

**REGULAR COUNCIL MEETING
NOVEMBER 13, 2018 AT 5:00 PM
COMMUNITY CENTER**

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

ROLL CALL

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

HEARING OF PERSONS PRESENT

None

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-October 8,2018
 - 2. Finance Meeting- October 4th , 11th , 18th , and 25th , 2018
 - 3. Additional Finance Meetings-November 1st and 8th , 2018
 - 4. Streets Meeting-October 11, 2018
 - 5. Law & Ordinance-October 25, 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. Dollar General
 - 3. Wastewater Facilities and Capital Purchases w/Requisitions
 - 4. DCNR
- D. Acknowledge Receipt of Tax Collector Report & Commissions
- E. Approval of Facility Use Forms-Streets:
 - 1. Downtown Courtesy Parking from November 22, 2018 to January 1, 2019
- F. Acknowledge Receipt of FAME Meeting Minutes Oct & FAME Response Stats for Sept
- G. Acknowledge Receipt of IRS letter for our audit

- H. Acknowledge Receipt of Festival of Ice request to sponsor an ice sculpture
- I. Acknowledge Receipt of Ribbon Cutting Ceremony for Bus Shelter Invite and Community Spirit Letter from Rhonda Moore
- J. Acknowledge Receipt of Shelter Service request
- K. Acknowledge Receipt of MCTCC Independent Accountant's Report and 2019 Budget
- L. Acknowledge Receipt of WWTP Intermunicipal Quarterly Minutes for October
- M. Acknowledge Receipt of DEP letter for Sheetz
- N. Acknowledge Receipt of PennDot Letter in regards to Chestnut Street
- O. Acknowledge Receipt of Municipal Notification from HDR for UGI Aerial Crossing Maintenance Project

Ms. Shade reviewed the Festival of Ice request asking the Borough to sponsor an ice sculpture this year. The Borough could purchase it and the Borough would receive a block ad in the Juniata Valley Visitors Bureau publication in which they could use to advertise the community center. The Borough would also receive a booth at the Ice Festival in which they could contribute to a non-profit or have the Visitors Bureau pick one.

On a motion by by Mr. Felmlee and seconded by Mr. Campbell, Council by a 4-3 vote, approved to buy a block of ice for \$350.

Roll Call

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

Mr. Berrier wanted to know if this expense was in the budget. Mr. Sievers stated that it was not as it falls within the 2018 budget. Mr. Campbell wanted to know how to decide what was sculpted. Ms. Shade indicated we could contact the Visitor's Bureau or we could pick out one.

Mr. Sievers questioned the wage increase on the FAME budget. Mr. Welham will check with Pat Shoop as to what the increase is.

Mr. Campbell read a letter that he had received from Rhonda Moore about the new bus shelter located on the square. The public is invited to a ribbon cutting ceremony on November 15, 2018 at 10:00 am, rain or shine. When asked about who is responsible for maintenance on the new shelter, Council was advised the inmates at the jail will be taking care of it.

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

REGULAR AGENDA

REPORTS

A. Treasurer

Ms. Walter presented Council with the results of the IRS audit completed. She was pleased to announce there is no change in the bonds; they will keep their tax exempt status, saving the Borough approximately \$144,500 annually.

A sewer exoneration request was received from Mr. Robinson for 437 South Grand Street; however, Mr. Fink has been unable to get in touch with him.

Ms. Walter is seeking approval of Council to use accountants Young, Oakes, Brown & Company for the 2018 audit. A proposal was received for \$19,975 while Boyer & Ritter submitted a proposal for \$29,085.

On a motion by Mr. Sievers and seconded by Mr. Felmler, Council by unanimous vote approved Young, Oakes, Brown & Company for the 2018 audit by Resolution.

Roll Call

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

B. Code Enforcement Officer

Mr. Fink reported there were 131 violations in October. 6 of those violations were issued for high grass and/or weeds, 106 for sidewalks as we get ready for 2019 paving projects. There were 41 zoning permits issued, totaling \$9,452.16. There were 10 sidewalk permits issued, totaling \$320. Improvements totaled \$903,761 in October, with a year-to-date of \$7,951,035. The inspection fees for October were \$765. There were no LOMA letters received.

Mr. Campbell asked Mr. Fink if he addressed the drainage issue they had discussed earlier located on Valley Street. Mr. Fink advised him that he spoke with the property owner and they have not yet met the November 27, 2018 deadline for completion.

C. Fire Chief

Chief Barlett reported 14 alarms and medical assists for October, no significant damage reported.

