm McNaughton was absent so no information was given.

UPDATE ON LED STREET LIGHTING Cl'm Robinson reported that Cody Harris got the bulbs and has not had time to put them in and has not rented the scissor jack yet.

UPDATE ON REQUEST FOR TRAFFIC MIRRORS AT TWO INTERSECTIONS – CORNER OF WALNUT ST & 4TH ST AND CORNER OF FICKES ST & 4TH ST Cl'm Robinson called and attempted to get an answer from PENNDOTT but had not succeeded.

UPDATE ON FINAL DRAFT OF THE PERRY COUNTY HAZARD MITIGATION PLAN Cl'm Halstead reported that the plan is not yet completed as they are having to incorporate comments from the review process. Jason Finnerty will notify the borough when the plan is ready to adopt by resolution.

PAVING PROJECTS ON PINE AND LOCUST Cl'm Halstead reported that the borough has gotten the agreement from New Enterprise Stone & Lime Company and President Robinson needs to sign the agreement and it will be ready to return.

ORDERING SALT Cl'm Beatty moved and Cl'm Leach seconded to order a tri axle of salt from Eastern as per the streets crew request. Motion carried unanimously.

NEW BUSINESS

NON-RENEWAL NOTICE FROM CUPP INSURANCE FOR THE BOROUGH BUILDING'S INSURANCE The room needs painted for the insurance company to renew our policy by November 1.

BUDGET WORKSHEETS FOR 2020 PROPOSED BUDGET Worksheets were handed out for committees to calculate their budget needs for the 2020 budget workshop meeting on September 17. Cl'm Robinson requested the assistant secretaries get the revenue figures together for the mid month budget meeting. Committees should be working on their budgets until then.

APPROVAL OF THE HOME COMING PARADE ON OCTOBER 11, 2019 AT 6:00 PM Cl'm Beatty moved and Cl'm Leach seconded to approve the Home Coming Parade on October 11, 2019. Motion carried unanimously.

APPROVAL OF THE HALLOWEEN PARADE ON OCTOBER 23, 2019 AND RAIN DATE OF OCTOBER 24, 2019 Cl'm Roush moved and Cl'm Beatty seconded to approve the Halloween Parade on October 23, 2019 and the rain date of October 24, 2019. Motion carried unanimously.

APPROVAL OF TRICK OR TREAT NIGHT OCTOBER 31, 2019 FROM 6:00-8:00 PM Cl'm Roush moved and Cl'm Leach seconded to approve Trick or Treat Night on October 31, 2019 from 6:00 PM to 8:00 PM. Motion carried unanimously.

APPROVAL OF THE CHRISTMAS TREE LIGHTING CEREMONY ON SATURDAY, DECEMBER 7, 2019 AND THE REQUEST FROM NRPS TO CLOSE THE SQUARE ON N 2ND ST FROM MARKET ST TO DOCK ST AT 3:00 PM ON DECEMBER 7, UNTIL CEREMONY FINISHED Cl'm Beatty moved and Cl'm Leach seconded to approve the Christmas Tree Lighting Ceremony on December 7, 2019 and to close the square on 2nd ST from Market ST to Dock ST at 3:00 PM on December 7, 2019 for the event. Motion carried unanimously.

APPROVAL OF THE NEWPORT TURKEY TROT BANNER 2019 RESOLUTION #08-19 Cl'm Roush moved and Cl'm Leach seconded to approve banner Resolution #08-19 for the Turkey Trot. Motion carried.

RADIFY RESOLUTION #07-19 REMOVING HEATHER ILGENFRITZ AND ADDING PATRICIA BOWERS AS TREASURER ON AUGUST 6, 2019 Cl'm Leach moved and Cl'm Beatty seconded to ratify Resolution #07-19 removing Heather Ilgenfritz and adding Patricia Bowers as treasurer on August 6, 2019. Motion carried unanimously.

RATIFY RESOLUTION #06-19 APPOINTING TAMI HALSTEAD AS ASSISTANT SECRETARY ON AUGUST 6, 2019

Cl'm Leach moved and Cl'm Beatty seconded to ratify Resolution #06-19 appointing Tami Halstead as Assistant Secretary on August 6, 2019. Motion carried unanimously.

