REGULAR COUNCIL MEETING

November 9, 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**

Ms. Shade (President), Mr. Campbell (Vice-President), Larry Searer (Councilman), Mr. Sievers (Councilman), Mr. Terry (Councilman), Mr. A. Wilson (Councilman), and Mr. B. Wilson (Councilman) were present.

**HEARING OF PERSONS PRESENT**

***Jim Zubler, West Water Street Sidewalk Project***

Mr. Zubler begins to update Council concerning the sidewalk project on West Water Street. The goal of the project is to thematically connect the Victory Park and Riverwalk sidewalks. Mr. Zubler is working with a codes engineer to identify areas of sidewalk and curbing improvements. Because of this project, three parking spaces can be added to areas that are currently yellow-lined. Bid documents are planned to be compiled by mid-December: the Penn Bid system is being used. The purpose of the project is to improve sidewalks from S Main St to Juniata St, the flasher that will allow pedestrians to easily cross to Victory Park will be installed by PennDOT later. Mr. Zubler states that as courtesy parking normally operates from Thanksgiving through the new year, as New Year’s day falls on a Friday Mr. Zubler recommends extending the courtesy parking until Monday, January 4th.

***Candi Koser/Kevin Morningstar, 803 South Wayne Street***

Mr. Morningstar states that he performed a deed search before purchasing property at 830 South Wayne Street and found an outstanding sewer bill. Mr. Morningstar states that he called the Borough office to have the outstanding bill transferred to the Sheriff’s office before the closing of the property. After calling the Sheriff’s office a week before the settlement, he found that the bill had not been transferred over. He is now responsible for the outstanding bill but feels as though this should not be the case. Mr. Remy asks Mr. Morningstar if there was an attorney involved when purchasing the property. Mr. Morningstar states that he has purchased property in the past and has not paid an attorney to complete his deed searches.

***Roll call vote was taken: Exoneration of 830 South Wayne***

***Dave Campbell Nay***

***Larry Searer Yea***

***Venus Shade Nay***

***Mark Sievers Nay***

***Marc Terry Yea***

***Aaron Wilson Nay***

***Bill Wilson Yea***

***On a motion by Larry Searer and seconded by Mr. Terry, Council failed to approve exoneration of the outstanding sewer bill at 830 W 3rd Street.***

**\*\*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. Council-October 12, 2020
3. Law and Ordinance-October 15, 2020
4. Finance – October 15, 2020, October 22, 2020 & October 29, 2020
5. Personnel-October 22, 2020
6. \*\*Approval of Treasurer’s Report
7. Acknowledge Receipt of Tax Coll Report
8. \*\*Approval of Schedule of Bills

1. General Borough/Specialty/Refuse/Wastewater Coll & Treatment/State Liquid Fuels

1. Acknowledge receipt of Fame Meeting Minutes, Stats, & Financials for 2018/2019
2. Acknowledge receipt of Codes Enforcement Office Monthly Report
3. Acknowledge receipt of Letter from Comcast
4. Acknowledge receipt of DLI Thankyou Letter
5. Acknowledge receipt of MABL minutes
6. Acknowledge receipt of Bi-Annual Inspection Report for Wastewater Facilities
7. Acknowledge receipt of Library Thankyou Letter
8. Acknowledge receipt of Applications for Water Co. Board (Griffith, B. Bargo, Rocco, Marker, Booher)
9. Acknowledge receipt of Safety Minutes from Aug & Sept
10. Acknowledge receipt of Parks and Recreation Minutes
11. Acknowledge receipt of Sward Zoning Hearing Minutes
12. Acknowledge receipt of American Water Letter
13. Acknowledge letter from County for MultiModel Project

Mr. Campbell states that action will need to be taken in the next 3 months regarding the Comcast agreement.

***On a motion by Mr. Terry and seconded by Larry Searer, Council unanimously agrees to accept the Consent Agenda.***

**REGULAR AGENDA**

1. **Treasurer/Borough Manager/Secretary Report**
   1. **Approval of HRI Right of Way**

Ms. Miller states that HRI is requesting the use of the lot near the Kish Apartments for the W 4th Street Project starting in November through December of next year.

***On a motion by Mr. Terry and seconded by Mr. Campbell, Council rescinds the previous motion to approve the HRI right of way agreement.***

***Motion Rescinded by Mr. Terry and Mr. Campbell.***

***On a motion by Mr. Campbell and seconded by Mr. Terry, Council unanimously agrees to approve the HRI right of way agreement contingent upon prior agreements being put in writing.***

* 1. **Exoneration of Red Cross Parking Meter Bags**

Ms. Miller states that the Cavalry Church is requesting the exoneration of parking meter bags for 5 vehicles belonging to the Red Cross. The Red Cross was present for a blood drive that took place on October 30th.

