

**NEWVILLE BOROUGH COUNCIL  
REGULAR MONTHLY MEETING  
MAY 30, 2017 at 7:00PM**

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The regular monthly meeting of the Newville Borough Council was held on Tuesday, May 30, 2017 at 7:00PM in the Newville Borough Office, 4 West Street, Newville, Pennsylvania. The meeting was called to order at 7:00PM by President Clarence Fry. The invocation was offered by Mr. Fry, followed by the Pledge of Allegiance. On roll call, the following members were present: Becky Barrick, Joey Diehl, Glenn Harry, Dale Jumper, Edward Sinkovitz, and Clarence Fry. Also present: Solicitor Marcus A. McKnight, III, Police Chief Todd Koser, Troy Wiser for Friendship Hose Company. Visitors included: Kristi Keebaugh, Wanda Barnhart, Donna Hockenberry, Ben and Michelle Dunkelberger, Sharon Keebaugh, Don Bowers, Robert F. Over, Robert S. Over, Michael Croutch, Lucy Jansema, Timothy Wolfe, Gail Wolfe, George Bigler, III, Chief Randy Finkey, Retired. News media present: Curtis Garland, VTS.

**Citizen Comments:** Robert F. Over stated that Tim Wolfe did not take the test to become certified in the administration of the International Property Maintenance Code. Mr. Over stated Council should have granted a time extension to comply. Mr. Over felt that Tim did his job well. Mr. Over asked the Council members to call Carolyn Kough to volunteer their assistance with the Fountain Festival.

Randy Finkey commented that Tim Wolfe attended the Executive Session following the April 25, 2017 meeting. He apologized to Council, and assured the members he would obtain the necessary certification by June 1, 2017. One member of Council stated it was the decision of council, in Executive Session to terminate Mr. Wolfe that evening. Mr. Sinkovitz interjected the statement was made and retracted. Mr. Finkey stated the action may have constituted a Sunshine Law violation. Mr. Finkey suggested that the decision to hire Commonwealth Code Service to replace Mr. Wolfe was made with no prior due diligence. It was later learned that Commonwealth Code employed only one person who was certified in the International Property Maintenance Code. The two employees that Commonwealth Code proposed to assign to the Newville account lacked the certification. Mr. Finkey concluded that the matter was not handled well, and questioned the advice that had been given to Council.

Jeffrey Boudier stated that he owns a number of rental properties in the borough. He has observed a number of rental inspectors come and go from the borough employ. Mr. Boudier stated the Mr. Wolfe handled the job better than anyone else. Mr. Boudier respects Mr. Wolfe. He asked the Council what the next step will be for the rental property enforcement program.

Mrs. Diehl stated there was no prior vote of the borough council. There was no hidden agenda with respect for Mr. Wolfe. Mrs. Diehl suggested that if he had made an effort to enroll in the course of study for the test, Council might have agreed to an extension. Mr. Sinkovitz added that employees within the public and private sector face various training requirements. Many are required for continued employment. The borough requested Mr. Wolfe to obtain a training certification the Council felt was important.

Anne Kaiser stated Mr. Wolfe was studying to pass the examination. He was willing to take the test.

Lysa Wright asked if the job description for Code Enforcement Officer mandates the certification as a condition of employment. Ms. Wright stated Council's decision to terminate Mr. Wolfe's employment was ungracious, irresponsible and un-professional.

Kristi Keebaugh asked if any Council members have completed training sessions sponsored by the DCED. Ms. Barrick responded she has attended training courses. She asked if the members have received the Councilman's handbook. She asked if the borough had followed its disciplinary procedures in dealing with Mr. Wolfe. Mrs. Keebaugh asked if members read the section of the Councilman's handbook that explains conflicts of interest. She asked if any council member who was the recipient of a code violation had voted to terminate Mr. Wolfe. Ms. Barrick stated she voted to terminate Mr. Wolfe. Mrs. Diehl stated that she had received a violation notice from Mr. Wolfe, and resolved the violation.

