

NEWPORT BOROUGH COUNCIL
REGULAR MEETING MNUTES
August 7, 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, Tami Halstead, and Billie Dudley.

Absent: Mary Bucher

OTHERS PRESENT: Newport Borough Secretary Shelly Damiano, Mayor Stephen Tice, Solicitor William Dissinger, Luke Roman, Perry County Times.

Dave Lebo, Sheree Seifet, Lori Little, Troy Little, Taylor Shuman, Rick Wood,

Dave Rossi-Attorney; Ansh Shah, Nikul Shah

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

President Shope announced that the meeting was being recorded.

AMENDMENTS TO THE AGENDA: None

STREETS COMMITTEE REPORT: Cl'm Fickes/Supervisor Harris

Streets Report

1. Painted yellow "No Parking" boxes in the Square area.
2. Crosswalks will be painted on 4th Street in prep for the Perry County Fair.
3. Two truck inspections were set up for Newport Auto Repair LLC (former Hess Garage).
4. Dan Miller and Cl'm Halstead will be attending the Environmentally Sensitive Maintenance Training on August 14th & 15th, 2024 at Central Penn College.
5. PennDOT contacted Streets Supervisor Harris as a reminder that council needs to approve the 2024-2025 Winter Maintenance Agreement.

MOTION: Cl'm Frownfelter moved, seconded by Cl'm Dudley to approve the 5-year Winter Maintenance Service Agreement with PennDOT that begins with the 2024/2025 winter season. Motion carried.

Borough Maintenance Garage Roof Quotes

A2 Master Carpenters - \$18,500.00

Borough garage has 8' centers; a larger span. 5/8" OSB recommended to strengthen roof and make it safe for anyone to be on it for any necessary reason. 26-gauge metal roof with moisture barrier, gable trim, drip cap. Add gutter and downspout to storage building.

Zook Hill Roofing LLC - \$15,075.00

28-gauge metal roof

Reliance Contracting LLC - \$23,840.00

28-gauge metal roof

MOTION: Cl'm Halstead moved, seconded by Cl'm Frownfelter to approve the borough garage roof replacement from A2 Master Carpenters for \$18,500.00. Motion carried.

ARPA Obligation

State and Local Fiscal Recovery Funds (SLFRF) program authorized by the American Rescue Plan Act (ARPA) statute requires funds may only be used to cover costs incurred by December 31, 2024 or an obligation with respect to cost by December 31, 2024. An "obligation" means an order placed for property and services and entering into contracts, subawards, and similar transactions that require payment.

Cl'm Halstead stated:

1. Award ARPA funds or lose the funding due to "obligation" definition.
2. Borough keeps interest. Do not need to return the interest.
3. Need a contract designating ARPA funds by December 31, 2024.

MOTION: Cl'm Frownfelter moved, seconded by Cl'm Dudley to approve to designate \$64,400.13 plus all additional interest to the current Paving project. Motion carried.

Borough Garage Door Repair

Miner Docks, Doors and More replaced the spring on Shop Garage Door #1 on July 17, 2024 at a cost of \$1,416.17.

MOTION: Cl'm Halstead moved, seconded by Cl'm Dudley to ratify the Borough Garage Door Repair at a cost of \$1,416.17. Motion carried.

Borough Garage Cement Pad

A cement pad is needed for under the brush dumpster for proper water drainage. Will check into options.

Street Closure Request: Mulberry Street

A Norway Spruce tree needs to be removed that requires closure of Mulberry Street. In order to not affect District Court 41-3-04 and the Perry County Literacy Council/IndentoGO by IDEMIA, both located at 133 S. 5th Street, the street closure needs to be on a Friday.

MOTION: Cl'm Dudley moved, seconded by Cl'm Halstead to approve closing Mulberry Street on Friday, August 30, 2024 from 8 am – 4 pm for the Norway Spruce tree removal. Motion carried.

Council requested the secretary to send notification of the street closure to district court and the literacy council.

