

BOROUGH OF LEWISTOWN
REGULAR COUNCIL MEETING
MINUTES
MARCH 9, 2015 AT 5:30 PM
LEWISTOWN COMMUNITY CENTER

The meeting opened at 5:34 PM with Borough Council President Russell Rager presiding.

Borough Council went into Executive Session at 5:34 PM to receive legal advice in relation to the proposed Residential Rental Unit Registration & Regulation Ordinance. The Meeting resumed at 6:00 PM.

The Pledge of Allegiance was recited by all present.

ROLL CALL

Mr. Adams, Mr. Lawson, Mr. Moore, Mr. O'Donnell, Mr. Schell, Mr. Searer, Mr. Rager, and Mayor Bargo were present.

PROCLAMATION

Mayor Bargo presented Mr. Thomas Hampton and Ms. Mabelle Young with a Proclamation honoring them for their decision made on February 24, 2015, around 2:00 AM, when they came across an attic fire at 47 Pannebaker Avenue and alerted the nine residents of the fire.

HEARING OF PERSONS PRESENT

- A. Mr. John Aitkin, Lion Country Automotive (45 East Hale Street, Lewistown) addressed Council again about the temporary No Parking regulation on the north side of East Hale Street. Mr. Rager asked if Mr. Aitkin had any suggestions relative to the matter. Mr. Adams noted that the Streets Committee is continuing to review the matter and is looking at all aspects. Mr. Lawson indicated that maybe he could be allowed to park one vehicle in front of his business. There was a brief discussion about the possibility of making it Entrance Only into the Kish Creek Center – all vehicles would have to exit the Kish Creek Center onto South Main Street then. Mr. Aitkin is asking to be allowed to park his two trucks on the street during the day. Mr. Adams noted that the 90-day trial period has expired and the Streets Committee is recommending a 30-day extension while they continue to explore all aspects.

CONSENT AGENDA

Mr. O'Donnell noted that the Recreation Board is recommending that the Facility Use Permit for the Mifflin County Tomahawks includes the repair of the football field after each game and an inspection of the field will need to be done following each game. Mr. Rager asked about the two sewer exoneration requests. Mr. Fink noted that he reviewed both requests and the water did not enter the sanitary sewer system. **On a motion by Mr. Moore and seconded by Mr. O'Donnell, Council unanimously approved the Consent Agenda, containing the following items.**

- A. Approved the Meeting Minutes
 - 1. Public Hearing (Floodplain Ordinance) – February 9, 2015
 - 2. Regular Council Meeting – February 9, 2015
- B. Accepted and approved the Treasurer's Report – February 2015
- C. Accepted and approved the 2015 Tax Duplicate
- D. Approved the Schedule of Bills
 - 1. General Borough, Refuse, Wastewater Collection, Wastewater Treatment Plant, Specialty Tax Fund, and State Liquid Fuels
 - 2. Wastewater Capital Reserve Fund
 - 3. General Borough Capital Purchases Fund

- E. Approved the Facility Use Requests
 - 1. Mifflin County Pony League for the use of Green Gables fields (April – June)
 - 2. Mifflin County Tomahawks for the use of the football field at Rec Park (March – June)
 - 3. Mifflin County Jr Babe Ruth for the use of the Babe Ruth Baseball Field at Rec Park (April – July)
 - 4. Mifflin County Youth Baseball for the use of the Little League Baseball fields at Rec Park (March – November)
 - 5. Mifflin County Soccer Club for the use of the soccer field at Rec Park for Spring Travel Soccer Team (April – June)
 - 6. Sacred Heart of Jesus Parish for Good Friday Walk on Friday, April 3, 2015
- F. Approved the Sewer Exoneration Requests
 - 1. Chris Lukens (R119 West Fourth Street)
 - 2. James Sheaffer (620 West Sixth Street)
- G. Acknowledged receipt of Informational Staff Reports
 - 1. Sewer & Refuse Collection Report – January 2015
 - 2. News Release – Reinstatement of regular street sweeping and maintenance schedules as of 12:00 AM on April 1, 2015
- H. Acknowledged receipt of general correspondence
 - 1. Fame EMS Meeting Minutes – February 11, 2015
 - 2. Municipal Authority of the Borough of Lewistown Meeting Minutes – January 21, 2015
 - 3. The Abuse Network – April Teal Ribbon Campaign & wish to display teal ribbons on the parking meters in the Lewistown downtown business section

