

**NEWVILLE BOROUGH COUNCIL
WORK SESSION / REGULAR MONTHLY MEETING
SEPTEMBER 27, 2022 AT 6:00 PM**

The work session meeting of the Newville Borough Council was held on Tuesday, September 27, 2022 at 6:00 PM in the Newville Brough Office, 4 West Street, Newville Pennsylvania, with the regular meeting to follow.

The meeting was called to order by Council Vice President Edward Sinkovitz. The invocation was given by Mr. Marcus McKnight III, followed by the Pledge of Allegiance. On roll call, the following members were present: Ed Sinkovitz, Robert Darius, Joey Diehl, Joe Kindon, and Jack Ericksen via Zoom (6:15 PM). Council President, Scott Penner was absent. Also present: Borough Manager Fred Potzer, Borough Solicitor Marcus McKnight, and Police Chief Todd Koser. Visitors: Andrea Greene, Bob Kanc, Lizzie McElwain, Alan McElwain, Gary Kamin and his supporters, and the owners of the Newville Convenience Store.

Halloween Parade: Lizzie McElwain of the Parade Committee requested approval from Council to have the Newville Halloween Parade on Monday, October 31 starting at 7:00 PM. She stated that setup would begin at 5:45 PM, with the starting point being on Broad Street. She requested Chief Koser to provide auxiliary police as well as flaggers for traffic control. Chief Koser replied that he has auxiliary police but not all are certified as flaggers. Mr. McElwain suggested contacting a provider for the certification class.

A motion was made by Mrs. Diehl, seconded by Pastor Kindon to authorize the Halloween Parade to be held on October 31, 2022 with the appropriate road closures contingent upon Chief Koser and Mr. McElwain acquiring a certified flagger force using the Committee’s own budget for hiring if needed. Motion was passed. All were in favor with four (4) affirmative and zero (0) negative votes.

Finance / Manager’s Report: Mr. Potzer gave the finance report with the current balances of the bank accounts effective August 30, 2022. He gave a revised number on the police pension plan of \$283,984.49 and non-uniform plan of \$446,332.67. He stated that once again for the second straight month that there were some small gains in both plans.

Mr. Potzer presented the list of bills Council approval as follows:

VENDOR	DESCRIPTION	AMOUNT
Saylor’s Market	Trailhead Cleaning Supplies	\$31.45
Saylor’s Market	Police Station Cleaning Supplies	\$10.54
The News Chronicle	Legal Advertisements-August 2022	\$30.00
Irwin & McKnight, PC	Legal Services – August 2022	\$300.00
Andoco	Uniforms for DPW – Final Bill	\$248.00
Bender’s Auto Parts	Parts & Supplies	\$54.00
Rabolds Services	Calibrate speed timing equipment for police	\$25.00
Saylor’s Market	Drinks for machines at trailhead & park	\$50.21
Penn National Insurance	Bond for Deb Piper	\$383.00
Yost Power Equipment	Mow VFW grounds August	\$990.00

Atlantic Tactical	Patrol vest	\$1,276.13
Piper Advertising	Award for Mr. Hockensmith & Mr. Zeigler	\$150.00
Crime Intervention Alarm	Service Call	\$35.00
Newville Print Shop	Business cards for Code /Zoning Officers	\$144.00
Blue Mountain Excavating	Grading of outfield, remove fence from BSSD	\$1,675.00
Martin and Martin	Final Inspection & close out of N. Corp. St.	\$1,509.10
Boston Mutual Insurance	Short Term Disability Coverage	\$455.64
Put 'Em on the Ground	Stump removal 1 st Presby Church sidewalk	\$120.00
Traf-O-Teria	Police ticket books	\$349.10
TOTAL GENERAL FUND BILLS		\$7,841.16

HIGHWAY AID BILLS	No Highway Aid Bills for August 2022	\$0.00
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Mr. Potzer reported ARPA monies were received from DCED in the amount of \$70,717.60 on September 9th. He received the real estate report which showed general fund outstanding taxes of \$20,839.08, specialty taxes of \$2,056.92 and occupational tax of \$7,270 for a total outstanding balance of \$29,715.55. The earned income tax for September totaled \$23,452 and LST totaled \$1,807. Cumberland County Recorder of Deeds issued a check in the amount of \$2,293.20 for the local realty transfer tax of two properties which sold in September. A property on Shepherd Road sold for \$168,000 and a property on North Corporation Street sold for \$300,000. Also received was the Volunteer Fire Relief Association (VFRA) to the fire company in the amount of \$6,936.56. Southampton Township trash collection has issued a notice that they will now be collecting the monies owed on delinquent accounts.

