

BOROUGH OF LEWISTOWN
REGULAR COUNCIL MEETING
OCTOBER 12, 2015 AT 5:30 PM
LEWISTOWN COMMUNITY CENTER

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

ROLL CALL

Mr. Adams, Mr. Lawson, Mr. Moore, Mr. O'Donnell, Mr. Schell, Mr. Searer, Mr. Rager, Mayor Bargo, Jr. Council members Abigail Roman-White, Jennifer Tuyen were present.

Mr. Brian Schell, Council Member addressed the Council. He resigned from Council effective immediately due to relocating from the area on October 11, 2015. He had resided in the area for 25 years and stated that it had been a great experience and that he had no regrets. **In a motion by Mr. Moore and seconded by Mr. O'Donnell, Council unanimously accepted the resignation of Brian Schell from the Borough Council.**

At this time, Mr. Schell left the Council table.

Mr. Rager introduced and welcomed Suzan McClure the new Administrative Assistant.

HEARING OF PERSONS PRESENT

1. Rosellen Fry- Master Gardeners. Mrs. Fry approached council requesting that the Master Gardners in association with the Penn State Extension office proceed with the idea of a proposed community garden to be located at Woodlawn. An assessment was conducted with 24 people committing to participate. The proposed site would begin with 36 raised beds to accommodate anyone interested in participating. They would like to partner with other organizations. They asked to be included on the Borough's liability insurance. Mr. White informed the Master Gardners that the estimated additional cost would be less than \$100 per year. The Master Gardners will provide water and lighting is already available. **In a motion by Mr. Moore and seconded by Mr. Lawson, Council unanimously granted approval to proceed with the Community Garden project at Woodlawn.**
2. Tom Wert-Borough Resident. Mr. Wert addressed Council regarding the Rental Registration and Licensing Ordinance. Mr. Wert has owned property that he does not reside in, on Montgomery Avenue for 29 years. He stated that he was told in a previous Council meeting by Solicitor Snook that it was not a rental property. He has received two notices from the Borough Codes Enforcement Office to register his property. After receiving the second notice he was told by Borough office staff that he needed to register the property and could file exclusion for the licensing portion. He stated he would never pay the \$45 registration fee nor will he pay the license fee. Mr. Snook read the ordinance to the public. He informed Mr. Wert that he could sign a disclaimer in place of registering. Mr. Rager stated that Council needs to abide by what the Solicitor tells us. Mr. Searer inquired about children living in a home that their parents had given them or if a structure was being used as a storage facility. Were those cases also considered to be rentals? Council will refer questions to the Law & Ordinance Committee to review each individual case.
3. Neil Pursel-628 South Main Street. Mr. Pursel thanked the police department for reducing their speed on South Main Street. He questioned why on the Police Chiefs monthly report drug arrests are not included. Mr. Pursel questioned why certain areas are considered to be in the flood zone. It costs \$1,000 to apply for a LOMA letter to remove your property from the flood zone. He asked if the Borough could send a letter to the government asking if these houses could be removed. Mr. Rex Fink informed Mr. Pursel that FEMA will be reevaluating the flood districts in 2018.
4. Mr. Jim Zubler informed Council that Lewistown's Safe Trick or Treat Night will be Friday, October 30, 2015, from 5-7 pm. He requested fire police assistance for the event.

CONSENT AGENDA

In a motion by Mr. Moore and seconded by Mr. O'Donnell, Council by a majority vote (5-1) Searer) approved the Consent Agenda, containing the following items.

