

**NEWPORT BOROUGH COUNCIL
REGULAR MEETING DECEMBER 5, 2023
MEETING MINUTES**

President Penny Frownfelter called the meeting to order at 7:00 PM with the following Borough Council Members present:
Billie Dudley, Christian Fickes, Tami Halstead, Greg Shope, Jacob Zentichko, and Mary Bucher
Also Present: Mayor Stephen Tice

OTHERS PRESENT: Newport Borough Secretary Shelly Damiano, Code Enforcement Officer Michelle Tice, Engineer Phillip Brath, Solicitor Mary Dissinger
Frank Campbell-NRPS, Tim & Jen Kushner, Luke Roman-Perry County Times

President Frownfelter led the Pledge of Allegiance.

President Frownfelter announced that the meeting was being recorded.

AMENDMENTS TO THE AGENDA: None

APPROVAL OF THE MINUTES: November 7, 2023 Regular Meeting Minutes and November 21, 2023 Mid-Month Meeting Minutes.

MOTION: Cl'm Dudley moved, seconded by Cl'm Shope to approve the November 7, 2023 Regular Meeting Minutes and the November 21, 2023 Mid-Month Meeting Minutes. Motion carried.

GUEST: None

PUBLIC COMMENT: Frank Campbell – Newport Revitalization & Preservation Society (NRPS), publicly thanked Newport Borough Council, the Mayor, and the Streets Crew for all their support in the various events throughout the year, with the last one for the year taking place on Saturday, December 2, 2023 for the Annual Tree Lighting Ceremony. NRPS will be back in the Spring of 2024 for approval of all their planned events for the year. On another note, Frank can continue to serve on the Tri-County Regional Planning Commission (TCRPC).

Jim & Jen Kushner, local residents would like to give their feedback under New Business,
8: Airbnb Discussion.

SOLICITOR: Solicitor Mary Dissinger
Discussion of Coleman v. Parkland: Court ruling is the rule, until it changes, on what is admissible in Amending the Agenda. Within the 24 hours before a council meeting, call the solicitor for approval on if the item can be added by amending the agenda unless it is de-minimis (not involving the expenditure of funds or entering into a contract).

Audio Recording of Minutes Retention: A Resolution would need to be in place to state once the Minutes are approved, the audio records can be destroyed. A proposed Resolution will be placed on the agenda for the January 2, 2024 Regular Council Meeting.

Code Enforcement Officer & Mandated Reporter: President Frownfelter wanted the solicitor's perspective on being a Mandated Reporter, one who is required to report suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse, as part of the job description for a Code Enforcement Officer. Newport Borough's current Code Enforcement Officer is already a Mandated Reporter with her position as a school bus driver. Solicitor Mary Dissinger agreed that an FBI Background Check and Mandated Reporter requirements can both be part of the Code Enforcement Officer's Job Description.

Solicitor Mary Dissinger reviewed both the Snow Emergency and Water Ordinances. Both had some punctuation errors and the Water Ordinance needed to be consistent with choosing either 30 days or 45 days throughout the ordinance.

ENGINEER’S REPORT: Phillip Brath

Engineer Brath came to check Market Street CDBG Sidewalk Project. Nice to see good work. G & R Charles did a good job. Paperwork will need to be completed on the project to SEDA-COG as invoices will need to be paid.

2024 Engineer Fee Schedule: Engineering Fees have increased for 2024, but are still in line with industry charges.

STREETS COMMITTEE REPORT: Cl’m Fickes/Supervisor Harris

1. Snowflakes were put up, but 4 of the snowflakes do not work. Cl’m Fickes had BBEC check the non-working snowflakes and determined that the circuit boards need to be changed.
2. The new tractor is here.
3. Had no November Streets meeting.
4. Next year council needs to look into the issue of commercial companies disposing into the borough dumpster.
5. Borough Garage Heat: Mayor Tice is looking into the history of the borough garage heat issues.

