REGULAR COUNCIL MEETING

October 12, 2020 AT 5:30 P.M.

LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

The Council meeting opened at 5:30 p.m. with Borough Council President Venus Shade presiding.

The Pledge of Allegiance was recited by all present.

**ROLL CALL**

Mr. Campbell, Mr. Terry, Mr. A. Wilson, and Ms. Shade were present. Larry Searer and Mr. B. Wilson were absent.

**HEARING OF PERSONS PRESENT**

***Ms. Candi Koser***

Ms. Koser purchased a property at 830 S Wayne St. The purchased property had an outstanding sewer bill of over $800. Most of the time, an attorney will request a final regarding information including outstanding payments *prior to* the sale being made. Ms. Koser states that she called the Water Authority immediately after the purchase to have the bill sent to the sheriff’s office. The Water Authority contacted the Borough office and confirmed that there was an outstanding payment, with no immediate further action being taken. Ms. Koser asked Ms. Miller to contact the Sheriff’s office. When Ms. Miller contacted the Sheriff’s office, she was told that the documents have been finalized and there was nothing that she could do regarding payment of the outstanding balance. Ms. Shade states that because of the uncertainty of the situation she is unsure that the Council will be able to give an appropriate answer at the current time regarding the exoneration of the outstanding sewer fee, and they will review the situation and get back to Ms. Koser.

**Ms. Deb Peffer**

Ms. Peffer asks if there was a BLM protest that took place October 3rd and questioned whether it was peaceful. Chief Clemens states that Sgt. Roberts was on the scene to alert the participants of any relevant ordinances. The scene remained peaceful with the only concern being noise.

**\*\*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.

1. \*\*Approval of Minutes:
2. CDBG Public Hearing-September 14, 2020
3. Council-September 14, 2020
4. Streets-October 8, 2020
5. Finance – September 24, 2020, October 1, 2020 & October 8, 2020
6. Law and Ordinance – September 17, 2020
7. \*\*Approval of Treasurer’s Report
8. Acknowledge Receipt of Tax Coll Report
9. \*\*Approval of Schedule of Bills
10. General Borough/Speciality/Refuse/Wastewater Coll & Treatment/State Liquid Fuels
11. Dollar General Escrow Account
12. \*\*Facility Use Forms: *Streets*
13. Alley Closure for County to Upgrade Electrical Service for Annex Building in October contingent upon payment and receipt of Certificate of Liability naming the Borough of Lewistown as an additional insured
14. Halloween Parade Request for October28, 2020

Other Facility Use Forms: *Received today*

1. Calvary Lewistown Request for October 31, 2020 Trunk or Treat Event contingent upon payment and receipt of Certificate of Liability naming the Borough of Lewistown as an additional insured.
2. Acknowledge receipt of Fame Meeting Minutes & Stats
3. Acknowledge receipt of Codes Enforcement Office Monthly Report
4. Acknowledge receipt of Letter from Comcast
5. Acknowledge receipt of Donations Request from Home Nursing Agency Foundation
6. Acknowledge receipt of Email Request the Borough Mandate Masks & Social Distancing
7. Acknowledge receipt of DLI information & Minutes
8. Acknowledge receipt of Letter from DEP
9. Acknowledge receipt of MABL minutes
10. Acknowledge receipt of Applications for Council
11. Acknowledge receipt of Letter of Appreciation from United Fire & Rescue
12. Acknowledge receipt of PennDot Route 22 Updates
13. Acknowledge receipt of MC Parks and Recreation Minutes
14. Acknowledge receipt of Trail Feasibility Study
15. Acknowledge receipt of Progress Meeting Minutes for W 4th St Project from Water Co. & Engineer Report

Mr. Campbell states that the Trunk or Treat Event will take place in the Bon-Ton parking lot on October 31st. The event is being performed by a collaboration of multiple churches and will be handing out candy to children while following Covid protocols. Mr. Terry mentions that the event has been proved successful in the past. Mr. Campbell was pleased that United Fire & Rescue was able to acquire their piece of apparatus.

