REGULAR COUNCIL MEETING

December 14, 2020 AT 5:00 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), and Mr. A. Wilson (Councilman) were present.

**\*\*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-November 9, 2020
3. Finance – November 5, 2020, November 12, 2020& November 19, 2020
4. Streets – November 12, 2020
5. \*\*Approval of Treasurer’s Report
6. Acknowledge Receipt of Tax Coll Report
7. \*\*Approval of Schedule of Bills

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

1. Acknowledge receipt of Fame Meeting Minutes & Stats
2. Acknowledge receipt of Codes Enforcement Office Monthly Report
3. Acknowledge receipt of Letter from Comcast
4. Acknowledge receipt of Notice of State Police Pines and Penalties Payment
5. Acknowledge receipt of MCSD Tax Collectors Compliance Report
6. Acknowledge receipt of Certification of Real Estate and Per Capita Totals

***On a motion by Mr. Campbell and seconded by Mr. A Wilson, Council unanimously agrees to accept the consent agenda.***

**REGULAR AGENDA**

**REPORTS**

1. **Treasurer/Borough Manager/Secretary Report**

Ms. Miller states that an email has been received from DCNR regarding the rec park pool feasibility study. In six weeks, an agreement should be received by mail that will allow things to move forwards. Ms. Miller states that a letter has been received from the Juniata River Valley Chamber of Commerce regarding the community membership directory. Ms. Shade inquiries as to when information must be given for the directory. Ms. Miller states that she is unsure regarding a specific date, however there is likely time into the new year to make this decision. Comcast has requested permission for a right-of-way at 132 South Main Street. Mr. Campbell questioned what dates they would need the permission. Ms. Miller stated she would reach back to Mr. Mills to find out a more definitive time frame.

**On a motion by Mr. Sievers and seconded by Mr. A Wilson, council unanimously agrees to allow the use of the lot at 132 South Main Street contingent upon dates of use being provided.**

Discussion begins regarding an update to the previously discussed river lot campground. Ms. Miller displays to council the area of ground that is owned by the Borough. Mr. Remy asks Mr. Lucas Parkes when the final draft of plans will be available. Mr. Parkes states that the draft that has been provided is ready to be finalized; there are formalities such as sealing the document that can occur within the week. Mayor Bargo asks if Mr. Sellers has been notified, Mr. Parkes states that he has not been notified. Mr. Remy states that once he receives the final document, he can provide the document to Mr. Sellers and his attorney. Mr. Terry states that he believes this topic can warrant further discussion. Mr. Terry is concerned regarding the amount of resistance the Borough faced when attempting to be mindful and appropriately solve the dispute. Ms. Shade recommends waiting to see what Mr. Sellers would like to do before proceeding. Mr. Campbell raises concern that the property will need to be fixed/cleaned otherwise it may pose a liability. Larry Searer states that if an agreement is reached in which the campground continues operation, necessities must be installed as well as payment of the appropriate fees.

1. **Fire Chief’s Report**

Chief Barlett states that he had 4 members of the companies out of work with COVID and 11 members out of work awaiting testing. Because of this, Mammoth was called in to sanitize the fire houses and rigs, as well as a quarantine being placed over the firehouses, with members only utilizing the houses to perform essential duties. Chief Barlett states that as a winter storm is projected to arrive, the quarantines on the firehouses are going to be lifted until the storm passes.

1. **Mayor’s Report**

Nothing to Report

1. **Police Chief’s Report**

Calls have been down due to quarantine and lack of activity. No officers are currently quarantined.

1. **Recreation Board – No Quorum**
2. **Borough Solicitor**

Mr. Remy states that the public hearing was held regarding the zoning ordinance amendment altering regulations regarding home occupations. Mr. Remy states that barbershops, hairstylists, and real-estate offices were removed from the list of prohibited occupations as well as a special exception needing to appeal to Council as opposed to the Zoning Hearing Board. Mr. Campbell states that this is another small step to further helping the development of small and local businesses.