- A. Approved the Meeting Minutes
 - 1. Regular Council Meeting September 14, 2015
- B. Accepted and approved the Treasurer's Report – September 2015
- C. Accepted and approved the Tax Collector's Report – September 2015
- D. Approved the Schedule of Bills
 - 1. General Borough, Refuse, Wastewater Collection, Wastewater Treatment Plant, Specialty Tax Fund, and State Liquid Fuels
 - 2. CDBG
 - 3. Escrow Account – CVS
- E. Ratification of Staff's Action in August and September
 - 1. General Borough Capital (August/September)
 - 2. Mann Edge
 - 3. Fountain Square
 - 4. Refuse Capital
- F. Authorization for the President/Vice President and Secretary to execute the 2014 CDBG Grant Agreement and the Federal Funding Accountability and Transparency Act Sub-recipient Data Sheet for the CDGB Grant with DCED.
- G. Petition for Judicial Sale received from Tax Claim Bureau
- H. **On a motion made by Mr. Moore and seconded by Mr. O'Donnell, Council unanimously approved the Facility Use Form for FAME EMS for the Halloween Parade on October 28, 2015.**
On a motion made by Mr. Moore and seconded by Mr. Adams, Council unanimously approved the Facility Use Form for the Juniata Valley Striders for IceFest for a 2.25 Run on December 4, 2015.
- I. Acknowledged receipt of general correspondence
 - 1. Fame EMS Meeting Minutes – September 9, 2015
- J. **On a motion made by Mr. Moore and seconded by Mr. Adams, Council unanimously approved the Mifflin County Planning and Development Department Agreement to Provide Planning Services to the Borough of Lewistown.**

REGULAR AGENDA

REPORTS

- A. Treasurer
 - 1. Ms. Walter reported that the Borough received their State Aid Allocation in the amount of \$148,595.52 to cover cost of the Minimum Municipal Obligation. The breakdown for what amounts go to the Non-uniformed Pension and to the Police Pension was not available.
 - 2. The 2015 distribution for the Public Utility Realty Tax was \$2,728.66
 - 3. The estimate for the State Liquid Fuels Allocation for 2016 is \$203,535.26. This is approximately 13% more than was received in 2015.
 - 4. We currently use Ceridian for our Cobra benefits. Ceridian services are moving to WageWorks. Ms. Walter requested authorization for Council President to sign the new agreement with WageWorks. **On a motion made by Mr. O'Donnell and seconded by Mr. Moore, Council unanimously approved authorizing the Council President to sign the new agreement with WageWorks.**
- B. Code Enforcement Officer and Inspector
 - 1. Mr. Fink, Codes Enforcement Officer reported that there were 61 violations issued in September 2015 with most being high grass and/or weeds violations. 37% of the

violations were owner occupied properties, 60% were rental properties and 3% were vacant. 22 citations were issued in September with \$864.73 in fines collected. 65 permits were issued. The 216 East Third Street demolition has been postponed because new higher bids were received. The previous bids were outdated. The demolition of the structure will now need to be bid out. Mr. Burk, Codes Enforcement Inspector, reported that the deadline for registering and licensing all rental properties was September 28, 2015. As of Friday September 9, 2015 there were 885 parcels registered and 2,032 units licensed. Inspections have increased. Out of 36 inspections, 6 have passed. Most of the failures are safety related such as smoke and/or carbon monoxide detectors that are either missing or non-operational, missing pressure valves, and missing GFCI's. There have been 9 corrective action plans received. There were 2 reinspections that both passed. They are currently reviewing and processing 138 exclusion requests. Mr. Moore asked who is reviewing the exclusion requests. Mr. Fink, Mr. Burk and Mr. White are reviewing the requests. The Codes Officer was asked what percentage of maximum citation fines the Borough has been receiving from the magistrate's office. Year to date, less than 12% of the maximum has been levied of the fines available.

C. Fire Chief

1. Chief Barlett reported that the Fire Department had no major alarms in the month of September. They answered 17 alarms.
2. On October 11, 2015, 39 members of the Lewistown Fire Department participated in department training. They did combination training with each other's equipment.
3. A fire report was prepared regarding the major fire that occurred at the apartment building on Valley Street.
4. There is a section of ground that in the late 1980's was given to the fire department by the Borough of Lewistown. The ground is located on Dorcas Street by the bridge. Chief Barlett and Mr. Steve Knudson met with Chief Herkert about the possibility of a Fire/Police Department Emergency Service Park being erected.
5. The City Hook and Ladder Department is requesting state certification. A Borough representative is needed to sign as a participant of the Borough to turn into the State Fire Academy. There are currently 3 fire companies in the Borough with 84 members. **On a motion made by Mr. Adams and seconded by Mr. Moore, Council unanimously approved signing the request as a Borough representative for The City Hook and Ladder for state certification.**
6. Mr. Moore asked Chief Barlett if there were any permanent residents living at any of the 3 Borough fire houses. Chief Barlett confirmed that currently there are 2. Mr. Adams asked if he had had any complaints of excessive noise coming from the Brooklyn Fire House. Chief Barlett said he has fielded 3 complaints in the past concerning excessive noise at the Brooklyn. **In a motion by Mr. Moore and seconded by Mr. Adams, Council by a majority vote (5-1) Searer) approved that effective immediately, no one is to be a permanent resident of a Borough fire house unless by order of the Governor of the State of Pennsylvania.**

