

**NEWPORT BOROUGH COUNCIL
REGULAR MEETING AUGUST 1, 2023
MEETING MINUTES - Draft**

President Penny Frownfelter called the meeting to order at 7:00 PM with Borough Council Members: Mary Bucher, Christian Fickes, Tami Halstead, Jacob Zentichko, Billie Dudley, and Greg Shope.

Also Present: Mayor Tice

OTHERS PRESENT: Newport Borough Secretary Shelly Damiano, Solicitor William Dissinger, Engineer Phillip Brath
Frank Campbell – Newport Revitalization & Preservation Society, Inc., Luke Roman – Perry County Times
Charles Kipp

President Frownfelter led the Pledge of Allegiance.

President Frownfelter announced that the meeting was being recorded.

AMENDMENT TO AUGUST 1, 2023 AGENDA:

MOTION: Cl'm Halstead moved, seconded by Cl'm Dudley to amend the August 1, 2023 Agenda as follows:

All continuing under New Business:

#11) Homecoming Parade Friday, September 29, 2023

#12) Sewer Resignation Letter of Carl Roush & Advertise for Letters of Interest

#13) Newport Volunteer Firemen's Relief Association Compliance Audit: 2020 – 2022

Motion carried unanimously.

APPROVAL OF THE MINUTES: July 5, 2023 Regular Meeting Minutes.

MOTION: Cl'm Fickes moved, seconded by Cl'm Bucher to approve the July 5, 2023 Meeting Minutes as presented. Motion carried unanimously.

GUEST: Frank Campbell – Newport Revitalization & Preservation Society, Inc.: Requesting that the 1st Annual Pickleball Tournament that will be held on Saturday, September 23, 2023, as previously approved by Newport Borough Council at the July 5, 2023 meeting, have a Rain Date of Sunday, September 24, 2023, following the same schedule, as pickleball cannot be played in the rain.

MOTION: Cl'm Dudley moved, seconded by Cl'm Bucher to schedule a Rain Date of Sunday, September 24, 2023 for the Pickleball Tournament. Motion carried unanimously.

Frank Campbell also wanted to discuss a food truck, Speckled Moose, being permitted to set up on Wednesday nights on the square from 4 – 8 pm, as listed on the Agenda under New Business: #6. According to Cl'm Halstead's research in the borough ordinances, a food truck would not be permitted to park on borough streets, but may be able to set up on private property with permission from the owner, using Weis parking lot as an example of a commercial property, but not on the street. Solicitor Dissinger said that the borough council can pass a proper ordinance to allow a food truck in parking spots. Cl'm Dudley commented that changing ordinances would be easier than changing zoning. Discussion ensued on zoning regulations, ordinances, and needing a peddler's permit. Surrounding communities have had similar discussions and concerns on how this would impact local businesses. President Frownfelter sent this discussion to the Ordinance Committee.

PUBLIC COMMENT: Charlie Kipp - local resident, who lives on S. 4th Street and the alley behind his house needs to be paved, which is Pine Street from Mulberry Street to the Cemetery. Cl'm Fickes confirmed that the paving bids that were to be opened tonight have this street included on the list. Mr. Kipp was concerned about the terrible condition of the alley behind George Lyters building and that there were branches at his home that had not been picked up for months. Brush pickup is the 1st and 3rd Monday of the month, and Cl'm Fickes will address getting the brush picked up with the Streets Department.

SOLICITOR: Solicitor Dissinger: 1) USDA Tractor Loan documents will be completed with Secretary Damiano and Cl'm Halstead. 2) Water Authority will need a Borough Agreement, as asked for by Jennifer Caron, Bond Council. The agreement states an easement for use of streets for water, no competitive water system, and the ability to do their job without interference.

MOTION: Cl'm Dudley moved, seconded by Cl'm Shope to approve Resolution #14-23 between Newport Borough and Water Authority's Right of Way and Easement with Newport Borough's enforcement of the Mandatory Connection Ordinance. Motion carried unanimously.