TREASURER’S REPORT FOR DECEMBER: Treasurer Damiano

Treasurer Damiano read the December Financial Report

Newport Borough General Account balance December 1, 2023:	\$181,875.03
Deposits thru December 5, 2023:	\$ 7,221.31
Fines Deposited December 5, 2023	\$ 75.00
Payroll #25 Transfer December 4, 2023	\$ 10,368.26
Tractor Invoice Presented for Payment	\$ 47,643.77
Outstanding bills presented for payment:	\$ 8,704.66
Estimated Income for balance of December:	\$ 12,000.00
Estimated Expenses for balance of December:	\$ 18,106.79
Estimated Balance December 31, 2023:	\$116,347.86

Liquid Fuels Account Balance December 1, 2023:	\$ 68,816.20
Outstanding Bills presented for payment:	\$ 1,593.17
Estimated Expenses for balance of December:	\$ 00.00
Estimated Balance December 31, 2023	\$ 67,223.03

MOTION: Cl’m Shope moved, seconded by Cl’m Dudley to approve December’s Financial Report.
Motion carried.

Cl’m Halstead completed the final document to close out the tractor grant and loan. The loan payment is \$528.00 a month at an interest rate of 3.75% on the loan amount of \$28,800.00. The procedure to pay off the tractor loan will be presented at the next council meeting.

APPROVAL OF THE DECEMBER BILLS TO DATE: Treasurer Damiano

MOTION: Cl’m Dudley moved, seconded by Cl’m Shope to pay the December bills presented.
Motion carried.

MOTION: Cl’m Dudley moved, seconded by Cl’m Fickes to pay Hoover Tractor, LLC \$43,840.00, the amount equal to the USDA grant/loan, and a separate check to Hoover Tractor, LLC in the amount of \$3,803.77, for the overage on the cost of the tractor not covered by the loan. Motion carried.

SECRETARY’S REPORT: Secretary Damiano

1. Attended 5 webinars. Have 2 upcoming webinars and 3 on-site events.
2. Stericycle: Sent a complaint to the Better Business Bureau on Wednesday, November 1, 2023 concerning zeroing out the account. On Thursday, November 9, 2023 Stericycle sent an email Credit Memo to clear the account to zero and the complaint was closed with the BBB on November 10, 2023.

CODE ENFORCEMENT REPORT: Officer Tice reported for November

Parking Tickets: 9 – Parking Warnings; 4 - \$15 Parking Tickets; 2 - \$25 Parking Tickets

Code Tickets: 3 – Code Warnings; 0 - \$25 Code Tickets; 0 - \$50 Code Tickets; 0 - \$75 Code Tickets

Citations: 3

Permits: 1

1. The Handicap Parking Space Permit Application was revised and modernized. Supporting documentation requested is a copy of the PA handicap placard and a copy of the PA placard ID card. Renewals were mailed December 1, 2023 and are due back January 5, 2024. Some discussion was had on extending the due date of the renewal, but no change was made. Handicap Permits are valid January 1st – December 31st.
2. Any new applications are pro-rated.
3. Ordered and received new ticket books.

499 N. Front Street: Bench Warrant should go out for the owner as he has not shown up to court. The Certified Letter sent was a good address in Sherman’s Dale, as explained by the post office to Code Officer Tice, but was returned. Residents will wait until the end of the year to pay and catch up on their payments at that time. Solicitor Mary Dissinger stated the Criminal Matter is not working so changing to a Civil Matter will create Leins on the Property.

55 S. 2nd Street: Solicitor Mary Dissinger asked about the said property and President Frownfelter stated waiting for a Demolition Permit.

ORDINANCE COMMITTEE

Water Ordinance: Discussions of the proposed Water Ordinance

1. Where to find the Water Authority adoption of the Rules & Regulations as set forth found for review. The Rules & Regulations can be found on the Water Authority website in the About NBWA tab. Water Authority office can also provide a paper copy. Solicitor Mary Dissinger commented that all rules and regulations need to be adopted at the same time. President Frownfelter stated that the Water Authority can ratify the existing Rules & Regulations, but can also amend them from time to time. Adam Britcher is the Water Authority Solicitor. Cl’m Halstead felt she needed more time to review the ordinance and look at the Rules & Regulations of the Water Authority. She commented that the By Laws can be changed at the Water Authority’s discretion and an ordinance should not be written referencing documents that can be changed.
2. President Frownfelter explained the new PUC & EPA rules. Municipal in-take (clean water) pipes need to remove lead water pipes when a residence is sold. Every Fall a percentage of homes have their water tested (20-25 homes) and there have been no positive results since 2017.
3. Cl’m Shope asked how a property owner can tell if an underground line coming in has been replaced? President Frownfelter stated that when the meters were replaced, the lines were checked. She also commented that 4th Street laterals were done.