***Roll call vote was taken: Home Occupation Ordinance***

***Dave Campbell Yea***

***Larry Searer Yea***

***Venus Shade Yea***

***Mark Sievers Yea***

***Marc Terry Yea***

***Aaron Wilson Yea***

***On a motion by Mr. Terry and seconded by Mr. Campbell, Council unanimously agreed to accept the Home Occupation Ordinance.***

**UNFINISHED & NEW BUSINESS**

Ms. Miller states that the 2nd quarter 2020 salary reimbursement is for the ADA ramps at the amount of $5,640.68.

**On a motion by Mr. Campbell and seconded by Mr. Terry, Council unanimously agrees to approve the release of the 2nd quarter 2020 salary reimbursement.**

Ms. Miller states that the 3rd quarter 2020 salary reimbursement is for administration as well as materials and supplies at the amount of $3,560.24.

**On a motion by Mr. Campbell and seconded by Mr. Terry, Council unanimously agrees to approve the release of the 3rd quarter 2020 salary reimbursement.**

Ms. Miller states that the 2017 CDBG fund release would be for engineering of ADA ramps at the amount of $5,989.20.

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

Ms. Shade states that there are 77 Per Capita exonerations at the amount of $770. Mr. Campbell asks if there is a verification process for these exonerations. Ms. Shade states that they are reviewed by the assessment office.

**On a motion by Mr. Terry and seconded by Mr. A Wilson, Council unanimously agrees to approve the Per Capita Exonerations.**

Ms. Shade states that Mr. Conklin is retiring and spending time away from the area. Ms. Shade would like to extend thanks and appreciation for his contributions.

**On a motion by Mr. A Wilson and seconded by Mr. Campbell, Council unanimously agrees to accept the resignation of Mr. Randy Conklin from the Police Civil Service Commission.**

Mr. Campbell inquires as to why the Borough appoints a member to the library board. Ms. Shade states that she believes that the Library Board likely has members appointed from multiple involved municipalities.

**On a motion by Mr. Campbell and seconded by Mr. A Wilson, Council unanimously agrees to approve the appointment of Mr. Zane (Peter) Jerzerick to the Library Board.**

Ms. Shade states that a resident has contacted Larry Searer regarding the early placement of refuse. Larry Searer states that many people already place their refuse prior to 5 pm regardless of the regulations. Mr. Campbell states that the issue of enforcement is a separate concern. Ms. Shade inquires as to whether the specific time is mentioned within the ordinance. Mr. Remy confirms that 5pm is the time the ordinance specifies. Larry Searer states that if Council does not wish to change the ordinance, we must ensure that it is being properly enforced. Mr. Campbell inquiries as the what the costs would be altering and advertising the ordinance. Mr. Remy states that it would likely be around $300.

***Roll call vote was taken: Refuse Ordinance Alteration***

***Dave Campbell Nay***

***Larry Searer Yea***

***Venus Shade Yea***

***Mark Sievers Nay***

***Marc Terry Nay***

***Aaron Wilson Nay***

***On a motion by Larry Searer and seconded by Ms. Shade, Council failed to approve the Refuse Ordinance Alteration; Mr. Campbell, Mr. Sievers, Mr. Terry, and Mr. A Wilson oppose.***

Ms. Miller states that Cavalry Bible wishes to host a half-hour Christmas Eve event at 5pm in the Fountain Square Park.

**On a motion by Mr. Campbell and seconded by Mr. Sievers, Council agrees to approve Cavalry Bible’s use of Fountain Square contingent upon payment and proof of insurance; Larry Searer opposes.**

Ms. Shade states that Junction Fire Co. wishes to serve alcohol inside the community center for a fund-raising event on March 6th, 2021.

**On a motion by Mr. Campbell and seconded by Mr. A Wilson, Council agrees to approve Junction Fire’s use of the community center contingent upon proper adherence to COVID restrictions at the time of use; Larry Searer opposes.**

Mr. Terry states that there are two items for discussion from the finance committee. Mr. Terry states that the McClure company offered the lowest bid at $2,340 as well as providing good customer service.

