

REGULAR COUNCIL MEETING  
JANUARY 14, 2019 AT 5:30 PM  
LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

Mr. Remy opened a public hearing at 5:16 pm on the zoning amendment for the sign ordinance. A public notice was published in the Sentinel. No citizen comments were made.

The hearing ended at 5:20 pm.

Mr. Berrier questioned the \$2,300 fee for advertising the ordinance. Mr. Remy informed him it needed to be advertised two times since it is a zoning ordinance. Ms. Walter confirmed it was paid out of the 2019 budget.

The Council meeting opened at 5:30 pm with Borough Council President Venus Shade presiding. The Pledge of Allegiance was recited by all present.

#### **ROLL CALL**

Mr. Berrier, Mr. Campbell, Larry Searer, Mr. Sievers, Mr. Wilson, Ms. Shade and Mayor Bargo were present. Mr. Felmler was absent.

#### **HEARING OF PERSONS PRESENT**

Bill Gomes, director of Mifflin County Planning and Development, presented Council with approving a study to extend the new river trail across the properties of Juniata Concrete and the Fire Academy. Upon completion of the first phase of the Juniata River Walking Trail, there is approximately \$5,000 remaining in the budget. The remaining funds need to be used or returned to the State. The estimated cost for the survey to the Fire Academy/Borough line is \$7,000 and the \$5,000 would be used towards it with the \$2,000 being contributed by the Borough. Because the grant went to the Borough, he needs Council to authorize Mr. Welham to sign a contract to do the extra survey work.

Mr. Berrier knew the existing trail was financially substantial. Mr. Gomes agreed and the expansion would be an estimated cost of \$560,000. There are two grants they can apply for which would help cover most of the costs. The Borough would also be responsible for the engineering fees at an estimated cost of \$53,000 that could be split with CDBG funds.

***No motion was made to approve a survey to extend the Juniata River Walking Trail.***

## REGULAR MEETING

### CONSENT AGENDA

The following are routine, procedural, and informational non-controversial items and do not appear to require discussion or explanation prior to Council's action. These items will be acted upon by one motion, unless any member of Council desires to move an item to the Regular Agenda for further discussion.

- A. Approval of Minutes
  - 1. Council Meeting-December 10, 2018
  - 2. Special Council Meeting-December 27, 2018
  - 3. Finance Meeting Minutes – December 6, 2018 & December 13, 2018
- B. Approval of Treasurer's Report
- C. Approval of Schedule of Bills
  - 1. General Borough/Specialty Tax/Refuse/Wastewater Collection & Treatment/State Liquid Fuels
  - 2. DCNR
- D. Acknowledge Receipt of Tax Collector's Report & Commissions
- E. Facility Use Forms Approval-Rec Board (No Quorum for Meeting):
  - 1. MC Youth Baseball for use of the Little League Baseball Fields and Practice Field from 3/1/19 to 10/30/19 contingent upon receipt of Certificate of Liability Insurance
- F. Acknowledge receipt of Downtown Lewistown Inc. Meeting Minutes & Other Info
- G. Acknowledge receipt of FAME Meeting Minutes December and November Response Stats
- H. Acknowledge receipt of Comcast Letters
- I. Acknowledge receipt of MC School District Audit year ending June 30, 2018
- J. Acknowledge receipt of MC Conservation District Letter for Erosion & Sedimentation Plan
- K. Acknowledge receipt of 2019 Meetings Schedule
- L. Acknowledge receipt of PA Liquor Control Board Letter for Nittany Oil Company, Inc
- M. Acknowledge receipt of Pets Come First Letter Request for donations

Ms. Shade announced the removal of the Facility Use Request from the MC Youth Baseball until the Certificate of Liability insurance is received. It will be addressed at the next Council meeting.

Larry Searer wanted to know what the Comcast letter referenced. Ms. Shade said they were changing a channel and adding another.

Mr. Sievers had a question on the MCSC audit. He wanted to know if the things picked up by the auditor with the Borough have been addressed. Ms. Shade informed him that the school district will have to follow up with compliance with that, not us.

Regarding the MC Youth Baseball, Mr. Campbell said he talked to Mr. Eversole about another league trying to get in under them. That is a concern when it's generally the Mifflin County Youth Baseball League that has helped take care and improve our baseball fields. He doesn't want them to lose the opportunity to lose the fields by postponing the facility use request.