MOTION: Cl'm Dudley moved, seconded by Cl'm Bucher to approve the Agreement between Newport Borough and Water Authority's Right of Way and Easement with Newport Borough's enforcement of the Mandatory Connection Ordinance. Motion carried unanimously.

Demolition of 55 S. 2nd Street: Solicitor Dissinger stated that site plans are needed at a cost of \$160.00. Turning off the electric service will be a problem.

499 N. Front Street: Code Enforcement Officer Tice had written citations on this property, turned them into the District Justice, and a court date is being scheduled. The unpaid citations create a tax claim, and the property might be headed for a tax upset sell. Officer Tice had been instructed by Cl'm Dudley between council meetings to turn over all past violations on the property to Solicitor Dissinger for review, but Cl'm Halstead felt that this action would need a vote due to the cost associated with this request and since no vote was taken at the July 5th council meeting on this matter, Cl'm Halstead instructed Officer Tice to prepare the file for this August 1st council meeting, but not send them to the solicitor. President Frownfelter felt no vote of council was needed and Officer Tice should have followed through on the request by Cl'm Dudley, as Cl'm Dudley had previously been the Code Enforcement Officer and is well versed in this position and the procedures. No vote was taken on this disparity and the violations documentation was on site for further instructions after the council meeting.

ENGINEER'S REPORT: Phillip Brath, Gibson-Thomas: Market Street Sidewalk Project bids, aka Newport Borough CDBG Sidewalk Improvement Project, will be opened on Friday, August 4, 2023 at 10:00 am. The engineer will be there to review the documents at bid opening. An August mid-month meeting might be needed to award the bid.

BID OPENING @ 7:30 PM FOR PAVING PROJECT: Genn O. Hawbaker Inc.....\$153,351.75
Mike Cleck Paving & Seal Coating LLC.....\$ 98,927.15
Mike Cleck Paving did not include the non-collusion affidavit.

STREETS COMMITTEE REPORT: Cl'm Fickes

1. Need quotes on repair work to be done to the 2013 GMC Dump Truck
2. Sidewalk Improvement Project, Market Street Sidewalk Project bids, aka Newport Borough CDBG Sidewalk Improvement Project, will be opened on Friday, August 4, 2023 at 10:00 am.
3. Garage door quotes: Need the cylinder replaced.
4. 6th Street & Caroline Street water issue update: Called Kirby. Getting supply of inlets and then will begin work.
5. 4th Street Tree Removal update: One tree has been removed. The 2nd tree is scheduled to be removed on August 30, 2023. Will need to use a bucket truck so one lane of the street will remain open on SR0034.

Cl'm Halstead moved to pre-approve payment for I AM Good Tree Service out of ARPA funds to avoid being charged a late fee as the invoice was already submitted and due August 31, 2023. Motion died for lack of a second. Secretary Damiano will call I AM Good Tree Service to have a revised invoice sent with a September 30, 2023 due date. This would avoid any late fee and the work will have been completed when the invoice gets approved to be paid at the September 5, 2023 monthly council meeting.

TREASURER'S REPORT FOR JULY: Treasurer Damiano

Treasurer Damiano read the revised Treasurer's Report for July, as it was incomplete for the monthly July 5, 2023 meeting. Newport Borough General Account balance July 1, 2023 was \$185,662.78. Deposits as of July 3, 2023 totaled \$31,331.80. Outstanding bills presented for payment of \$6,222.99. Estimated income for the balance of July was \$24,000.00. Estimated expenses for the balance of July of \$27,375.74 that will leave an estimated balance of \$207,395.85. Liquid Fuels Account balance June 1, 2023: \$96,614.03. June Interest: \$34.10 leaving a balance of \$96,648.13 as of July 1, 2023.