MOTION: Cl’m Dudley moved, seconded by Cl’m Zentichko to Adopt including the changes from Solicitor Mary Dissinger, the Ordinance Regulating the Municipal Water System and Providing for Penalties for Non-Compliance .

Nays: Cl’m Halstead

Motion carried.

MOTION: Cl'm Dudley moved, seconded by Cl'm Bucher to Advertise the Ordinance Regulating the Municipal Water System and Providing for Penalties for Non-Compliance .

Nays: Cl'm Halstead

Motion carried.

Snow Emergency Ordinance: Discussion on the proposed Snow Emergency Ordinance

1. Cl'm Halstead was concerned that the Snow Emergency Ordinance conflicts with the Streets and Traffic Ordinance.
2. Cl'm Fickes explained the Snow Emergency Route is Fifth Street, a one-way street from Oliver to Mulberry, which is not wide enough. The borough cannot designate a state road as a snow emergency route.

MOTION: Cl'm Dudley moved, seconded by Cl'm Shope to correct grammar and update, as reviewed by Solicitor Mary Dissinger, and advertise the Snow Emergency Ordinance.

Nays: Cl'm Halstead

Motion carried.

PLAYGROUND COMMITTEE REPORT: Cl'm Halstead

Cl'm Halstead gave a recap of Ball Teams/Borough Committee Meeting. Both baseball and softball teams are invoiced for 20% of the electric bills for the season.

Discussion about concerns over the locks on the ballfield.

1. Out of season, November – March, the ballfields are open to the public.
2. Cl'm Fickes commented with locks on the ballfield, the public can't use the ballfield.
3. Mayor Tice commented that the ballfields are public space, and not private.
4. Options of boarding up the dug outs versus using locks.
5. Questions over the borough paying for any destruction and vandalism of the ballfields when not in season. Currently, the ball teams pay for maintenance of the ballfields before and during the season as they lease the fields. The dugouts are closed off season but this does not cut off access to the field.
6. Cl'm Halstead stated that the borough has not spent any funds on field maintenance.

MOTION: Cl'm Fickes moved, seconded by Cl'm Dudley to remove the locks on the ballfield, but after much discussion, Cl'm Fickes rescinded his motion.

FINANCE COMMITTEE REPORT: Cl'm Bucher – No report.

MAYOR'S REPORT: Mayor Tice

1. While waiting for the new tractor delivery, the mayor was concerned over the garage heat and proper insulation of the building. Discussion on this issue was discussed under the Streets Report.
2. Attended the Tree Lighting Ceremony on December 2, 2023. Wonderful to see the many attendees.
3. The mayor has signed up for the PSAB webinar: The Role of the Mayor in Municipal Government for Wednesday, December 6, 2023; 5:30 pm - 6:30 pm.

OLD BUSINESS

Office Phones: Cl'm Dudley confirmed she is working with the secretary on upgrading the phones at a cost of under \$250.00.

Planters for the Square: Frank Campbel and Cl'm Halstead attended the Perry County Main Street Committee meeting. Cl'm Halstead asked if there was possible grant money for 8 planters for the Square, 2nd & Market Streets, with locations inside and outside the Square. The cost is approximately \$500.00 each x 8 planters = \$4,000.00. Next meeting will be in January. PCEDA will consider if this can be funded.

55 S. 2nd Street: Discussed under Code Enforcement Report.

NEW BUSINESS:

2024 Meeting Dates & Times

Borough Council Regular Meeting First Tuesday of the month at 7 pm except for Wednesday, August 7, to accommodate any council members wanting to attend National Night Out held on Tuesday, August 6, 2024.

Borough Council Mid-Month Meeting Third Tuesday of the month at 7 pm.

Finance Committee Meeting Third Tuesday of the month at 6 pm.

Planning Commission Meeting First Wednesday of the month at 7 pm except for Thursday, August 8th, to accommodate moving the Regular Council Meeting to Wednesday due to National Night Out held on Tuesday, August 6, 2024.

Playground Committee Meeting Quarterly at 1 pm; January 16, April 2, August 6, and November 5

Ordinance Committee Meeting Third Monday of the month at 6 pm.

Streets Committee Meeting Quarterly the Fourth Tuesday at 6 pm; March, June, September, and December 17, 2024 due to the fourth Tuesday of December being Christmas Eve.

MOTION: Cl'm Dudley moved, seconded by Cl'm Bucher to Approve and Advertise the 2024 Meeting Dates and Times above. Motion carried.