A letter was sent to Mr. Joseph Hague of JHA Companies regarding the revised land development plan for the municipal building project in which a bill was received by Galbraith Pre-Design for surveying and engineering. Mr. Potzer requested an itemized invoice from JHA Companies but to date has not received a response.

An agreement with PennDOT was requested in April for winter maintenance on Vine Street and Fairfield Street. It was proposed that the Borough would provide snow removal on these streets using their own trucks and materials. The amount that PennDOT would pay for these services is \$1,668.27 which is not sufficient to cover the upkeep.

A motion was made by Mrs. Diehl, seconded by Pastor Kindon to pass on the agreement with PennDOT for winter maintenance on Vine and Fairfield Streets. All were in favor. Motion passed with five (5) affirmative and zero (0) negative votes.

The liquid fuels allocation from PennDOT for next year is going to be \$35,196.27 and the turn back allocation will be \$2,320.

A letter of support from the John Graham Library will be read under correspondence. They are applying for grant funds from T-Mobile to help with the expansion of the library.

Snow removal and lawn mowing/landscaping bids are out and due by October 20, 2022 at 10:00 AM. Tabulation of bids will be ready for review at the next meeting.

Mr. Potzer would like permission from Council to reach out to Evan Dickinson, formerly of MidPenn Bank, has moved on to Orrstown Bank. Mr. Potzer would like to pursue a meeting with Orrstown Bank and what programs the bank has to offer.

The Borough has paid off two equipment loans. One was for the 2017 K9 vehicle through the US Department of Agriculture and the other was the equipment loan at MidPenn Bank. The only equipment loan is the new patrol car that was purchased through MidPenn Bank.

The budgets are complete. The general fund has revenues of \$174,400 and expenses of \$161,750. There will be a budget meeting in October to have a tentative adoption and a final adoption in November. The tax ordinance adoption will be in December.

A meeting with Benefit Connections had taken place on September 6 was attended by Mr. McKnight, Officer Keller, Mr. Penner and Mr. Potzer. Concerns with the co-pays on the new policy was discussed. It was asked if Highmark could be canceled and if it was possible to return to Capital Blue Cross. Rob Kole with Benefit Connections replied that the same issues would arise with Capital Blue. He also stated that the identical plan of the previous year was no longer an option. Mr. Potzer stated that the best option that was discussed to handle the co-pays was to open a health maintenance account for each employee receiving health care benefits (11) and deposit \$500 into each employee's account. The employees could then submit their copay bills to the Borough Office and through payroll would receive their reimbursement. The next step for this would be to have Mr. Kole, Mr. McKnight and Mr. Cohick to set this up. If this could not be set up through payroll, the second option would be to set up an account through a resolution to be funded by the Borough and to have the Borough Secretary/Treasurer write checks for the employee's reimbursement. Mr. McKnight stated that the money would be taxable to the employee.

Administration: Pastor Kindon would like to announce a Special Meeting of the Newville Borough Council will be held on Monday, October 17 at 7:00 PM to discuss the budget and the open Borough Manager's position.

He would also like to request that Mr. McKnight meet with the Gobin's to add an amendment to the building agreement with the statement that they referred to at the previous meeting pertaining to the remark made that if the Borough was unable to make a payment that there would be no penalty to the Borough. Mr. McKnight stated that he had it on the agenda under legal matters for tonight's discussion.

Public Safety/Public Works: Mr. Darius reiterated the snow removal program agreement with PennDOT was discussed by the Public Works Department. He reported that the fire company will be discussing a paid driver program and costs at their next meeting on October 19th at 6:30 PM. Mr. Potzer asked that Mr. Darius attend the meeting.

Economic Development: Mr. Ericksen stated that the grant amendment has been submitted for the Trailhead parking lot project. The turn around for the approval will take at least 90 days. He reported that there are two new businesses that will be opening in the near future. Mr. David Gregoire will be opening the Newville Diner at the former Jaymee Lee's location and Mr. Gary Kamin will be opening a tattoo parlor at the former H & R Block location on South High Street. He reported that the Launch Pad and the Friends of the John Graham Library may be joining together to create "The Bookery" at 31 East Main Street. He stated that last week he, Kenn Tuckey, Fred Potzer, and Marcus McKnight met with Janet Anderson who is the new executive director of CAEDC. The EDA is starting to look for funding for 2023. An expanded list of funders has been established and will be contacted by the EDA members. An intern from

Big Spring High School will be joining the EDA later in the year. He also stated that a meeting will be arranged to meet the new CEO of the Carlisle Chamber of Commerce, Nicole Deary.

