

BOROUGH OF LEWISTOWN  
REGULAR COUNCIL MEETING  
MINUTES  
APRIL 13, 2015 AT 5:30 PM  
LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

The meeting opened at 5:30 PM with Borough Council President Russell Rager presiding. 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.

HEARING OF PERSONS PRESENT

A. Mr. Bill Gomes, Mifflin County Parks & Recreation Committee, explained that he has been talking to Mr. White, for a few months, relative to the overall concept of a Walking Trail (Path) along the Juniata River beginning at Victory Park and ending near Lowes, which is approximately 2 miles. He added that all property owners have been contacted and positive feedback has been received from everyone. Mr. Gomes further explained that there have been discussions on doing trails over the years and is included in Mifflin County's Comprehensive Plan. The next step would be to develop a feasibility study, with Mifflin County Act 13 Funds, and then a Greenways, Trails, & Recreation Grant Application would be submitted by June 30, 2015. Mr. Gomes explained that the grant application requires a 15% match and Granville Township has also been approached about participating in the project. Mr. Adams feels that this is a good project because he feels that the area along the Juniata River is underutilized. Mr. Schell also noted that this would be a good attraction for young families and is a positive to keep people in the area.

PROCLAMATION

Mayor Bargo presented representatives of the Abuse Network with a Proclamation in honor of Child Abuse Prevention Month.

HEARING OF PERSONS PRESENT (Continued)

B. Mr. Rick Clark explained that the Friends of the Embassy Theatre submitted a Facility Use Request for two events, one in June and another in July. He explained that they would like to start a first Friday movie night and an Art/Craft Show on Saturday, which would require the closure of South Main Street from Monument Square to South Wayne Street from approximately 3:00 PM on Friday to 7:00 PM on Saturday. The event in July will also include fireworks, which is being coordinated by the Juniata Valley Chamber of Commerce.

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CONSENT AGENDA

**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. Regular Council Meeting – March 9, 2015
- B. Acknowledged receipt of Public Meeting – Proposed Residential Rental Unit Registration & Regulation Ordinance Notes (March 9, 2015)
- C. Accepted and approved the Treasurer's Report – March 2015
- D. Accepted and approved the Tax Collector's Report – March 2015
- E. Accepted and approved the Parking Violations/Police Citations/Fines Report – February & March 2015

- F. 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. Fountain Square Project Escrow Account
- G. Approved the Facility Use Requests
  - 1. Strodes Mills Babe Ruth Team for use of the Babe Ruth Field at Rec Park (April – July)
  - 2. Mifflin County Girls Little League Softball for use of Green Acres Softball Fields (April – November)
  - 3. Juniata Valley Striders – Logan Guard 5K on Saturday, May 2, 2015
  - 4. Juniata Valley Striders – Fresh Foods 5K on Tuesday, August 4, 2015
  - 5. Juniata Valley Striders – Goose Day 5K on Saturday, September 26, 2015
  - 6. Rec Park Farmers Market for use of the Rec Park Pavilion Area between June and October
  - 7. Lewistown Panther’s Youth Football Organization for use of the football field at Rec Park (July – November)
- H. Approved the Sewer Exoneration Request
  - 1. Frey Motors (409 Valley Street)
- I. Acknowledged receipt of Informational Staff Reports
  - 1. Parking Meters Collection Report – February & March 2015
  - 2. Memo relative to Borough Staff’s intent to request release of CDBG funds for the Street Improvements Project – Hale St/S Plaza Dr
- J. Acknowledged receipt of general correspondence
  - 1. Fame EMS Meeting Minutes – March 17, 2015