APPLICATIONS FOR BOROUGH SECRETARY RECEIVED

About 4 applications for the secretary position were received. Cl'm Robinson also had an application. President Robinson appointed a committee of himself, Cl'm Leach and Cl'm Halstead to look over the applications next week for the position.

RATIFY RANGER TRUCK INSPECTION

Cl'm Halstead moved and Cl'm Beatty seconded to ratify the Ranger truck inspection. Motion carried unanimously.

APPROVAL OF CODE ENFORCEMENT OFFICER'S CELL PHONE EXPENSES OF \$30 PER MONTH RETROACTIVE TO AUGUST 2019

Cl'm Beatty moved and Cl'm Leach seconded to approve \$30 per month to Harry Nazzaro, Code Enforcement Officer for his cell phone. Motion carried unanimously.

APPROVAL FOR ORDERING CHRISTMAS SNOWFLAKE LIGHT BULBS

Cl'm Beatty moved and Cl'm Roush seconded to ordering light bulbs for the snowflakes. Motion carried unanimously. Cl'm Halstead suggested that the snowflakes should be taken down by January 15, but that can discussed closer to that date.

APPROVAL TO PAY HEATHER ILGENFRITZ REMAINING VACATION TIME OF 55.25 HOURS

Cl'm Leach moved and Cl'm Roush seconded to pay Heather Ilgenfritz her remaining vacation time. Motion carried unanimously.

APPOINTMENTS: Right to Know Officer, Floodplain Administrator, and Zoning Officer

Cl'm Leach moved and Cl'm Roush seconded to appoint Patricia Bowers as the Right to Know Officer, Patricia Bowers as the Floodplain Administrator and Harry Nazzaro as the Zoning Officer. Motion carried unanimously.

WORK DONE AT DOCK ST BETWEEN 4TH ST AND PEACH ST

Cl'm Robinson talked to Mr. Haines and he said he was getting water in his basement at 4th ST and Dock ST. Cl'm Robinson stated they dye tested at the inlet at the corner of Mr. Haines' house and the dye did not go anywhere. That's when we decided to see what was going on there. The bottom was out of the storm pipe and that is where the dye was straight through the pipe and going right into the ground. Cl'm Robinson said, "I considered that to be a problem and an emergency." And we dug out one piece of pipe and the next piece of pipe was bottomed out. The guys saw what it looked like up there, it was depressed in it. Ronca and Christopher Brubaker looked at the manholes and lifted out the grates and looked down in and the pipes were full of stones. There was nowhere for the water to go. So they continued to put some of the 7/6 pipe in it, 140 feet. And then they could not find what they needed at the bottom without ordering it. They needed an inlet to catch the water and to take it off on down Dock. There is a lot of stone in it I would guess. We went down, Phil Bratt, Christopher Burkholder and I to Front Street on Dock Street to see where all the storm water would go. We came up towards 2nd ST at Leach's house and that pipe was clean which is important. Now we have substantially increased the velocity of flow that will be coming down Dock Street with the new pipe that is smooth inside. The storm sewer contributes to the flow at the sewage treatment plant. That water has got to come out of there. The Borough would likely soon get a notification from DEP that the storm water has to be removed. I believe that totally replacing the pipe down to the alley where we stopped. I don't know what your pleasure is but I certainly think it needed to be done. It's probably about \$20,000 in materials and everything. It's all 30 corrugated PVC pipe. Cl'm Leach asked was the Haines property getting water in their house? Cl'm Robinson replied, "Yes they were." They were getting water before and then it stopped and then they got water again. So I don't know if that had to do with when they replaced the line between 4th and 5th Street. The storm that created the problem between 5th ST and 6th Street on Dock ST is apparently what created the problem between 4th ST and 3rd ST with the movement of stones. We also looked at the piping and manholes in 4th Street and they are fine. Cl'm Leach asked how much water were they getting in the Haines' basement? Was it a little water, a lot of water? Cl'm Robinson said they were getting water in their basement. We have not had a torrential down pour but we get our heavy rains. Cl'm Halstead stated information from House Bill 99 which became Act 99 of 2018 and passed out the information to all the council members. This Act allows council to deal with a local emergency without bidding. However, council must pass a resolution to