June 30, 2023 PLGIT Balances:

Reserve Account \$130,605.38; Paving Account \$39,621.54; ARPA Funds \$130,382.45 = \$300,609.37

Treasurer Damiano read the August Treasurer's Report

Newport Borough General Account balance August 1, 2023: \$195,830.98.

Deposits on August 1, 2023: \$2,770.87.

Outstanding bills presented for payment: \$3,807.72

Estimated Income for balance of August: \$11,100.00

Estimated Expenses for the balance of August: \$26,875.74

Estimated Balance August 31, 2023: \$205,894.13 (*Incorrect calculation: amend at 9/5/23 meeting*)

Liquid Fuels Account Balance August 1, 2023: \$96,678.85

Outstanding Bills presented for payment: \$3,522.98

Balance August 1, 2023: \$93,155.87

APPROVAL OF THE AUGUST BILLS TO DATE: Treasurer Damiano

MOTON: Cl'm Bucher moved, seconded by Cl'm Dudley to approve the amended July Financial Report, the August Financial Report, and pay the August bills presented. Motion carried unanimously.

MOTON: Cl'm Dudley moved, seconded by Cl'm Shope to approve purchasing checks for the General Fund Account. Motion carried unanimously.

MOTON: Cl'm Dudley moved, seconded by Cl'm Bucher to pay Street Lighting out of the Liquid Fuels Account as part of the pre-approved Mid-Month Payments. Motion carried unanimously.

SECRETARY'S REPORT: Secretary Damiano

1. Comcast Accounts: All 3 accounts are now PA tax exempt: Borough Office, Maintenance Garage, and Playground. Borough Office service upgrade completed on July 26, 2023.
2. Need former approved Comcast contract for Borough Maintenance Garage to be rescinded and new quotes approved for the Maintenance Garage and the Playground. Both locations would have identical service agreements:
Business Internet Essential 50 mpbs, \$59.00; with modem \$78.95 + taxes and fees, 1 year month to month, then increasing to \$79.00 + modem & taxes fees for months 13 – 24.

MOTON: Cl'm Dudley moved, seconded by Cl'm Shope to rescind the July 5, 2023 Motion to approve Comcast service agreement for the Maintenance Garage. Motion carried unanimously.

MOTON: Cl'm Dudley moved, seconded by Cl'm Fickes to approve new Comcast service contracts for both the Maintenance Garage and Playground Business with Internet Essential 50 mpbs, \$59.00; with modem \$78.95 + taxes and fees, 1 year month to month, then increasing to \$79.00 + modem & taxes fees for months 13 – 24. Motion carried unanimously.

3. Started Training folders for employees who attend trainings to keep an accurate record of trainings.
4. Liquid Fuels audit completed Tuesday, July 25, 2023.
5. Attended 2 webinars and 1 Networking Event.
6. Will be attending a 2-day seminar: PSAB Your Role as a Municipal Secretary/Administrator, August 15 & 16, 2023.
7. Request approval to attend 2 upcoming no cost events: 1) How To: Get Your Local Business on Google Search and Maps, August 3, 2023 11:00 am – 12:00 noon; Perry County Chamber of Commerce, New Bloomfield; 2) Perry County Networking Event, Bank of Landisburg, August 22, 2023 6 – 8 pm, 100 N. Carlisle Street, Landisburg, PA
8. Request approval to attend the PSAB 5-part webinar “Municipal Budgeting”, every Thursday, for 5 weeks, starting August 24, 2023, from 10 am – 11 am; Cost \$50.00.

MOTON: Cl'm Dudley moved, seconded by Cl'm Bucher to approve Secretary Damiano attending the above listed upcoming events, including paying the cost of \$50.00 for the 5-part webinar “Municipal Budgeting”. Motion carried unanimously.

CODE ENFORCEMENT REPORT: Officer Tice reported:

Code Warnings: 19 Code warnings; 1 \$25 Code fine.