Quality of Life: Mrs. Diehl reported that the Wounded Warriors Car Show held on September 17th was a huge success. She stated that 144 cars participated. The Historical Society held a chicken barbeque which was also a huge success. Vintage Crew performed and donated their \$500 fee to the Wounded Warriors. She recognized Mr. Jerry Holtry and his wife for donating their time as a DJ. Dough & Arrows from Carlisle was there with their ice cream truck. The Boy Scouts were set up, selling breakfast sandwiches and the hotdogs and hamburgers for lunch. This year, there were craft vendors set up and all reported success and were looking forward to participate again next year. Mrs. Diehl reported that a check of \$8,000 will be donated from Newville Area Events as well as \$2,000 from Exxon Mobil and a \$250 personal check made out directly to the PA Wounded Warriors for a total contribution from the car show of \$10,250.

The next event will be the coat drive with a distribution date of December 17th from 9:00 AM to 12:00 PM.

Recreation: Mr. Sinkovitz reported that the restrooms at the Trailhead have been painted inside and outside as well as an epoxy floor finish by Beams Painting. The cost of the renovations was \$4,800. The Senior Center will be having their annual fall picnic on Friday, September 30th from 11:00 AM to 1:00 PM.

Mayor: Mayor Crutch was unavailable. His report was attached to the meeting packet.

Chief of Police: Chief Koser reported that there was a total of 150 calls for the month of August. There were 13 citations, 3 parking violations and 6 traffic warnings issued. The patrol vehicle mileage was 1,516.

He stated that as of September 26th, the department is fully staffed. The K9 car has had the wiring harness replaced by Ford. The 2013 has had transmission issues, however once serviced and flushed, the car is performing well. Officer Gutshall had a K9 golf tournament fundraiser on September 16th which made between \$2,000-\$3,000. Chief Koser was not sure of the exact amount. The Civil Service Commission met on September 26th to discuss new candidates for the civil service list. Chief Koser contacted the hiring consortium for the county on September 17th. Of the 259 applications, only 86 people showed up for the testing. Of those candidates, 18 failed the physical test and 6 failed the written test. There are 55 candidates on the consortium list that serves Cumberland County. Chief Koser that interviews for Newville will be held in mid-November. The Corporal notice will be posted next week for the officers to apply if they are interested in taking corporal test in mid-December.

Chief Koser asked to verify the people that may be available for the Halloween parade. Mr. Potzer stated that there are three certified Borough employees and that in the past he has contacted Harold Walker, West Pennsboro Township for his certified individuals. Mr. Potzer also recommended contacting Penn Township, who has also been very helpful to the Borough.

WCCOG: Mr. McKnight updated the Council on the September meeting. He stated that the members adopted the new contract for two years with MDIA. There would be no increase for residential but there was a ten percent increase for commercial (warehouses). A meeting took

place with Benefit Connections concerning wire fraud insurance. Mr. McKnight advised that every night all information should be down loaded to the cloud.

Code Enforcement: Mr. Foley was absent.

Rental Inspector: Mr. Jeffrey Line introduced himself as the new rental inspector. He stated that he has made sixteen inspections this month so far. He has sent letters and is currently setting appointments for next month.

Regular Monthly Meeting commenced at 7:15 PM

Citizen Comments: Andrea Greene, chair of the EDA addressed Council with two requests. She reported that last year the Borough granted the EDA a \$12,000 donation, and would like to request the same amount for 2023. She stated that the Newville EDA is committed to the continuation of promoting new business growth and to help existing businesses thrive in the Newville Borough and the Big Spring Community. Mrs. Diehl questioned the need for \$12,000 from the Borough on an annual basis. Mr. Ericksen did not recall the terms of the Borough granting donations. Mr. Sinkovitz asked about other business donors and was answered that some businesses are on a four-year term, while others on a yearly term.

The EDA will be hosting a Chamber mixer on November 3, 2022 from 5:00 PM to 7:00 PM at Whisker's Brewing Inc. It will be for Newville area businesses as well as Carlisle and Shippensburg Chamber members, CAEDC, Mary Kuna, and other local dignitaries. Mrs. Greene's request is to close Glebe Avenue during the event for an overflow area and waive the open container ordinance for the area of Glebe Avenue beside Whisker's Brewing.

Mr. McKnight has prepared Resolution 2022-15 "*A Resolution of the Newville Borough Council, Cumberland County, Pennsylvania, regarding the suspension of the open drinking ordinance No. 58 dated August 5, 1980*" addressing a waiver to allow the open container ordinance to be waived for this event in the designated area of Glebe Avenue. A motion was made by Mrs. Diehl, seconded by Pastor Kindon to grant the request of Mrs. Greene for the waiver of the open container law for the Chamber mixer. All were in favor. Motion passed with five (5) affirmative and zero (0) negative votes.

Consent Agenda: A motion was made by Mrs. Diehl, seconded by Pastor Kindon to approve the Consent Agenda. All were in favor. Motion passed with five (5) affirmative and zero (0) negative votes.

