

REGULAR COUNCIL MEETING
OCTOBER 8, 2018 AT 5:00 PM
COMMUNITY CENTER

The meeting opened at 5:00 pm with Borough Council President Larry Searer presiding. The Pledge of Allegiance was recited by all present.

ROLL CALL

Mr. Berrier, Mr. Campbell, Mr. Felmlee, Ms. Shade, Mr. Sievers, Mr. Wilson and Larry Searer were present.

A motion was made by Mr. Sievers and seconded by Mr. Campbell to have Larry Searer removed as President; however, Larry Searer said other things needed to be addressed first.

HEARING OF PERSONS PRESENT

Timothy Yohn, a member of the Community Watch Group and Juniata Valley Visitor's Bureau, invited Council to the group meetings and asked Council to consider sponsoring an ice block for the Ice Festival this year. Prices range from \$350 - \$1000.

Jim Lettiere reviewed the 2018 CDBG funds with Council. He explained that the 2018 CDBG funds could not be used for the upcoming road construction for South Brown Street, 500 and 600 blocks of South Grand Street, Susquehanna Ave, 500 block of South Juniata Street, and the 600 block of South Wayne Street. Prior years, the total Borough had a low moderate income level of 54.69%; however, a project on Winding Way, Grand Parkway North and Lombardy Circle was submitted and deemed ineligible due to income levels. The geographic areas within the Borough are defined by census tracts and block groups. There are three census tracts and eight block groups within the Borough. Each location has a low moderate income percentage. The areas that we wanted to pave are in a block group with a 50.83% LMI and it needs to be 51% or higher. It was suggested that we put the money in an eligible project (housing rehab for the Borough) until we get the final CDBG contract back. Then income surveys can be done in these areas that could possibly make them eligible. We can get the area certified with an income survey. We can then take that money out of that project (housing rehab) and put it into the roads project. Mr. Lettiere put the Resolution together and listed one project to keep it simple. The amount of the Borough wide housing rehabilitation would be \$110,675.00, and the Planning and Administration would be at \$19,530.00. Mr. Lettiere also informed the committee that his office would help complete the survey. It was suggested having people go door to door then compile the data to see if we are eligible.

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by unanimous vote approved the 2018 CDBG funds by Resolution.

Roll Call

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

Mary Barr presented Council with a request to hold a public auction at the Community Center between November 13 and November 16. She is requesting the rental fee be \$500, same as a weekend rate, for the event.

On a motion by Mr. Felmlee and seconded by Ms. Shade, Council by unanimous vote approved the \$500 rental fee for the public auction to be held at the Community Center.

Another motion was made by Mr. Sievers for reorganization of Council. Again, it was delayed.

Mr. Remy reviewed guidelines for tonight's meeting with the public before public comments could be made. A few of the items listed were:

- public participants must be a tax payer and/or resident of Lewistown Borough;
- no participant may speak more than once on the same topic;
- all statements shall be directed to the presiding officer and no participant may address or question Borough Council members individually;
- the President or presiding officer may interrupt or terminate a participants statements when that statement is too lengthy, personally directed, abusive, obscene or irrelevant;
- the presiding officer may request assistance of law enforcement officers to remove a person when his/her conduct interferes with the orderly progress of the meeting;
- the time provided for receipt of comment from any one individual shall not exceed three minutes.

A motion was made by Mr. Sievers and seconded by Mr. Campbell for reorganization within Borough Council.

Mr. Remy indicated five people had signed up for public comments. Larry Searer asked Mr. Remy if public comments should be addressed before taking the motion and Mr. Remy advised him that public comments would come first.

Richard Stringfellow wanted to thank Council for the signs that were placed on Feeder Avenue and to thank the Police Chief for getting the drugs off the streets.

Ellie Sievers questioned the reasons that were given as to why Mr. Sievers and Mr. Campbell were removed from the Finance Committee at the last meeting. She informed Council that she could buy a home in Port Matilda for a \$375,000 home sitting on 7 ½ acres and pay less in taxes than in Lewistown Borough. What is going to be done to lower taxes here because people cannot afford to live here?

Mr. Remy reminded the public that this was a public comment session, not a question and answer session.

Scott Gutshall also wanted to know why Mr. Sievers and Mr. Campbell were removed from the Finance Committee. He feels Mr. Sievers has a strong financial background and he is needed to make cuts in the budget and improvements in the Borough. The more eyes we have looking at things, the better.

Matt Boyer had a complaint about the 911 Call Center. He wants to know why names are mentioned on the scanner. He says names are being slandered as a result of it.