Paving Project 2024 BID OPENING

- \$ 75,514.00 Glenn O. Hawbaker, Inc., State College, PA
- \$137,177.40 Pro Lawn LLC, Liverpool, PA
- \$ 97,776.08 Jay Fulkroad & Sons, Inc, McAlisterville, PA

MOTION: Cl'm Frownfelter moved, seconded by Cl'm Dudley to approve awarding, pending review, Glenn O. Hawbaker, Inc. the Paving Bid in the amount of \$75,514.00 using the remaining APRA funds and up to \$11,000.00 from Liquid Fuels. Motion carried.

GUESTS: Ansh Shah; Newport Convenience Store owner, 29 N. 2nd Street; Nikul Shah (father); owner of a convenience store in Shermans Dale, Perry County; Dave Rossi; Schuylkill Haven attorney representing Ansh Shah
RE: Transferring Newport Tavern restaurant liquor license, Oliver Twp., to Newport Convenience Store, Newport Borough

Newport Borough did not authorize a Public Hearing/Special Meeting Notice that was placed in The News-Sun newspaper.

Dave Rossi, attorney for Ansh Shah, introduced himself, his client, and his client's father in order to establish the request to transfer the Oliver Twp, Newport Tavern restaurant liquor license to the Newport Borough, Newport Convenience Store in order to sell beer with their meal options. The Liquor Control Board (LCB) requires seating for 30 people.

Solicitor Dissinger stated that the first step in the process is to send a written request letter to Newport Borough Council for consideration of the request of transferring said liquor license. Once the request is received, the borough will have 45 days to review the request and set a hearing at a later date, if they so choose.

PUBLIC COMMENT: Sheree Seifet, Lori Little, Troy Little, Taylor Shuman:

Residents of neighboring Oliver Township

Oliver Township residents expressed their concerns of the 6' x 2' hole and the deterioration of 6th and Oliver Streets. Oliver Twp. Supervisor Joe Baker contacted Cl'm Fickes concerning the potholes and the road conditions in Newport Borough that lead to Oliver Twp line. Cl'm Fickes invited all concerns to be addressed at the Streets Committee meeting, which is held on the 4th Tuesday of the month at the borough office. All are welcome to attend.

PUBLIC COMMENT (continued): Dave Liebo

Concerns of the posted “No Trespassing” signs that were placed on Spott Street on each end of the property line located at 236 Spott Street aka Terror Farm Horror Plex. That portion of Spott Street had previously been paved by the Borough. Cl’m Fickes stated that at the time the road was paved, it was considered a public right-of-way; a predated preexisting road. If the road is deemed to be private, there will be no more borough maintenance. Research on the deed of the property is being done. In the meantime, the owner of the property was asked to remove the signs, in which he did comply.

Cl’m Fickes referenced Chapter 17 of the Borough Code concerning Streets and improving public passageways. Currently, the road is publicly traveled, but if the road is deemed private, the borough will not plow the street. The owner of 236 Spott Street has been invited to come to a council meeting to speak about it.

Solicitor Dissinger stated that on the legal side, being open as a public right-of-way, obstructing a public right-of-way is not permissible.

PUBLIC COMMENT (continued): Rick Wood; Resident who lives across from the Terror Farm

1. Concerns about the inlets on said property covered with cement.
2. Equipment is sitting on top of the cement.
3. Stacking block walls up to 5 high is unsafe.
4. Owner has junk everywhere on property.

Cl’m Fickes will meet with resident Friday at 3:30 pm to look into the stated safety concerns stated.

Dave Liebo asked if any other streets in town were private.

Cl’m Halstead also referred to Chapter 17 of Title 8 of the Pennsylvania Consolidated Statutes and when a road has been maintained for 20+ years for public use.

Spott Street section that runs beside and behind the borough garage is owned by the railroad and the borough has a Deed of Dedication allowing borough access.

Cl’m Fickes thanked all who came to speak during Public Comment of the Newport Borough Council Meeting.

ENGINEER’S REPORT: Phil Brath; Not present – No Report

SOLICITOR’S REPORT: William Dissinger

Ordinance #387: Amending Chapter 55 Shade Tree Commission

The solicitor was concerned about proposed Ordinance #387: Amending Chapter 55 Shade Tree Commission

1. Has issues with the ordinance and the numbering.
2. Violations are not consistent and in 2 places in the proposed ordinance.
3. Concerns and questions on Planning – Not clear on who is In Charge?
4. Should go from Criminal to Civil
5. Most are not using a Shade Tree Commission, but give the power to Council.

