

REGULAR COUNCIL MEETING
DECEMBER 27, 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, Larry Searer, Mr. Sievers, Mr. Wilson, Ms. Shade, and Mayor Bargo were present.

A few members of the Boy Scouts Troop 2 were present earning their merit badges to become Eagle Scouts, sponsored by St. Johns.

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. Schedule of Bills w/Requisitions for:
- General Borough Capital
 - Refuse Capital
 - DCNR

On a motion by Mr. Campbell and seconded by Mr. Sievers, Council by unanimous vote approved the consent agenda.

REGULAR AGENDA

Ms. Shade presented to Council that they are no longer able to utilize the Community Center for meetings due to the building being constructed with CDBG funds. Council meetings will be held in Council Chambers at the Lewistown Municipal Building.

On a motion by Mr. Felmler and seconded by Mr. Sievers, Council by a 6-1 vote (Searer), approved to advertise the 2019 meeting schedule.

On a motion by Mr. Sievers and seconded by Mr. Felmler, Council by unanimous vote approved to Per Capital Tax Exonerations in the amount of \$680.

On a motion by Mr. Campbell and seconded by Mr. Felmler, Council by a 6-1 vote (Searer) approved to adopt of Wage and Salary Resolution for 2019.

Mr. Welham informed Council that the following funds have been transferred into Capital accounts:

- \$382,000 transferred into the General Borough Capital account, totaling \$509,000
- \$209,000 transferred into the Refuse Capital account, totaling \$483,000
- \$163,000 transferred into the Waste Water Collection Capital account, totaling \$165,694
- \$15,000 transferred into the Waste Water Treatment Capital account, totaling \$163,000

Ms. Walter explained that the Transfer Resolution represents the budget versus actual figures for the General Borough account. Since the General Borough is a tax based account, and the Borough is on a cash modified basis of accounting, a transfer resolution is required to offset any deficits or unencumbered balances.

On a motion by Mr. Felmler and seconded by Mr. Campbell, Council by unanimous vote approved to adopt the Transfer Resolution.

On a motion by Mr. Campbell and seconded by Mr. Sievers, Council by unanimous vote approved to adopt the 2019 Cost and Fee Schedule by Resolution.

Mr. Remy informed Council that the Sewer Ordinance has been advertised and is based on the most recent rate study. 0-3,000 gallons will be charged \$71.97 at the minimum rate payable and \$4.23 for each 1,000 gallons in excess of 3,000 gallons.

On a motion by Mr. Felmler and seconded by Mr. Campbell, Council by unanimous vote approved to adopt the Sewer Ordinance by roll call.

Roll Call

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

A motion was made by Mr. Sievers and seconded by Mr. Felmlee to adopt the 2019 budget.

Mr. Felmlee wanted to know what kind of money are we looking at for dealing with the blighted properties. Ms. Sievers said we have zero dollars to work with. His position is that he doesn't want us to be the cash cow to take care of them. We need to do our due diligence and what we're going to do is set a precedent to everybody that if they don't pay their taxes then the Borough is going to take care of it. It's unfair to those that pay their taxes and he feels we need to be more proactive.

Mr. Berrier stated there were funds in the 2018 budget for demolition of blighted property, they did have a property in mind and luckily someone bought it and decided to rehab it. However, in the meantime, we have had a situation recently where someone has asked the Borough to do something about another property and, unfortunately, there was nothing budgeted for it this year. Mr. Felmlee feels we need to do something. Ms. Shade agrees; however, it needs to be an effort between us and the county. Mr. Sievers wants to know what we're doing to be proactive now. Now the situation seems to be an emergency and now we have to fund it.

In defense of the Codes Department, Mayor Bargo said she knows the steps Mr. Fink has done to get this resolved. She and a few others have worked with have trying to get some Amish people to look at the building to purchase it, but they have all backed out due to the poor condition of the building. And the present owner cannot do anything financially with it.

Mr. Berrier wanted to know what the Borough's policy is. If there is no money in the budget, then our hands are tied policy wise. Mr. Felmlee reminded him that we are responsible for liability too.