REGULAR AGENDA

REPORTS

- A. Treasurer
 - 1. Ms. Walter reported that the Borough received their 2015 State Liquid Fuel Allocation in the amount of \$178,936.00.
- B. Code Enforcement Officer
 - 1. Mr. Fink noted that 36 violations and 20 citations were issued in February. He also noted that 10 snow tickets were issued in February.
 - 2. Mr. Fink indicated that 24 permits were issued in February totaling approximately \$204,000.00 in improvements. He noted that 45% of the permits issued were for rental properties.
 - 3. Mr. Fink explained that he obtain three quotes for the demolition of a garage along the 500 block of Valley Street. He added that this was presented to the Finance Committee and the recommendation is to accept the quote from Mike's Landscaping & Excavating, Inc. in the amount of \$5994.00. **On a motion by Mr. O'Donnell and seconded by Mr. Adams, Council unanimously accepted the quote from Mike's Landscaping & Excavating, Inc. for the demolition of the garage.**
 - 4. Mr. Fink explained that he talked to the Finance Committee about establishing a reserve from fines collected from citations issued by the Codes Department to be utilized for necessary projects, such as demolition of abandoned nuisance properties.
- C. Fire Chief
 - 1. Chief Barlett reported that the Fire Department responded to 44 calls in the month of February, which included fires on Valley Street, Pannebaker Avenue, and North Pine Street.
 - 2. Chief Barlett indicated that United Fire Company has placed their new squad truck into service. This squad truck includes a light unit and the equipment necessary to refill the breathing apparatus.
 - 3. Chief Barlett indicated that the Fire Department has held a couple meetings relative to reorganization within the Department. The Companies will be creating committees in the near future to further explore the reorganization.

D. Mayor

- 1. Mayor Bargo noted that she had nothing to report.

E. Police Chief

- 1. Chief Herkert noted that the Police Department has seen an increase in the number of arrests relative to Driving Under the Influence.
- 2. Chief Herkert explained that the Police Department is monitoring the traffic on West Fourth Street. This is relative to a resident that addressed the Streets Committee.
- 3. Chief Herkert indicated that they have met with the residents of Kish Apartments relative to crossing at the South Main Street/Hale Street intersection.
- 4. Chief Herkert noted that the Police Department is working with owners relative to abandoned vehicles.
- 5. Chief Herkert indicated that Police Officer Scott Hargenrader is resigning from the Police Department effective March 17, 2015. Chief Herkert is requesting approval to promote Mr. Dexter Harden from a Part-Time Police Officer to Full-Time. He noted that Mr. Harden is the next candidate on the Civil Service List. **On a motion by Mr. Moore and seconded by Mr. O'Donnell, Council unanimously approved the promotion of Mr. Dexter Harden to Full-Time Police Officer.**
- 6. Chief Herkert noted that the Police Department is really working on burglaries from vehicles during the middle of the night.
- 7. Chief Herkert explained that the PLCB Grant relative to underage drinking includes funding for billboards. **On a motion by Mr. O'Donnell and seconded by Mr. Moore, Council unanimously authorized the appropriate officer to execute the contract with Trone Outdoor Advertising for the billboards.**

F. Board of Recreation

- 1. Mr. O'Donnell reported that the Recreation Board is recommending that 10 lifeguards and three summer maintenance workers be hired at this time. He noted that additional lifeguards will need to be hired. **On a motion by Mr. Adams and seconded by Mr. Lawson, Council by roll call vote approved the hiring of 10 lifeguards and three summer maintenance workers.**

