

REGULAR COUNCIL MEETING
MARCH 11, 2019 AT 5:30 PM
LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

The Council meeting opened at 5:30 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.

HEARING OF PERSONS PRESENT

Brandon Basom, President of United Fire and Bill Morrison of the Brooklyn presented Council with updated plans for the 128th Central District Volunteer Firemen's Association Convention scheduled August 13-15, 2020. The three local fire companies would like to have the event at Rec Park. Camp sites would be available, use of the Community Center is requested for meetings, entertainment will be provided.

Mr. Basom feels it would be good for business in the Borough. For a fee, businesses will be given the opportunity to advertise their business in books that will be sent to all the fire companies in the state.

Camp sites will be offered to those that attend, anticipating 150-200 sites needed. The rules and regulations presented to Council can be modified accordingly after meeting with Mr. Fink and Chief Clemens.

Mr. Basom knows that the use of alcohol is a concern. Alcohol would not be allowed outside of the perimeters of Rec Park and the playground would be fenced off so there is no liability on the Borough. Anyone from the convention caught outside Rec Park with alcohol will have to face the consequences of the Police Department.

Mr. Basom was informed by the Central District that they should have \$20,000 in an account for this event. At this time, there is \$2,500 saved. Fundraisers, such as bingo, will be held to get the money needed. Their recent fundraiser, Band Bash, raised \$6,500.

Mr. Basom is seeking Council's approval to move forward with plans. Mr. Felmlee is concerned with using Rec Park since it's not set up for camping and is not in favor of having alcohol consumption there. Mr. Basom welcomes any suggestion for discussion within the next few months. He feels the details can be worked out among the fire companies and the Borough. Mr. Campbell also feels it will be good for the community. Mr. Felmlee is also

concerned about the entertainment at night being a nuisance to the residents that live near Rec Park. Mr. Basom assured him that steps would be taken to reduce the noise for the entertainment. Mr. Sievers also feels it's a really good thing, we just need to fine tune the details in terms of any liability.

A motion was made by Mr. Sievers and seconded by Mr. Felmlee for discussion on continuation of the plans for the Firemen's Convention.

Mr. Welham informed Council that the District provides "dummy proof blueprints" for these conventions as to what needs to be done and when. They address the concerns of communities with the use of alcohol at the conventions.

Roll Call

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

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-February 11th, 2019
 - 2. Streets-February 14th, 2019
 - 3. Law & Ordinance-February 21st, 2019
 - 4. Finance-February 28, 2019
- B. Approval of Treasurer's Report
- C. Approval of Schedule of Bills
 - 1. General Borough/Specialty Tax/Refuse/Wastewater Collection & Treatment/State Liquid Fuels
- D. Acknowledge Receipt of Tax Collector's Commissions & Tax Duplicate
- E. Facility Use Forms Approval:
 - 1. Victory Park for 4/20/2019 Wedding for Jennifer Brossman
 - 2. Kid Connection for 4/27/2019 Street Alley Closure
 - 3. MC Tomahawks for 3/23,4/13, 4/20,4/27, 5/1, 5/8 & 5/15 Football Field Use

4. Lewistown Little League Girls Softball for 4/1/19 to 12/31/19 contingent upon receiving their Certificate of Liability Insurance (Note: Received on 3/8/2019)
- F. Acknowledge receipt of FAME Meeting Minutes February and January Response Stats
- G. Acknowledge receipt of Lewistown Fire Department Letter for 2019 Fund Drive
- H. Acknowledge receipt of County Commissioners Letter regarding Success Together Visits
- I. Acknowledge receipt of Municipal Authority of the Borough of Lewistown Minutes from January 16, 2019
- J. Acknowledge receipt of MC Parks and Recreation Council Letter and Donation Request
- K. Acknowledge receipt of MC Planning & Development Annual Dinner Invitation
- L. Acknowledge receipt of Costars Salt Contract Agreement
- M. Acknowledge receipt of PA Comp Rating Bureau for 5% Safety Committee Discount for W/Comp
- N. Acknowledge receipt of PA One Call System Rate Structure for 2019

Mr. Sievers had a question on the schedule of bills regarding the Fidelity Bonds for Ms. Walter and Mr. Welham. Ms. Walter said they are separate and paid at separate times.