Cl’m Halstead stated the Shade Tree Commission is the governing body that checks trees, root barriers, and non-invasive tree species. The person planting the tree is responsible for following the shade tree guidelines.

The solicitor requested the ordinance to be sent in Word to him for his review.

Cl’m Frownfelter stated that all ordinances should be reviewed by the solicitor before final approval.

APPROVAL OF THE MINUTES: July 2, 2024 Regular Meeting Minutes and July 16, 2024 Mid-Month Meeting Minutes.

MOTION: Cl’m Halstead moved, seconded by Cl’m Fickes to approve the July 2, 2024 Regular Meeting Minutes and July 16, 2024 Mid-Month Meeting Minutes. Motion carried.

Cl'm Frownfelter commented that Secretary Shelly Damiano is doing a good job putting enough in the meeting minutes to understand the content without putting excess wording into it.

TREASURER’S REPORT FOR AUGUST: Treasurer Damiano

Treasurer Damiano read the July Financial Report

Newport Borough General Account balance August 1, 2024:	\$ 231,115.76
Deposit August 1, 2024: ACH Reality Transfer Tax	\$ 2,714.60
BMO August 6, 2024 Payment (Hotel: Mayor’s Conference)	\$ 396.00

Outstanding bills presented for payment:	\$ 8,930.28
Estimated Income for balance of August:	\$ 10,000.00
Estimated Expenses for balance of August:	\$ 25,919.18
Estimated Balance August 31, 2024:	\$ 208,584.90

Liquid Fuels Account Balance August 1, 2024:	\$ 69,349.34
Outstanding Bills presented for payment:	\$ 1,538.78
Estimated Expenses for balance of July:	\$ 00.00
Estimated Balance June 30, 2024	\$ 67,810.56

MOTION: Cl'm Halstead moved, seconded by Cl'm Dudley to approve August’s Financial Report. Motion carried.

APPROVAL OF AUGUST’S BILLS TO DATE: Treasurer Damiano

MOTION: Cl'm Halstead moved, seconded by Cl'm Dudley to pay the August bills presented for payment. Motion carried.

SECRETARY’S REPORT: Secretary Damiano

1. Attended 6 webinars and 1 on-site event. Have 3 upcoming webinars and no on-site events at this time.
2. Paytime joined with I-Solved. Authorization documents need to be signed.

MOTION: Cl'm Frownfelter moved, seconded by Cl'm Dudley to approve completing the Authorization Documents for I-Solved, the payroll company that joined with Paytime. Motion carried.

3. Completed the property and liability insurance quote for Municipal Risk Management Inc. (MRM).
4. Destruction of Statements of Financial Interests from Municipal Years 2003-2005 were shredded at Juniata County Library and received a signed and library stamped date & time receipt.
5. Code Enforcement Officer returned her WEX card.

Petty Cash

Petty Cash has been depleted to only a dollar or so and change. Discussion was had on absolving Petty Cash or continuing the practice. Consensus was to keep the Petty Cash active. The Petty Cash will be replenished.

CODE ENFORCEMENT REPORT: Submitted by Officer Tice

Resignation Letter

Code Enforcement Officer Michelle Tice submitted her Resignation Letter, dated July 25, 2024. Her last day will be Friday, August 2, 2024. She included a thank you to Council and the Secretary in her resignation letter.

MOTION: Cl'm Halstead moved, seconded by Cl'm Dudley to keep Michelle Tice on as a Substitute Code Enforcement Officer, as needed on bigger projects/issues, at the current rate of pay, until a new Code Enforcement Officer is hired. Motion carried.

Cl'm Frownfelter stated that the Code Enforcement Officer should be a Full-Time position. The mayor stated that a Constable can perform code enforcement duties, but not Zoning Officer duties as another option to consider.

Parking Tickets: 3 – Parking Warnings; 7- \$15 Parking Tickets; 0 - \$25 Parking Tickets

Code Tickets: 12 – Code Warnings; 1 - \$25 Code Tickets; 0 - \$50 Code Tickets; 0 - \$75 Code Tickets

Citations: 1 citation for maximum fine of \$600.00 for accumulation of garbage: Defendant plead guilty. Set up payment plan at DJ’s office.