***On a motion by Mr. Campbell and seconded by Mr. Wilson, Council by unanimous vote approved the Consent Agenda.***

**REGULAR AGENDA**

**BOROUGH MANAGER/SECRETARY/TREASURER/FINANCE MGR REPORT**

Ms. Walter states that the Adopt-a-Planter winner this year is Lisa Knudson. Ms. Walter would like to thank all who participated in the Adopt-a-Planter program as the planters really make a difference and enhance the community. Ms. Walter would like to thank Sara Buffington for her work associated with the program.

September 16th was the United Way Day of caring. Ms. Walter would like to thank everyone who participated as she has received many compliments regarding how well the participants were doing.

Ms. Walter received a letter from the Abuse Network asking permission to place purple flags and lighting by the fountain, as October is domestic violence awareness month.

***On a motion by Mr. A. Wilson and seconded by Mr. Campbell, council unanimously agreed to allow the placing of flags and lighting around the fountain.***

PMRS must update plan documents every 6 years. Ms. Walter states that no changes have been made to either document, it simply defines full time and identifies the collective bargaining unit. It explains the contribution rates for each plan when an employee can vest, retirement age, etc. A roll call vote is needed to approve two resolutions, one for the Police pension plan, and one for the Non-Uniform pension plan.

***Roll call vote was taken: Police Resolution***

***Dave Campbell Yea***

***Marc Terry Yea***

***Aaron Wilson Yea***

***Venus Shade Yea***

***On a motion by Mr. Campbell and seconded by Mr. A. Wilson, Council unanimously agreed to approve the Police pension plan documents and Resolution.***

***Roll call vote was taken: Non-Uniform Resolution***

***Dave Campbell Yea***

***Marc Terry Yea***

***Aaron Wilson Yea***

***Venus Shade Yea***

***On a motion by Mr. Campbell and seconded by Mr. A. Wilson, Council unanimously agreed to approve the Police pension plan documents and Resolution.***

PennDot reached out to Ms. Walter to inquire about the exoneration of zoning fees for the traffic signals being installed. There are 12 total signals with the amount requested to be exonerated being $1,155 per intersection, totaling $13,860. Ms. Davis stated that as the upkeep of the signals will be the Borough’s responsibility and the upgrades are being performed for the Borough, the permit fees should be exonerated. Council asks whether this is a usual request. Ms. Walter states that this is an unusual situation, but they are installing more efficient signals for the Borough, causing a decrease in upkeep costs.

***On a motion by Mr. Campbell and seconded by Mr. A. Wilson, Council agrees (3-1 Terry) to approve the exoneration of PennDot’s permits.***

Ms. Walter was excited to announce that the Borough was awarded a grant of $15,000 to benefit the Rec Park Pool for the feasibility study.

**FIRE CHIEF**

Chief Barlett reported 17 alarms for September: 1 building fire, 6 medical assists of EMS crew, 3 gas leaks, 1 motor vehicle accident with injury, 1 lock-out, 1 false alarm and other miscellaneous events.

Chief Barlett states that a county-wide training took place on Sunday, October 4th. A tanker shuttle was run with water being pumped and drafted. The Fire Department had the ability to work with mutual aid companies, this allowed a further insight to be gained regarding how the different companies operate. The training was a success and ran smoothly.

Chief Barlett states that on Sunday October 18th, there will be a training taking place at the old Buchanan Elementary building. There will not be any live fires; the exercise will be used to practice activities such as ladder work, hose-line advancements, and search & rescue.

The Fire Department has 12 juniors still in training with their third lesson taking place Monday, October 12.

**MAYOR BARGO**

Mayor Bargo shared the wedding report for the 3rd quarter of 2020. She would like to remind everyone of the upcoming trick-or-treat night that will take place on October 31st from 6-8 pm. The 225th anniversary event went well, with attendants wearing face coverings and speakers doing a fantastic job.

Mayor Bargo thanked Mr. Remy for helping the Dr. Parcel trust along and wishes to provide an update. A letter has been received from the Attorney Generals stating that they are in favor of the plan. A local hearing will take place Wednesday, October 14th, hopefully ending the lengthy process. Mr. Terry asks for further information regarding the Dr. Parcel trust. Mayor Bargo states that upon further investigation of Dr. Parcel’s will, she along with the rest of the Trust board decided that the funds have not been being used in accordance with their wishes. The Trust Committee is hoping to establish a program using the Trust principle to support the lower class of the Lewistown Borough.

