

REGULAR COUNCIL MEETING
MARCH 12, 2018 AT 5:00 PM
COMMUNITY CENTER

The meeting opened at 5:00 PM with Borough Council President Larry Searer presiding. The Pledge of Allegiance was recited by all present.

ROLL CALL

Ms. Shade, Mr. Sievers, Mr. Berrier, Mr. Campbell, Mr. Wilson, and Larry Searer were present. Mr. Felmlee was absent from roll call.

HEARING OF PERSONS PRESENT

- A. Walter Vaughn of 445 Logan Street, presented Council with a sewer issue. Mr. Vaughn dug up his sewer line and noticed the Borough sewer line was clogged. Mr. Vaughn would like to submit his bill of \$545.00 for reimbursement since it was the Borough's sewer line that was clogged, not his. After talking to Mr. Welham, Mr. Vaughn was not aware that he should have contacted the Borough first. Mr. Remy advised Mr. Vaughn that any work from the lateral to the house is the owner's responsibility. Mr. Dippery confirmed that he sent the collection crew to the residence to investigate. It was first noted that Mr. Vaughn had the construction crew dig up the incorrect area. The excavator then dug up the lateral and noticed there were roots that needed to be cleaned up. Council feels it is not the Borough's responsibility for work that was advised by a contractor and done by the homeowner.

- B. John Pannizzo of Lewistown, spoke on behalf of the Mifflin County Youth Baseball, reminded Council that he presented to Council last year the plan to put lights up at Lewistown Rec Park for the kids. Mr. Pannizzo mentioned that the installments of the lights were a part of the county and borough plans for enhancing and improving the parks within the community. Mr. Pannizzo indicated that MC Youth Baseball is a 501(c)(3) identity and has filed for a sales tax exempt status with the Department of Revenue; however, this process takes 6 – 8 weeks. The cost of the lights is approximately \$60,000 and that has been paid through fundraisers, donations and grants. The sales tax is \$3600. Mr. Pannizzo asked Council to consider being a co-partner with MC Youth Baseball since the lights are being placed on Borough property. A form would be filled out showing that Lewistown Borough would be a co-partner and both names would appear on the invoice, allowing the MC Youth Baseball to be sales tax exempt.

Due to Borough code, Mr. Remy, Borough Solicitor, indicated the only way the Borough could do it would be to have the Borough bid it out. Mr. Pannizzo indicated it was already procured and they received a grant for it. Mr. Remy said he could do more research if Council wished.

Mr. Berrier informed Mr. Pannizzo that there is a procedure for him to follow if the MC Youth Baseball is approved for sales tax exemption that is retroactive and they would not owe the sales tax.

Council then went on to explain that if they were to sign on as a purchaser, there would be certain procedures outlined by the state they would have to follow that would hinder the request.

More discussion ensued and at this time, due to Borough code and Mr. Remy's recommendation, no action was taken.

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 12, 2018
 - 2. Fire Committee Meeting-February 19, 2018
 - 3. Finance Meeting-February 22, 2018
 - 4. Law & Ordinance Meeting- March 1, 2018
 - 5. Streets Committee Meeting-March 8, 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. CDBG
 - 3. Wastewater Collection Capital Account w/Requisition
- D. Tax Collector's Report & Tax Duplicate
- E. Approval of Facility Use Forms:
 - 1. Strodes Mills Baseball for 3/1/18 to 8/31/18 for Babe Ruth Baseball Field (*Note: Facility use form received on 3/9/18 which was after Rec Board Meeting)
 - 2. Lewistown West Jr Babe Ruth for 3/12/18 to 8/31/18 for Babe Ruth Baseball Field (*Note: Facility use form received on 3/9/18 which was after Rec Board Meeting-this is the same league as Strodes Mills)
- F. Additional Facility Use Forms-Rec Board:
 - 1. Mifflin County Youth Baseball for 3/1/18 to 11/1/18 for Rec Park Little League Baseball Fields