Mr. Campbell had a question about the location of the porta potties. Ms. Shade said there is one located at the trail and another at Rec Park. Mr. Welham indicated that one will be placed at the girls' softball field when the season starts. Mr. Campbell wanted to know why the public restrooms aren't used at Rec Park. Mr. Welham said this was discussed at the last Rec Board meeting. The existing restrooms are deplorable and the Little League is going to place new lighting and fixtures in this year. Unfortunately, these restrooms get destroyed by vandalism.

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

REGULAR AGENDA

REPORTS

A. Treasurer

Ms. Walter informed Council she received a DCED financial monitoring report for our CDBG program and was happy to report that there were no findings or concerns.

The Borough received their State Liquid Fuels allocation on March 1, 2019 in the amount of \$233,739.08.

Ms. Walter is seeking approval for a sewer exoneration request at 3 Summit Manor. The owner stated that there was a water leak with a hose that did not go into the sewer which was confirmed by Mr. Fink. The amount of exoneration is \$330.48.

On a motion by Larry Searer and seconded by Mr. Felmler, Council by unanimous vote approved the sewer exoneration of \$330.48 at 3 Summit Manor.

Ms. Walter is also seeking approval for a sewer exoneration request at 213 West Market Street. Mr. Fink confirmed there was a water leak that did not go into the sewer. The amount of exoneration is \$479.52.

On a motion by Larry Searer and seconded by Mr. Felmler, Council by unanimous vote approved the sewer exoneration of \$479.52 at 213 West Market Street.

Ms. Walter is seeking Council's approval to bid out Materials, Equipment, and Goods Manual.

On a motion by Mr. Sievers and seconded by Larry Searer, Council by unanimous vote approved to bid out the Materials, Equipment, and Goods Manual.

Ms. Walter needs Council's approval for the Disposition of Records by Resolution. Ms. Sievers wanted to know what company was used. Ms. Walter informed him it used to be Knisely, however they were taken over by Iron Mountain.

On a motion by Mr. Felmler and seconded by Mr. Campbell, Council by unanimous vote approved the disposition of records by Resolution.

B. Code Enforcement Officer

Mr. Fink reported there were 36 violations in February. 8 violations were issued for no snow removal, 12 for exterior accumulation of trash, 8 for work done without a permit and 3 properties were condemned for no water and/or no power, and unsanitary. There were 22 zoning permits issued, totaling \$3,648.01. There was 1 sidewalk permit issued for \$30. Estimated improvements totaled \$350,468 in February. The inspection fees for February were \$555. There were no LOMA letters received.

Mr. Fink also announced the opening of the new Dollar General store, located across the street from Sheetz.

C. Fire Chief

Chief Barlett reported 30 alarms for February that included a barn fire, 18 medical assists, 2 vehicle accidents with injuries, a carbon monoxide incident, 3 power lines down, a standby assignment that involved a major barn fire in Juniata County, an automatic alarm and severe

weather conditions that involved a large tree that uprooted on North Pine Street and landed on a house.

The Fire Department met last Monday to discuss the consultant's report and have discussion on consolidation. Members were able to express their opinions. There are more meetings scheduled, including one next week that Council is invited to attend.

City and Brooklyn have hired an attorney. Kim Houser from Greensburg specializes in fire department legalities and will represent both fire companies to make sure the separation of engine room and social club is done correctly.

Chief Barlett addressed the recent fire at the Mifflin County Prison. An industrial dryer is what caused the fire. Fortunately, one of the accountants at the fire department works as a dispatcher at the 911 Center and was just getting off work and was on scene quickly. The sprinkler system had most of the fire out by the time the fire fighters got there, so they were able to use fire extinguishers to put the fire out. He said it felt good knowing the prison has a good system in affect; at no time were fire fighters in danger. Mifflin County Maintenance arrived shortly thereafter and took care of everything afterwards.

D. Mayor

Mayor Bargo announced that Mifflin County High School had its fourth State wrestling champion over the weekend. Mifflin County sophomore, Trey Kibe, is being honored at the Mifflin County High School later this evening to celebrate his accomplishment after arriving on a firetruck following a parade through Lewistown. Mayor Bargo read a proclamation she prepared to be read tonight at the ceremony.