***On a motion by Mr. Campbell and seconded by Mr. A Wilson, Council unanimously agrees to approve the exoneration of the 5 Red Cross meter bags.***

1. **Fire Chief**

Chief Barlett states that the fire department ran 21 alarms during the month of October. These alarms consisted of 3 building fires, 2 cooking fires, 1 boiler malfunction, 4 medical assists, 3 motor vehicle accidents with injuries, 1 extrication of a victim from a structure, 1 extrication of a victim from a vehicle, 2 gas leaks, 1 downed power line, 2 cover assignments, and 1 unintentional alarm system activation.

Chief Barlett states that there was an election of officers held at the recent quarterly fireman’s relief meeting in which he was voted to Council.

Chief Barlett states that quarterly fire committee meeting was held recently.

1. **Mayor**

Nothing to report

1. **Police Chief**

Chief Clemens states that the police had 410 calls for service in the month of October with 30 being traffic citations and 58 parking tickets. The department will be receiving $36,000 in overtime reimbursement for mental health first aid and crisis intervention training. All of this is covered under a Mental Health Code Responder grant. Since the radar signs have been placed (Oct. 23 – Nov. 2) 1075 vehicles have driven past, with only 9 vehicles speeding. The highest clocked speed was 32 mph. From Nov. 3rd to Nov. 11th 566 vehicles passed, with 3 vehicles speeding. Ms. Shade inquires about any emergent patterns in the data. Chief Clemens states that he needs to analyze the data further, however, there does not appear to be any pattern pertaining to the time in which the speeders passed. Mr. Campbell inquires about the relationship between the calls for service in October 2020 and October 2019. Mr. Clemens states that he believes the calls for service are lower than last year, however he can email the information to Mr. Campbell once found.

1. **Recreation Board**

Mr. Terry and Ms. Miller state that the event Pancakes and Pajamas was discussed at the Recreation Board meeting, however this item is already on the agenda to be discussed later.

1. **Borough Solicitor**
   1. **Agreement of Sale for MABL Assets**

Mr. Remy reminds the council that a MoU was entered into in a prior meeting. Attorneys drafted an agreement of sale which Mr. Remy Sent out October 21st. Ms. Shade suggests saving discussion of this matter for executive session.

* 1. **Discuss 114 W Fourth Street property**

Mr. Remy performed a title search on the property and discovered three items in addition to the discussed taxes at a prior meeting. There is an unsatisfied mortgage to the Lewistown Trust Company, a lawsuit by the Lewistown Trust Company that resolved the judgement, and a judgement in favor of Citi bank for $4,300. Mr. Terry inquiries the value of the outstanding mortgage. Mr. Remy states that the mortgage is ≈ $7,300. Mr. Campbell inquiries potential actions that can be taken against the property owner. Mr. Remy states that the Borough may continue to cite the owner. If the property becomes an emergency and must be torn down, a lien may be placed on the property. Mr. Campbell mentions placing a lien on additional assets. Mr. Remy states that he is unsure if the property owner has any additionally qualified assets.

**Unfinished & New Business**

1. **Approval to Release 2017 CDBG funds (ADA Ramps)**

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

1. **Approval of Police MOU (Mental Health Correspondent)**

Ms. Shade asks Chief Clemens if he has received any applications for the position. Chief Clemens states that the position has been filled. Mr. Campbell inquiries the extent of which the external company is involved in the hiring process. Chief Clemens states that the external company is the entity hiring the correspondent, the police department is effectively providing them office space and working alongside them.

***On a motion by Mr. Terry and seconded by Mr. A Wilson, Council unanimously agrees to approve the Police MoU.***

1. **Law & Ordinance Chairman – Dave Campbell**
   1. **Approval to amend Ordinance for Home Occupational Provisions**

Mr. Campbell states that a resident wanted to open a salon inside her personal residence. Mr. Remy made changes to the definition of home occupation and removed barbershops, beauty shops, and real estate agencies from the list of prohibited occupations. The ordinance maintains retail stores and taverns being prohibited occupations. Instead of applications appearing before the Zoning Hearing Board, applicants will come before Borough Council as conditional uses. This will allow Borough Council to approve or deny the applications while also applying any reasonable conditions. Mr. Sievers raises a concern involving fumes generated from chemicals present in hair coloring. Ms. Shade states that reasonable conditions can be placed on a case-by-case basis, this will allow Council to address similar concerns.

