

**NEWVILLE BOROUGH COUNCIL
REGULAR MONTHLY MEETING
AUGUST 29, 2017 AT 7:00PM**

The regular monthly meeting of the Newville Borough Council was held on Tuesday, August 29, 2017 at 7:00PM in the Newville Borough Office, 4 West Street, Newville, Pennsylvania. The meeting was called to order at 7:00PM by Council President Clarence Fry. The invocation was offered, followed by the Pledge of Allegiance. On roll call, the following members were present: Joey Diehl, Dale Jumper, Edward Sinkovitz and Clarence Fry. Also present were: Mayor William A. Toth, Borough Solicitor Marcus A. McKnight, III, Acting Chief Wyatt Wagner, Timothy Wolfe, Code Enforcement Officer., Robert L. Barrick, Emergency Management Coordinator. Visitors: Gail Wolfe, Chief Randy Finkey, Retired, Anne Kaiser, Donna Hockenberry, Wanda Barnhart, Sue Drawbaugh, Bradlee Rickabaugh, David Keebaugh, Sharon Keebaugh, Ben and Michelle Dunkelberger, Russell Gould, Don Bowers, Lucy Jansema, Michael Crouch, Lysa Wright, Robert Over, Robert S. Over, Robert Darius, Robert Kanc.

Citizen Comments: There were no citizen comments.

Minutes: The minutes of the July 25, 2017 regular monthly meeting and the August 15, 2017 Special Meeting were approved on a motion of Mr. Sinkovitz, seconded by Mr. Jumper. All were in favor. Motion was passed with four (4) affirmative and zero (0) negative votes.

Finances: The list of bills for August 29, 2017 was approved for payment on a motion of Mrs. Diehl, seconded by Mr. Jumper. All were in favor. Motion was passed with four (4) affirmative and zero (0) negative votes.

The Treasurer's Report for the month of July, 2017 was approved on a motion of Mr. Sinkovitz, seconded by Mrs. Diehl. All were in favor. Motion was passed with four (4) affirmative and zero (0) negative votes.

The payment of Highway Aid bills totaling \$2,263,81 was approved on a motion of Mr. Jumper, seconded by Mrs. Diehl. All were in favor. Motion was passed with four (4) affirmative and zero (0) negative votes.

Reports:

-Fire Chief: No report.

-Police Chief: Acting Chief Wagner reported that during the month of July, the police department responded to 257 calls for service. The officers issued 46 traffic citations, 5 parking violations, and 14 warnings. Patrol cars traveled 1,720 miles. There are 51 outstanding warrants. The 2013 Ford Interceptor has been decaled to match the new 2018 Ford Interceptor SUV. Officer Keller has completed a Domestic Violence training course. The police department will host National Night Out on Tuesday, September 12, 2017 from 6PM to 8:30PM. The event will feature free food and refreshments, an air ride, live DJ, displays of law enforcement and emergency vehicles from a wide range of police agencies, and many other activities. The report of the Police Chief was accepted as presented.

-Mayor Toth: The Mayor reported the following revenues were collected by the police department during the month of June: traffic fines \$1,634.06; non-traffic fines \$237.06;

prohibited parking \$15.00; meter collections \$289.15, Clerk of Courts \$14.76. Balances in the police accounts are as follows: police checking \$6,153.15, police debit card \$437.70, auxiliary police account \$435.00. The report of Mayor Toth was accepted as presented.

-Code Enforcement Officer: Mr. Wolfe reported that high grass and weeds are the common violation at this time of the year, especially due to the exceptionally wet summer. Inspections of sidewalks will begin in early September throughout the borough. In addition to the notices of violation, property owners will receive a listing of agencies that may provide low interest loans to correct the violations.

-Local Emergency Management Coordinator: Mr. Barrick reported that during the heavy rains of August 3-4, 2017, flooding was experienced on West Street. Mr. Barrick suggested that the borough create an impoundment area between the VFW and elementary school property by building a small levy at the inlet pipes that carry storm water through the borough park. The certification requirements for Local Emergency Management Coordinator have been changed by PEMA. As a result, additional training courses must be completed to obtain the local coordinator certification.

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

-Zoning Officer: Mr. Potzer reported he has received a request from Becky Barrick to extend the zoning permit issued for the renovation of 69 East Main Street. When borough council last extended the zoning permit in August of 2016, it failed to set an expiration date. Mr. Potzer noted that the Building Permit for the project expired on August 20, 2017. Ms. Barrick wishes to have the permits extended in order to continue work at this location. A motion was made by Mr. Sinkovitz, seconded by Mr. Jumper to extend the zoning permit for 69 West Main Street until January 1, 2018, and to authorize the Borough Solicitor to contact Commonwealth Code Inspection Service to inquire as to the status of building code inspections. All were in favor. Motion was passed with four (4) affirmative and zero (0) negative votes.

-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 meeting in August due to summer vacations.

-Newville Beautification Commission: Chief Finkey reported the committee met during the month of August and is pleased to announce that three residents are interested in joining the commission. Plans are underway to create two vegetable gardens in the borough next year. This project will be sponsored by the Beautification Commission. The new planting bed at Laughlin Mill is progressing very well. A motion was made by Mr. Sinkovitz, seconded by Mrs. Diehl to approve the adoption of Resolution 2017-07, "A Resolution of the Newville Borough Council, Cumberland County, Pennsylvania, increasing the size of the Newville Beautification Commission from five (5) to seven (7) members." All were in favor. Motion was passed with four (4) affirmative and zero (0) negative votes. A motion was made by Mrs. Diehl, seconded by Mr. Sinkovitz to approve the following appointments to the Newville Beautification Commission, effective immediately: Scott Penner, term expires 12/31/2019; Sue Drawbaugh, term expires 12/31/2017; Lysa Wright, term expires 12/31/2020. All were in favor. Motion was passed with four (4) affirmative and zero (0) negative votes.

-Legal Matters:

Solicitor McKnight informed the Council the Mayor and Fire Chief have amended Ordinance 2017-01, "An Ordinance of the Borough of Newville, Cumberland County,

Pennsylvania, regulating outside burning within the borough, type of materials to be burned and conditions under which burning may be prohibited". Mr. McKnight requested authorization to advertise the amended ordinance. Robert Over, 137 West Big Spring Avenue objected to the distance limitations of the ordinance. Mr. Over feels the distance limits are too restrictive. Mr. Over stated from his research, there have been no major fires in the borough due to outside burning. The open burning ordinance discussion resulted from an unruly tenant on North High Street who no longer resides in the borough. He also opposed the time limits set by the ordinance. Mr. Over urged council not to adopt the amended ordinance. Kristi Keebaugh, 17 North High Street objected to the provisions of the ordinance that require the fire pit to be partially buried in earth. Mrs. Keebaugh owns an above ground fire pit. It is a masonry structure, professionally designed. The fire pit does not present a hazard to anyone. She also questioned whether it was proper for the fire Chief to issue a ticket or non-traffic citation. There were numerous objections to the proposed ordinance from the audience. A motion was made by Mr. Jumper, seconded by Mrs. Diehl to authorize the Borough Solicitor to prepare a more basic opening burning ordinance, to reflect the concerns of the citizens, and to allow police officers to deal with open burning complaints as a nuisance. All were in favor. Motion was passed with four (4) affirmative and zero (0) negative votes.

A motion was made by Mrs. Deihl, seconded by Mr. Jumper to approve the adoption of Ordinance 2017-02, "An Ordinance of the Borough of Newville, Cumberland County, Pennsylvania establishing regulations for the operation and parking of motor vehicles during snow emergencies as defined and designated by the borough during snow and ice storms and during snow and ice removal from borough streets, setting forth penalties for the violation of the same, repealing inconsistent ordinances and providing for partial validity, and establishing an effective date", with the provision that Buchanan Street be removed from Section 2 of the proposed Ordinance. All were in favor. Motion was passed with four (4) affirmative and zero (0) negative votes.

A motion was made by Mr. Sinkovitz, seconded by Mr. Jumper to approve a 2017 Municipal Domestic Animal Protective Services Agreement with the Humane Society of the Harrisburg Area, Inc. All were in favor. Motion was passed with four (4) affirmative and zero (0) negative votes.

Borough Council proceeded to interview applicants to fill two vacancies that presently exist on the Newville Borough Council. The north ward candidates were interviewed as follows: Russell Gould, 23 Parsonage Street is employed as the Facilities Manager of the Hanover Hospital. He has been employed by several large engineering firms including Roy F. Weston. He has served as HazMat Chief for Lancaster County, and has served as a firefighter and EMT.

