

REGULAR COUNCIL MEETING MINUTES
October 10, 2016 AT 5:30 P.M.
LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

The meeting opened at 5:30 PM with Borough Council President Frank Berrier presiding. The Pledge of Allegiance was recited by all present.

ROLL CALL

Mr. Berrier, Mr. Searer, Mr. Eddinger, Mr. Felmlee, Mr. Rager, Mr. Wilson, Mr. Moore, and Mayor Bargo were present.

HEARING OF PERSONS PRESENT

Jim Zubler, DLI stated that Safe Night Trick or Treat will be held on October 28, 2016 from 5:00 p.m. to 7:00 p.m. Mr. Zubler asked for the assistance from the fire police during the event.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved the assistance of the fire police during Safe Night Trick or Treat.

Mr. Keith Mowery, Edgewater Avenue, stated he had a problem with the building codes office. He stated that the residents are required to purchase sidewalk and building permits for jobs; however the inspector never shows up to inspect the property. He stated that he completed two jobs within the last month and purchased the appropriate permits, and no one ever showed up to inspect them. Mr. Mowery feels he's paying for a service he's not receiving and would like a refund. He would also like to know how Keystone charges are billed. He stated that he had purchased the two permits and paid two different prices in which the job cost was the same. Rex Fink, Codes Officer, asked Mr. Mowery if he called Keystone to let them know he was ready for his inspection once the job was completed. Mr. Mowery stated that it should be evident that he needs an inspection if he purchased a permit. Mr. Welham asked if Mr. Mowery could give the Borough Codes Office until November 14, 2016 to resolve the problem and Mr. Mowery agree. Mr. Larry Eddinger stated that this wasn't the first time this incident occurred. Mr. Eddinger had purchased a permit in the past and never received an inspection. Mr. Eddinger stated that there should be a form that the inspector is mandated to sign that shows he inspected the property. Mr. Remy stated that the Borough received a letter in regards to Keystone but due to the nature of the claim it may be legal action. The issue will be further discussed in executive session.

Mr. Neil Purcell expressed his concern about the street sweeper nights changing. He felt that postcards should have been mailed out to inform residents of the street sweeper change. Mr. Welham stated that it was on the EG Channel, the radio, and it was advertised in the newspaper. Mr. Purcell stated that there were people who received a ticket who do not receive the paper or listen to the radio. A resident recommended the notice be placed in the Refuse/ Sewer Office when there are changes in the Borough.

A brief discussion was held on allowing tape recording of the Borough Council and Committee Meetings.

REGULAR COUNCIL MEETING MINUTES
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1. ***Roll call was as follows:***

<i>Larry Searer</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Mr. Moore</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>Frank Berrier</i>	<i>Yea</i>

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved adoption of the Ordinance 2016-8 Allowing of Tape Recording.

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. Regular Council Meeting Minutes – September 12, 2016
 - 2. EG Channel Committee Minutes-September 21, 2016
 - 3. Finance Committee Minutes –October 6, 2016
- B. Acceptance & Approval of the Treasurer's Report
- C. Approval of Schedule of Bills:
 - 1. General Borough, Specialty Tax, Refuse, Wastewater Collection, Wastewater Treatment Plant, State Liquid Fuels
 - 2. General Borough Capital Reserve Account & Requisition 227 & 228
- D. Acknowledge Receipt of Parking Lot Collections for Various Lots
- E. Acknowledge Receipt of Parking Authority Minutes from July 18, 2016
- F. Acknowledge Receipt of Bags without Tags for October
- G. Acknowledge Receipt of Budget Recap for September
- H. Acknowledge Receipt of DLI Annual Meeting of June 15, 2016 and August 4, 2016
- I. Acknowledge Receipt of DLI Executive Meeting July 19, 2016
- J. Acknowledge Receipt of DLI Agenda for September 28, 2016
- K. Acknowledge Receipt of FAME Meeting Minutes August 10, 2016
- L. Acknowledge Receipt of FAME Response Statistics for July, 2016
- M. Acknowledge Receipt of Miffco Tax Letter requesting Certified copies & Act 32 Report for August, 2016
- N. Acknowledge Receipt of Letter from SedaCog in regards to Mifflin County Housing

REGULAR COUNCIL MEETING MINUTES

October 10, 2016 AT 5:30 P.M.

LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

- O. Acknowledge Receipt of Parking Ticket Collections for Sweeper and Meter Tickets
- P. Acknowledge Receipt of Tax Collector's Report for September

On a motion by Mr. Searer and seconded by Mr. Eddinger, Council by unanimous vote approved the Consent Agenda.

REGULAR AGENDA

REPORTS

A. Borough Treasurer

- 1. Ms. Walter stated that the Borough received notification regarding the estimation of the State Liquid Fuels Allocation for 2017 in the amount of \$214,059.09.
- 2. Ms. Walter stated that in a letter received from PennDot they are proposing to replace the existing bridge deck and approach slabs on a structure located on SR 3002 over Kishacoquillas Creek. They will be performing other repairs such as steel beam repairs, painting the steel beams, resetting the bearings, concrete repair, sidewalk repair, and placing new PA Bridge Barriers. Roadwork will consist of minor approach paving, tree trimming, and upgrading guide rails to meet current standards. Mr. Moore questioned when the start date of the project was; and was concerned about the school being in close proximity of that location. Ms. Walter stated that the construction is tentatively scheduled for April 2017.

B. Codes Enforcement Officer

- 1. Mr. Rex Fink stated that CVS is asking to change their original plan for their sign that was in the original Land Development Plan. CVS would like to place a 5 foot base at their location because the retaining wall obstructs the view. The location of the sign is on the corner of Market Street and Brown Street. Mr. Remy asked if it complied with the zoning order in which Mr. Fink agreed. Mr. Remy stated that the Land Development Plan would need amended in order for the change to take place. Mr. Remy also stated that the quickest way to resolve the issue and remain in compliance would be for the Council to take action by vote.

On a motion by Mr. Searer and seconded by Mr. Eddinger, Council by unanimous vote approved the amendment of the Land Development to allow for the new sign plans.

- 2. Mr. Rex Fink stated he's been out doing sidewalk inspections for 2017 street paving project. Mr. Fink also stated he would like to send a letter to PennDot about the

REGULAR COUNCIL MEETING MINUTES

October 10, 2016 AT 5:30 P.M.

LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

installation of the sidewalks. Mr. Fink expressed concern because PennDot wants Borough residents to pour a regular curb first, then backfill the sidewalk area against the curb, and then pour the sidewalk. This will cost the Borough Residents 30 – 40% more to complete their sidewalk projects.

C. Fire Chief

1. Chief Barlett reported that for the month of September the fire department had 16 alarms plus each station had calls in their own area. There was a gas leak on Lombardy Circle. Residents noticed the smell and called UGI. UGI reported high levels of gas and found a hole in the line. They called the fire department to monitor the situation in case of fire. Several homes were evacuated. The fire company monitored the situation for 1.5 hours until UGI got the repair sealed.
2. Chief Barlett stated that on Sunday, October 16, 2016 all three fire companies will be attending training at the Fire Academy.
3. Last month the fire companies, the Red Cross, and the Codes Enforcement office teamed up to distribute over 300 smoke detectors to needy areas throughout the Borough.

D. Mayor

1. Mayor Bargo submitted her Quarterly report for marriage fees.
2. Mayor Bargo stated that in consensus with other municipalities and townships, Trick or Treat Night will be held on October 31, 2016.

E. Police Chief

1. Chief Jeffrey Lusk stated that in the month of September, the Lewistown Police Department responded to 351 calls for service. Out of those calls they issued 36 traffic violations, 186 parking tickets, and 23 non-traffic tickets.
2. Chief Jeffrey Lusk stated that the Borough spent a lot of money for weather resistant parking tickets and he wasn't sure why we are ordering the yellow envelopes to put the tickets inside. Mr. Lusk suggested going with a less expensive envelope. Mr. Remy stated the envelopes show the time frame and information for the ticket to be paid. If the payment is made on time, then no citation is issued. Residents can insert their ticket into a yellow box with their payment for convenience. They also can pay online. Mr. Lusk stated maybe we could put all of the information on the waterproof ticket to pay online or they could paper clip the money to the ticket. Mr. Jim Felmler stated he

REGULAR COUNCIL MEETING MINUTES

October 10, 2016 AT 5:30 P.M.

LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

would like to know, of the tickets written, how many were meter violations and how many were street sweeper violations. Mr. Searer also asked if we pay monthly for the software on the machine that prints the tickets out. Mr. Welham stated we only pay a software fee to update the machine. The cost is approximately \$1,800 annually. Frank Berrier stated it was Chief Lusk's decision to choose how to disburse the tickets. Mr. Moore stated we needed to notify the residents when a decision has been made.

3. Chief Jeffrey Lusk stated that on Tuesday, October 11, 2016, the Masonic Lodge will hold a First Responder Night to honor firefighters, police officers, and emt personnel. The event will be held at the Masonic lodge at 8:00 p.m.

F. Board of Recreation

1. Mr. Webb from Rec Park Board stated that Item 3 on the Rec Board minutes cannot be completed due to the fact that there are no vacancies available on the Board. There was a discussion as to whether the Council could remove members. Ms. Walter stated that under the Ordinance, you can remove members; however you must follow the PA Municipalities Planning Code. She had printed the Code and Mr. Remy stated that under Section 905, the Council can remove members when they either resign or if council gives them 15 days advance notice.
2. Mr. Berrier stated that the fee changes for the Community Center and Rec Park Pool needs to go to Finance under the Cost and Fee Schedule. Mr. Berrier stated he would accept a motion of receipt of the Recreation Board minutes.

On a motion by Mr. Moore and seconded by Mr. Eddinger, Council by unanimous vote approved the receipt of the Recreation Board Minutes.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved the Facility Use Request for the Mifflin County Commissioner's for the Veterans Day Parade on November 10, 2016.

G. Borough Solicitor

1. Mr. Remy stated that DLI has the opportunity to apply for a \$425,000 Keystone Grant to improve the wastewater collections system serving Market and Valley Streets. Mr. Remy stated in order for DLI to apply for the grant, Council would have to prepare a resolution. Mr. Remy stated there would also be a proposed agreement that authorizes DLI to charge up to 1.25% received from the Public Improvement Grant and the Borough would be responsible for paying for an audit which is projected to cost \$5,000. Mr. Welham reported that the estimated total cost is \$1,410,000 to improve the infrastructure on Market and Valley Streets. Mr. Welham stated he would like to utilize the WasteWater Facilities Capital Funds to match the grant. Mr. Welham stated it would serve to use these funds opposed to getting a small interest loan. Mr. Zubler

REGULAR COUNCIL MEETING MINUTES

October 10, 2016 AT 5:30 P.M.

LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

reminded the council that DLI would be applying for the \$50,000 Façade Grant and the Borough would be applying for the \$425,000 Keystone Grant. Mr. Berrier asked where the additional funds would come from to make up the difference. Mr. Welham stated that the Borough would be applying for a second grant for \$500,000 with a 15% match from the PA Small Water and Sewer Grants that is due at the end of October.

On a motion by Mr. Searer and seconded by Mr. Moore, Council by unanimous vote approved to apply for the Keystone Grant.

2. Roll call was as follows:

<i>Larry Searer</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Mr. Moore</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>Frank Berrier</i>	<i>Yea</i>

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved the Resolution 2016-44 Application for the Keystone Grant.

H. Borough Manager/Secretary

1. Mr. Welham expressed his appreciation to everyone that participated in the 2016 Day of Caring.
2. Mr. Welham stated that the lean -to was completed at the Borough Warehouse. Mr. Welham stated that Mr. Shawn Freed did a great job replacing the lean to roofs.
3. Mr. Welham stated that the Pine Street trench drain was completed. The drain was located up against a house and the water was creating ice during the winter. Mr. Welham stated that the trench at North Plaza drive was completed as well.
4. Mr. Welham stated that we completed the installation of 25 LED lights. The only cost required to the Borough will be that the Borough must keep the Poles for 10 years. Mr. Welham stated he just received word he can submit for 25 more LED lights.
5. Mr. Welham stated that the 2016 Street Paving project is complete with only a few issues getting the paving company to start in a timely manner.
6. Mr. Welham stated on Tuesday, October 11, 2016 and Wednesday, October 12, 2016, CGI Communications will be in town shooting videos.

UNFINISHED BUSINESS

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<i>Larry Eddinger</i>	<i>Yea</i>
<i>Mr. Moore</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>Frank Berrier</i>	<i>Yea</i>

On a motion by Mr. Searer and seconded by Mr. Eddinger, Council by unanimous vote approved Resolution 2016-43 which reappointed Mark W. Lawson to the Parking Authority for a five year term ending 5/31/2021.