Adams	Yea
Lawson	Yea
Moore	Nay
O'Donnell	Yea
Schell	Yea
Searer	Yea
Rager	Yea

- 2. Mr. O'Donnell explained that Mifflin County Youth Baseball would like to take over the restrooms near the Little League fields and enlarge their concession stand and make one uni-sex restroom that is handicap accessible. He added that they would take responsibility for unlocking and locking the restroom. Mr. Moore asked if a contract would need to be done for this. Mr. O'Donnell indicated that this would have to be looked at with the Solicitor. Mr. Searer asked who would be responsible if someone breaks into the facility and causes damage. Mr. Schell noted that he felt they should expand the building instead of making a uni-sex restroom. Mr. Snook noted that this building is located in the flood zone, so the necessary regulations will need to be checked. **On a motion by Mr. Adams and seconded by Mr. Schell, Council by majority vote (6-1 (Rager)) tabled the matter until additional information is received.**

G. Borough Solicitor

1. Mr. Snook noted that another Public Meeting was held prior to the meeting tonight relative to the proposed Residential Rental Unit Registration & Regulation Ordinance. Mr. Snook provided Mr. O'Donnell with a Non-Confidential Opinion of Solicitor Conflict of Interest since Mr. O'Donnell owns a residential rental unit within the Borough and raised a question in relation to voting on the proposed ordinance. Mr. Snook notes that in his opinion Mr. O'Donnell would be able to discuss, deliberate, and vote on the proposed ordinance in that other landlords are subject to the proposed ordinance and the other landlords will be effected to the same degree. **On a motion by Mr. Schell and seconded by Mr. O'Donnell, Council by roll call vote adopted that Residential Rental Unit Registration & Regulation Ordinance (Ordinance No. 2015-3) as written.**

Adams	Nay
Lawson	Yea
Moore	Nay
O'Donnell	Yea
Schell	Yea
Searer	Nay
Rager	Yea

2. Mr. Remy reviewed that proposed Amended Smoking Ordinance to expand on the definition to include e-cigarettes, personal vaporizer, or electronic nicotine delivery system. **On a motion by Mr. O'Donnell and seconded by Mr. Schell, Council unanimously authorized the Solicitor's Office to advertise the Amended Smoking Ordinance.**

H. Borough Manager

1. Mr. White noted that the Mifflin Juniata Borough's Association Dinner is scheduled for Thursday, April 9, 2015 at the Community Center. He asked that anyone interested in attending to please let him know. **On a motion by Mr. O'Donnell and seconded by Mr. Lawson, Council by majority vote (6-1 (Searer)) approved to co-sponsor the event and waive the rental fee.**
2. Mr. White announced that we are now able to pay Parking Tickets and Sewer & Refuse Bills on-line.
3. Mr. White noted that in relation to the EG Channel, letters have been sent to Atlanta Broadband and Zampelli Electronics to see if they will carry the channel; however, he has not heard anything back to date.

UNFINISHED BUSINESS

A. Streets Committee – February 12, 2015

1. It was noted that the 90-day trial period prohibiting parking at all times on the north side of East Hale Street between South Dorcas Street and South Main Street has expired, and the Streets Committee is recommending that this trial period be extended for an additional 30-days while all aspects continue to be explored and additional information gathered. There have been no reported accidents at the location where you basically have a 4-way intersection, with the entrance/exit from the Giant Store and Kish Creek Center. The Police Department, in the near future, will be placing a counter at the entrance/exit to the Kish Creek Center to see how many vehicles travel this area. **On a motion by Mr. O'Donnell and seconded by Mr. Adams, Council unanimously extended the trial period prohibiting parking at all times on the north side of East Hale Street between South Dorcas Street and South Main Street for an additional 30-days.**
2. Mr. Adams indicated that Mr. Robert DeArment addressed the Committee relative to the traffic on West Fourth Street. Chief Herkert noted earlier in the meeting that the Police Department is monitoring this area.
3. Mr. Adams explained that Staff is developing a database of all handicap parking spaces to determine how old some spaces are and to determine if these spaces are still needed.

- 4. Mr. Adams explained that the Streets Committee is looking at the crosswalk at the Valley Street/Third Street Intersection, and a letter is being sent to PennDOT requesting them to review this crosswalk relative to visibility concerns and the size of the crosswalk.
- 5. PennDOT did a quick study relative to the school zone signage and flashing lights around the Lewistown Intermediate School. It was noted that the Borough received a permit to install speed limit signs, install End School Zone signs, and to correct the timing of the blinking school zone signs in this area.