E. Police Chief

Chief Clemens reported February statistics. The Lewistown Police Department had 510 calls for service, 105 traffic citations, 13 non-traffic citations and 14 written warnings.

Chief Clemens announced that the Civil Service testing is scheduled for April 6 for the position of Police Officer. Anyone interested can fill out an application by March 29, 2019.

Chief Clemens is seeking Council's approval for the purchase of three new laptops for the Police vehicles. He was hoping to wait another year; however, the ones being used now are outdated and can no longer be upgraded or repaired. After consulting with GME, the fee for the new computers is \$5,270. Chief Clemens spoke with the District Attorney and he has

offered to pay for half of the cost. Mr. Berrier wanted to know where in the budget the money was coming from. Chief Clemens said he will offset it within the department.

On a motion by Mr. Felmlee and seconded by Mr. Sievers, Council by unanimous vote approved the purchase of three new computers for the Police Department, splitting the cost with the District Attorney's office.

Mr. Campbell appreciated the help from the District Attorney's office.

Mr. Felmlee would like to see two interns hired for the summer. He was informed it would be discussed during executive session.

F. Recreation Board

Ms. Hendricks reviewed the minutes at the last Rec Board meeting:

- Bill Eversole, Vice-President of Mifflin County Youth Baseball, presented information for their Facility Use form. He detailed the cost the league pays for electric usage, new nets, turf, concession stand and all costs related to maintaining the field for an all season rental.
- How to check and balance funds received daily from Rec Park pool.
- Rec Park pool positions have been advertised for the 2019 season.
- Ratify Facility Use Request: Athletic Fields – MCYB ratified.
- Open outside Community Center restrooms for Babe Ruth with the understanding they would be responsible for any damage and locking/un-locking the restrooms before and after games. There may also be a fee from the Borough for cleaning the restrooms.
- An Easter egg hunt for Calvary Baptist Church on April 13.
- Recommendations were made to update information on Google maps, Facebook and the website. Update rental agreements to include additional information. And update the Rec Park Pool Facebook page.

G. Borough Solicitor

Mr. Remy presented Council with the Cooperation Agreement for demolition of the property at 672-674 Valley Street. Direct cost of the demolition will be reimbursed by the County at 50%, up to \$10,000. If and when the property is sold, there's a provision where some of the money from the County is paid back based as a percentage of the total amount spent.

Mr. Sievers noticed there were changes made to the draft he received last month to both #4 and #8; nothing significant. There was also a grammatical error found on the second page, second paragraph, and second sentence. Mr. Remy will have it fixed.

On a motion by Mr. Felmlie and seconded by Mr. Wilson, Council by unanimous vote approved the Cooperation Agreement for demolition of property at 672-674 Valley Street.

Mr. Remy wanted to discuss adopting an ordinance for LERTA (Local Economic Revitalization Tax Assistance). LERTA involves the purchase of residential and commercial properties and, if you make improvements to a property in certain zones, you have a reduced rate on the increased taxes for a period of 10 years. It's made to stimulate growth in blighted areas. At the last Law and Ordinance meeting, the committee wanted to know if this was something Council wanted to pursue. The two main things that need addressed are determining where in the Borough this would apply too and what the exemption schedule is for commercial and for residential properties. Mr. Remy placed sample numbers in the draft so Council would have a better understanding of how LERTA worked.

Mr. Berrier wanted to know what constitutes an assessable improvement. Mr. Remy said the assessor is the one that determines that. There is no minimal investment in the properties and you only get an exemption on the increased value after an assessment. Mr. Welham explained that you still pay the same amount of tax and this does not go into effect until the Assessment Office reassesses the property. Mr. Berrier says we need to talk to the Assessment Office and have them explain exactly what will happen.

After reading the draft, Mr. Sievers indicated it only applies to new construction in deteriorated areas and improvements to certain commercial and business property and generally it doesn't apply to homeowners so they wouldn't qualify for this exemption. Mr. Remy stated there are two Acts; LERTA and Improvement of Deteriorating Real Property or Areas Tax Exempt Act. The second Act deals with residential property. It was created this way to make it easier on the Borough.

Discussion ensued. It was then determined to send it back to Law and Ordinance.

Mr. Remy addressed Dr. Parcel's Poor Fund. In 1909, Dr. Parcel was a local physician who created a will, leaving his estate to the Poor Fund to be administered by five people to be appointed by the Borough. The income from his estate was to be used to furnish food, fuel, clothing, shelter and possibly education to the poor in Mifflin County. After a few years, the trustees went to court and his properties were sold and placed into a trust account.

In the late 40s or early 50s, the trustees took it upon themselves to change the account from helping the poor to helping people going to medical school or other related fields who needed money.

JVB currently has the account. Presently, there is \$111,000 in assets in this fund. 27 of those assets are outstanding loans and the balance is in a money market account. After finding out JVB is just an agent taking care of the money, and not the trustees, they are not happy with the status of holding the money. JVB advised Mayor Bargo that they are no longer going to continue to manage the program as they have in the past. Now the Borough needs to decide what to do.

Mr. Remy thinks the Borough needs to appoint five trustees to manage the account, as originally stated in the will. He said there are some issues with these loans and not sure if we should continue doing them. If we want it to do what is stated in the will, we have the right to do that, but we would have to petition the court to renegotiate.

Mayor Bargo said she would like to have a five panel Board of Trustees and decide where to go with the money right now. Mr. Berrier wanted to know if it was an option to create scholarships and gradually get rid of all the money. Again the courts need to be involved. Lucas Parkes informed Council that the Academy recently started a foundation for items such as this so that may be a good resting place with a board in place already.

H. Borough Manager/Secretary

Mr. Welham is seeking Council's approval to purchase 20 GPS tracking units for all Borough vehicles. The units will allow them to see such things as where the vehicles have gone, current location, how fast they are being driven, braking, each driver's behavior, maintenance, and how much time the vehicle is left idling, etc. The fee is \$3,348 annually to track all 20 vehicles. There is no fee for the hardware and there is no contract.

Mr. Sievers is not in favor of them and feels preventive maintenance falls on the department heads and the Borough Manager as part of their duties. The department heads should be keeping logs, including dates, time, in and out of vehicles. They should be reviewed daily, even by the Borough Manager. Another concern of his is who is going to administer it and who is going to enforce the disciplinary action for insubordination? He feels it should be Mr. Welham.

Mr. Welham said that he and Ms. Walter would be the administrators. The system allows for each supervisor to keep track of the vehicles in their department. Mr. Felmlee said it would also assist with safety concerns.

The supervisors were asked how they felt about the units. Mr. Dippery, Mr. Rager, Mr. Plank and Chief Clemens all agreed it was a good idea. Chief Clemens wanted to know how it was set up. He was informed it was web based and could be accessed from computers or cell phones.

Mr. Sievers was not happy because the initial discussion at the Finance Meeting indicated 12 vehicles, not 20. Mr. Welham told him that he and Ms. Walter listened to the minutes from that meeting and the motion presented was for all Borough vehicles.

On a motion by Larry Searer and seconded by Mr. Felmlee, Council by a 5-2 vote, approved the installation of 20 GPS tracking units in all Borough vehicles.

Roll Call

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

Mr. Welham reported that the lot where the Police Department vehicles park was just recently discovered to be part of the lots leased by the Borough from the Parking Authority. He received a phone call recently from a tenant that was asking about the spaces and, after doing some research, found out that Lewistown Borough owned the spots. There are 10 spaces to rent. Mr. Welham is seeking Council's approval to charge \$200 annually for each space in the lot at the corner of South Brown Street and Water Street.

On a motion by Mr. Sievers and seconded by Mr. Felmlee, Council by unanimous vote approved the \$200 annual fee for parking spaces in the lot at the corner of South Brown Street and Water Street.

Mr. Remy wanted to look at the Parking Ordinance to see if this was addressed in there. At one time, he thought they were reserved for different people over the years. Eventually, he said the ordinance will need amended for consistency.