Mr. Berrier wanted to know what was involved with the letter received by PA Liquor Control Board for Nittany Oil Company. Ms. Shade said that Nittany Oil Company has applied to sell beer at their East Walnut Street location.

***On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote, approved the Consent Agenda omitting the MC Youth Baseball Facility Use Form.***

## REGULAR AGENDA

### REPORTS

#### A. Treasurer

Ms. Walter is seeking approval from Council to submit a new salt contract participation agreement with Costars. Over \$21,000 was spent last year and using Costars will allow us to save money on advertising and legal costs for bidding out the project.

***On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved the submission of a new salt contract participation agreement with Costars.***

#### B. Code Enforcement Officer

Mr. Fink reported there were 52 violations in December, 24 of them were issued for garbage. There were 18 zoning permits issued, totaling \$1,262.12. There were 4 sidewalk permits issued, totaling \$120. Zoning fees collected in December were \$1,262.12. Estimated improvements totaled \$57,651.60 in December, with an end-of-year total of \$8,133,215. The inspection fees for December were \$75. There were no LOMA letters received.

Mr. Fink informed Council that rooming house inspections are done as well as the amusement tax licenses for local businesses.

Ms. Shade wanted to know if the five properties list unfit for occupancy were new or existing. Mr. Fink confirmed they are new properties that are now added to his list.

#### C. Fire Chief

Chief Barlett reported 14 alarms and medical assists for December.

Chief Barlett announced that the fire department recently lost a long time member, James Carson Jr, due to cancer. Mr. Carson gave 32 years of service and died at the age of 50. A memorial service will be held tomorrow with full honor.

#### **D. Mayor**

Mayor Bargo presented Council with her fourth quarter and end-of-year wedding reports.

Mr. Berrier had a question for the fire chief regarding the consolidation report. He announced that there was a meeting with the fire consultant and wanted to know if Chief Barlett had reviewed any of it. Chief Barlett informed him that he received his copy today. He will arrange to meet with the station chiefs to review the report and he plans to discuss it at the next Fire Committee meeting, scheduled February 4, 2019.

Mr. Welham informed Mr. Berrier that he had a list of members to be insured.

Mr. Berrier also wanted to know how many sets of turnout gear Chief Barlett intended to buy this year. Chief Barlett said 17 more sets will be ordered and will be funded by the Fireman's Relief fund, which is two more sets than originally expected.

#### **E. Police Chief**

Chief Clemens reported December statistics. The Lewistown Police Department had 352 calls to service, 31 traffic citations and 15 non-traffic citations.

Their annual "fill a cruiser" event collected three cars of food and approximately \$400 in cash. The proceeds will go to the Lumina Center and Mother Hubbard's Cupboard.

Total calls for the year 2018 were 3,186. That number is lower than the 3,312 calls they had last year.

Ms. Shade wanted an update on the agreement with the Housing Authority. Chief Clemens said they changed their procedure because confidential information was being given to the Housing Authority that should not have been released. LPD received a letter at the end of the year indicating they were not happy with the lack of information. Chief Clemens and Mayor Bargo met with the Housing Authority Board and indicated that the contract needs revised and rewritten to be in compliance with the law. Mr. Remy said he was at the meeting and felt it was productive. Mr. Remy has the new contract ready to circulate on our side. Once everybody signs off on it then he will send it to the Housing Authority to review.

LPD is still providing services to them with the understanding that the contract will be retroactive to the first of this year.

**F. Recreation Board**

No meeting; however, Ms. Hendricks presented Council with a Facility Use Request from the Mifflin County School District. The request was for ecology education for trout release with trout unlimited in grades 3, 4 and 5, including Lewistown Intermediate School, Indian Valley Elementary School and Sacred Heart. MCSD is asking to have the \$30 fee waived.

No motion was made for waiving the \$30 fee.

**G. Borough Solicitor**

Mr. Remy is seeking Council’s approval to amend the sign ordinance.

***On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved to amend the sign ordinance.***

**Roll Call**

<b>Frank Berrier</b>	<b>Yea</b>
<b>Dave Campbell</b>	<b>Yea</b>
<b>Larry Searer</b>	<b>Yea</b>
<b>Mark Sievers</b>	<b>Yea</b>
<b>Bill Wilson</b>	<b>Yea</b>
<b>Venus Shade</b>	<b>Yea</b>

Mr. Berrier commented that, in the future if we consider something like this. rather than being blindsided by the cost of advertising, advertising fees should be part of the discussion on whether or not Council wants to move forward.