Mayor Bargo will be attending a training in Gettysburg October 14th-16th.

**POLICE CHIEF**

Chief Clemens states that there were 401 calls for service with 15 traffic citations, 10 non-traffic citations, and 330 parking tickets.

A trial has been completed using body cameras. Chief Clemens is pleased with their operation and is looking into getting a county wide grant. The total amount of funding needed for the department is $24,000 with the grant being a 50% match. The Chief stated that worst case scenario would be that we would have to come up with the $12,000 match; however, he had already received a $3,000.00 donation to contribute towards it. Chief Clemens seeks Council’s approval to continue with the grant application.

***On a motion by Mr. Campbell and seconded by Mr. A. Wilson, Council unanimously approves the Police Department proceeding with the grant application as well as the drafting of a letter of support.***

The mental health co responder grant was approved. The correspondent will be hired by the Center for Community Resources. The correspondent will work directly with the Police Department and will not cause an expense to the Borough. Council requests a copy of the MOU so that an appropriate finalized decision can be made at the next Council meeting.

The SRO agreement is the same as previous years, the school will reimburse the Borough for the School Resource Officer’s hours. Ms. Shade inquired about the school’s contingency plan assuming Covid causes closures. Chief Clemens states that there is nothing in the written agreement but when faced with this situation prior they submitted information for the CARES act to receive compensation.

***On a motion by Mr. Terry and seconded by Mr. Campbell, Council unanimously agrees to approve the SRO agreement.***

**Recreation Board**

No motions needed

**BOROUGH SOLICITOR**

Mr. Remy wishes to bring to Council’s attention an outcome from the Zoning Board Hearing. Residents submitted a special request form to have a hair salon in their home that resides in an R1 district. According to the ordinance, Barber Shops and Beauty Salons are specifically excluded. Mr. Remy would like the Council to consider two things: is there an interest in changing current ordinances and should the two residents receive a refund for their application.

Mr. Campbell states that to be continuously productive the ordinance must be altered. Mr. Terry states that he does not believe that a home salon in a residential area would likely cause no issues to the function of that area. Ms. Shade and the rest of the Council agree that this topic must be taken to Law & Ordinance.

***On a motion by Mr. Terry and seconded by Mr. A. Wilson, Council unanimously agrees to refund the residents the money they submitted to process their application.***

Mr. Remy would like Council to appoint Chief Clemens as the Right to Know Officer of the Police Department as he practically performs the functions required already.

***On a motion by Mr. Campbell and seconded by Mr. A. Wilson, Council unanimously agrees to appoint Chief Clemens as the Right to Know Officer of the Police Department.***

**UNFINISHED & NEW BUSINESS**

Ms. Walter seeks Council’s approval to release the 2016/2017 CDBG funds. The first project being the ADA ramp project on S Brown St totaling $6,697. The second project being the removal of architectural barriers totaling $23,417.50.

***On a motion by Mr. A. Wilson and seconded by Mr. Campbell, Council unanimously agrees to approve the release of the 2016/2017 CDBG funds.***

***On a motion by Mr. Campbell and seconded by Mr. Terry, Council unanimously agrees to approve the installation of a handicap parking space at 122 Pannebaker Ave by Resolution.***

***On a motion by Mr. Terry and seconded by Mr. A. Wilson, Council unanimously agrees to accept the resignation of Robert Long Jr. from the Tax Collection Committee.***

***On a motion by Mr. Campbell and seconded by Mr. A. Wilson, Council unanimously agrees to accept the resignations of Mike Morrison and Eugene Hughes from the Parking Authority.***

Ms. Walter states that there are three vacancies that must be filled in the Parking Authority. The three applicants are Ms. Amanda Moeller, Mr. John Pannizzo, and Mr. Mike Buffington. Ms. Peffer, Lewistown resident, inquires as to whether non-residents of the Borough may serve on the Parking Authority. Mr. Remy states that to serve on the Parking Authority one may either be a resident or own a business that resides in the Borough. Ms. Shade inquired about the length of the appointed terms. It is clarified that terms are 5 years.