B. EG Channel Committee – February 18, 2015

- 1. Mr. Moore reported that the installation of Comcast fiber at the Mifflin County Courthouse was completed on Friday.
- 2. Mr. Moore reported that the Mifflin County School Board voted to participate in the EG Channel. He added that we are still looking at a launch date of April 13, 2015.
- 3. Mr. Remy noted that he will be working with Staff on preparing the paperwork for the establishment of a 501(c)3 non-profit organization.
- 4. **On a motion by Mr. O'Donnell and seconded by Mr. Adams, Council by roll call vote appointed Mr. Kevin Kodish and Mr. Jim Tunall to the EG Channel Committee (Resolution No. 2015-5).**

Adams	Yea
Lawson	Yea
Moore	Yea
O'Donnell	Yea
Schell	Yea
Searer	Yea
Rager	Yea

C. Law & Ordinance Committee – February 26, 2015

- 1. Mr. Moore noted that the Law & Ordinance Committee is working on an ordinance to update the International Property Maintenance Code and Fire Code to the 2015 Version.
- 2. The question has been raised as to why the Borough does not allow dogs down at Rec Park. This will be reviewed further by the Committee.
- 3. Chief Herkert indicated that the road construction on Route 22/322 has begun and in June the Charles Street exit will be closed. He noted that he is working with PennDOT to have additional signage to assist drivers during this time.
- 4. Mr. Remy explained that a Dauphin County Judge handed down a judgement relative to the Harrisburg lawsuit and indicated that their ordinance prohibiting discharge of guns does not violate Pennsylvania's Uniform Firearms Act. He noted that this ordinance is similar to the Borough's ordinance, so the recommendation is to do nothing right now.

D. Finance Committee – March 5, 2015

- 1. **On a motion by Mr. Adams and seconded by Mr. Moore, Council unanimously awarded all the Crushed Stone Aggregate Materials, all the Bituminous Concrete Materials and the Bituminous Stockpile Patching Material – UPM Premium to Eastern Industries, Inc. and awarded the Bituminous Stockpile Patching Material – Stockpatch 485 to Jay Fulkroad & Sons, Inc.**

2. Mr. O'Donnell explained that the Recreation Board and Finance Committee are recommending that three separate Facility Use Request Forms be used instead of one generic form for all events. The proposed fees for each of the new Facility Use Request Forms were reviewed. Mr. Moore asked if any of the organizations have been contacted relative to the proposed changes. At this time, no organizations have been contacted. Mr. Searer indicated that with raising the fees the sporting teams will only charge the players more money and the parents will not be able to afford this increase. It was noted that overall the proposed fees are still lower than what Derry Township charges for the use of the athletic fields at Kish (Derry) Park. **On a motion by Mr. O'Donnell and seconded by Mr. Adams, Council by roll call vote approved the change in fees for the Facility Use Request Forms, amending the Cost & Fee Schedule (Resolution No. 2015-6).**

Adams	Yea
Lawson	Yea
Moore	Yea
O'Donnell	Yea
Schell	Yea
Searer	Nay
Rager	Yea

3. Mr. O'Donnell explained that a sewer exoneration request was received from Ms. Robin Snook; however, based on the information provided it appears that all the water went down the drain of the tub and therefore into the sewer system. **On a motion by Mr. Schell and seconded by Mr. O'Donnell, Council by majority vote (6-1 (Searer)) did not approve the sewer exoneration request – do not exonerate any portion of the sewer bill.**
4. Mr. O'Donnell explained that a request was received from Lynn Bowersox to exonerate his real estate tax penalty for his 2014 taxes because he did not receive his tax bill. The Mifflin County Tax Claim Bureau is recommending not approving the exoneration request because he did not change his address with the Mifflin County Assessment Office. **On a motion by Mr. O'Donnell and seconded by Mr. Adams, Council by majority vote (6-1 (Searer)) did not approve the exoneration request.**
5. Mr. Lawson indicated that the Borough received a bill relative to a councilmember directly contacting the Solicitor's Office. It was discussed that there should be a Chain of Command and that councilmembers cannot go directly to the Solicitor without discussing the matter with the Borough Manager, Council President, or Council Vice-President first. Mr. Searer indicated that he was told by the District Attorney to contact the Solicitor because of a potential lawsuit. Mr. Schell explained that all information is available at Committee meetings, which Mr. Searer refuses to attend.