## REGULAR AGENDA

### REPORTS

- A. Treasurer
  - 1. **On a motion by Mr. O’Donnell and seconded by Mr. Moore, Council unanimously acknowledged receipt of the Report on Tax Collectors’ Compliance for Year-Ended June 30, 2014.**
  - 2. **On a motion by Mr. Moore and seconded by Mr. O’Donnell, Council unanimously acknowledged receipt of the Borough’s Financial Report and Wastewater Treatment Plant Financial Report for the Year-Ended December 31, 2014.** Mr. Schell indicated that he reviewed the audits and administration did a good job at keeping spending in check. He noted that the majority of the Borough’s debt is related to the Wastewater Treatment Plant. He also noted that the Borough is financially sound.
  - 3. **On a motion by Mr. O’Donnell and seconded by Mr. Moore, Council unanimously acknowledged receipt of the Borough’s Compliance Audit for our Non-Uniform Pension and Police Plans for 2011, 2012, & 2013.**
  - 4. Ms. Walter noted that we reimbursed the General Borough Fund \$46,601.00 in eligible State Liquid Fuel expenses.
- B. Code Enforcement Officer
  - 1. Mr. Fink reported that 49 violations were issued in March, with 51% being for rental properties. He noted that the Department is increasing enforcement of deteriorated properties and is actively enforcing the current ordinances.
- C. Fire Chief
  - 1. Chief Barlett reported that the Fire Department responded to 32 calls in March and most of the calls were routine.
  - 2. Chief Barlett reported that a Department wide training was held on March 15, 2015. He also noted that 12 people are enrolled in the Fire Academy to obtain the necessary training to become a fire fighter.

3. Mr. Moore asked about a guest pass to allow out of town individuals to ride with the fire companies. Chief Barlett explained that this has been done for years and that the individuals need to provide the necessary credentials. Mr. Moore asked how this works with the background checks now. Chief Barlett indicated that he will need to check into this.
4. Chief Herkert explained that six individuals need to have background checks done. It was discussed that payment will need to be made to the Borough.
5. Mr. Lawson asked if the possibility of hosting the Fire Convention is still in the works. Chief Barlett noted that this is still in progress and the Department is hoping to host in 2018.

D. Mayor

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

E. Police Chief

1. Chief Herkert reported that the Department responded to 225 calls for service in March. He noted that the individual has been charged relative to the robbery at Sunoco and the two vehicles stolen as part of the incident. He also noted that four individuals have been charged with egging of vehicles.
2. Chief Herkert explained that a Press Release is being done relative to the pedestrian crosswalk at the South Main Street/Hale Street Intersection.
3. **On a motion by Mr. O'Donnell and seconded by Mr. Moore, Council unanimously approved the use of the Community Center on April 16, 2015 for a training event.**
4. Chief Herkert noted that the Contract for the Provision of Supplemental Police Services with the Mifflin County Housing Authority will need to wait until May because their meeting was cancelled.

F. Board of Recreation – April 7, 2015

1. Mr. O'Donnell reported that we are still in need of additional lifeguards and a pool manager has not been hired to date.
2. Mr. White explained that Staff met with Mr. Wayne Wade, Wade Associates and reviewed repairs that need to be done at the swimming pool. He added that it appears the work will be able to be done in-house and opening day would still be Memorial Day Weekend.
3. **On a motion by Mr. O'Donnell and seconded by Mr. Moore, Council unanimously approved to keep the admission fee the same as 2014 for the Lumina Center's Rainbow Summer and Fun in the Sun Summer Camp Programs.**

G. Smoking Ordinance

1. Mr. Remy indicated that the Amended Smoking Ordinance has been advertised and this ordinance was amended to include e-cigarettes. **On a motion by Mr. Moore and seconded by Mr. O'Donnell, Council by roll call vote adopted the Amended Smoking Ordinance (Ordinance No. 2015-4).**

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

2. Mr. Remy explained that there has been discussions in the previous months relative to the garage on Valley Street (rear of Central Avenue), in where the property owner has been cited and fined but continues to take no action. Mr. Remy further explained that the next step is for the Borough to take the property owner to court and order the owner to demolish the garage or the Borough will take the necessary action to demolish the garage and a lien will be assessed to the property.