1) Certified letter returned concerning property at Front Street & Fickes Lane. Three citations written for the property. 2) Sent letters to 2 locations that have people living in garages. One owner rewrote his lease stating no occupancy between the hours of 11 pm – 8 am.

Parking Tickets: 10 - \$15 Parking Tickets; 0 - \$30 & \$45 Parking Tickets; 1 Parking Ticket voided

Citations: 4 Citations for Unpaid Parking Tickets; 3 Citations for owner of property at Front Street & Fickes Lane

Permits: 1 Permit issued

Upon review: Library's new parking lot deemed not finished. Needs to be a level lot.

Code Enforcement Officer will be attending National Night Out tonight, Tuesday, August 1, 2023, in an official capacity. A table display and kid friendly coloring pages for the children will be available.

ORDINANCE COMMITTEE REPORT: Cl'm Zentichko

Sign Ordinance § 250-104: General sign requirements (applies to all districts).

E. No signs shall be painted on or otherwise located on the concrete, asphalt or other material of any sidewalk(s), street, alley, or roadway.

Cl'm Bucher said the idea (painting sidewalks) was dropped by the Main Street Committee.

Rental Ordinance: Solicitor Dissinger commented that it is written beautifully and legal, but tuff. Inspections once every 5 years, but needing a permit every year would need an annual inspection, which would be difficult to enforce. The requirements would fall on the owner. The Code Enforcement Officer is not a Police Officer and Cl'm Zentichko stated this will be removed in the language of the rental ordinance. The right to enter property without a warrant is a problem. Discussion was had on the requirement for a landlord to evict tenants after 3 disruptive actions, enter a civil action to the District Judge, and then appeal if the case loses. Does the borough have qualified people to inspect? Would BIU or the Engineer be options? The solicitor stated this is a big undertaking, the intent is noble, and it can be accomplished. Council was instructed to read again, review, and give suggestions.

Storm Ordinance: Cl'm Zentichko is looking at other area MS4 communities who have a storm ordinance for guidance. Cl'm Zentichko had spoken with Richard Foltz, Emergency Coordinator, about taking the most common disaster, making a plan, creating a policy, and adjusting the ordinance.

Snow Ordinance: A separate, stand-alone ordinance, with minor changes.

PLAYGROUND COMMITTEE REPORT: Cl'm Halstead reported that a county grant writer from Penn Strategies submitted a Pathways for the Park grant to DCED for Veterans Memorial Park. DCED contacted the borough office for additional information, which was provided by Assistant Secretary Halstead.

No Playground Committee meeting was held today. Checking into new projects and new picnic tables.

FINANCE COMMITTEE REPORT: Cl'm Bucher: Review Budget Report for 2024.

MAYOR'S REPORT: Nothing to report for July, 2023.

OLD BUSINESS:

55 S 2nd Street Demolition Quotes - Cl'm Dudley sent an email to the county about the pending demolition. Adjoining property owners need notification. Need approval permit to proceed.

Stericycle/Shred-it Update: Treasurer Damiano stated that this issue is still not resolved, but a representative from the company called, created another ticket requesting the zero balance be in writing, and will follow up on the progress.

Comcast: Discussed under Secretary's Report

NEW BUSINESS:

2024 Budget Worksheets: Council were given 2024 Budget Worksheets to work on and give Treasurer Damiano any budget items. Mid-month meeting will be held September 19, 2023 and October 17, 2023.

New Office Phones: Cl'm Dudley and Cl'm Fickes are working together on getting information for new office phones.

OT, PTO, Holiday for 40+ hours calculation: A correction was made to a Full-Time employee's work week hours calculation due to the current policy stating overtime (OT) calculations will include Holiday hours. The FT employee had hours on July 4th, thus creating overtime for the week when actual hours worked, and Holiday hours are added together for the week are over 40 hours. Wage and Hour does not require OT calculations on Holiday pay, but an employer may elect to enact this policy, as Newport Borough does.