Building Permits: 2

Zoning Permits: 0

Handicap Parking Permit: 0

National Night Out August 6, 2024: VMP Park 5 pm – 7 pm

Code Enforcement Officer Tice agreed to still set up a table for National Night Out, as previously approved.

Newport Elementary School PTO Playground Equipment Grant

The PTO President requesting an email letter to PTO stating what permits will be needed.

Building Inspection Underwriters of Pennsylvania, Inc. (BIU) stated an Accessibility Inspection will need to be completed by them for the project.

CODE ENFORCEMENT COMMITTEE: Cl’m Bucher (not present)

No meeting. No report.

ORDINANCE COMMITTEE: Cl’m Leach

Ordinance #385: Amending Chapter 215, Streets and Sidewalks, with Addition of Article IV: Sidewalk Cafes and Street Events

All suggested changes from the July 16, 2024 Mid-Month Meeting were made and tentatively approved. Additional changes were made from suggestions after the mid-month meeting was held.

MOTION: Cl’m Frownfelter moved, seconded by Cl’m Dudley to Adopt Ordinance #385 Amending Ordinance #348 Chapter 215 Streets and Sidewalks: adding Sidewalk Café and Street Events with the following additional changes:

Additions in **bold**: Deletion in *italics*.

1. §215-19 Definitions: SIDEWALK CAFÉ: [Deletion of 2nd sentence] ... *It shall consist of tables and chairs set in front of the public eating or drinking place, with an approved nonpermanent partition which shall separate the sidewalk café from the public portion of the sidewalk.*
2. §215-20 Sidewalk Cafés: A.1[Deletion of *Code Enforcement Officer* in 2nd sentence]permit is obtained from the Newport Borough { *Code Enforcement Officer* }.
3. §215-20 Sidewalk Cafés: A.2.c[change word: *desirable* to **desired** in 3rd sentence]....may use partitions if { *desirable* } **desired** but are not required.
4. §215-20 Sidewalk Cafés: A.2.c.ii[Delete entire subsection ii] *There shall be a minimum of five (5) feet in width remaining of sidewalk for pedestrian use, beyond the partition.*
5. §215-20 Sidewalk Cafés: A.2.c.iii[Delete *and approved*].....and must be described in detail. { *and approved.* }
6. §215-20 Sidewalk Cafés: A.2.d[change words: *Code Enforcement Officer* to **Newport Borough** in 1st sentence]

Motion carried.

Ordinance #386: Amending Chapter 72 Alcoholic Beverages

All suggested changes from the July 16, 2024 Mid-Month Meeting were made and tentatively approved. Additional changes were made from suggestions after the mid-month meeting was held.

MOTION: Cl’m Frownfelter moved, seconded by Cl’m Dudley to Adopt Ordinance #386 Amending Chapter 72 Alcoholic Beverages with the following additional changes:

Additions in **bold**: Deletion in *italics*.

1. §72-1 Definitions: [Add definition] **CONSUME: To drink from the container, possession with movement of the container to the mouth, possession with alcohol on the breath of the possessor, any circumstances evident an intent to ultimately consume on any public lands without permission.**
2. §72-1 Definitions: SIDEWALK CAFÉ: [Delete 2nd sentence.]does not permanent walls. *It shall consist of tables and chairs set in front of the public eating or drinking place, with an approved nonpermanent partition which shall separate the sidewalk café from the public portion of the sidewalk.*

Motion carried.

Ordinance #387: Amending Chapter 55 Shade Tree Commission

As previously stated under the Solicitor’s Report, the solicitor will be reviewing Ordinance #387 and will make his recommendations at the next council meeting. Therefore, Ordinance #387 has been tabled until the next meeting.

Solicitor Dissinger stated that the borough did not need to readvertise for Ordinance #385 and Ordinance #386 due to the additional changes were minor. Both Ordinance #385: Amending Chapter 215, Streets and Sidewalks, with Addition of Article IV: Sidewalk Cafés and Street Events and Ordinance #386: Amending Chapter 72 Alcoholic Beverages can be signed tonight by Mayor Tice and President Shope, and sealed by Secretary Damiano and become effective as of August 7, 2024.

