

NEWPORT BOROUGH COUNCIL
REGULAR MEETING
June 4, 2024

President Greg Shope called the meeting to order at 7:00 pm with the following Borough Council Members present: Christian Fickes, Penny Frownfelter, Barbara Leach, Mary Bucher

BY PHONE: Cl'm Halstead (Attending PSAB Conference)

OTHERS PRESENT: Newport Borough Secretary Shelly Damiano, Mayor Stephen Tice, Code Enforcement Officer Michelle Tice, Engineer Phillip Brath, Sandi Jeneski, Carol Thorn, Cindy Martin, Frank Campbell

ABSENT: Billie Dudley

President Shope asked Cl'm Bucher to lead the Pledge of Allegiance.

President Shope announced that the meeting was being recorded.

AMENDMENTS TO THE AGENDA: None

GUESTS: Sandi Jeneski: Complaint about neighboring 215 N. 5th Street, Newport.

Carol Thorn: Supporting complaint about neighboring 215 N. 5th Street, Newport.

1. Years' worth of garbage in yard. Dirty diapers not in containers. Lots of plastic containers & bags filled with water; will cause mosquitoes.
2. Stench is unbearable.
3. Rodent problem.
4. Vehicle parked in alley, blocking alley, driving on neighbor's property.
5. Dealing with this problem for over 3 years.
6. There are 3 children living in unsafe nuisance property: 4-year-old, 2-year-old, and newborn.
7. Sending a letter to Member's 1st, mortgage holder, with current pictures, for the upcoming Sheriff's Sale of the property. Requesting the borough to also send a letter to Member's 1st.
8. Ms. Jeneski did confirm that Children & Youth were called when asked by Cl'm Frownfelter.
9. Both Sandi Jeneski and Carol Thorn gave permission for council members and Code Enforcement officer to enter and walk their properties.

President Shope: Newport Borough Council understands Ms. Jeneski's and Ms. Thorn's concerns. The proper measures are being taken and now the borough has to wait 2 weeks for the outcome.

Mayor Tice's Comments: How the process works:

1. Bank files bankruptcy on property.
2. Homeowner files appeal to court.
3. Wait for continuance.
4. Due process. Bank does not have a say.

Cl'm Halstead: Learned at PSAB Conference class: Nuisance properties go to the Court of Common Pleas with an Injunction to the District Justice.

Code Enforcement Officer Michelle Tice: Confirmed the hoarding situation and that official papers were served by the constable to Cody Gordon that gives him 14 days to clean up the premises. If he does not comply, a \$600 fine will be assessed in the citation, as per borough code, and given to the Magisterial District Court.

PUBLIC COMMENT: Cindy Martin, Market Street resident

1. Water/Sewer is going into her back yard.
2. A quarter of her yard is not usable.
3. Her pets are getting sick.
4. Have not been able to install a pool for 3 years in a row due to sinking ground near her shed.
5. She cannot mow or weed wack due to sinking.
6. Ready to call DEP, an attorney, or move.

Cl'm Fickes comments: Neighboring properties might be having the same issues or could have an issue that is causing the problem. Would like Phil Brath, Newport Borough engineer, to investigate the issue. The engineer stated he will be in Newport on Thursday, June 6, 2024.

PUBLIC COMMENT: Frank Campbell, NRPS

Successful Block Party event on Saturday, June 1, 2024. Thank you to borough council, Cody Harris, and the Streets crew.

Will speak about the Perry County Brochure Advertising later under Old Business.

Due to Cl'm Tami Halstead winning the PSAB 2nd Vice President nomination and needing to be sworn in at the PSAB Conference in Hershey, PA, President Shope skipped to address Ordinance Vehicles & Traffic Chapter 237.

Ordinance: Vehicles & Traffic Chapter 237: Cl'm Halstead

There are 2 conflicting documents of Vehicles & Traffic Chapter 237 Ordinances that do not mirror each other due to the amendments of April, 2023. The content of the amendments is correct, but the formatting is incorrect.

Need to:

1. Repeal amendments of April, 2023 for Vehicles & Traffic Chapter 237 Ordinance.
2. Reenact original Vehicles & Traffic Chapter 237.
3. Advertise original Vehicles & Traffic Chapter 237.

The Ordinance Committee can correct the format, incorporate the amendments, and then present them to council for approval at a later date.

Cl'm Frownfelter cited Solicitor Dissinger's conversation about being able to renumber at the December, 2023 Council meeting, but Mayor Tice countered the Court of Common Pleas trumps the solicitor's advice. Cl'm Fickes added that you do not renumber, and the number becomes dead. The number is not removed or replaced.