documenting the emergency after the fact, such as who was hired to render emergency assistance, purchases and the costs entailed. This no bidding exception does not apply if the borough knew that a potential condition existed and didn't make repairs. According to the Act the emergency is dealt with right away and at the very next council meeting the council adopts the resolution. The information Cl'm Robinson has described occurred from events from the torrential rain storm from April 18, 2019 and this work he is informing the council on just stated the first week of August. This happened quite a while ago and so I don't think it falls under the criterial of an emergency. And so we needed quotes and if it is above \$20,600 we had to bid it. You cannot leave the road as dirt and that is a part of the cost too. I think that this should have been bid. We did not declare who was hired, cost or what was going to be done. I would not move forward with the project without putting all the cost together. This condition already existed for a month or more before the ground was dug. This is not a true emergency according to the law. Cl'm Robinson said, "The pipe was shot." Cl'm Halstead replied you have to quote it or bid it. And the council had to vote on it. You knew the pipes were bad on 5th ST and 6th ST at Dock ST and the Council worked with the Sewer Authority to get it fixed. Assistant Secretary Halstead has no paper work what so ever on this work going on at Dock. You cannot do something and get billed later for a borough project. Cl'm Robinson said he has worked on the streets in Newport for quite some time and we've had several instances where we've continued to replace pipe and continued to dig to find a leak or a fault and they were simply are an emergency. You cannot operate with a pipe full of stone. And we will be pushing the problem downstream or into people's basements. If it was your basement I'm sure you would say it's an emergency. Cl'm Halstead stated we knew about this for a month or so before it was dug up. An emergency is repairs to electric, water or public works. It does not meet the criteria so I think that nothing further should be done until we get prices on everything in writing to see if it needs quoted or bid. I don't know how this is getting paid for when we never approved it. There was never a vote on it. If it's an emergency you must still have a resolution and still need the costs. You need the paper work. You just cannot do it that's illegal. Cl'm Robinson stated, "You can just do it". Cl'm Halstead said, "No you can't." Cl'm Leach said the time in front of Pat's Restaurant the sewer back up that time they had to dig and see what was going on. They did not go out for bid. Cl'm Halstead asked how much did it cost? Cl'm Leach said she did not know. The sewage was leaking and they fixed that area. Cl'm Halstead said she is not spending any time in jail for this and wants nothing to do with it and the council can do what they want with it. Cl'm Robinson and Cl'm Leach think we should get the solicitor's opinion in writing. Cl'm Robinson will call Mr. Dissinger. Cl'm Leach ask if there was anything else going on there right now? Cl'm Robinson said, no but if we stop there will be a problem. He talked to Christopher Burkholder and he said something has to be done to close that other pipe off or you leave the water open to it. If we stop now and we don't have a type M inlet there. Eliminate the two storm inlets that are in the alley and eliminate one possibly two manholes that are there. There are four manholes that are there in the intersection. We don't know if there is an inlet and it is just a grate after the Lutheran Church. There is a utility pole there and it's right behind it. That's got a pipe going towards dock Street so we are assuming that it goes into one of the manholes or into one of the inlets. There is not record of it. So we were going to dig it to see what was there and minimize what excess stuff needs to be there for everything together and have it going into a single pipe. Cl'm Halstead stated that if this is all one project you cannot keep adding money unto it. This has to be below \$11,100 for everything total not to have quotes as it is not an emergency situation. When paving is added into the price will be over \$20,600 the bid threshold. Cl'm Robinson said if you've got pipe and if you don't connect it. Cl'm Halstead said I understand the situation but it is not being done right. Cl'm Leach said I think what we need to do is have the attorney's point of view on this and to bring him up to a meeting to get this settled. Cl'm Robinson said yes. Cl'm Leach said we have the middle of the month meeting coming up so we can settle this in two weeks. Cl'm Halstead made a motion that no more work be done on Dock St until the solicitor comes to the council meeting and gives us his legal opinion in writing on the situation at Dock St. Cl'm Leach seconded the motion. Motion carried unanimously.