D. Mayor

1. Mayor Bargo thanked Brian Schell for his service on Borough Council.
2. Mayor Bargo had a concern from a Borough resident about the curb cut in front of Drayer on Market Street. The request is for the curb cut to be extended so as to be closer to the actual designated handicap parking space. Council referred this issue to the Streets Committee for review.
3. Mayor Bargo recommended that in conjunction with area municipalities, Trick or Treat night would be Saturday, October 31, 2015 from 6-8 pm. Mr. Searer felt that Trick or Treat night not be held on Saturday, October 31, 2015 to interfere with football games and other activities.
Mr. Searer made a motion to hold Trick or Treat night on Thursday, October 29, 2015 the motion was seconded by Mr. O'Donnell. Mr. Moore called for a roll call vote.

Adams	Nay
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Lawson	Nay
Moore	Yea
O'Donnell	Yea
Searer	Yea
Rager	Nay

Mayor Bargo was called upon for the tie breaking vote. Mayor Bargo voted Nay.

3. **Mr. Lawson made a motion to hold Trick or Treat night on Saturday, October 31, 2015 the motion was seconded by Mr. Adams. Mr. Moore called for a roll call vote.**

Adams	Yea
Lawson	Yea
Moore	Nay
O'Donnell	Nay
Searer	Nay
Rager	Yea

Mayor Bargo was called upon for the tie breaking vote. Mayor Bargo voted Yea.

Mr. Searer asked Solicitor Snook if Borough Council can legally tell the fire companies that they may not have people residing there permanently. Mr. Snook would have to research the situation in order to answer the question. Mr. Moore requested that the issue be referred to the Law & Ordinance Committee. Mr. Rager recommended allowing Chief Barlett to handle the situation. **On a motion made by Mr. O'Donnell and seconded by Mr. Moore, Council unanimously approved moving the issue to the Law & Ordinance Committee.**

E. Police Chief

1. Chief Herkert commended Officer Gregory Stottle and Officer Quentin Reinford for an ambulance assist in saving a male subject who had threatened suicide. Because of their Advanced Crisis Intervention Training, their quick actions prevented the subject from falling out of a 2nd story window.
2. Chief Herkert reported that there were 362 calls for service in September, 4 of which were drug investigations and 2 were noise complaints. There were 11 public drunkenness and 43 traffic citations issued. An officer on patrol at the park heard a call for help from an elderly man who had fallen. The officer called for an ambulance.
3. Mr. Adams asked about an incident that had occurred on Feeder Avenue. A driver did not stop for a school bus that had its flashing red lights on. Chief Herkert responded that he was reporting on incidents from September and that the incident Mr. Adams was referring to is still under investigation.

F. Board of Recreation October 6, 2015

1. **In a motion by Mr. O'Donnell and seconded by Mr. Lawson, Council by a majority vote (5-1) Searer) approved the Alcohol Policy Request for Lewistown Home Health & Hospice: The Bridge benefit event on Saturday, October 17, 2015 and approved waiving the \$50 rental fee for use of ¼ of the Community Center for the Mifflin County Planning Development Department meeting on October 29, 2015.**
2. Solicitor Snook reported that the proposed draft for authorizing the Establishment of an Events Committee by the Recreation Board did not have a determined number of members that the committee would be composed of. Council voted to table approving the draft until the Recreation Board recommends a set number. **On a motion made by Mr. O'Donnell and seconded by Mr. Searer, Council unanimously voted to table the approval of authorizing the Establishment of an Events Committee draft until the November 2015 meeting.**