They did respond to a call involving an elevator that stuck between floors, involving a mother and her two children. He thanked the properly trained individuals that are certified in elevator rescue in the Rescue Department for getting them out safely.

Chief Barlett said the fire companies participated in the Safe Trick or Treat Night, as well as the Halloween parade this year.

Chief Barlett and his two Assistant Chiefs attended an active shooter exercise for training to help get prepared in case something would ever happen.

Chief Barlett and Chief McCaa attended the fire academy for an 8 hour course in fire safety.

City Rescue is sponsoring a 16 hour vehicle certification program this weekend. After completion, approximately 30 people will be certified.

Kish Bank approved a loan with City Hook and Ladder for the purchase of a new rescue truck. Mr. Remy said he wasn't sure what the Borough needed to do involving the purchase, but he was seeking Council's approval to compose a letter stating that City is tax exempt. Larry Searer stated that, in the past, the Borough had to sign a paper stating that the fire department performed duties for Lewistown Borough in order to get a lower interest rate on the loan. City can also apply through the State for a 2% loan of up to \$200,000 and that may have been where the letter was needed in the past. If a letter is needed, City wanted to know if they could deliver it to Borough Hall and have Mr. Welham sign it. It was suggested that they apply for the 2% loan now as the truck meets the requirements for the loan. Council would like to see the paperwork before approving anything.

Mr. Berrier asked the price of the new truck. An estimate of \$704,362 was given. The truck can be used as both a fire truck and also a vehicle rescue truck. It saves them money in the long run so they don't have to buy two rigs. In the event of a consolidation, they would do the same as with any other vehicle. The current truck being used has cost them \$20,000 in repairs this year.

A few years ago, the Brooklyn Fire Company purchased a truck without the knowledge of Lewistown Borough and City just wanted everyone to be aware before the new truck arrived.

Mr. Remy is seeking Council's approval to write a tax exempt letter on behalf of City Hook and Ladder.

On a motion by Mr. Felmlee and Mr. Campbell, Council by a 4-3 vote approved Mr. Remy to write a tax exempt letter on behalf of City Hook and Ladder.

Roll Call

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

Mr. Berrier asked Chief Barlett where we were with the consolidation process. Chief Barlett is hoping to have a report from the consultant in December. Mr. Berrier asked again about what would happen to the apparatus in the event of consolidation. If the consolidation is approved, City would either sell it accordingly or give it to the Borough and have us pick up the payments. Mr. Berrier feels it's a premature move to be making without the recommendation of the consultant.

D. Mayor

Mayor Bargo informed Council that she recently attended the fall PSAB conference. One of the biggest issues discussed among the different Borough's was the blight of property. Lobbyists were there and new laws were passed. Information was handed out to Council for review pertaining to the Pennsylvania's anti-blight laws and current legislation.

Mayor Bargo announced upcoming events: the Festival of Ice will be November 29 and 30. The annual Christmas parade will be December 1, 2018 at 1:00 pm. And the Kiwanis pancake festival is also scheduled for December 1st at 7:00 am.

Mayor Bargo announced two vacancies on the Police Advisory Board due to the passing of Donald Rothermel and Tobin Fisher accepted a new position and is moving to New Hampshire. If any Borough resident would like to apply, they can pick up an application at Borough Hall. The next scheduled meeting is December 20, 2018 at 4:00 in the conference room at the Police station.

She invited the public to attend the ribbon cutting ceremony for the bus shelter on November 15 as previously discussed. A representative from Greyhound will be present as well.

E. Police Chief

Chief Clemens reported October statistics. The Lewistown Police Department had 221 calls to service, 35 traffic citations, 25 non-traffic citations, and 6 written warnings. Officers participated in the Halloween and Veterans Day parades. No issues to report from those events.

Chief Clemens announced some upcoming activities: the 7 Mountains Jeep Club will be having a toy drive November 24 between 10:00 am – 4:00 pm at Sweet Frog's in Burnham; toys will be collected at the Festival of Ice; and 'fill a cruiser' is scheduled for December 14 at the Giant Store, all proceeds go to Mother Hubbard's Cupboard and the Lumina Center.

There is a new social media platform that the Community is using. "Community Next Door" was created by Colby Guyer in which the police are actively involved in. The main purpose is to share information with people in your community or to provide tips, not to report crimes. If there is something to report, please call the communications center to ensure it gets reported properly.

F. Recreation Board

On a motion by Mr. Felmlee and seconded by Mr. Sievers, Council by 6-1 (Searer) vote, approved the Community Center Rental Agreement for Tammy and Michael Carothers on November 24, 2018 with alcohol.

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by unanimous vote approved to advertise for a Community Center Coordinator and Swimming Pool Manager.