Mr. Berrier said he is very concerned with this budget. He feels we're not adequately funded for future projects by way of police, fire and Borough Hall upgrades. We were discussing moving the Police Department out of a \$48,000 yearly lease to the Community Center, which will come with a substantial cost. We were talking about consolidating the fire companies. And the HVAC needs replaced in Borough Hall. He feels we need to be saving as much as possible for these possible projects.

Mr. Sievers asked Mr. Welham to review the Capital transferred again.

Mr. Berrier feels that's still not adequately funding the budget. We need to put money into the budget for blighted property. And the balance of the 1 mill, if it's there and don't need to spend it, should go into future projects to keep us from going to the open market and borrow. If we don't have the cash, then it delays us. The money belongs to the taxpayers. Instead of reducing real estate taxes, put that money in Capital to help the taxpayers later. It's not just the buildings in need of repair; it's the streets and alleys too. The Streets Department isn't getting anything except a front end loader.

After discussion, Mr. Remy informed Council that if the Borough doesn't adopt the budget, the Borough can pay the customary recurring charges, but they cannot buy things. It's basically one step above a shutdown.

Mr. Campbell wanted to know where these concerns were over the past decade. Why did we not hear of them before? Mr. Berrier stated that in the early 90's, we sold the landfill to the County and that money went into the Capital account. Over time, it has drawn down to cover shortfalls in the budget, rather than raise taxes.

Mr. Felmlee wanted to know the Borough's liability with the blighted properties. Mr. Remy indicated the owners are primarily responsible. If there is a report of imminent threat to health and safety issues, then the Borough can exercise its police power to go in there and say we're going to take care of this problem because it's a health and safety issue. Once the Borough knows it's a dangerous situation, the Borough has the right to take action and tear it down, place a lien against the property and move on.

Mr. Campbell addressed comments on social media indicating it's not their (owner's) problem; the Borough can deal with it. We've set this precedent that people are catching on and it's not government's job to remove personal responsibility and accountability from the individual. Ms. Shade agrees; however, it is our job to protect everybody else in the Borough.

Mr. Sievers stressed that the Codes Officer needs to be more proactive and not wait for tattle tails. Mr. Felmlee agreed.

Mr. Berrier made a motion to amend the budget to make the real estate rate 14.059 mills, which in turn would raise the real estate collection to \$1,253,150 and reinstitute \$35,000 back into the 001414 240 Codes budget and do the transfer to Capital budget (001 492 000) of \$173,550, and also amend the Borough Capital budget to show \$173,550. Larry Searer seconded the motion.

Per discussion, Mr. Campbell stressed that the demolition money is still in the budget, it's just not on a line item in the budget; it's in Capital instead. Mr. Berrier said he is budgeting revenue to cover that expense and additional revenue to cover police, fire and Borough Hall upgrades. Mr. Campbell said this will remove the property tax decrease for the Borough. Mr. Berrier confirmed it would.

Roll Call

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

On a motion by Mr. Berrier and seconded by Larry Searer, Council by a 4-3 vote approved to adopt the amended 2019 budget.

Roll Call

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

Mr. Remy confirmed the changes for adoption of 14.059 mils to the real estate tax, 0.7734 mils for street lights, 0.917 for the fire departments, and 0.121 for ambulance and rescue.

On a motion by Mr. Berrier and seconded by Larry Searer, Council by a 4-3 vote approved to adopt the amended Real Estate Tax Ordinance.

Roll Call

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

PUBLIC COMMENTS

Matt Boyer expressed his anger towards Council for not approving the tax decrease. He says that \$30 could be put towards his property and wants the tax decrease.

Another concerned party addressed his concern of nothing being done with the alleys. Mr. Welham informed him that the Borough spent over \$400,000 on asphalt in the last three years. Ms. Shade said it's not fair to say that nothing has been done. Mr. Welham said one of the biggest issues the Borough has is the aging of vehicles and infrastructure.

Ms. Shade says she feels that everyone on Council has the Borough's best interest at heart, but it may not always come out that way.

Discussion continued between the public and Council regarding the tax decrease. Mr. Welham confirmed that the tax decrease was not discussed during the Finance meetings. Mr. Sievers said that was because Mr. Welham called him the morning after, but everyone on the committee had plenty of time to review the changes.


The meeting adjourned at 5:49 pm.



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:



(Asst.) Borough Secretary