Legal Matters: Mr. McKnight presented resolution 2022-14 "*A resolution of the Newville Borough Council, Cumberland County, Pennsylvania approving the elimination of officer contributions to the Newville Borough police pension plan for the 2023 plan year.*" He explained that it reduces the participant to five percent. Mr. Potzer explained that this was discussed last month and confirmed this month for purposes of an audit. A motion was made by Mrs. Diehl, seconded by Mr. Darius to adopt Resolution 2022-14. All were in favor. Motion passed with five (5) affirmative and zero (0) negative votes.

Mr. McKnight stated that there has been a difficulty in acquiring a quorum for the Planning Commission. Mr. and Mrs. Kamin were in attendance specifically because of this. They are requesting approval to open a tattoo parlor on 21 South High Street. The Kamin's are

requesting support from Council for a waiver of the special exception in a zoning board hearing and conditional use. Mr. Potzer spoke on behalf of the Kamins, explaining that to no fault of their own, they have been delayed since June on approval of the parlor due to a lack of quorum of the Planning Commission. He would like Council to waive the special exception so that a vacant spot on the street can be filled.

A motion was made by Pastor Kindon, seconded by Mrs. Diehl to authorize an amendment of the zoning ordinance to make the two remaining special exceptions into conditional uses. All were in favor. Motion passed with five (5) affirmative and zero (0) negative votes.

A motion was made by Pastor Kindon, seconded by Mr. Darius to waive the requirement of special exception, so that they may start business at 21 South High Street subject to complying with all Borough ordinances and state regulations for tattoo parlors. All were in favor. Motion passed with five (5) affirmative and zero (0) negative votes.

Mr. Patel of Newville Convenient Store would like to request direction as to how he could open gas pumps on his property. Mr. Potzer advised Mr. Patel that he must submit a site plan to the Planning Commission on their October 12th meeting at 7:00 PM.

Old Business: Mr. Potzer reported that he received a call from Sally Kammerer of Big Spring Presbyterian Church regarding abandoned junk vehicles on the lot. Chief Koser has given recommendations of signs to be posted. The Church does not have the man power to do this, so Mr. Potzer is requesting authorization for the employees of DPW to do this for them. A motion by Mrs. Diehl, seconded by Mr. Darius was made to authorize Mr. Potzer's request. All were in favor. Motion passed with five (5) affirmative and zero (0) negative votes.

Legal (cont'd): Mr. McKnight made a statement regarding the Borough building construction. He explained that on any type of construction there is a term of "mechanic's lien" A mechanic's lien is a lien against a property for non-payment by anyone who has worked on a property since ground has been broken. He has drawn up a stipulation against liens and has filed it in the courthouse. He stated that this document states that no mechanic's liens are permitted on this property. At the end of the construction, all contractors will sign documents stating that they have been paid. Pastor Kindon has asked Mr. McKnight to modify the agreement with the donors of the project to reflect the statement made that if the Borough cannot make the monthly payment for whatever reasons that the donor's would treat that as a gift and that there would not be any retributions.

Correspondence: Mr. Potzer reported Gay Dietch of the Big Spring High School Football Team would like permission to hold a duck regatta on October 8th at the mill. Rick Griffie will provide traffic control. A motion was made by Mrs. Diehl, seconded by Pastor Kindon to authorize the duck regatta at the mill. All were in favor. Motion passed with five (5) affirmative and zero (0) negative votes.

A letter was received by the John Graham Library director asking for a letter of support from the Borough in regards to applying for grant funds from T-Mobile to offset the costs of the expansion of the library. A motion was made by Mrs. Diehl, seconded by Pastor Kindon to approve the director's request. All were in favor. Motion passed with five (5) affirmative and zero (0) negative votes.

Adjournment: With no further business to come before the Borough Council, the meeting was adjourned at 8:00 PM on a motion of Mrs. Diehl, seconded by Pastor Kindon. All were in favor. Motion passed with five (5) affirmative and zero (0) negative votes.

The next regular meeting will be held on October 25, 2022 at 6:00 PM in the Newville Borough Office at 4 West Street, Newville Pennsylvania.

Up Coming Meetings:

- Newville Borough Planning Commission, October 12, 2022 at 7:00 PM
- Newville Recreation Commission, October 18, 2022 at 7:00 PM
- Newville Economic Development Authority, October 19, 2022 at 7:00 PM
- Newville Borough Water & Sewer Authority, October 17, 2022 at 10:00 AM
- Newville Borough Council Budget Meeting, October 17, 2022 at 7:00 PM
- Newville Borough Council, October 25, 2022 at 6:00 PM

Minutes recorded by:

Jody Hoffman, Borough Secretary/Treasurer