Mayor Bargo thanked Mary Barr for her years of service and commitment at the Community Center.

G. Borough Solicitor

Mr. Remy presented Council with the approval to advertise the Sign Ordinance.

On a motion by Mr. Searer and seconded by Mr. Campbell, Council by unanimous vote approved to advertise the Sign Ordinance.

Roll Call

Frank Berrier	Yea
Dave Campbell	Yea
Jim Felmlee	Yea
Larry Searer	Yea
Mark Sievers	Yea

Bill Wilson	Yea
Venus Shade	Yea

Mr. Remy is seeking approval to advertise the Sidewalk Ordinance. Changes were made to Section 212-25(A), *Responsibility of property owners; Notice and Order to Repair*. "Every owner of land which (1) abuts a Borough street, or (2) which abuts a state highway in the Borough where sidewalks or curbs are required or permitted by the Pennsylvania Department of Transportation, on which a sidewalk and/or a curb is constructed as of January 1, 2019, shall maintain the sidewalks and curbs on or abutting such land, and keep the same in a good and safe condition and in compliance with the Borough's 'Sidewalk and Curb Regulation'."

A motion was made by Mr. Felmlee and seconded by Mr. Campbell for discussion.

Mr. Campbell wanted to know if everyone was familiar with the changes as Mr. Remy sent it out for Council to review prior to the meeting.

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by a 4-3 vote, approved to advertise the Sidewalk Ordinance.

Roll Call

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

Mr. Remy addressed the request from Ms. Anewalt, tax collector, asking that she be exonerated from collecting from the 343 people whose taxes have been undeliverable for the last 4-5 years. He spoke with Erin Anewalt and Mary Bratton, Chief County Assessor, about the tax exonerations. Removing people from the tax roll is based on the County Commissioner policy that a local tax collector can report to the county that a tax bill has come back and is undeliverable three years in a row, then that tax payer is going to be removed from the per capita roll. In the meantime, these taxes are turned over to the delinquent per capita tax collector, which is Keystone. Keystone will continue to try to find these people. If found, even after they've been removed from the rolls, the County Assessment Office will put them back on the rolls. Payments are not eliminated. Even if the tax collector has removed them from collecting taxes, they still have to be paid. They are turned over to Keystone and they are in charge of locating those people and collecting the tax.

Mr. Campbell wanted to clarify that it does not remove the accountability of the individual that owes the taxes, but it is removing the cost and expenses associated with the Borough and/or the tax collector for continuously trying to pursue them.

Mr. Berrier stated that whether or not we exonerate, the tax still gets turned over for delinquency, so what's the point? Mr. Remy stated that, at the end of the year, there's an accounting of what happened with every tax bill. It's either collected or exonerated. Discussion ensued. Ms. Anewalt said that her understanding was the taxes come off the rolls for the future when exonerated and not turned over to the delinquent tax collector. Mr. Remy's understanding is that, even if Borough Council exonerates Ms. Anewalt from collecting the taxes, the taxpayer is still liable to pay the bill and it will be turned over to the local tax collector. Ms. Anewalt stated that her goal was to save the Borough money, save the delinquent tax collector time and save her some time as well.

Mr. Berrier said that two different answers are being told. Mr. Remy states the uncollected taxes are being turned over to Keystone and Mr. Anewalt states they are not. He doesn't feel a decision can be made without an accurate answer. If we do nothing, these bills will go delinquent and get turned over to the delinquent collector. Meanwhile, our tax collector notifies the Assessment Office that they came back three years in a row and they are removed from the rolls and we may not see them anymore.

Approval died after no motion was made to exonerate the Per Capital Tax Bills.

H. Borough Manager/Secretary

Mr. Welham announced the Walking Trail dedication date is scheduled for November 28, 2018 and 1:00 pm, near the boat launch.

Mr. Welham is seeking approval for the EADS contract on the Kist Street Improvement Project. DCED was successful in the grant application in the amount of \$340,000. Geisinger contributed \$150,000 and Lewistown Borough will pay \$210,000, totaling \$700,000. This is the State Liquid Fuel allocation for 2019. Even though Mifflin County School District decided not to go in with the grant, they have agreed to do all their sidewalks and have them completed by next summer so we can start the project.

Mr. Sievers had a few questions about the wording in the contract regarding the payment procedures, termination clause and the general considerations in Section 5. Approving the contract now will allow EADS to get started with inspectors and get a base map of the corridor so they can get started on their layout and the permitting through PennDOT.