George Bigler stated that the decision to terminate Mr. Wolfe mirrored his own termination as a code enforcement officer several years prior. He cautioned Council that ignoring the rights of employees will result in lawsuits and costly settlements. Mr. Bigler urged council to update the borough personnel manual and the policy and procedures manual for the police department.

Sue Drawbaugh commented that Mr. Wolfe was the Chairman of the Newville Beautification Commission, and in that role, he helped to improve the borough. She explained that during the tenure of Mr. Wolfe, the town was improving, and looking much better. She concluded that the termination of Mr. Wolfe was a shameful matter.

Jody Robert stated Mr. Wolfe performed well as the Code Enforcement Officer and he helped make the borough a better place through his work on the Newville Beautification Commission.

President Fry concluded the citizens remarks. Residents urged Council to take action on the dismissal of Mr. Wolfe.

Mr. Potzer stated that no proposal or contract has been received from Commonwealth Code Inspection Service. At this time, the borough lacks a code enforcement officer, and complaints regarding the condition of borough properties are increasing. Mr. Harry asked Mr. Wolfe if he would consider returning to his position as Code Enforcement Officer, and if he would pursue certification in the administration of the International Property Maintenance Code. Mr. Wolfe agreed to return, and obtain the required certification by July 1, 2017, but indicated he has plans to eventually move from the borough. Mr. Jumper asked if he would return to the Newville Beautification Commission as well. Mr. Wolfe declined reappointment to the Newville Beautification Commission.

A motion was made by Mrs. Diehl, seconded by Mr. Harry to reinstate Mr. Wolfe as Code Enforcement Officer, with the provision that he obtain certification in the International Property Maintenance Code by July 1, 2017. All were in favor. Motion was passed with six (6) affirmative, and zero (0) negative votes.

**Minutes:** The minutes of the April 25, 2017 regular monthly meeting were approved on a motion of Mr. Sinkovitz, seconded by Mr. Jumper. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

**Finances:** A motion was made by Mr. Harry, seconded by Mr. Sinkovitz to approve the payment of bills. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

The Treasurer's Report was approved on a motion of Mr. Sinkovitz, seconded by Mr. Harry. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes. There were no Highway Aid bills for payment.

**Reports:**

**-Fire Chief:** The fire company responded to 29 calls during the month, including one motor vehicle accident in the borough with entrapment. In response to a question from a resident, the fire company reported it responded to 10-15 calls each year that were related to complaints of open burning.

**-Police Chief:** Chief Koser reported that the police department responded to 239 incidents during the month of April. Officers issued 35 citations, and 25 parking tickets. The patrol cars traveled 1,783 miles. The Chief reported that the surveillance cameras at the park and red light are now operational. The officers have several options available to monitor the cameras. Uniforms were ordered for Officers Shapley and Keller. Officer Wagner has been enrolled in a forensic crime scene class. Initially, 30 officers enrolled in the class. Only 17 officers took the final examine, and only 5 officers passed, including Officer Wagner. Chief Koser and members of Borough Council congratulated Officer Wagner. It was noted with this specialized training, he will be available to assist other departments in processing crime scenes. Mr. Fry asked if it would be beneficial to run speed enforcement during the summer months. Borough Council would agree to approve the time for the additional shifts. Chief Koser said he would consult with the Mayor regarding the suggestion.

**-Mayor's Report:** Mayor Toth was absent.

**-Emergency Management Director:** Mr. Barrick reported that Cumberland County is no longer in a drought status. He received training for Initial Damage Assessment on May 15, 2017. Mr. Barrick has only one course to complete in order to be certified as a Local Emergency Management Coordinator. Cumberland County will suspend the Local Emergency Coordinator Meetings for the summer. Meetings will resume in September at the emergency operations center.

**-Chief Plant Operator:** The report of Mr. Lehman was accepted as presented.

**-Zoning Officer:** It was reported that Zoning Permits totaling \$37,000 in new improvements were processed during the month of May, when free permits were offered. The report of the zoning officer was accepted as presented.

**-Water and Sewer Field Operations:** The report of Mr. Zeigler was accepted as presented.

**-Street Superintendent:** The report of Mr. Handshew was accepted as presented.

**-WCCOG:** There was no report.

**-Newville Beautification Commission:** The flowering planters have been placed at the borough businesses, and flowers have been planted in the urns at the Laughlin Mill bridge. Planting and mulching has been completed at the Veterans Memorial with the help of David Handshew and Jeff Gurganious. Jonathan Reinford has constructed a new planter at the Laughlin Mill.

### **Legal Matters:**

A motion was made by Mr. Sinkovitz, seconded by Mr. Jumper to approve the adoption of Resolution 2017-04, "A Resolution of the Newville Borough Council, Cumberland County, Pennsylvania, in support of and urging the Cumberland County Board of Commissioners to establish a fifteen dollar (\$15.00) fee on the recording of deeds within Cumberland County, the proceeds from which shall be used for the demolition of blighted properties throughout Cumberland County." All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

Mr. McKnight presented an amended Lease Agreement between the Borough of Newville and Marcia Sinkovitz for an office rental in the borough office at a cost of \$100 per month. A motion was made by Mr. Harry, seconded by Mr. Sinkovitz to approve the amended Lease Agreement. All were in favor, with the exception of Mr. Sinkovitz who abstained. The motion was passed with five (5) affirmative, zero (0) negative and one (1) abstaining vote.

**Borough Solicitor's Report:** Mr. McKnight stated it was his understanding that the Public Safety Committee has developed an amended open burning ordinance, and the proposed ordinance has been posted on the borough website for several weeks. A motion was made by Ms. Barrick, seconded by Mr. Harry to advertise the proposed open burning ordinance for adoption at the June 27, 2017 meeting. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

### **Committee Reports:**

**-Finance:** Mr. Fry reported that the Earned Income Tax for the month on May totaled \$10,402.49; LST totaled \$272.69. A motion was made by Mr. Harry, seconded by Mr. Jumper to sell the surplus parking meters at the following prices: digital meter with pole and base cover \$50.00; mechanical meter with pole and base cover \$40.00; meter head only \$25.00, to be sold by order on a first come, first serve basis. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

**-Community and Economic Development:** Ms. Barrick reported that Sara Jarrett has started her duties and the Community and Economic Development Coordinator. She has completed a Newville Events page available on Facebook. On June 4, 2017 from 6:00PM to 7:30PM the Shippensburg Swing Band will perform a concert in the park, sponsored by F&M Trust. Other musical events are planned throughout the summer. Plans are underway for several Christmas related events.

**-Personnel:** Mr. Harry stated several recommendations will be addressed later in the meeting.

**-Public Safety:** No report.

**-Recreation:** No report.

**-Public Works:** Mr. Jumper reported the public works department has completed hot patching throughout the borough. All tree pits were cleaned and mulched. Painting of curbs and crosswalks is underway. Meter posts will be removed during the first week of June, weather permitting by Jireh Welding. The Public Works Committee met on May 9, 2017 to discuss equipment upgrades. The committee is looking into the cost of a new dump body, hoist and spreader for a dump truck, and the upgrade of the 1987 Case Backhoe.

**Committee Recommendations:**

**Personnel Committee:** A motion was made by Mr. Harry, seconded by Ms. Barrick to accept the resignation of Sandra Hockensmith from the Newville Auxiliary Police. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

A motion was made by Mr. Harry, seconded by Mr. Jumper to accept the resignation of Tim Wolfe as a member of the Newville Beautification Commission, and to advertise for letters of interest from Newville residents to fill the unexpired term of Mr. Wolfe. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

**Public Safety Committee:** A motion was made by Mrs. Diehl, seconded by Mr. Jumper to retain the services of Larry Foote to appraise land owned by the Zion Lutheran Church, to be purchased by the borough to widen Irvine Street. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

Mrs. Deihl reported that the Public Works Department has erected hidden driveway signs on N. High Street and the property owner who requested the signs is appreciative for the work. There will be one police parking space eliminated near 21 W. Big Spring Avenue. The Public Safety Committee decided to table the recommendation for a safe zone on West Big Spring Avenue, and to incorporate the proposal into the parking area for the new municipal building.

**Old Business:** A motion was made by Mr. Sinkovitz, seconded by Mr. Jumper to accept a proposal from Mark Cronk to construct three benches for the new gazebo at Newville Community Park, at a cost of \$1,325. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

A motion was made by Ms. Barrick, seconded by Mr. Jumper to approve the purchase of an evidence management program for the police department at a cost of \$1,499 from PD Evidence LLC. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes. Chief Koser commented that the software has been recommended by the Cumberland County District Attorney's Office, who will provide a scanner at no additional cost.

A motion was made by Mr. Sinkovitz, seconded by Mr. Jumper to approve the proposal of Brown and Brown Insurance from the renewal of the package insurance program for 2017-2018 in the amount of \$68,226. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

A motion was made by Ms. Barrick, seconded by Mr. Harry to accept the proposal of Hiscox Insurance for cyber coverage in the amount of \$1,000,000 at a cost of \$1,669. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

A motion was made by Ms. Barrick, seconded by Mr. Jumper to accept a proposal to furnish custom made police uniforms for the Newville Police Department from Red the Tailor, at a cost of \$17,795.45, in accordance with the present collective bargaining agreement and with the understanding that the clothing and equipment will be American Made. On the question: Mr. Harry asked if the union has consented to the purchase. Officer Wagner stated the officers are in agreement with the purchase; there will be no grievance filed. Mr. Edward Sutton, Business Agent for Teamsters Local 776 was consulted, and has also agreed there will be no grievance. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

A motion was made by Mr. Barrick, seconded by Mr. Jumper to approve the following payments to Thomas J. Anderson and Associates for Act 205 Valuation Services: Police Pension Plan \$4,000; Non Uniformed Pension Plan \$4,100. It was noted the costs are an administrative

expenses, and may be paid from the proceeds of the respective plants. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

A motion was made by Mr. Sinkovitz, seconded by Ms. Barrick to accept the recommendation of the Newville Borough Planning Commission to reject the land development plan and conditional use application of Charles Adams for the properties located at 109-111 Broad Street. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

**Correspondence:** None.

**Citizen Comments:** George Bigler commended council members for listening to the public. He suggested the audience members should be respectful to the views of others. And he concluded by urging Council members to conduct their business in the best interest of the community. Lysa Wright also commended the reinstatement of Mr. Wolfe.

**Borough Manager's Report:** The report of the Borough Manager was accepted as presented.

**Mayor's Comments:** None.

**Council President's Remarks:** None.

**Executive Session:** The members of Borough Council adjourned to Executive Session at 9:00PM. Mr. Fry stated the session was called to discuss a personnel matter, and a vote may follow. Borough Council returned to regular session at 9:45PM.

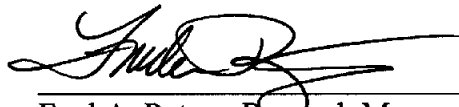
Mr. McKnight stated there were no decisions made in Executive Session.

A motion was made by Ms. Barrick, seconded by Mr. Jumper to authorize the Borough Manager to prepare a Resolution outlining the duties and responsibilities of the Code Enforcement Officer. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

**Adjournment:** With no further business to come before the Newville Borough Council, the meeting was adjourned at 9:47PM on a motion of Ms. Barrick, seconded by Mr. Jumper. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

The next regular monthly meeting of the Newville Borough Council will be held on June 27, 2017 at 7:00PM in the Newville Borough Office at 4 West Street, Newville, Pennsylvania.

MINUTES RECORDED BY:



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Fred A. Potzer, Borough Manager/Secretary