**On a motion by Mr. O'Donnell and seconded by Mr. Adams, Council unanimously approved for the Solicitor's Office to take the property owner to court and authorized the appropriate officer to execute the paperwork.**

3. Mr. Remy indicated that a deed of dedication for storm water facilities (grates and pipes) still needs done for the Lake Chevrolet Land Development Plan, which consisted of the Rear Parking Lot Improvements Project. Mr. Remy explained that there is a small mortgage outstanding on the property and Council will need to decide if they want to accept the storm water facilities with the mortgage outstanding or if they want the mortgage satisfied first. He further explained that the storm water pipes and grates are located within the right-of-way of Susquehanna Avenue. It was also explained that these storm water facilities need to be dedicated to the Borough prior to the project being closed out and the Borough still has a financial security. Mr. White added that a letter was received from Mr. Lake requesting release of the financial security. Mr. Remy will contact Mr. Lake relative to the outstanding mortgage and report back to Council.

#### H. Borough Manager/Secretary

1. Mr. White provided Council with an overview of proposed modifications to CDBG projects. The Parking Lot Improvements Project – Upper Woodlawn will be deleted because additional funding is needed for projects with a higher priority. The Street Improvements Project – Virginia Avenue will also be deleted due to the estimated cost of the project, which includes the addition of storm water inlets because there are currently no inlets and any additional PennDOT requirements because it adjoins Valley Street. The Street Improvements Project – Rosemont Avenue will be revised to a Storm Water Project (installation of storm water inlets and paving) at the Rosemont Avenue/Center Street Intersection. A portion of West Third Street between North Grand Street and Juniata Street will be added to the Street Improvements Project – Hale Street/South Plaza Drive. The anticipated project schedule was also reviewed.

Mr. Moore asked about paving Chestnut Street where the railroad tracks are located because that section is getting really bad. It was discussed that this project would require coordination with SEDA-COG Joint Rail Authority because they own the rail line.  
**On a motion by Mr. O'Donnell and seconded by Mr. Searer, Council unanimously authorized Staff to contact the SEDA-COG Joint Rail Authority relative this potential project.**

#### UNFINISHED BUSINESS

##### A. Streets Committee – March 12, 2015 & April 9, 2015

1. Mr. Adams explained that Mr. Dan Elsesser addressed the Committee relative to some parking available at the rear of 101 South Main Street and the difficulty accessing this parking area because of the last parking space. **On a motion by Mr. Moore and seconded by Mr. O'Donnell, Council unanimously voted to eliminate the last parking space on the south side of East Water Street (closest to Water Street/South Main Street Intersection) and appropriately delineate as "No Parking".**
2. Mr. Adams explained that Mr. Elsesser also addressed the Committee relative to the removal of the parking meters along Water Street and he is now receiving complaints from his tenants at 100 Water Street because there is no parking available for their customers. There was discussion relative to these parking meters being removed within the last year and if the ordinance was ever updated. Mr. Remy reviewed the ordinance and noted that this area is still included in the 12-hour maximum parking limit.

On a motion by Mr. Adams and seconded by Mr. O'Donnell, Council by roll call vote approved the installation of 10 parking meters with a 2-hour maximum parking limit.

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

- Mr. Adams reported that a request was received from United Fire Company about removing the one metered parking space on the north side of West Third Street because when a vehicle is parked in this space they are having difficulty backing their squad truck into the station. **On a motion by Mr. Moore and seconded by Mr. O'Donnell, Council unanimously approved the elimination the one metered parking space across the street from United Fire Company, in front of Greater Vision Eye Associates, and to extend the fire lane.**
- On a motion by Mr. Moore and seconded by Mr. O'Donnell, Council unanimously approved the handicap parking space requests for 356 South Wayne Street and 30 Shaw Avenue (Resolution No. 2015-9).**

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

- There was discussion on the following alley overlays: portion of Riverview Lane; alley behind South Grand Street between Washington Avenue and Lincoln Avenue; portion of Logan Alley adjacent to Trinity Church on Oak Street; alley between South Pine Street and South Walnut Street; and portion of the alley behind City Fire Company. **On a motion by Mr. O'Donnell and seconded by Mr. Schell, Council unanimously approved the above alley overlay projects contingent that the costs do not exceed the budget and priority determined by traffic volume.**
- Mr. Adams explained that there were two Committee meetings since the March Council Meeting and at the first meeting a recommendation was made to allow parking on the north side of East Hale Street from 45 East Hale Street (Lion Country) to the entrance of Lingle Distributing's parking lot from 6:00 AM to 6:00 PM on the weekdays, so "No Parking" would be allowed from 6:00 PM to 6:00 AM on the weekdays and all day on the weekends; however, between the two meetings it was noted that some parking was occurring during the prohibited time periods. **On a motion by Mr. Schell and seconded by Mr. Lawson, Council by roll call vote acknowledged expiration of the 30-day extension, for 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 and approved making this permanent.**