Code Enforcement Officer Michelle Tice stated the court threw back the citations due to the change in numbering. When Cl'm Frownfelter wanted to be shown the specific format and the code enforcement officer referred to the Pennsylvania Code & Bulletin Style Manual. Cl'm Fickes also read to council from Pennsylvania Consolidated Statutes Title 8 Boroughs and Incorporated Towns, Chapter 33, Subchapter A §3301.1 Ordinances and resolutions.

- (a) General rule. "... Council may amend, repeal or revise existing ordinances by the enactment of subsequent ordinances."

MOTION: Cl'm Fickes moved, seconded by Cl'm Bucher to Repeal Amendments made to Chapter 237 Vehicles and Traffic on April 4, 2023, and to Reenact Chapter 237 Vehicles and Traffic codified and adopted January 9, 2013 and Advertise.

Yeas: Greg Shope, Christian Fickes, Barbara Leach, Mary Bucher, and Tami Halstead

Neas: Penny Frownfelter

Motion carried.

ENGINEER'S REPORT: Phil Brath

Curbs, Sidewalks, & Drainage Improvements SR 0034 (4th Street & Market Street)

Contractor concerned that the new handicap ramps will not be ADA compliant, and they will be held liable. They have been directed to carry through with the work as bid, as previously agreed with PennDOT. The overall cost of the SR0034 project may limit the amount of sidewalk that can be replaced on 6th Street associated with the SR 4008 project. Still waiting for PennDOT acceptance of ECMS Engineering Agreement for engineering on SR4008 project. When the project is done in a couple of weeks, there will be a walk through with Cl'm Halstead and PennDOT.

HATS Curbs, Sidewalks and Drainage Improvements for SR 4008

PennDOT is working to confirm all water, sewer, stormwater, and any other required improvements are provided prior to proceeding. The current let date is November 6, 2025. The current PENNDOT funding amount is \$1.5 million and is 100% state funded.

HATS, Sidewalks and Curb Ramps Improvements for 4th Street from Market to Fickes

Coordinating with Cl'm Halstead on designing curb ramps and sidewalk replacement, costs for currently planned work, determining if scaling back the project will be necessary, and assuring matching funding is available.

Park Project Bidding and Certification

Assisting Cl'm Halstead in preparing bid documents for pathways using specifications in the PennDOT 944 format.

6th & Caroline

Will be meeting with Kirby Kitner to discuss continuing issues on Thursday, June 6, 2024. Will need Cody's help.

Emergency repairs to 4th Street Bridge

PennDOT closed the bridge on Route 34 to perform emergency repairs. Cl'm Fickes stated that PennDOT will be building a concrete wall and plan to reopen the bridge around July 4th.

SOLICITOR: Solicitor Bill Dissinger not present.

STREETS COMMITTEE REPORT: Cl'm Fickes/Supervisor Harris

Cl'm Fickes requested Phil Brath, the engineer, to stay to listen to the Streets Report.

Cl'm Fickes discussed the Streets Report from Supervisor Harris and the Streets Committee Meeting Minutes. There was no Streets Committee Meeting in May.

A sinkhole opened up on Front Street by the Bread of Life. The hole has been filled with stone and is being monitored.

An inlet by the carwash has a sink hole developing around it, possibly the pipe may have collapsed under the street. Working on ways to fix it.

Cl'm Fickes asked when Phil will be in Newport next so the engineer could evaluate the sink holes. Phil will be meeting with Kirby Kitner on Thursday, June 6th, so he will be able to assess any Streets concerns at that time.

Waiting for the paint machine to be returned from Sealmaster, as additional repairs needed to be done on the machine. Yellow curbing will be painted on the Square as soon as the paint machine is returned.

Brush pickup has a 50 lb limit and needs to be cut to proper length. If not, the brush will be left.

Cl'm Fickes explained about the need to replace the borough garage roof. The roof leaks, water runs into the inside wall under the paneling and there is wiring in the wall. No one knows if the roof was ever replaced, or it may even be the original roof.

QUOTES: Hominy Ridge = \$25,500.00 versus A2 Master Carpenters = \$11,850.00.

Cl'm Frownfelter asked for the lower quote to be more detailed in order to compare the quote difference. Cl'm Fickes will get a detailed quote for the next council meeting.

APPROVAL OF THE MINUTES: May 7, 2024 Regular Meeting Minutes.

MOTION: Cl'm Fickes moved, seconded by Cl'm Bucher to approve the May 7, 2024 Regular Meeting Minutes. Motion carried.