2. Mifflin County Tomahawks for 3/17, 3/24, 4/14, 4/28, 5/10, 5/17, and 5/24/18 for Rec Park Football Field
 3. Mifflin County Bumperball from 4/1/18 to 11/30/18 for Little League Baseball Fields (Grassy area on left side of the batting cages) and Babe Ruth Baseball Field
- G. Acknowledge Receipt of United Fire and Rescue 990
 - H. Acknowledge Receipt of Zoning Hearing Board Opinion and Decision for Thomas and Nadine Miller
 - I. Acknowledge Receipt of Juniata-Mifflin Boroughs Association Save The Date Annual Business Meeting and Dinner on 4/12/18 & Reservation Form
 - J. Acknowledge Receipt of MC Planning Commissions Annual Dinner Meeting on 4/5/18
 - K. Acknowledge Receipt of FAME Stats for January 2018 & Meeting Minutes for February 14, 2018
 - L. Acknowledge Receipt of Senator Jake Corman's letter supporting PA Small Water and Sewer Grant Appl
 - M. Acknowledge Receipt of letter from Storb Environmental Incorporated
 - N. Acknowledge Receipt of Request from MC Planning for Nominations for the Community Planning Award and Planning Excellence Award
 - O. Acknowledge Receipt of Jerry Leach email regarding Republican Candidacy for the 82nd District

On a motion by Mr. Berrier and seconded by Mr. Wilson, Council by unanimous vote, approved the Consent Agenda omitting the Finance Committee meeting minutes.

On a motion by Ms. Shade and seconded by Mr. Wilson, Council by unanimous vote, approved the Finance Committee meeting minutes contingent upon changing the minutes to show the outsourcing of the meter person as a 1099 independent contractor.

REGULAR AGENDA

REPORTS

A. Treasurer

1. ***On a motion by Ms. Shade and seconded by Mr. Sievers, Council by unanimous vote, approved to bid out the Materials, Equipment and Goods Manual.***
2. Ms. Walter received a letter from the Board of Assessment Appeals of Mifflin County stating that the Department of Military and Veterans Affairs indicated that Joyce Virginia Cutler at 12 West Hale Street is completely disabled from military duties and is in financial distress. They are asking for an exoneration of taxes in the amount of \$527.97.

On a motion by Ms. Shade and seconded by Mr. Sievers, Council by unanimous vote, approved to exonerate Joyce Cutler's taxes for \$527.97.

B. Code Enforcement Officer

1. Mr. Fink reported there were 37 violations in February. He stated 17 of those violations were snow tickets, totaling \$425 and \$375 has been collected. There were 17 permits issued for \$3,459.33 in zoning fees. There was \$150.00 collected in sidewalk permits. Improvements totaled \$468,911 in February with a year-to-date of \$1,402,944. The inspection fee for February was \$75, totaling \$380 for the year. There was also one LOMA letter issued last month.

Mr. Felmlee arrived at the meeting at 5:38 pm.

C. Fire Chief

1. Chief Barlett reported that for the month of February, the fire departments had 14 alarms plus medical assists. With assistance, Fame sponsored two days of training during Super Bowl week. MCI class was held at the Mifflin County High School, hosting 171 people.

D. Mayor

1. Mayor Bargo informed Council that EM management plan is being updated and is expected to be completed within the next two weeks.
2. Local wrestlers participated in a parade honoring them for their hard work.

E. Police Chief

1. Chief Clemens stated that in the month of February, the Lewistown Police had 218 calls to service, 34 citations issued for traffic, 23 citations issued for non-traffic. Total of fines issued was \$5,619.

F. Board of Recreation

On a motion by Ms. Shade and seconded by Mr. Searer, Council by 6-1 (Searer) vote, approved the use of the Community Center with alcohol for Tonya Searer pending receipt of updated Certificate of Liability Insurance.

On a motion by Mr. Felmlee and seconded by Mr. Berrier, Council by unanimous vote, appointed Keith Yoder to the Rec Board by Resolution 2018-31.

Roll Call

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

On a motion by Mr. Felmlee and seconded by Mr. Wilson, Council by unanimous vote, accepted the proposed rates from the Finance Committee and the Rec Board Committee for the Community Center. Weddings \$800; Community Room (Fri, Sat and Sun) \$500, half the Community Room at \$250, quarter of Community Room at \$125; Community Room (Sun – Thurs)\$250, half of the room at \$125, quarter of the room at \$100. Activity Room (Fri and Sat) cost would be \$100; Activity Room (Sun – Thurs) cost would be \$100. Conference Room is available at \$25 per hour by amending the cost and fee schedule by Resolution.