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

- Mr. Adams explained that the Committee reviewed concerns from residents relative to the safety of the crosswalk at the Valley Street/East Third Street Intersection due to concerns with visibility and the size of the crosswalk, and Staff contacted PennDOT to obtain recommendations to increase pedestrian safety at this intersection.

**On a motion by Mr. Adams and seconded by Mr. O'Donnell, Council by majority vote (6-1 (Searer)) accepted Staff's recommendation to place "Yield to Pedestrian Channelizing Devices" and to paint a "Piano Key Style Crosswalk" at the Valley Street/East Third Street Intersection crosswalk.**

8. There was discussion relative to the Pedestrian Crossing Sign, on the south side, of the South Main Street/Hale Street Intersection continually being moved from the street and placed on the sidewalk, and this may have to do with the location of a handicap parking space, which limits the amount of space (turning radius) in the area. **On a motion by Mr. O'Donnell and Mr. Adams, Council unanimously approved the moving of the handicap parking space back 30 feet and to make that area "No Parking".**
9. Mr. Adams explained that a request was received relative to a "No Outlet" sign being installed at the entrance of the alley that runs parallel to Chestnut Street Extended because there is a problem with people driving down the alley and then on private property since it is a deadend. There was discussion that this alley was open, at one point, to the alley that runs behind Feeder Avenue and this could be done without driving on private property. This will be further reviewed to determine if this has been closed and discussed at the next Streets Committee Meeting.

**B. EG Channel Committee – March 18, 2015**

1. Mr. Moore reported that the EG Channel will launch on Monday, April 20, 2015 and will be on Comcast Channel 5. He explained that the Media 3 Class will handle the day to day operations of the channel and it is currently set-up as a scroll channel. Mr. Moore indicated that the first live event will be Measure the Candidates Night on May 6, 2015.

**C. Law & Ordinance Committee – March 26, 2015**

1. It was noted that all councilmembers received a copy of the Draft Residential Rental Unit Inspection Form to review and provide any comments to the Law & Ordinance Committee.

**D. Finance Committee – April 2, 2015**

1. Mr. Fink explained the property owner was notified of high water usage and there was a leak in the basement; however, a second floor toilet was also continuously running. **On a motion by Mr. Lawson and seconded by Mr. Moore, Council by majority vote (6-1 (Searer)) supported Staff's recommendation to exonerate 25% of the above average water usage for 212 North Wayne Street (Boobi Hoy (Stoner)).**
2. **On a motion by Mr. Adams and seconded by Mr. Moore, Council unanimously ratified the Custom Pricing Confirmation, for the Borough's Electricity Rates, with Guttman Energy for 31 months.**
3. **On a motion by Mr. Adams and seconded by Mr. Moore, Council unanimously appointed Mayor Bargo as the Borough's Voting Delegate at the PSAB Conference and Mr. Rager as the Alternate.**
4. **On a motion by Mr. Adams and seconded by Mr. Moore, Council by majority vote (6-1 (Searer)) accepted the quote from Quill for office furniture in the Codes Office – Administration & Inspector.**

NEW BUSINESS

- A. On a motion by Mr. Lawson and seconded by Mr. Adams, Council by roll call vote appointed Mr. Mike Morrison to the Lewistown Parking Authority (Resolution No. 2015-10).**

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

- B. It was discussed that the house at 22 Locust Street is a burnt out structure and Staff has been working with Habitat for Humanity to take ownership of the property. **On a motion by Mr. Adams and seconded by Mr. Lawson, Council unanimously rejected the repository for unsold property offer.**
- C. