

**NEWVILLE BOROUGH COUNCIL
SPECIAL MEETING
JULY 13, 2017 AT 6:00PM**

A special meeting of the Newville Borough Council was held on Thursday, July 13, 2017 at 6:00PM in the Newville Borough Office, 4 West Street, Newville, Pennsylvania. The meeting was called to order by Council President Clarence Fry. The invocation was offered, 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 were Mayor William Toth, Borough Solicitor Marcus A. McKnight, III, Esquire, Police Chief Todd Koser, Fire Chief Bradley Stouffer, Code Enforcement Officer Timothy Wolfe. Visitors included: Chief Randy Finkey, Retired, Gail Wolfe, Michelle Dunkelberger, and Robert F. Over.

Citizen Comments: Mr. Over praised the borough and authority employees for their work throughout the community.

Mrs. Diehl commented that since the Borough of Newville does not administer the Residential Property Maintenance Code, it is unfair to test an employee for proficiency in the code.

Old Business: Mr. Fry read the following motion which resulted in a tie vote at the June 27, 2017 meeting of the Newville Borough Council: A motion was made by Mrs. Diehl, seconded by Mr. Jumper to withdraw the requirement of certification in the administration of the International Property Maintenance Code due to the content of the certification examination, and to allow the code enforcement officer to take "in-service" training classes as they are offered by the Commonwealth Codes Academy, and other agencies. Voting in favor of the motion were Mr. Fry, Mrs. Diehl and Mr. Jumper. Opposed were Ms. Barrick, Mr. Harry and Mr. Sinkovitz. Mayor Toth cast his vote in favor of the motion. The motion was passed with four (4) affirmative, and three (3) negative votes.

Mayor Toth returned Ordinance 2017-01 with a veto message, which shall be part of the minutes of this special meeting. A motion was made by Mr. Jumper, seconded by Mrs. Diehl to over-ride the veto of Mayor Toth. On roll call, Ms. Barrick, yes; Mrs. Diehl, yes; Mr. Harry, abstain, Mr. Jumper, yes; Mr. Sinkovitz, no; Mr. Fry, no. With three (3) affirmative votes, two (2) negative votes, and one (1) abstention, the motion to over-ride the Mayor's veto failed. Mayor Toth and Fire Chief Stouffer agreed to meet with the Borough Manager to amend Ordinance 2017-01 to conform with the requirements of the Mayor's veto message. The Ordinance will then be referred back to the Public Safety Committee for further consideration.

New Business: A motion was made by Mr. Sinkovitz, seconded by Mr. Jumper to approve the acceptance of a \$19,511 Rural Development Grant from the U.S. Department of Agriculture, and to authorize Mr. Fry to sign all documents confirming the acceptance of the grant. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

A motion was made by Mr. Jumper, seconded by Mr. Harry to approve the acceptance of the resignation of Officer John Shapley from the Newville Borough Police Department, effective July 17, 2017. All were in favor. Motion was passed with six (6) affirmative, and zero (0) negative votes

Executive Session: The Newville Borough Council adjourned to Executive Session at 6:21PM to discuss a personnel matter related to the staffing of the police department with Mayor Toth and Chief Koser. Mr. Fry stated a vote may follow the Executive Session. Borough Council returned to regular session at 6:55PM.

A motion was made by Ms. Barrick, seconded by Mr. Harry to request the police civil service commission to update the eligibility list for full time police officer. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

A motion was made by Mr. Jumper, seconded by Mr. Harry to sell the 1983 Ford Bucket Truck for salvage value. Motion was passed with six (6) affirmative and zero (0) negative votes. Mr. Fry explained the borough council authorized the purchase of a new model bucket truck for up to \$10,000. Mr. Fry was able to purchase a 2000 GMC 3500 Series truck with a 28' Telsta Bucket for \$9,000.

A motion was made by Mr. Jumper, seconded by Mr. Sinkovitz to authorize the Chief of Police to purchase a refurbished body camera for \$300. Motion was passed with six (6) affirmative and zero (0) negative votes.

A motion was made by Ms. Barrick, seconded by Mr. Jumper to authorize 911 Rapid Response to strip decals and white roof and door panels from the 2013 Ford Interceptor SUV, and to mark the vehicle identical to the 2017 Ford Interceptor SUV. The cost of the work will be \$1,230, to be shared by the General Fund and Newville Police Calendar Fund. 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 on a motion by Ms. Barrick, seconded by Mr. Harry. 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 July 25, 2017 at 7:00PM in the Newville Borough Office.

Minutes recorded by:



Fred A. Potzer, Borough Secretary

To: Newville Borough Council

From: William A. Toth, Mayor

What: Reasons for Vetoing Ordinance 2017-01

Members of Newville Borough Council, this is to inform you that I, William A. Toth, Mayor of Newville, am exercising the power of the Mayor to veto Ordinance 2017-01, which regulates outside burning within the Borough of Newville.

I offer the following reasons for this action pertaining to Section 4 of the afore noted ordinance, subsections 2a,2b,2d, 3, and 4.

1. For safety and the wellbeing of residents of the Borough of Newville, the area where the fire pit would be placed should be free of low overhanging tree branches, and should be placed in a below ground level opening of at least 6 inches in depth.
2. There should be a specified screen size mesh that would eliminate the chance of burning embers and ash from being emitted from the fire pit. It is suggested that a screen mesh with no larger than 1/8 inch openings be required.
3. The distance from structures, brushy areas, leaf piles, and so forth is not sufficient. A distance of at least 20 feet from structures and other hazard areas would be the recommendation. Since the Borough of Newville is an older community with many row homes, and homes and buildings that are built relatively close together, if an ember or ash were to ignite a fire, whole blocks of residential areas may be engulfed in fire, due to the fact that when homes were built in the 1700's, 1800's, and early 1900's, there were no firewalls built between adjoining homes to prevent fires from spreading from one structure to another. Additionally, it would be advisable to have a source of water, a garden hose or buckets of water nearby, to extinguish any fire that may accidentally be ignited.
4. Subsections 3 and 4 deal with rental properties. Since some of the rental properties in the Borough of Newville are owned by absentee land lords, it may be a difficulty for renters to get permission from the land lord to

have a fire pit. This requirement could be a source for the Borough to become embroiled in litigation involving discrimination. Discrimination in the sense that some residents may be allowed to have a fire pit, while others would not.

5. Also, there should be a time when fire pits should cease to be used at night. Due to adults and young people being in bed, either getting rest for the next day at work or for school, it would be recommended that fires be extinguished at 11:00 pm. This suggested time would also bring Ordinance 2017-01 in alignment with the Borough's noise ordinance.

In addition to the reasons, stated above, we as elected officials need to take into account the safety of the first responders that report to emergency situations, fires and etc. Due to the lack of firewalls in many of the homes and structures in the Borough of Newville, if a fire were to engulf several homes at one time, the upper parts of the structures involved may not support the weight of the first responders and their equipment and collapse, resulting in bodily injury and possibly death.

Therefore, in the concern of safety and the wellbeing of the residents of the Borough of Newville, I cannot and will not affix my signature to Ordinance 2017-01.

Respectfully submitted this 6th day of July, 2017.



William A. Toth, Mayor of Newville Borough