NEW BUSINESS

A. Russ Rager, Finance Chairman

1. Mr. Rager stated that the Finance Committee would like permission to look into pricing for out-sourcing roll-back services. Mr. Rager stated there were a number of options for quotes. Mr. Welham stated this option would not displace any employee at this time. Mr. Welham also stated that not only was the roll-back service unprofitable, but the roll-back truck needs to be replaced and that a new vehicle would cost over \$100,000.

On a motion by Mr. Felmlee and seconded by Mr. Moore, Council by unanimous vote approved for staff to look into pricing for out-sourcing the refuse roll off services.

2. Mr. Rager stated that the recycling program is also losing money. Mr. Welham explained the single stream recycling program to council.. Mr. Welham stated that everything we recycle has an adverse effect on our refuse cost. Mayor Bargo asked where the closest facility was located. Mr. Welham stated no matter where the location may be, the Borough still has the cost of getting the recycling to the location; however there is a potential for income. Mr. Berrier asked what the recycling cost the Borough annually. Mr. Welham said the total cost was \$223,000 to make \$10,000 for recycling and the Borough saves \$55,000 in disposal cost, so the net amount that cost the Borough to recycle is \$138,000. A Borough landlord asked to have the Recycling Brochure and Schedule placed online to print out. Mr. Berrier stated that Borough staff figured that it cost the average individual refuse customer \$30 a year to recycle.

On a motion by Mr. Searer and seconded by Mr. Moore, Council by unanimous vote approved to refer the discussion to the Law & Ordinance Committee.

REGULAR COUNCIL MEETING MINUTES

October 10, 2016 AT 5:30 P.M.

LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

3. Mr. Rager stated that Brooklyn Fire Company is asking for the 2015 Allocation, however it was not budgeted. Mr. Rager stated that all of Brooklyn's game of change funds should be allocated towards the fire department expenses instead of the bar. Mr. Berrier stated that Brooklyn's 2016 Allocation was still under review.

4. Mr. Rager stated that Mr. Welham had received figures on the possibility of drilling a well at Rec Park for the specific purpose of refilling the pool every spring. Mr. Rager reported that is cost around \$5,000 every year to refill the pool and it would cost \$4,200 same to drill a new well. Mr. Rager stated this water would only be usable for the pool. Mr. Rager stated that the Finance Committee recommends that Council allow staff to make arrangements to have a well drilled. Mr. Berrier stated to check with Wade & Associates to see what else was needed to hook-up the pool to the well. Mr. Welham stated he checked with Mr. Shoop and Mr. Bubb from the Water Authority. Mr. Felmlee asked if the Borough could go back to city water if the well goes dry and Mr. Welham stated yes that the Borough would be able to do so.

On a motion by Mr. Felmlee and seconded by Mr. Eddinger, Council by unanimous vote approved to authorize staff to have a well installed at Rec Park.

5. Mr. Rager stated that we have received information on a company called Spyglass. Spyglass will go through all of the Borough's phone bills and see where the Borough may possibly have been overcharged. Spyglass is willing to go back 5 years and for the first year any money the Borough receives Spyglass will get 50%.

On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by unanimous vote approved to go into an agreement with Spyglass.

B. Larry Searer, Streets Chairman

1. Mr. Searer stated that the Borough received a complaint from a Frank Vanquez. He was concerned about the curb at the alley that runs off of Catherine Street. He stated he had contacted the police several times about other residents parking next to yellow painted curb. He is requesting a sign be placed there. Chief Jeffrey Lusk recommended that the resident call the police when someone is parked there and that no additional signs are needed for notification.

Council went into an executive session at 7:10 P.M. to discuss legal matters regarding Miffco Tax Office.

Council came out of executive session at 8:05 P.M.

REGULAR COUNCIL MEETING MINUTES

October 10, 2016 AT 5:30 P.M.

LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

On a motion by Mr. Searer and seconded by Mr. Rager, Council by 5-1 (Moore) vote approved to file claim against Miffco Tax Office for breach of contract and Act 32 Violations.

On a motion by Mr. Rager and seconded by Mr. Moore, Council by unanimous vote approved to advertise the clerk/secretary position if no one in house bids on the position.

On a motion by Mr. Moore and seconded by Mr. Eddinger, Council unanimously voted to adjourn at 8:10 P.M.

(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

(Asst) Borough Secretary