Albert Forshey, retired from the Army, would like accountability and transparency from Council. He says this town is the same as it was 20 years ago, if not worse.

Jim Felmlee addressed the public, letting them know that he was not at the last Council meeting and was opposed to removing Mr. Sievers and Mr. Campbell from the committees. Initially, he approached Mr. Sievers, asking him to run for Council and supported him through his campaign. He also told the public that he has served on different levels of government and the local government is hard to serve. He applauded the public for expressing their first amendment rights at the meeting.

On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by a 4-3 vote, agreed to reorganize Borough Council and to elect a new President and Vice President.

Roll Call

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

Mr. Berrier requested a five minute recess at 5:23 pm.

Meeting was called back to order 5:27 pm.

Nominations were accepted by Borough Council. Bill Wilson nominated Frank Berrier as President. Mark Sievers nominated Venus Shade as President.

On a motion by Mr. Felmlee and seconded by Ms. Shade, Council by unanimous vote agreed to close the nominations for President.

Roll Call for Frank Berrier's nomination as President:

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

Roll call for Venus Shade's nomination as President:

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

Venus Shade took over the meeting as Council President.

Nominations were accepted for Vice President. Mark Sievers nominated Dave Campbell as Vice President. No other nominations were received.

On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by unanimous vote agreed to close nominations for Vice President.

Roll call for Dave Campbell's nomination as Vice President:

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

Venus Shade removed Larry Searer and Frank Berrier from the Finance Committee and replaced them with Dave Campbell and Mark Sievers. Mr. Sievers is the new chairman.

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-September 10,2018
 - 2. Law & Ordinance Meeting- September 27, 2018
 - 3. Finance Meeting- September 27, 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. Wastewater Capital w/Requisition
 - 3. DCNR Account
- D. Acknowledge Receipt of Tax Collector Report & Commissions
- E. Approval of Facility Use Forms-Rec Board:
 - None
 - Additional Facility Use Forms-Streets:
 - 1.**Approval of Kiwanis Christmas Parade for December 1st with a rain date of December 2nd
 - 2.**Approval of Ice Festival for November 29th and 30th
 - 3.**Approval of Veterans Parade for November 8th
- F. Acknowledge Receipt of FAME Meeting Minutes Sept & FAME Response Stats for August
- G. Acknowledge Receipt of DLI Minutes & Information & Email from Jon Zimmerman
- H. Acknowledge Receipt of Letter from MCPD for Marcellus Shale Award
- I. Acknowledge Receipt of the Budget Calendar
- J. Acknowledge Receipt of DLI appreciation letter
- K. Acknowledge Receipt of PA Small Water & Sewer Letter from Commonwealth of PA

On a motion by Mr. Felmlee and seconded by Mr. Sievers, Council by unanimous vote, approved the Consent Agenda, contingent upon receiving an updated certificate of liability insurance for the Veterans Parade.

REGULAR AGENDA

REPORTS

A. Treasurer

Ms. Walter presented Council with a request received from Officer Joseph Snyder, who was deployed overseas for nine months, asking to have his comp time be paid out to him prior to November (as stated in the Teamsters contract) due to financial obligations before he leaves. His estimated payment would be \$1298.40. This is not normal practice; however, the circumstances are different and she is seeking Council's approval for payment.

On a motion by Mr. Felmler and seconded by Mr. Campbell, Council by unanimous vote, approved to pay Officer Snyder his comp time early with it being stated that this is not considered as past practice.

Ms. Walter presented Council with a letter that was received from PennDot. The estimated State Liquid Fuels allocation for 2019 is \$227,533.51.

Two sewer exoneration requests were received; however, Mr. Fink was only able to verify one at the time of the meeting. A request from 128 Shaw Avenue was received for sewer exoneration in the amount of \$699.84. They were billed for 117,000 gallons and their average consumption is 9,000 gallons.

On a motion by Mr. Felmler and seconded by Mr. Campbell, Council by unanimous vote approved sewer exoneration for 128 Shaw Avenue in the amount of \$699.84.

B. Code Enforcement Officer

Mr. Fink reported there were 154 violations in September. 13 of those violations were issued for high grass and/or weeds, 132 for sidewalks as we get ready for 2019 paving projects. There were 35 zoning permits issued, totaling \$3,084.67. There were 12 sidewalk permits issued, totaling \$460. Improvements totaled \$159,013 in September, with a year-to-date of \$7,047,274. The inspection fees for September were \$415; totaling \$3,300 for the year. There were no LOMA letters received.

Mr. Sievers asked Mr. Fink if he had projected figures for 2019; however, Mr. Fink was not prepared yet for 2019 budget.