DAMAGE TO HAINES PROPERTY AT DOCK ST FROM FAHNESTOCK Cl'm Robinson reported there was some damage done to the Haines property from Harry Fahnestock. Cl'm Robinson thought Fahnestock had taken care of the damages. He would check on it.

MAYOR'S REPORT Mayor Hetrick had nothing to report this evening.

COMMITTEE REPORTS No committee reports were given.

COMMUNICATIONS Assistant Secretary Halstead reported that there will be no increase from PSAB for our unemployment compensation plan.

COMMENTS AROUND THE TABLE Cl'm Beatty said hopefully Scott Maxwell gets the borough garage insulated between now and November. That will finish that three year contract with the heating and repairs, the spouting, inside insulation, the roof was painted last year and he never billed us, that was a part of that three year contract and I told him to bill us all at once. We approved the whole job any how so what does it matter if we pay one bill or three bills.

QUESTIONS FROM THE PRESS Reporter, Luke Roman asked Cl'm Robinson exactly what has been done on Dock ST? Cl'm Robinson said typically in the past, the material of choice for that kind of work was corrugate metal pipe, referred to as CMP galvanized steel pipe with ridge. It has adverse reaction when in the ground and typically the bottom goes out of the pipe and then when you're running storm water through it, you start creating turbulence outside the pipe moving stone into the pipe. It did that between 4th ST and 5th ST and they patched sink holes up there for a couple of years. And just after they just did the paving between 5th ST and 6th ST on Dock ST when we had that cloud burst that one evening April 18, 2019, that pipe went out. So we replaced that and that just moved everything down to 4th ST. And the piping from 4th St, 3rd ST and on down is the same thing, corrugated metal pipe. Now it is being replaced with corrugated PVC with some other plastic and it has a smooth inside diameter as opposed to the old corrugate pipe. It's great for moving water. A lot more water can move through it and it is great for moving stone. What happened is we kept pushing the stone down the hill. And then the stone blocked off the pipe and everything does not work. I don't know what happened over at the UCC Church if that's what happened that they are replacing, it blew off the lid off the manhole up there.

Luke Roman asked if it was \$20,000 for what was already done on Dock ST? Cl'm Robinson replied we guesstimated with the pipe and the excavation and stone and manhole that it is probably \$17,000 to \$20,000 for what we've done and \$20,000 to \$23,000 depending on when we can find an inlet. We will get one, you don't order them and get them the next day. It will be \$20,000 to \$25,000 and that is not with the paving. Once you get the inlet in it might be \$23,000 total. About \$1,200 for the inlet and \$1,500 to set it. About \$23,000 total. What has been done is around \$17,000. So an additional \$6,000 to \$7,000 cost. Cl'm Robinson continued there will be a 30 inch pipe that is clear going into a box and coming out the other side. Cl'm Leach asked if the inlet had been ordered? Cl'm Robinson stated they were going to build it. I found one that was \$6,000 but it weighed 15,000 pounds and there was no way to get it off the truck. It has not been ordered. Cl'm Halstead reported that Harry Fahnestock called the borough and said he found an inlet for \$6,500 to tell Robinson.

NEXT MEETING DATE: SEPTEMBER 17, 2019 BUDGET MEETING

Harry Nazzaro Codes Officer discussed problems with tickets for people parking in the handicapped parking space downtown for more than 3 hours. These are handicapped parking spaces that are public. It is not a permitted handicapped parking space. Cl'm Leach feels we should have a handicapped parking sign on the dashboard of the vehicle so the codes office knows who the permitted parking applicant is.

ADJOURN: Cl'm Roush Moved and Cl'm Beatty seconded to adjourn at 8:50 PM. Motion carried.

Respectfully Submitted
Tami Halstead,
Assistant Secretary