Mr. Remy presented Council with a Power Point presentation addressing the tools that are available for blighted properties in the Borough.

The Borough’s property maintenance codes are the most frequently used. The Codes Enforcement Officer issues a Notice and Order to the code violator, hoping they comply with the Notice and Order. If there is no compliance, then the matter can go to citation before a Magisterial District Judge. If the owner(s) are found not to be in compliance, then they will be fined by the Judge. Similar is the Uniform Construction Code election Ordinance; however, this may be enforced by a Borough employee or a third party agency, followed by the same protocol for Notice and Order compliance or non-compliance.

The Quality of Life Ticketing Ordinance is intended as a progressive-discipline approach that imposes consistent fine on properties that violate codes and fines increase over time.

Tickets can be issue for violating the following:

- Chapter 96 – Numbering of Buildings; Street Name Signage
- Chapter 110 – Codes, Article 1, Building, Plumbing, Electrical and Property Maintenance Codes

- Chapter 131 – Grass, Brush and Weeds
- Chapter 200 – Solid Waste
- Chapter 212 – Streets and Sidewalks

Those who do not correct the violation after the ticketing process are subject to enforcement by Notice and Order and citation.

Asset Attachment is a state law for seizing real or personal property of people who have major code violations. This allows the Borough to place a lien against an owner's real property (both in and out of the Borough), personal assets and possible wages.

Mr. Sievers indicated he also did some homework on this subject and wanted to know if this was similar to Act 90 of 2010. It's called Neighborhood Blight Reclamation and Revitalization Act. It allows us to deny permits put liens on personal and real estate assets. It allows asset attachments, personal and property assets and you're the key to putting this into place. The other one involves serious matters where it encourages the DA to be involved to charge repeat code violators with criminal misdemeanors.

Mr. Remy said that permit denial is something the Borough is allowed to do. We can deny building permits and zoning exceptions to people who have serious code violations in place.

The Municipal Code and Compliance Act now states that a new owner of a property that is not in compliance is supposed to bring the property into compliance with Borough codes within 12 months. There are some substantial penalties for those who do not do that. Mr. Sievers says that needs to be referred to in our ordinance as well. He also stated that what it does is prevents the expansion of their property holdings in Pennsylvania, because we're holding the lien with them.

Mr. Sievers stated that a criminal statute for failure to comply with the code requirement is another one. Mr. Remy is not aware of anyone using this tool yet. Before doing this, the Borough would want a serious talk with the DA to make sure they would be on board with this since it is a tool that can be used. This would involve serious repeat offenders where serious health and safety issues are involved and the involvement of the property being a public nuisance.

Another thing that could be done is the disqualification of tax sale bidders. The Tax Claim Bureau is allowed to disqualify people who have delinquent taxes and serious code violations as well as delinquent municipal utility charges. Mr. Remy did talk to the Mifflin County Tax Claim Bureau and they disqualify bidders with delinquent local taxes for the taxing district where the property is located, but they don't have a code violation disqualification. It might also be beneficial to talk to the Tax Claim Bureau to see if we can get that into place.

The Recorder of Deeds, pursuant to state law, can charge a fee for deed and mortgages that must be deposited into a demolition fund that will be used exclusively to fund the demolition of blighted property in the county. Presently, there is about \$40,000 in the fund.

Demolition allows the removal of unsafe structures. If the Borough finds that there is enough value in the property to recoup the cost of demolition, the Borough can place a lien on the property. When it's transferred, the Borough can be reimbursed; however, there usually isn't enough value to actually pay for the demolition itself. Usually the Borough pays some money or uses its CDBG funds for the demolition.

Conservatorship is another state law that allows a third party appointed by the court to fix up or demolish a property.

Land Banks is a governmental entity that works solely to return properties to productive use. Mr. Remy doesn't think it makes sense for the Borough to use.

Rental property and registration, along with vacant property and foreclosed property registration, are tools that are available to allow the Borough and its Codes office to have information about what properties are rented and what properties are foreclosed.

Presale property inspection would require properties be inspected for code violations before a deed transfer. Violations would then be reported to the seller before the sale so they would have to be disclosed and then fixed up within a certain amount of time.