E. WWTP Nutrient Reduction & General Improvements Project

1. **On a motion by Mr. O'Donnell and seconded by Mr. Adams, Council unanimously authorized the appropriate officer to execute the Completion Certificate for GM McCrossin, Inc.**
2. **On a motion by Mr. Adams and seconded by Mr. O'Donnell, Council unanimously approved the issuance of the Final Certificate to GM McCrossin, Inc.**

NEW BUSINESS

- A. **On a motion by Mr. Schell and seconded by Mr. O'Donnell, Council unanimously accepted Ms. Anne Wimsatt's resignation from the Parking Authority.**

B. On a motion by O'Donnell and seconded by Mr. Adams, Council by roll call vote approved the disposition of public records (Resolution No. 2015-7).

Adams	Yea
Lawson	Yea
Moore	Yea
O'Donnell	Yea
Schell	Yea
Searer	Yea
Rager	Yea

EXECUTIVE SESSION

Borough Council went into Executive Session at 7:10 PM to discuss items from the Personnel Committee Meeting on February 25, 2015. Mr. Adams left the meeting during the Executive Session. The Meeting resumed at 7:40 PM.

On a motion by Mr. O'Donnell and seconded by Mr. Schell, Council by roll call vote ratified the Separation Agreement between the Borough and Mr. Willis Grose.

Lawson	Yea
Moore	Yea
O'Donnell	Yea
Schell	Yea
Searer	Nay
Rager	Yea

Mr. Searer left the meeting at 7:42 PM.

On a motion by Mr. O'Donnell and seconded by Mr. Moore, Council by roll call vote ratified the Side Letter Agreement between the Lewistown Borough and Teamsters Local Union No. 776 relative to the prescription plan benefit.

Lawson	Yea
Moore	Yea
O'Donnell	Yea
Schell	Yea
Rager	Yea

On a motion by Mr. Moore and seconded by Mr. Lawson, Council by roll call vote approved Ms. Dianna Walter's request for pay out of accumulated Incentive Time (18.25 hours).

Lawson	Yea
Moore	Yea
O'Donnell	Yea
Schell	Yea
Rager	Yea

On a motion by Mr. Moore and seconded by Mr. Schell, Council by roll call vote approved the promotion of Ms. Amber Peterson from Clerk/Secretary to Admin Asst of Codes & Sewer/Refuse.

Lawson	Yea
Moore	Yea
O'Donnell	Yea
Schell	Yea
Rager	Yea

On a motion by Mr. Moore and seconded by Mr. Schell, Council by roll call vote approved the change in employment status for Ms. Jodi Peters from Part-Time to Full-Time in the Codes Department Office, with a title of Codes Department Office Assistant.

Lawson	Yea
Moore	Yea
O'Donnell	Yea
Schell	Yea
Rager	Yea

On a motion by Mr. Schell and seconded by Mr. Lawson, Council by roll call vote approved the hiring of Ms. Mary Barr as the Recreation Coordinator.


Lawson	Yea
Moore	Yea
O'Donnell	Yea
Schell	Yea
Rager	Yea

On a motion by Mr. Moore and seconded by Mr. Schell, Council by roll call vote approved the temporary salary increase for Mr. Ben Rager, while he is fulfilling the duties of Superintendent of Streets in addition to his regular position of Superintendent of Solid Waste & Recycling.

Lawson	Yea
Moore	Yea
O'Donnell	Yea
Schell	Yea
Rager	Abstain

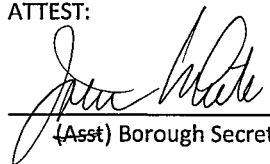
ADJOURNMENT

On a motion by Mr. Moore and seconded by Mr. O'Donnell, Council unanimously voted to adjourn at 7:45 PM.



(Vice) President, Lewistown Borough Council

(Seal)
ATTEST:



(Asst) Borough Secretary