G. Borough Solicitor

1. In a motion by Mr. O'Donnell and seconded by Mr. Lawson, Council by roll call vote approved amending a section of the Administrative Legislation Ordinance. (Resolution No. 2015-30-9)

Adams	Yea
Lawson	Yea
Moore	Yea
O'Donnell	Yea
Searer	Nay
Rager	Yea

H. Borough Manager/Secretary

1. Mr. White outlined the PUC letter regarding Mill Creek & Bridge Street Crossing. The Borough will maintain signage and paint the lines.
2. Mr. White reported that the Mifflin County Planning Development is in the process of writing another grant application. It will identify portions of the Borough that have the most code violations as one of three potential target areas. It will be used for potentially rehabilitating owner occupied, single-family homes. There will be basic income limit requirements. The programs focus is to address code deficiencies by upgrading heating and cooling systems, installing new windows and doors, roofing, plumbing and electrical.
3. Mr. White reported that Mr. George Ehrenzeller, Mechanic in the Public Works department retired October 1, 2015. He had been an employee for 26 years and his experience will be missed. Mr. Craig Leidy bid on and was accepted to fill the position.

UNFINISHED BUSINESS

A. Streets Committee – October 8, 2015

1. On a motion made by Mr. Adams and seconded by Mr. O'Donnell, Council unanimously voted to authorize the 2nd payment invoice of the CDBG Roadway Improvement Project P-2 (Rosemont Avenue).
2. On a motion made by Mr. Adams and seconded by Mr. Moore, Council unanimously voted to issue a Driveway Permit to Bohler Engineering for proposed CVS Pharmacy.
3. On a motion made by Mr. Adams and seconded by Mr. Moore, Council unanimously voted to install and maintain a "Stop Here on Red" sign and stop bar on the 300 block of Logan St. just prior to the intersection of Logan and Walnut St. where the loop sensor for the traffic signal is placed.
4. On a motion made by Mr. O'Donnell and seconded by Mr. Lawson, Council unanimously voted to approve the handicap parking space request for 230 South Wayne Street.

Mr. Tom Wert expressed concern about a missing stop sign on Grand Parkway and Grand Parkway North. Council referred the issue to the Streets Committee.

Mr. Adams reported that there is a two way stop sign on Pannebaker Avenue and South Pine Street. He recommended pursuing the process of having that area become a three way stop sign. There have been several accidents there. It was suggested that It also become a three way stop sign area at Pannebaker Avenue and South Spruce Street.

NEW BUSINESS

1. On a motion by Mr. O'Donnell and seconded by Mr. Moore, Council unanimously approved the Disposition of Public Records (Resolution No. 2015-35)

At 6:43PM Council went into Executive Session.

At 7:13 PM Council returned from Executive Session.

- A. In a motion by Mr. Adams and seconded by Mr. Moore, Council by a roll call vote appointed Scott Welham to the Borough Council to fill the vacancy left by the resignation of Brian Schell.

Adams	Yea
Lawson	Yea
Moore	Yea
O'Donnell	Yea
Searer	Yea
Rager	Yea

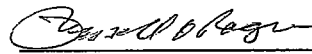
- B. In a motion by Mr. Moore and seconded by Mr. O'Donnell, Council by roll call voted to hold all Borough Council Meetings in the Council Chambers at the Municipal Building.


Adams	Nay
Lawson	Yea
Moore	Yea
O'Donnell	Yea
Searer	Nay
Rager	Yea

- C. Mr. Moore requested that the Borough donate 100 North Walnut Street ground to Habitat for Humanity to have the property put back on the tax books. Solicitor Remy reported that the property is still pending conservatorship and there is a cloud on the title that has not been settled. Motion to donate 100 North Walnut Street to Habitat to Humanity failed due to lack of a second.
- D. Council instructed Mr. White, Mr. Rager and Solicitor Snook to review the rental regulations with staff. A waiver form will be made available.

ADJOURNMENT

On a motion by Mr. Moore and seconded by Mr. O'Donnell, Council unanimously adjourned the meeting at 7:26 PM.


 (Vice) President, Lewistown Borough Council

(Seal)
 ATTEST:

 (Assistant) Borough Secretary