**On a motion by Mr. Sievers and seconded by Mr. A Wilson, Council unanimously agrees to approve the McClure & Company agreement.**

Mr. Sievers states that a value needs reduced on line-item 001410374 Machinery and equipment. Mr. Campbell states that funds were removed from the budget that were allocated to install an ADA compliant swing for mobility impaired persons at Rec Park due to concerns with the continued compliance with ADA standards. Mr. Campbell interpreted the law to state that any new additions must be ADA compliant, as opposed to the previously believed notion that alterations would need to be performed to the remaining facility. Mr. Sievers states that proper accessibility must be provided to transport said person from the handicap accessible space to the swing. Mr. Remy agrees that alterations would only need to be made to the installation of the swing set as well as the path to/from as far as he is aware. Mr. Campbell would like Council’s opinion on reinserting these funds into the budget now that a new understanding is achieved. Mr. Sievers states that the budget is merely an estimate, and it may be unnecessary to reintroduce the funds. Ms. Shade states that grants must also be pursued as budgeting funds may be unnecessary.

**On a motion by Mr. Sievers and seconded by Mr. Campbell Council unanimously agrees to approve and authorize the advertisement of the budget contingent upon the noted alterations being made.**

Mr. A Wilson states that there are two requests for handicap parking spaces at 140 and 128 West 3rd Street.

**On a motion by Mr. Sievers and seconded by Mr. Terry, Council unanimously agree to approve the installation of a handicap parking space at 140 West 3rd Street.**

**On a motion by Mr. Sievers and seconded by Mr. Terry, Council unanimously agree to approve the installation of a handicap parking space at 128 West 3rd Street.**

Mr. A Wilson and Ms. Shade state that the snow emergency ordinance would provide a list of streets that were deemed high priority in which parking will not be allowed during times of winter emergencies. This would allow a more thorough clearing of streets important for emergency vehicles and first responders. The ordinance currently includes 4th Street, Market Street, 3rd Street, Valley Street, Main Street, and East Charles Street. The ordinance is not currently ready to be advertised and will hopefully be brought back next month.

**PUBLIC COMMENTS**

Mr. Matt Moore states that there is an issue regarding the MCTV channel in which the signal is dampening to an extent where it is not visible. Mr. Moore states that the issue is being pursued and he hopes that the matter will be resolved now that traction is being made.

***Council entered executive session to discuss Water Company litigation & Personnel.***

***Roll call vote was taken: Not Approving Agreement of Sale***

***Dave Campbell Yea***

***Larry Searer Nay***

***Venus Shade Yea***

***Mark Sievers Yea***

***Marc Terry Yea***

***Aaron Wilson Yea***

***On a motion by Mr. Campbell and seconded by Mr. A Wilson, Council agrees to not approve the agreement of sale between the Municipal Authority of the Borough of Lewistown and Mifflin County; Larry Searer opposes.***

Mr. Campbell states that this agreement had never technically been approved by the Borough of Lewistown.

***Roll call vote was taken: Terminate MoU***

***Dave Campbell Nay***

***Larry Searer Yea***

***Venus Shade Yea***

***Mark Sievers Nay***

***Marc Terry Nay***

***Aaron Wilson Nay***

***On a motion by Mr. Campbell and seconded by Mr. A Wilson, Council agreed to terminate the MoU between the Municipal Authority of the Borough of Lewistown and Mifflin County; Larry Searer opposes.***

Mr. Campbell states that is the Borough of Lewistown is exercising their right to under paragraph 6 of the memorandum of understanding which was dated September 14, 2020 to terminate the MOU without any obligation and liability to the Borough except as provided in Section 5 of the MOU.

***On a motion by Mr. Campbell and seconded by Mr. A Wilson, Council unanimously agrees to advise other parties in the courts of Council’s actions.***

**Adjournments**

***On a motion by Mr. Terry and seconded by Mr. A Wilson, Council adjourns at 7:16pm.***

(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

(Asst.) Borough Secretary