TREASURER'S REPORT FOR JUNE: Treasurer Damiano

Treasurer Damiano read the June Financial Report

Newport Borough General Account balance June 1, 2024:	\$ 230,067.39
Deposit June 3, 2024: ACH Reality Transfer Tax	\$ 1,463.71
Deposit June 3, 2024; ACH State Police Fines	\$ 316.84
Fines Deposited May 7, 2024	\$ 75.00
Payroll #12 – June 3, 2024	\$ 8,469.16
Deposit June 4, 2024 Parking Tickets/Ordinance Fine	\$ 144.00
Deposit June 4, 2024	\$ 5,390.72

Outstanding bills presented for payment:	\$ 3,509.08
Estimated Income for balance of June:	\$ 10,000.00
Estimated Expenses for balance of June:	\$ 29,163.37
Estimated Balance June 30, 2024:	\$ 206,241.05

Liquid Fuels Account Balance June 1, 2024:	\$ 72,361.23
Outstanding Bills presented for payment:	\$ 1,532.93
Estimated Expenses for balance of June:	\$ 00.00
Estimated Balance June 30, 2024	\$ 70,828.30

MOTION: Cl'm Frownfelter moved, seconded by Cl'm Fickes to approve June's Financial Report. Motion carried.

APPROVAL OF JUNE'S BILLS TO DATE: Treasurer Damiano

MOTION: Cl'm Frownfelter moved, seconded by Cl'm Leach to pay the June bills presented for payment. Motion carried.

MOTION: Cl'm Frownfelter moved, seconded by Cl'm Fickes to approve the Pennian Bank Loan payoff in the amount of \$879.25. Motion carried.

MOTION: Cl'm Frownfelter moved, seconded by Cl'm Bucher to approve the Unlimited PSATS Webinar Power Pass for \$89.00 that would be in addition to the \$250.00 PSATS membership. Motion carried.

SECRETARY'S REPORT: Secretary Damiano

1. Attended 6 webinars and 2 on-site events. Have 7 upcoming webinars and 2 on-site events.
2. Destruction of Statements of Financial Interests from Municipal Years 2009-2018 were shredded at the Juniata County Library. Received a signed and library stamped date & time receipt.
3. Monthly Phone Stipend setup in payroll.
4. Quickbooks 2024 Plus Annual Subscription was installed by Cl'm Dudley. Requested sales tax refund.
5. Sent supporting documentation to Intuit to become Primary Contact. Awaiting approval.
6. Received approval letter from Capital Blue Cross Underwriting Compliance stating the borough meets the enrollment participation requirements for group coverage.

CODE ENFORCEMENT REPORT: Submitted by Officer Tice

Parking Tickets: 4 – Parking Warnings; 18 - \$15 Parking Tickets; 0 - \$25 Parking Tickets

Code Tickets: 28 – Code Warnings; 1 - \$25 Code Tickets; 0 - \$50 Code Tickets; 0 - \$75 Code Tickets

Citations: 4 citations invalidated by the District Justice due to these citations were citing the newly created numbers from Vehicles & Traffic Ordinance amended April, 2023, which the DJ's office stated you cannot change or move the ordinances to a new number. Ordinances can only be amended or repealed. If repealed, the number cannot be re-used for a new ordinance. All 4 citations were returned.

Permits: 0

Handicap Parking Permit: 0

Did not attend any webinars this month, but there are 6 upcoming webinars.

New warning hangers were ordered through Artistic Image in bright yellow for easier readability.

No updates on 55 S. 2nd Street.

The Front & Fickes property is still in court on who will manage the estate. The contact person was informed the grass needs to be mowed, but has not received a reply.

CODE ENFORCEMENT COMMITTEE: Cl'm Bucher:

No meeting was held in May.

ORDINANCE COMMITTEE: Cl'm Leach

Vehicles & Traffic Ordinance was discussed earlier in the meeting. Cl'm Leach had nothing additional to discuss at this time.

PLAYGROUND COMMITTEE REPORT: Cl'm Halstead: written notification

CDBG grant was submitted for Veterans Memorial Park parking lots for a total of \$77,475.00. Next review on June 10, 2024, by SEDA-COG and the commissioners.

FINANCE COMMITTEE REPORT: Cl'm Frownfelter

No meeting held in May.

WEBSITE/IT COMMITTEE REPORT: Cl'm Dudley: Not present

No meeting.

MAYOR'S REPORT: Mayor Tice

1. Attended Senior Award Night on May 28, 2024 at Newport High School.
 - a) Presented the Mayor's Award to an Outstanding Female and Male Athlete.
 - b) Presented the Community Service Award to one Senior. This award is sponsored by Newport Borough and selected by Newport Borough Council.
2. Donated Dunkin donuts to PennDOT workers as appreciation and gratitude to their work on the PennDOT 4th & Market Paving Project.
3. Attended the Newport Block Party on June 1, 2024.
4. Attended the PSAB Conference, held in Hershey, PA, on Sunday, June 2, 2024. Participated in the Mini Boot Camp as one of the workshops.