Mr. Welham is looking for approval to bid out the Kish Street Project. It's a \$700,000 project; \$340,000 is coming from a grant, \$250,000 is from Geisinger and \$210,000 will come from our State Liquid Fuels fund. The school district will be spending approximately \$150,000 on sidewalks, allowing the streets to be widened.

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by unanimous vote approved to bid out the Kish Street Project.

Phase two of the Chestnut Street Rail Project will be done this year. SEDA Cog is planning on working on 160 feet at West End of Chestnut where the tracks bisect the street, and the project is anticipated to be completed within the next 2 years.

UNFINISHED AND NEW BUSINESS

On a motion by Mr. Felmlee and seconded by Larry Searer, Council by unanimous vote approved the re-appointment of William Parson for a four year term to the Planning Commission by Resolution.

On a motion by Mr. Sievers and seconded by Mr. Felmlee, Council by a 4-3 vote, approved the CDBG funds for Big Brother Big Sister.

Roll Call

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

STREETS

Mr. Wilson said a handicap space application was received from 530 Valley Street. The applicant lives behind the old Asher's candy store and there is no parking there. She is requesting a space across the street, but there is a concern with her crossing the street. She parks across the street now; however, her neighbors take up all the spaces. She understands that it would not be her space; anyone with a handicap placard can use the space.

On a motion by Larry Searer and seconded by Mr. Berrier, Council by unanimous vote approved the handicap parking space for 530 Valley Street by Resolution.

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved to remove handicap parking spaces by Resolution at 1024 West 4th Street, 800 West 6th Street and 625 South Wayne Street.

Mr. Wilson is seeking Council's approval to pave Greenleaf Avenue between Hess Tire and Bossert's Hardware. The paving would be done in-house.

On a motion by Mr. Felmlee and seconded by Larry Searer, Council by unanimous vote approved the paving on Greeleaf Avenue.

FINANCE

Mr. Sievers is seeking Council's approval to purchase a new 2019 Case 521F wheel loader from Groff Tractor for \$124,000 with a three year warranty. He confirmed Groff Tractor is a COSTARS dealership.

On a motion by Larry Searer and seconded by Mr. Felmlee, Council by unanimous vote approved the purchase of a new 2019 Case 521F wheel loader from Groff Tractor for \$124,000.

Mr. Sievers is looking for approval to purchase a new Copeland compressor for Borough Hall's main floor in the amount of \$6,577.09 with a one year warranty, plus \$3,000 for installation.

On a motion by Larry Searer and seconded by Mr. Felmlee, Council by unanimous vote approved the purchase of a Copeland compressor for Borough Hall in the amount of \$6,577.09, plus \$3,000 for installation.

Mr. Sievers is seeking approval to keep summer help wages the same as last year: ticket taker \$7.25/hr, new lifeguards at \$9/hr, returning lifeguards at \$10/hr, pool manager at \$11/hr, ticket taker at minimum wage and Streets Department at \$8.75/hr.

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by a 6-1 (Searer) vote, approved to keep summer help wages the same as last year.

PUBLIC COMMENTS

James Knepp had a complaint about his two rentals on Pannebaker Avenue. He received a complaint from his tenants about a sewage smell. After having it checked out, there was a busted lateral that he fixed for \$8,000. The problem is that his rentals are on both end of row houses and the properties in between are all on the same lateral. Is there anything he can do to separate from the other houses or how can he get the landlord for the other rentals to help pay for the cost of repair? Mr. Remy said it's a civil matter.

EXECUTIVE SESSION

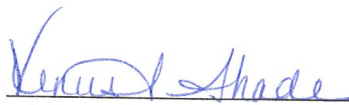
Council went into executive session at 7:17 pm for personnel matters.

Council came out of executive session at 7:28 pm.

On a motion by Mr. Campbell and seconded by Larry Searer, Council by unanimous vote approved the hiring of Teresa Lukens-Gable as the part-time Parking Enforcement Officer, pending her background check.

On a motion by Mr. Campbell and seconded by Mr. Felmlee, Council by a 6-1 (Searer) vote, approved hiring two interns at the Police Department upon the approval of the Parking Authority assisting in the payment of the costs.

On a motion by Larry Searer and seconded by Mr. Campbell, the meeting adjourned at 7:30 pm.



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:



(Asst.) Borough Secretary