C. Fire Chief

Chief Barlett reported 19 alarms and medical assists for September, no significant damage reported.

October is fire prevention month. All three fire stations are participating. If anyone is interested in participating, they can contact him and he'll make the arrangements.

The fire departments will be participating in the Halloween parade and the safe night trick or treat.

With the Green Gables complex getting ready to open 22 units, Chief Barlett and Mr. Fink will be doing a walk through in case anything should happen where the assistance of the fire departments is needed.

D. Mayor

Mayor Bargo informed Council that she attended the train station open house. As people entered, they were required to sign a liability waiver, resulting in 412 signatures. She was very pleased with the turnout.

Dates for upcoming Halloween activities have been made:

- Safe night trick or treat is scheduled for Friday, October 26, 2018 from 5:00 pm to 7:00 pm.
- Halloween parade is scheduled for Wednesday, October 31, 2018 at 7:00 pm.
- Lewistown Borough trick or treat night is tentatively scheduled for Tuesday, October 30 from 6:00 pm to 8:00 pm, contingent upon Council's approval.

Mayor Bargo informed Council she will be attending a fall conference this week, but will have her phone available if anyone needs to get in touch with her.

On a motion by Mr. Searer and seconded by Mr. Campbell, Lewistown Borough trick or treat night is scheduled for Tuesday, October 30, 2018 from 6:00 pm to 8:00 pm.

E. Borough Solicitor

Mr. Remy presented Council with documents and bonds that need signed from the construction on West 4th Street. Once signed, he will get them recorded.

F. Police Chief

Chief Clemens reported September statistics. The Lewistown Police Department had 218 calls to service, 82 citations and 2 written warnings. There were 137 parking tickets issued. He said incidents are down a little bit, probably due to the start of school.

The new server has been installed and everything seems to be working well.

A new part-time officer, Phillip Callahan, will be starting this week.

G. Borough Manager/Secretary

Mr. Welham gave an update on this year's paving projects. The 300, 400 and 500 blocks of South Wayne Street were completed last week and look really nice. The Spring Street project will start this week and will take approximately two days to complete. West Charles Street, Grand Parkway North to Winding Way to Lombardy Circle then to Main Street is expected to start next week.

The River Walking Trail has been paved and is expected to be completed soon. An early November dedication is being planned for the trail, in memory of S. H. Rothermal.

An update on the South Main Street bridge project was presented to Council. Work is slated to begin in March 2020 and completed in October 2020. Verizon has been a concern as all their optic fibers, main cables and transmission lines go through the current dirt bridge. A plan is in place to disconnect and reconnect through a vault at the North end of the bridge and one in front of Burger King. In three weeks, South Main Street will be closed for about three weeks to install the vault at the North end of the bridge and reroute the wires. Announcements will be on the radio and Facebook.

Mr. Welham announced that Mary Barr will be retiring at the end of the year as the Community Center Coordinator. If anyone is interested in her position, please let him know.

Mr. Welham reviewed the first three quarter financials of revenue over expenses by department:

General Borough revenue over expenses is \$768,019 TY vs \$419,697 LY	+45.35%
Refuse revenue over expenses is \$200,556TY vs \$199,386LY	+58%
WWC revenue over expenses is \$197,996TY vs \$218,800LY	(10.51%)
WWT revenue over expenses is \$295,858TY vs \$125,595LY	+57.55%

The Bon-Ton building has had an offer to be purchased; however, no one knows who made the offer at this time.

UNFINISHED AND NEW BUSINESS

LAW AND ORDINANCE

Mr. Berrier announced a few changes in the proposed sign ordinance. Mr. Remy presented Council with those changes tonight; however, Mr. Berrier doesn't feel it's fair to vote on advertising without taking the time to read it. Members of Council agreed so it will go back to Law and Ordinance for final review.

Mr. Berrier advised Council that there were sidewalk and curb issues discussed; however, Mr. Remy is going to get the committee some language to look at to review at the next meeting. Mr. Berrier informed Council that John Conley's request to remove his sidewalk was approved and that the Codes Office was to inform him that he could do that, but he did need to maintain the curb.

Mr. Remy discussed the per capita tax exonerations with the committee. He contacted Melinda Kenepp at the school district and she was not aware of any criteria they have for exonerations. The committee would like everyone to have the same criteria for qualifications. Discussion will continue at the next meeting.

FINANCE

Mr. Welham explained that every three years, the Borough has to go through a bidding process for an engineer that is used for the CDBG funds and at Borough Hall.