Robert Darius, 48 Parsonage Street is a retired teacher and college professor. Mr. Darius has served as an instructor at the U.S. Army War College. He retired in 2010, and has time to serve the community. He is a local businessman who owns Millrace, LLC. Both applicants responded to questions from the borough council, and the public in attendance.

A motion was made by Mr. Sinkovitz, seconded by Mrs. Diehl, to approve Resolution 2017-05, "A Resolution of the Newville Borough Council, Cumberland County, Pennsylvania approving the appointment of Russell Gould to fill a vacancy on the Newville Borough Council, North Ward." **Roll Call:** Mrs. Diehl, yes; Mr. Jumper, yes; Mr. Sinkovitz, yes; Mr. Fry, yes. *Motion was passed with four (4) affirmative and zero (0) negative votes.*

Borough Council proceeded to interview applicants to fill the south ward vacancy on the Newville Borough Council. Mr. McKnight explained that a letter was received from Bradlee

Rickabaugh, currently a North Ward resident who plans to move to the South Ward on September 1, 2017. Mr. McKnight reviewed the residency requirements of Sections 807 and 907 of the PA Borough Code, and has determined that they require a continuous twelve month residency within the ward to be represented. Mr. Potzer noted that there may be at least two vacancies upcoming on the Planning Commission. He urged Mrs. Rickabaugh to consider applying to fill one of the planning commission vacancies, and to consider running for south ward in the next municipal election.

Robert S. Over is a resident of 16 Cedar Street, and is a life resident of the borough. He is employed as a teacher by the Carlisle School District. He plans to retire in a few years and is committed to residing in Newville. He serves on the Newville Planning Commission as the Vice Chairman. Mr. Over responded to questions from the council and members of the audience.

A motion was made by Mrs. Diehl, seconded by Mr. Jumper to approve the appointment of Resolution 2017-06, "A Resolution of the Newville Borough Council, Cumberland County, Pennsylvania approving the appointment of Robert S. Over to fill a vacancy on the Newville Borough Council, South Ward." **Roll Call:** Mrs. Diehl, yes; Mr. Jumper, yes; Mr. Sinkovitz, yes; Mr. Fry, yes. Motion was passed with four (4) affirmative, and zero (0) negative votes.

Mayor Toth administered the Oath of Office to the newly appointed council members, who each signed Affidavits of Residency, and were provided with copies of the DCED Borough Council Handbook.

Legal Matters: Mr. McKnight requested a motion to authorize the President of Council or the Vice President of Council to sign loan documents for a \$65,000 equipment loan from Mid Penn Bank at a rate of 3.17%, for a period of five years. It was explained that the loan will be repaid with revenue from the Highway Aid Account. Loan proceeds will be utilized to purchase a used backhoe, upgrade the Ford Dump Truck with a new dump bed, hoist and salt spreader, electric tarp and emergency lighting, and to pay for the cost of replacing the bucket truck. A motion was made by Mr. Jumper, seconded by Mrs. Diehl to authorize the President of Borough Council or the Vice President to execute loan documents on behalf of the borough, and to authorize Solicitor McKnight to represent Borough Council at the loan closing. All were in favor. Motion was passed with four (4) affirmative and zero (0) negative votes.

Committee Reports:

-Finance Committee: Mr. Fry reported that the Earned Income Tax for the month of August totaled \$9,298.65, and Local Service Tax receipts totaled \$577.96. The Finance Committee recommends the purchase of three (3) 800MHZ portable radios for the police department at a cost of \$6,000, to be funded by USDA grant and loan money. A motion was made by Mrs. Diehl, seconded by Mr. Sinkovitz to approve the purchase of three (3) Harris 800Mhz Portable radios from Centre Communications at a cost of \$6,000. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

-Community and Economic Development: No report.

-Personnel: No report.

-Public Safety: Mrs. Diehl reported that a request was received from the Big Spring School District to place a school bus stop ahead sign on S. High Street in advance of 114 South High Street. Mrs. Jansema commented that a motorist nearly struck the School Crossing Guard at the intersection of W. Main Street and West Street. Acting Chief Wagner stated he will increase police patrols in this area at school start/dismissal times.