Mayor Tice would like to attend the 53rd Annual Conference of the Pennsylvania State Mayors' Association to be held at the Holiday Inn in the City of Johnstown, PA Thursday – Sunday, July 18-21, 2024. Borough Code states the borough will cover the cost of registration, hotel, meals, and mileage.

MOTION: Cl'm Frownfelter moved, seconded by Cl'm Bucher to approve spending up to \$1,000 to cover the cost of registration (meals included in registration), hotel and mileage for Mayor Tice to attend the 53rd Annual Conference of the Pennsylvania State Mayors' Association, July 18-21, 2024, Holiday Inn, Johnstown, PA. Motion carried.

OLD BUSINESS

Perry County Chamber of Commerce 2024 Discover Perry County Brochure Advertising Opportunity

Additional discussion was had on the pros and cons of advertising in the 2024 Discover Perry County Brochure. Mayor Tice's opinion is to emphasize all the new businesses in the Square along with the American flag to help promote Newport. The bigger the size of the ad, the greater the cost. Promoting all the activities held in Newport with an advertising partnership with Newport Revitalization & Preservation Society (NRPS) would be \$416.25 for the borough's share for half the cost of a full-page ad, which includes a 10% discount for nonprofits.

MOTION: Cl'm Frownfelter moved, seconded by Cl'm Bucher to approve \$416.25 for Newport Borough's share consisting of half the cost of a full-page advertisement in partnership with Newport Revitalization & Preservation Society (NRPS). Motion carried.

Cl'm Penny Frownfelter will be the liaison for Newport Borough and will coordinate with Frank Campbell from NRPS to create and design the advertisement for the 2024 Discover Perry County Brochure.

NEW BUSINESS

2023 CDBG Grant for HATS Phase 2 Project

Received the 2023 CDBG \$108,586.00 grant award for Sidewalks on 4th Street from Market Street to Fickes for the match. HATS Phase 2 Project total is about \$650,000, in which 80%, \$520,000, is covered by the HATS Grant. The match is \$130,000, in which the 2023 CDBG Grant awarded \$108,586.00. There is a remaining match balance of \$21,414.00

ARPA FUNDS

The remaining funds needed to cover the match of the HATS Phase 2 project is in the amount of \$21,414.00, which can be designated from American Rescue Plan Act aka ARPA Funds.

The remaining ARPA Funds of \$42,166.00 can be used for paving.

MOTION: Cl'm Frownfelter moved, seconded by Cl'm Fickes to Approve \$21,414.00 of ARPA Funds to cover the remaining match needed for HATS Phase 2 Project and to Approve the remaining ARPA Funds of \$42,166.00 for paving. Motion carried.

Perry County Association of Township Officials: 111th Annual County Convention

Perry County Association of Township Officials: 111th Annual County will be held at the Perry County Fairgrounds on Saturday, September 14, 2024. The cost is \$20.00 per person. Anyone interested in attending will need to inform the secretary by the July 2, 2024 meeting. Registration are due by July 19, 2024.

Right-to-Know Policy

The PA Office of Open Records (OOR) encourages agencies to develop a policy explaining how it will respond to anonymous requesters and also to post that policy in a conspicuous place on the agency's website. The Borough of Newport Right-to-Know Law Policy is presented to council for approval.

MOTION: Cl'm Frownfelter moved, seconded by Cl'm Fickes to Approve the Borough of Newport Right-to-Know Law Policy. Motion carried.

Discussion of Parking Fines

Cl'm Fickes presented excerpts from the PA State Law:

§3353. Prohibitions in specified places

Discusses parking regulations including on a sidewalk, on a crosswalk, and within 15 feet of a fire hydrant.

A penalty to pay a fine of not more than \$50.00

§3354. Additional parking regulations

Discusses two-way highways, one-way highways, and a person with a disability and disabled veterans.

Local authorities may limit access to a parking space by ordinance.

A penalty to pay a fine, amount depending on the subsection.

Cl'm Fickes would like to explore the possibility of updating the penalties to be in line with the PA State Law.

Communications

1. Water Authority Minutes and Financials of April 9, 2024
2. Newport Borough Municipal Authority Minutes of April 25, 2024
3. Planning Commission Meeting Minutes of May 8, 2024
4. PCPC Clarks Ferry Tavern-Duncannon Borough Review

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

ADJOURNMENT: Cl'm Frownfelter moved, seconded by Cl'm Bucher to adjourn at 8:51 pm. Motion carried.

Respectfully Submitted,

Shelly Damiano,
Secretary/Treasurer