Roll Call

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

G. Borough Solicitor

1. Mr. Remy is seeking to adopt the CDBG 2016 agreement and subsequent year's ordinance with the County at 15%. In the past it has been done on a year to year basis. If Council wants to change it in the future, it can be reviewed and negotiated as long as both parties agree.

Ms. Shade was questioning the difference between the 15% and the cost of the fees to re-advertise and amend the ordinance.

At this time, Council only wished to adopt the 2016 CDBG agreement.

On a motion by Mr. Berrier and seconded by Mr. Felmlee, Council by a 4-3 (Shade, Sievers and Campbell) vote, approved to adopt the CDBG 2016 agreement only.

Roll Call

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

Mr. Remy will revise the agreement without advertising.

2. Mr. Remy discussed the late fees for failing to pay fines on violations with regards to removing grass, brush, or weeds. The Ordinance stated 2% and Law and Ordinance Committee recommends that the fees increase from 2% to 10%.

On a motion by Ms. Shade and seconded by Mr. Berrier, Council by unanimous vote, approved to increase fees and adopt the Ordinance with the change to 10%.

Discussion was held on the parking tickets. Changes include the sweeper tickets from \$15 - \$20 and meter parking from \$5 - \$10. This will be forwarded to the Law and Ordinance for further review.

H. Borough Manager/Secretary

1. Mr. Welham attended the Lewistown Fireman's Relief Association quarterly meeting. A report was handed out to each council member. As of the end of 2016, they had \$309,853 in assets and \$118,480 in liability. Their total net assets available are \$191,373. There was a question at the last meeting as to why the borough is funding the turnout gear and it shows on the report that the investment income is barely covering the interest expense. As more information becomes available for 2017, Mr. Welham will advise Council.
2. Mr. Welham presented Council with MCSB parking spaces that were approved for lease in November 2017 which are located behind Sacred Heart office. Complaints and concerns were addressed by Sacred Heart and MCSB agreed to decrease parking from eight spaces at \$125 per space to two spaces at \$150 per space.

On a motion by Ms. Shade and seconded by Mr. Wilson, Council by unanimous vote, approved the decrease of eight parking spaces to two parking spaces for MCSB with a cost of \$150 per space.

UNFINISHED AND NEW BUSINESS

On a motion by Ms. Shade and seconded by Mr. Felmlee, Council by a unanimous vote, approved the CDBG modification by Resolution 2018-26.

Roll Call

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

On a motion by Mr. Felmlee and seconded by Mr. Wilson, Council by a unanimous vote, approved to release 2015 CDBG funds for South Wayne Street in the amount of \$554.50 and the advertisement and 2nd Quarter 2017 Materials and Supplies in the amount of \$49.50.

Roll Call

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

On a motion by Mr. Felmlee and seconded by Mr. Wilson, Council by a unanimous vote, appointed William Clokey to the Planning Commission with Resolution 2018-27.

Roll Call

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

FINANCE COMMITTEE

- A. Council was presented with a request to use the Rec facility for three days at a cost of \$500 (normally \$1500) for a group of 20 ministers that want to have a retreat. The Finance Committee forwarded it to Council for review. No action taken.
- B. Proposed wages for lifeguards this summer is \$9.00 per hour and the pool manager to be \$11.00 per hour. Mr. Berrier feels it's unfair to ask returning applicants to take a \$1.00 pay cut from last year, suggesting the lifeguard rate be kept at \$10.00 per hour and the pool manager to be \$11.00 per hour.

On a motion by Mr. Berrier and seconded by Mr. Felmlee, Council by a 3-4 (Sievers, Campbell, Wilson and Searer) vote, did not approve the summer wages for lifeguards and pool manager. Mr. Searer asked Mr. Wilson to find out what Burnham pool pays and bring it back to Council.

- C. Approval needed to release the first quarter allocations to the three fire companies.

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by a unanimous vote, approved to release the first quarter allocation to the three fire companies.

- D. Approval needed to award the annual contract for computer maintenance at Borough Hall to GME Communications. Two bids were received. An estimated savings of \$2400 to use GME Communications.

On a motion by Mr. Berrier and seconded by Mr. Felmlee, Council by a unanimous vote, approved the annual computer maintenance contract to GME Communications.

LAW AND ORDINANCE

- A. Mr. Berrier presented a towing ordinance from the Law and Ordinance Committee. This would allow the police department and codes the ability to remove vehicles not following general parking regulations.