Mr. Berrier would prefer to see a finished agreement before voting on a contingent basis. Mr. Remy said that is always the safest thing to do. Ms. Shade wanted to know how long it would take to make the changes and Mr. Parkes said it could happen within a week. After discussion, Lucas Parkes from EADS agreed to modify the language in question.

On a motion by Mr. Felmlee and seconded by Mr. Sievers, Council by a 4-3 vote approved the EADS contract, contingent upon the changes agreed upon.

Roll Call

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

Mr. Welham is seeking approval from Council to bid out a 5 year contract for the roll-off.

On a motion by Mr. Searer and seconded by Mr. Campbell , Council by unanimous vote approved to bid out the roll-off contract with a five year term.

Mr. Welham reviewed the year-to-date financials of revenue and expenses through October 31, compared to last year at this time:

General Borough revenue is up 7.9%, expenses are down 15%

Refuse revenue has increased 6.4%, expenses also increased 9.7%

WWC revenue is up .7% and expenses are up 4.5%

WWT revenue increased 5.3% and expenses decreased 3.4%

The 2019 budget is expected to be completed in two weeks and will be given to Council for review before the next Council meeting.

UNFINISHED AND NEW BUSINESS

On a motion by Mr. Felmlee and seconded by Mr. Sievers, Council by unanimous vote approved to close Borough Hall on Friday, November 23, 2018.

Ms. Shade suggested suspending the street sweeping tickets every year on the Friday before Thanksgiving and resume every year the first Monday in April. Discussion ensued.

On a motion by Mr. Sievers and seconded by Mr. Berrier, Council by unanimous vote approved to suspend the street sweeping tickets between the Friday before Thanksgiving until the first Monday in April.

Roll Call

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

On a motion by Mr. Felmler and seconded by Mr. Campbell, Council by unanimous vote approved to apply for a flashing traffic signal at the intersection of South Main Street and East Hale Street by a Resolution.

Roll Call

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

On a motion by Mr. Searer and seconded by Mr. Felmler, Council by unanimous vote approved to release 2015/2016/2017 CDBG funds for South Wayne Street/Spring Street/Admin.

FINANCE

Mr. Sievers is seeking approval to transfer the PLGIT CD into a JVB account in order to receive a better interest rate from 1.65% to 2.58%.

On a motion by Mr. Searer and seconded by Mr. Campbell, Council by unanimous vote approved to transfer the PLGIT CD to JVB for a better interest rate.

Mr. Sievers is also seeking to sign a three year contract with PMHIC (Benecon) for our healthcare services and Short-term Disability/Life Insurance. PMHIC's annual cost came in at

\$429,551.28 vs Benefit Managements quote of \$470,921.76 or a difference of \$41,370.48. This represents a 4.47% decrease over fiscal 2018.

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by unanimous vote approved to sign a three year contract with PMHIC (Benecon) for our healthcare services, effective December 1, 2018.

Roll Call

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

On a motion by Mr. Felmlee and seconded by Mr. Berrier, Council by unanimous vote approved to sign a contract with PMHIC (Benecon) for Short-term Disability/Life Insurance.

Roll Call

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

STREETS

On a motion by Mr. Searer and seconded by Mr. Felmlee, Council by unanimous vote approved to remove the handicap parking space at 29 East Chestnut Street Extended by Resolution 2018-50.

Roll Call

Frank Berrier	Yea
Dave Campbell	Yea
Jim Felmlee	Yea
Larry Searer	Yea
Mark Sievers	Yea

Bill Wilson	Yea
Venus Shade	Yea

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by unanimous vote approved to insert a handicap parking space at 27 West Fourth Street by Resolution 2018-51.

Roll Call

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

On a motion by Mr. Campbell and seconded by Mr. Felmlee, Council by unanimous vote approved to insert a handicap parking space at 221 North Grand Street, to be placed around the corner on West Fifth Street by Resolution 2018-52.

Roll Call

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

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by unanimous vote approved to remove the handicap parking spaced at 137 Chestnut Street by Resolution 2018-53.

Roll Call

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

Venus Shade

Yea

Mr. Wilson informed Council that the handicap parking space located at 200 West Market Street and South Grand Street (in the alley) could be removed as the resident passed away recently. We will look to make sure no one is using the space before making a decision.

PUBLIC COMMENTS

Matthew Boyer presented pictures of the potholes in the alley behind Calvary Bible Church and Pannebaker Ave. They have been repeatedly patched and now he would like the area repaired properly.

NO EXECUTIVE SESSION HELD

On a motion by Mr. Felmler and seconded by Mr. Searer, the meeting was adjourned at 6:33 pm.



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:



(Asst.) Borough Secretary