According to Jim Lettiere, an RFQ (Request for Qualifications) was done in August for engineering services. There were 8 responses to the RFQ. The top three engineering firms, based on predetermined criteria were The EADS Group, Buckhart Horn, and Nittany Engineering. Mr. Welham requested more detailed information and compiled a spreadsheet for review of the three firms pricing structure. EADS was the highest ranking and their rates were the lowest among the three. There would be a three year contract for any CDBG related activities that involved any engineering services for design. We would also be utilizing their services for any needs that should arrive within the Borough with the exception being the Waste Water Treatment plant in which we use Gannett Fleming for engineering.

The committee is seeking Council's approval to award the engineering contract to the EADS Group for a term of three years. Mr. Sievers recommends it be sent back to the Finance Committee for review. Mr. Welham is not sure if the deadline has passed or not, but he will find out. Mr. Berrier stated that the current contract is with the EADS Group, so it will stay like that until a new contract is signed.

Mr. Welham informed Council that Mr. Dippery started working on the budget for next year. The Waste Water Treatment Plant is required to do many tests, including phosphorus testing which is costing us approximately \$16,660 annually. Mr. Dippery found a company, HACH, which we can purchase a spectrometer that will provide instant results within two hours instead of waiting days. The fee is \$5,633.76, saving us \$8,600 per year and \$14,296 yearly thereafter. There is a one year warranty included; however, for an additional \$841, HACH will certify it once a year, including factory repairs, one pm calibration on site per year, unlimited technical support call and free software upgrades on the equipment. Travel is included for one onsite visit. Mr. Welham is seeking approval to purchase this equipment from HACH with the additional warranty.

Mr. Campbell asked about the life expectancy on the equipment. Mr. Dippery indicated it was 10 years; however, it should be longer with the warranty. Mr. Sievers wanted to know why other companies weren't looked into for a better price. Overall, Mr. Campbell agreed it was a good decision.

On a motion by Mr. Wilson and seconded by Mr. Searer, Council by a 6-1 vote approved the purchase of a spectrometer with extended warranty from HACH.

Roll Call

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

PERSONNEL

On a motion by Mr. Campbell and seconded by Mr. Berrier, Council by unanimous vote approved to postpone hiring a part time Parking Enforcement Officer until March 2019.

STREETS

The list for tentative street paving for 2019 is:

- South Brown Street, from Charles Street to Fleming Avenue
- 500 and 600 blocks of South Grand Street
- West Wilson Avenue from South Main Street to the softball field
- Susquehanna Avenue, from South Main Street to South Grand Street
- 500 block of South Juniata Street
- 600 block of South Wayne Street

On a motion by Mr. Felmler and seconded by Mr. Searer, Council by unanimous vote approved 2019 tentative street paving contingent upon CDBG funding approval.

EG CHANNEL

On a motion by Mr. Felmler and seconded by Mr. Sievers, Council by unanimous vote approved the student list to film Borough Council meetings.

Ms. Shade reviewed the upcoming schedule for live broadcasts, including football games, basketball games wrestling matches, band and choral concerts, and measure the candidates will be broadcast on October 25. For those that don't have cable or satellite, MCTV is looking

into streaming live through the internet for easier accessibility for the residents of Mifflin County.

Mr. Felmlee wanted to make sure the public was aware that these students volunteer their time and they are funded by donations only. They are not allowed to solicit funds and are in need of sponsors, if anyone would like to donate it would be appreciated.

PUBLIC COMMENTS

A participant from the audience wanted to know if there was any way we could get microphones so the audience could hear better. Mr. Welham advised that most meetings are in a smaller room but will to monitor whether microphones are needed. Ms. Shade encouraged everyone at the meeting to come back again. Mr. Felmlee reminded the public to exercise their first amendment.

Steve Reitz wanted to know when paving on Ridge Road would be completed. He was advised that that is a PennDOT road, not a Borough road, and is not our responsibility.

Kari Coble addressed an issue she had witnessed at the Valero gas station involving a toddler wandering about alone. Police have allegedly been called on three separate occasions by employees and nothing seems to have been done.


Albert Forshey would implore every Council member to look at everyone's special skill set to use them accordingly to help better the Borough. Ms. Shade agreed that Council needs to work together.

A participant had a few questions about the EG Channel. Ms. Shade will provide her with Roger Herto's contact information for answers.

Scott Gutshall informed Council of a drainage problem near the Lewis Mart on South Main Street. Tim Plank is aware of it and it is being addressed.

NO EXECUTIVE SESSION HELD

On a motion by Mr. Felmlee and seconded by Mr. Searer, the meeting was adjourned at 6:31 pm.



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:



(Asst.) Borough Secretary