Letters of Interest

MOTION: Cl'm Fickes moved, seconded by Cl'm Dudley to Approve to Advertise for Letters of Interest for the Water Authority, Sewer Authority, Planning Commission, Vacancy Board, and Zoning Hearing Board. Motion carried.

Zoning Hearing Board Members Stipend

MOTION: Cl'm Dudley moved, seconded by Cl'm Shope to Approve a stipend of \$125 for each Zoning Hearing Board Member, of which there are currently 2, as one position is vacant. Motion carried.

2024 PSAB Membership

MOTION: Cl'm Dudley moved, seconded by Cl'm Fickes to Approve the 2024 PA Association of Boroughs (PSAB) Membership & PLUS Training Subscription Program. Motion carried.

Waiver of Uniform & Non-Uniform 2024 member contributions to PA Municipal Retirement System (PMRS)

MOTION: Cl'm Halstead moved, seconded by Cl'm Dudley to Approve 2024 Waiver of Employee Contributions for Non-Uniform Employees Resolution #18-23. Motion carried.

MOTION: Cl'm Halstead moved, seconded by Cl'm Dudley to Approve 2024 Waiver of Employee Contributions for Uniform Employees Resolution #19-23. Motion carried.

Permit Fee Schedule

MOTION: Cl'm Halstead moved, seconded by Cl'm Dudley to Approve the Zoning Ordinance Permit Fee Schedule Resolution #20-23 which includes increasing the Fee for Special Exception or Variance to \$500.00. Motion carried.

AirBnB Discussion

Code Enforcement Officer Tice has had several requests for information on AirBnB requirements for the borough. Discussions followed on Short-Term Rentals and AirBnBs.

1. Newport Residents Tim and Jen Kushner read a statement conveying that homeowners should have the freedom to decide to use their property as an Airbnb that would promote tourism, support local businesses and provide affordable lodging while ensuring community standards are upheld. They have had several unsuccessful long term rental tenants, and they would like to try an Airbnb short term rental arrangement. The salon business they own is connected to the rental property due to being a corner property.
2. Cl'm Halstead cited Slice of Life, LLC and Val Kleyman vs Hamilton Twp. Zoning Hearing Board and Hamilton Twp., the Pennsylvania Supreme Court upheld the ruling that a local zoning ordinance clearly and unambiguously excluded purely transient uses of property. An R-1 district, single family dwellings, cannot be an air B & B.
3. Cl'm Halstead has a Bed & Breakfast in R-2 which allows the use, stays on premises when rented, and has off-street parking.
4. Cl'm Dudley stated the Long-Term Rental Ordinance requires to give names of the renters.
5. Questions on a Short-Term Rental term was expressed. Solicitor Mary Dissinger stated a Short-Term Rental is one week.
6. Code Enforcement Officer Tice indicated that an Airbnb is being advertised on Gant Street, which is located in R-1 zoning. Questions on permits and OCC were of concern. The solicitor stated that sections of the whole ordinance included violations of staying in garages and noise violations.
7. The Ordinance Committee would like to review the current zoning and ordinances and then will come back to council with their recommendations.

Floating -Holidays

Discussion on adjusting the 8 paid holidays as follows: New Year's Day, Memorial Day, Labor Day, Thanksgiving Day, and Christmas Day with Presidents Day and Veteran day being the 2 floating Holidays to equal the 8 paid holidays per year.

MOTION: Cl'm Dudley moved, seconded by Cl'm Fickes to Approve the adjustment of the 8 Paid Holidays per year to include 2 Floating Holidays and 6 Fixed Holidays, as above. Motion carried.

Communications

1. Perry County Literacy Council 2023 Annual Giving Campaign.
2. Water Authority Minutes and Financials of October 10, 2023.
3. Playground/Ball Team November Report.
4. Comcast sent a letter dated November 17, 2023, to Newport Borough stating that starting December 20, 2023, prices for certain services and fees will be increasing, including the Broadcast TV Fee and the Regional Sports Network Fee.
5. Newport Borough Municipal Authority Minutes

No Executive Session

Next Meeting Date: Tuesday, January 2, 2024, at 7 pm.

ADJOURNMENT: Cl'm Fickes moved, seconded by Cl'm Dudley to adjourn at 8:52 PM. Motion carried.

Respectfully Submitted,

Shelly Damiano,
Secretary/Treasurer