Lastly, the Hall of Shame is designed to shame owners into bringing their properties up to code. The idea is to motivate people to get in compliance with Codes. We would have to determine what rules make an owner eligible to be in the Hall of Shame.

Mr. Remy suggests implementing the five-step plan laid out in "We Can Do This" by the Housing Alliance of Pennsylvania.

Ms. Shade wanted to know how we get the complaints regarding the Building, Plumbing, Electrical and Property Maintenance Codes. Mr. Fink explained that tenants will call him and complain about their properties. Exterior violations can be seen when Mr. Fink drives around. Referrals also come from agencies such as Children & Youth, the Police Department, and Fire Departments.

With the failure to comply code requirement, Ms. Shade wanted to know if other municipalities have gone to the DA. Mr. Remy could not find any instances where it had been used. She wants to know what the likelihood is that the DA is going to press criminal charges against someone for code violations. Mr. Remy said it would involve health and safety violations. Mr. Remy said that, as the Assistant District Attorney, he will talk to the DA about this. What is the likelihood that someone goes to jail for this? Mr. Remy said it would have to be a very serious code violation.

Mr. Remy is going to send Council, Mayor Bargo and Chief Clemens a copy of the five-step plan by the Housing Alliance of Pennsylvania to review.

## H. Borough Manager/Secretary

Mr. Welham is seeking Council's approval to bid on the property located at 672 & 674 Valley Street. The property has gone back into the County repository and can be purchased through the free and clear sale just by making an offer on the property. Mr. Fink received three bids to have the property torn down, the highest bid being \$24,000 and the lowest bid being \$14,800 by Mike's Landscaping. Mr. Welham has talked with the County and they are interested in partnering on blighted properties throughout the County, not just Lewistown Borough. They can only participate on the demolition cost. They participate at 50% of the demolition cost with the cost not to exceed \$10,000. In this case, it would be \$7,400 for the County and \$7,400 for the Borough plus \$1,000 for legal fees. Whatever the total cost is in the project after demolition, we could sell it and that revenue would be split with the County based on the percentage of what each entity had put into it.

Upon successful acquisition, Mr. Welham is seeking Council's approval to hire Mike's Landscaping for demolition and to also enter into an agreement with the County on blighted properties.

Mr. Sievers wanted to know what the agreement is with the County. He wants to see a written agreement first. Until we get the specifics, Mr. Welham recommends purchasing the property and put Mike's Landscaping on notice that we would like to have him tear it down.

Mr. Campbell is concerned with selling the property after it's torn down. Mr. Berrier told him the property runs street to street, from Valley Street to Central Avenue. The property could be used for parking, a side yard, or a mobile home if accessed from Central Avenue. Mr. Welham recommends trying to keep in on the tax rolls.

***On a motion by Larry Searer and seconded by Mr. Wilson, Council by a 5-1 vote, approved to place a bid not to exceed \$200 on the property located at 672 & 674 Valley Street.***

### Roll Call

Frank Berrier	Yea
Dave Campbell	Yea
Larry Searer	Yea
Mark Sievers	Nay
Bill Wilson	Yea
Venus Shade	Yea

Mr. Berrier said the next step is to make sure we have an agreement with the County and deal with Mike's Landscaping last. He thinks we should have Mr. Remy draft an agreement with the County for presentation at the next meeting.



## STREETS

***On a motion by Larry Searer and seconded by Mr. Berrier, Council by unanimous vote, approved the handicap parking space removal at 405 West Fifth Street by Resolution.***

***On a motion by Mr. Campbell and seconded by Mr. Berrier, Council by unanimous vote, approved the handicap parking space at 240 West Fifth Street by Resolution.***

## PUBLIC COMMENTS

Russell Platt of 670 Valley Street had a question for Mr. Sievers. He wanted to know why Mr. Sievers is opposed to people living next to condemned, blighted property. Mr. Sievers wants to get everything in order and in place on how we are going to address blighted properties before moving forward.

## EXECUTIVE SESSION

Council went into executive session at 7:03 pm for personnel matters.  
Council came out of executive session at 7:54 pm.

***On a motion by Mr. Campbell and seconded by Larry Searer, Council by unanimous vote accepted the resignation of Quinton Isett, part-time police officer.***

After discussion, Council agreed to advertise for a new part-time parking enforcement officer on Facebook, Career Link and Indeed.

***The meeting was adjourned at 7:56 pm.***

  
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(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

  
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(Asst.) Borough Secretary