PLAYGROUND COMMITTEE REPORT: Cl’m Halstead

The Veteran’s Memorial Park (VMP) Pathways Project is underway and should be done in a few weeks. They were digging the pathways today.

FINANCE COMMITTEE REPORT: Cl’m Frownfelter

No meeting. No report.

WEBSITE/IT COMMITTEE REPORT: Cl’m Dudley

1. The Zoom subscription, due for renewal on September 6, 2024, will not be renewed. Microsoft Office subscription includes Teams, an online group meeting platform, that can be used for the same purpose.
2. Cl’m Dudley will assist in activating a new Adobe subscription for \$179.88 on the secretary’s computer this month, as previously approved during the July 2, 2024 Council Meeting.

MAYOR’S REPORT: Mayor Tice

1. Attended the 2024 PA Mayors Association Conference in Johnstown, PA July 18-21, 2024. Extremely informative.
2. Attended the Ordinance Committee meeting.
3. Spoke with a local business owner concerning security concerns in the community.

Public Safety

Public safety issues need to be addressed. Nothing is free. Constables can be utilized, as they are contractable.

Mayor’s thoughts on his role:

- a) Talks to residents about their comments/concerns.
- b) Brings a voice to the borough council.
- c) Creates an argumentative approach to bring about conversations concerning the borough.

OLD BUSINESS

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

Cl’m Frownfelter provided the updated advertisement proof via her phone, but the borough office did not receive a copy as of yet. Still waiting on a release date as there were more pages to produce than originally anticipated.

Discussion of Parking Fines

Will need to be discussed for 2025. Need to align fines.

505 Walnut Street: Off-street parking: Curb Cutout

Resident requested council approval for a curb cut to create a parking area made of stone beside their home. The homeowner does not have back-alley access to their property. The ordinance requires 16’, which the homeowner has enough room. Cl’m Shope, Cl’m Fickes, and Mayor Tice met with the homeowner. Council has concerns about the wall that goes around the property. A suggestion was made for the homeowner to speak to his contractor on how to improve the wall. The wall needs to be fixed before council can approve the curb cut.

Employee Policies

Additional current Employee Policies were distributed to council for discussion at a future council meeting.

NEW BUSINESS

2025 Budget Worksheets

The 2025 Budget Worksheets were distributed. Council members also were sent an electronic version.

Ratify 9 foot pay width to the VMP Pathway Project for \$2,800 to be paid from the Greenways Trail and Recreation Grant funds

Additional costs to the Pathway Project to increase the base path width to 9' would be \$2,800.00.

MOTION: Cl'm Dudley moved, seconded by Cl'm Halstead to Ratify the additional cost to the Veterans Memorial Park Paving Project to increase the base path width to 9' in the amount of \$2,800.00. Motion carried.

Homecoming Parade, Friday, October 4, 2024

MOTION: Cl'm Fickes moved, seconded by Cl'm Halstead to Approve the Newport High School Homecoming Parade to be held on Friday, October 4, 2024 beginning at 6pm. Motion carried.

Advertise for Code Enforcement Officer Part-Time Position

Advertising for a Part-Time Code Enforcement Officer was tabled due to discussion on part-time vs full-time vs (2) part-time positions vs contracting a constable. The Code Enforcement Officer job description will need to be updated in order to advertise for a qualified candidate.

Cl'm Frownfelter offered to update the Code Enforcement Officer job description. The mayor would like to offer his input. All prior job descriptions and the code enforcement duties as performed by Code Officer Tice will be used to update the job description for council's review at the next meeting before the position is approved to be advertised.

Communications

1. Water Authority Minutes and Financials of June 11, 2024
2. Newport Borough Municipal Authority Minutes of June 27, 2024

Next Meeting Date: Tuesday, September 3, 2024, at 7 p.m.

ADJOURNMENT: Cl'm Dudley moved, seconded by Cl'm Halstead to adjourn at 8:56 p.m. Motion carried.

Respectfully Submitted,

Shelly Damiano,
Secretary/Treasurer