***On a motion by Mr. Terry and seconded by Mr. Campbell, Council on a 6-1 Vote (Searer) approves sending the updated ordinance to the Planning Commission.***

1. **Finance Committee Chairman – Marc Terry**
   1. **Approval of CGI Banners Agreement**

Mr. Terry states that the CGI banners would be at no cost to the Borough. Ms. Miller states that the Borough will receive 25 banners that can be replaced yearly. All materials and installation will be provided by CGI. Larry Searer inquiries where the banners will be hung. Ms. Miller states that they are likely to be hung around light posts throughout downtown. Mayor Bargo inquiries if the Borough may choose the images. Mr. Terry and Ms. Shade state 3 designs can be chosen. Ms. Shade inquiries the size of the banners. Ms. Miller states that the banners standard size is 30’’ by 72’’.

***On a motion by Mr. A Wilson and seconded by Mr. Campbell, Council unanimously agrees to approve the CGI Banners Agreement.***

Ms. Shade states that Juniata Valley Chamber would like to purchase banners for the Holiday Stroll replacing the Ice Festival this year. JVC requests permission to hang the banners in the square and seeks the Boroughs assistance in hanging the banners.

***On a motion by Mr. Terry and seconded by Mr. A Wilson, Council unanimously agrees to allow streets personnel to hang the JVC banners.***

* 1. **Approval of 264 West Fifth Street Sewer Connection**

***On a motion by Mr. Sievers and seconded by Mr. Terry, Council unanimously agrees to approve the 264 West 5th Street Sewer Connection.***

* 1. **Approval of purchase of Bio tank motor for WWT from Witmer in the amount of $8329.48**

***On a motion by Mr. Sievers and seconded by Mr. Campbell, Council unanimously agrees to approve the purchase of the Witmer Bio tank motor.***

* 1. **Approval of Natural Gas Renewal Rate**

Mr. Sievers states that the natural gas rate has been locked in at $3.92.

***On a motion by Mr. Sievers and seconded by Mr. Terry, Council unanimously agrees to approve the natural gas renewal rate.***

* 1. **Approval of Pancakes & PJ’s**

Ms. Miller states that there is a desire to hold an event called Pancakes and PJ’s at the community center. Refreshments will be offered, and Santa will be at the event. The current pricing is $10 for adults and $5 for children. Ms. Miller states that the event is planned for Monday, December 11th 9am – 12pm. Ms. Shade is concerned with the scheduled time and date as not many people are available Friday mid-day. Ms. Miller states that Saturdays and Sundays are booked for the remainder of the year during the desired time. Ms. Shade suggests hosting the event in the evening, offering hot cocoa and cookies. Mr. Campbell states that he raised issue with the scheduled time as well at a prior meeting. Ms. Shade suggests talking with a church to potentially receive supplies as well as speaking with the Visitor’s Bureau to advertise the event. Mayor Bargo states that if the event goes well with the given timeslot, it may open more event opportunities in the future.

***On a motion by Mr. Campbell and seconded by Mr. A Wilson, Council on a 6-1 Vote (Searer) approves the Pancakes and PJ’s event contingent upon a pricing of $6 for adults and $3 for children. Larry Searer opposed.***

**Executive Session**

**Council entered executive session at 6:24pm to discuss water litigation and personnel.**

**Council exited executive session at 7.22pm**

***On a motion by Mr. A Wilson and seconded by Larry Searer, Council on a 5-7 Vote (Terry & Campbell approves the termination of the Borough Manager effective November 9th.***

***On a motion by Mr. Terry and seconded by Mr. A Wilson, Council unanimously agrees to allow the Council President and Vice-President to direct personnel in the Borough during the interim period where there is no Borough Manager.***

***On a motion by Mr. Terry and seconded by Larry Searer, Council unanimously agrees to pay out the Borough Manager’s unused vacation and sick time.***

***On a motion by Mr. Terry and seconded by Mr. A Wilson, Council unanimously agrees to hire an external fiscal & budgetary consultant at a rate of $25/hr.***

***On a motion by Larry Searer and seconded by Mr. Terry, Council unanimously agrees to advertise the position of Borough Manager.***

**Adjournments**

***On a motion by Mr. Terry and seconded by Larry Searer, Council adjourns at 7:27pm.***

(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

(Asst.) Borough Secretary