-Recreation: Mr. Sinkovitz reported that with all cost estimates now received, the total cost of all improvements at the Newville Community Park will be \$23,616. With \$19,500 to be funded by the USDA, the balance of the project or \$4,116 must be funded by the borough. Mr. Sinkovitz read the list of improvements and sources of funding. A motion was made by Mr. Jumper, seconded by Mrs. Diehl to recommend the project cost estimate to Mr. Rob Lane at the USDA, Carlisle Regional Office. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

-Public Works: Mr. Jumper announced that the fall brush collection has been scheduled as follows: North Ward – October 2, 2017, South Ward – October 3, 2017. Advanced Disposal recently notified customers that yard waste will not be accepted if placed with weekly refuse for collection. If residents would like to have their yard waste collected, the Public Works Department will provide assistance. The yard waste must be bagged. Residents may call the Borough Office at 776-7633 to arrange for collection. The new bucket truck is now in service. The tree chipper requires a major overhaul. The work should be scheduled after fall brush collection.

Borough Council Committee Recommendations:

-Public Works Committee: A motion was made by Mr. Jumper, seconded by Mr. Gould to purchase one truckload of road salt, approximately 23 ton, from American Rock Salt at a cost of \$1,379. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

Old Business: None.

New Business: A motion was made by Mr. Jumper, seconded by Mr. Sinkovitz to approve the 2018 Pension MMO's as prepared by Thomas J. Anderson and Associates as follows: Police Pension Plan \$25,621, Non-Uniform Pension Plan \$15,628. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

There were no bids received for the 2017 CDBG paving project. A motion was made by Mrs. Diehl, seconded by Mr. Sinkovitz to rebid the project. 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 Mrs. Diehl to approve holding Trick or Treat Night in the Borough of Newville on Thursday, October 26, 2017 from 6PM to 8PM, and to hold the Halloween Parade on October 30, 2017 at 7:00PM. 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 Mr. Jumper to approve a request from the Green Spring First Church of God to hold a family fall festival during trick or treat night on October 26, 2017 at the Newville Community Park. 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. Gould to approve a request from Movement Outreach to close a portion of Chestnut Street on October 7, 2017 from 7AM to 8PM for a yard sale and other related events. 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. Gould to allow Boy Scout Troop 174 to close a portion of Cedar Street on October 26, 2017 from 6PM to 8PM for a Haunted House. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

Correspondence: None.

Citizen Comments: Kristi Keebaugh noted with the recent appointments to Borough Council, four members of the Planning Commission are councilmen. Only two members of the Planning Commission may be councilmen. Both Mr. Sinkovitz and Mr. Fry announced they would resign from the planning commission. Mrs. Keebaugh suggested that the Planning Commission should be made up entirely of citizens.

David Keebaugh, 10 East Main Street suggested that Council should purchase no littering signs to be placed around the borough.

Sue Drawbaugh, 61 East Main Street requested that the Borough Council investigate the adoption of a dangerous animal ordinance, in response to a recent incident on West Big Spring Avenue.

Bob Kanc, on behalf of the Kiwanis Club thanked the Borough Council for supporting the Back to School Bash. The Kiwanis Club purchased and donated to children of the community over \$2,000 in school supplies. Mr. Fry commended the members of the Big Spring Kiwanis Club for their dedicated support of the community. He audience gave a round of applause for the Big Spring Kiwanis Club.

Borough Manager's Report: The Borough of Newville has submitted an application for Community Development Funds for FY 2018 in the amount of \$70,000. The funds will be used to pave West Street and install handicapped accessible ramps. The cost estimate was higher than anticipated.

A meeting will be held on September 12, 2017 at 9AM in the Borough Office to discuss the lease of a new municipal building with Richard Gobin.

The Cumberland Valley Rails to Trails Council will host a ribbon cutting for the newly completed portion of the Newville Trail on Saturday, September 30, 2017 at 10:00AM. Participants will meet at the Trailhead on McFarland Street.


Mayor's Comments: The Mayor had no comments.

Council President: There were no comments from Mr. Fry.

Adjournment: With no further business to come before the Newville Borough Council, the meeting was adjourned at 9:15PM on a motion of Mr. Sinkovitz, seconded by Mrs. Diehl. All were in favor. Motion was passed with six (6) affirmative and zero (0) negative votes.

The next meeting of the Newville Borough Council will be held on September 26, 2017 at 7:00PM in the Newville Borough Office.

Minutes Recorded By:


FRED A. POTZER, Borough Secretary