***On a motion by Mr. Terry and seconded by Mr. Campbell, Council unanimously agrees to approve the appointment of Mr. Buffington, Mr. Pannizzo, and Ms. Moeller to the Parking Authority by Resolutions.***

Ms. Shade states that there are 5 applicants to fill the vacant Council opening. Of the applicants Mr. Campbell nominates Mark Sievers. Mr. Campbell states that Mr. Sievers financial expertise has proved very useful and will likely continue to prove beneficial to the Council.

***Roll call vote was taken: Appointment of Mr. Sievers to Council***

***Dave Campbell Yea***

***Marc Terry Yea***

***Aaron Wilson Yea***

***Venus Shade Yea***

***On a motion by Mr. Campbell and seconded by Mr. Terry, Council unanimously agrees to appoint Mr. Mark Sievers to fulfill the vacant Council seat.***

Mr. Remy states that before Mr. Sievers is seated, he must perform his oath and residency paperwork.

**Law & Ordinance**

Mr. Campbell states that the council has previously agreed to acquire and demolish a property at 114 W Fourth Street. The amount budgeted to proceed was $17,200. The lowest estimate provided was $18,994. Mr. Campbell states that the story of this property has been heard many times before, a property owner has not properly taken care of their property and now it is a burden pushed onto the County’s taxpayers. Frustratingly, the responsibility to demolish this property falls on the taxpayers and the Municipality, as the building now poses a threat to public safety. Mr. Campbell is seeking approval to demolish the property contingent upon the exoneration of taxes. Ms. Walter states that she has received an updated quote of $18,675 from *Nate’s Construction* which was the lowest quote, and the County has agreed to the exoneration of taxes contingent upon Council’s approval. Mr. Remy states that it would be wise to add a contingency of the completion of a title search.

***On a motion by Mr. Campbell and seconded by Mr. A. Wilson, Council unanimously agrees to proceed with the demolition of 114 W Fourth Street contingent upon a clear deed search and exoneration of taxes.***

***On a motion by Mr. Terry and seconded by Mr. A. Wilson, Council unanimously agrees to award the demolition of 114 W Fourth Street to Nate’s Construction contingent upon a clear title search.***

**Streets**

Mr. A Wilson states that a resident at 365 W Fifth Street requested the placement of a handicap parking space.

***On a motion by Mr. Campbell and seconded by Mr. A. Wilson, Council unanimously agrees to the approval of the creation of a handicap parking space at 365 W Fifth Street by Resolution.***

**Finance**

Mr. Terry states that there has been a request to hold Winterfest, a vendor event, at the Community Center. Vendors would be charged $35 per 10ft x 10ft spot.

***On a motion by Mr. Campbell and seconded by Mr. A. Wilson, Council unanimously agrees to approve the request to hold Winterfest at the Community Center November 28th.***

Mr. Terry states that there was a request from the Police Department to the Finance Committee for the purchase of a speed indicator sign. The signs would gather and store important traffic information as well as being likely to reduce the speed of drivers along its route. Mr. Terry states that he is seeking the Council’s approval for the purchasing of two signs priced at $5,829 total.

***On a motion by Mr. Campbell and seconded by Mr. Terry, Council unanimously agrees to approve the purchase of two speed indicator signs at the price of $5,829.***

Mr. Terry states that the sewer rehabilitation on West Fourth Street requires specialized equipment that the Borough does not currently own. The quote provided for an outside company, *Mr. Rehab*, to perform this rehabilitation is $43,000. This sewer rehabilitation must be completed before West Fourth Street is paved in 2021.

***On a motion by Mr. Campbell and seconded by Mr. A. Wilson, the Council unanimously agrees to approve the sewer rehabilitation by Mr. Rehab for $43,000.***

**PUBLIC COMMENT**

No Public Comments

**Council went into executive session at 6:53 pm to discuss the hiring of personnel.**

**Council came out of executive session at 7:19 pm.**

***On a motion by Mr. Terry and seconded by Mr. A. Wilson, Council unanimously agrees to hire candidate A for the Refuse position and Candidate B for the Streets position.***

***On a motion by Mr. A Wilson and seconded by Mr. Terry, the meeting adjourned at 7:20pm.***

(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

(Asst.) Borough Secretary