Resolution #13-23: Small Borrower for Capital Purposes under Section 8109 of the Local Government Unit Debt Act

MOTION: Cl'm Fickes moved, seconded by Cl'm Shope to approve Resolution #13-23 for the USDA Tractor Loan. Motion passed unanimously.

Assistant Secretary Hours

Secretary Damiano stated that as she was able to complete a training level of the job requirements then Assistant Treasurer Patricia Bowers and Assistant Secretary, Tami Halstead, would add more levels of training for her to move forward. Today was extremely busy and she was thankful for the extra person to help in the office. Cl'm Halstead commented that the Borough has been unsuccessful in keeping a secretary since the retirement of Patricia Bowers, having had to train 6 secretaries. Council might want to consider having a permanent Assistant Secretary in the future, but for now, Cl'm Halstead is continuing to train Secretary Damiano. President Frownfelter is aware that the budgeted amount for the Assistant Secretary was going to be over budget due to the current training, as the job is very involved and complex to learn.

Cl'm Halstead stated she was not in favor of paying the secretary when she attended the Perry County Chamber Events, which are social events, and wanted to hear feedback from other Council members. Cl'm Dudley and President Frownfelter both expressed that anytime the secretary, a borough employee, represents the borough at an activity or event should be a paid function. Cl'm Fickes added that if it does not interfere with borough secretary's responsibilities and her weekly hours do not go over 40 to create overtime, he does not see an issue with her attending the events.

Permit for Food Trucks was discussed earlier with guest, Frank Campbell's comments.

Bid Opening for Sidewalk Project will take place Friday, August 4, 2023 @ 10:00 am.

Mid-month Council Meeting will be held Tuesday, August 15, 2023.

Homecoming Parade Friday, September 29, 2023

MOTION: Cl'm Halstead moved, seconded by Cl'm Fickes to approve the parade route for the Homecoming Parade on September 29, 2023. Motion carried unanimously.

Sewer Resignation Letter of Carl Roush & Advertise for Letters of Interest

MOTION: Cl'm Halstead moved, seconded by Cl'm Dudley to accept the resignation of Carl Roush from the Newport Borough Municipal Authority and to advertise for letters of interest for the position. Motion carried unanimously.

Newport Borough received a copy of the Newport Volunteer Firemen's Relief Association Compliance Audit for the period of January 1, 2020 to December 31, 2022. A 2 percent tax on fire insurance policies sold in Pennsylvania by out-of-state companies funds a PA volunteer firemen's relief association and the Commonwealth of Pennsylvania oversees the distribution of the monies received. The funds can be used for training and equipment.

EXECUTIVE SESSION: Legal Matter. Cl'm Dudley moved, seconded by Cl'm Bucher, to go into Executive session at 8:30 PM for a legal matter. Motion carried unanimously. Cl'm Halstead moved, seconded by Cl'm Dudley to come out of Executive Session at 8:34 PM. Motion carried unanimously. No Actions taken.

COMMUNICATIONS:

- (1) Water Authority Minutes and Financial Report
- (2) Newport Borough Municipal Authority Minutes
- (3) Planning Commission Minutes
- (4) Pickleball Tournament
- (5) Red Lips Mentor Grant Writer
- (6) National Night Out

NEXT MEETING DATE: August 15, 2023, at 7:00 PM

AUGUST COMMITTEE MEETINGS: ORDINANCE COMMITTEE: August 21, 2023 at 6:00 PM

FINANCE COMMITTEE: August 15, 2023 at 6:00 PM

STREET COMMITTEE: August 22, 2023 at 6:00 PM

PLAYGROUND COMMITTEE: None

ADJOURNMENT: Cl'm Dudley moved, seconded by Cl'm Fickes to adjourn at 8:38 PM. Motion carried unanimously.

Respectfully Submitted,

Shelly Damiano,
Secretary/Treasurer