On a motion by Mr. Felmlee and seconded by Mr. Berrier, Council by a 4-2 (Shade, Sievers) vote, approved to advertise ordinance on towing vehicles.

Roll Call

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

- B. Mr. Berrier presented to Council the unlawful parking of vehicles that are parked without a current registration or a vehicle without a current inspection sticker on any public street or highway in the Borough, metered parking lots owned or operated by the Borough, or unmetered parking lots owned or operated by the Borough.

On a motion by Mr. Berrier and seconded by Mr. Felmlee, Council by a 4-3 (Shade, Sievers and Campbell) vote, approved to advertise ordinance of unlawful parking of vehicles parked without a current registration or a current inspection sticker on any public street or highway in the Borough, metered parking lots owned or operated by the Borough, or unmetered parking lots owned or operated by the Borough.

Roll Call

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

STREETS

- A. Discussion was held on a date to reinstate street sweeping. Mr. Welham suggested March 25 so the Borough would have time to get the streets looking nice before Easter. Other members were concerned that out of town guests would not know the street schedule and receive a ticket, suggesting the start date be April 2, 2018.

On a motion by Mr. Felmlee and seconded by Mr. Wilson, Council by a 5-2 (Sievers, Campbell) vote, street sweeping will be reinstated on April 2, 2018.

Roll Call

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

- B. Sandy Smith at 41 Pannebaker Ave, requested a handicap parking space in front of her house. Ms. Smith's mother had a stroke and is moving in with her.

On a motion by Mr. Felmlee and seconded by Mr. Berrier, Council by a unanimous vote, approved a handicap parking space at 41 Pannebaker Avenue by Resolution 2018-28.

Roll Call

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

- C. Shirley Powers at 133 Chestnut Street requested a handicap parking space in an old cut out by her house. She is now in a wheelchair.

On a motion by Mr. Felmlee and seconded by Ms. Shade, Council by a unanimous vote, approved a handicap parking space at 133 Chestnut Street by Resolution 2018-29.

Roll Call

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

- D. A request was received to remove a handicap parking space at 33 Logan Street. The resident moved and did not inform the Borough and the space is needed.

On a motion by Mr. Felmlee and seconded by Ms. Shade, Council by a unanimous vote, approved to remove the handicap parking space at 33 Logan Street by Resolution 2018-30.

Roll Call

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

- E. In preparation of PennDOT's 2019 signal upgrade project, PennDOT is suggests reversing the direction of Marble Street on a trial basis from Logan Street to Valley Street with a right turn only. Mr. Bartlett is concerned about how to get firetrucks through. After discussion, Mr. Bartlett will check it out and address it at the next meeting.

PUBLIC COMMENTS

Cathy Wilson said she hopes that the Police Department would be cooperative with the changes that were brought up during the meeting. If these things are in the books, why haven't they been enforced?

A resident wanted to thank Chief Bartlett for contacting fire departments for a recent fire.

Another resident wanted to thank Council for bringing the meeting to the Community Center.

EXECUTIVE SESSION

Council went into an executive session at 7:00 PM for personnel matters.
Council came out of executive session at 7:57 PM.

On a motion by Mr. Felmlee and seconded by Ms. Shade, Council by unanimous vote, approved to hire two interns at minimum wage for the police department.

On a motion by Ms. Shade and seconded by Mr. Felmlee, Council by a 5-2 (Sievers, Searer) vote, approved to hire a meter enforcement officer at \$10 per hour for 20 hours per week by amending the wage and salary Resolution.

Roll Call

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

On a motion by Ms. Shade and seconded by Mr. Campbell, Council by a 5-2 (Wilson, Searer) vote, approved to hire full time police officer, Kyle Garrity.

Roll Call

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

A new ticket machine was addressed as the old one is outdated and the software is going to expire at the end of March 2018. It is a yearly renewal on the license. The cost for a new machine is \$2100 with a data plan for three years with warranty. The cost would be \$3100 for this year and \$2687 for the software agreement for the next two years.

On a motion by Mr. Berrier and seconded by Mr. Felmlee, Council by a unanimous vote, approved the purchase of a new ticket machine.

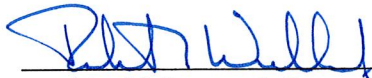
On a motion by Mr. Berrier and seconded by Mr. Felmee, Council voted to adjourn at 8:08 PM.



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:



(Asst.) Borough Secretary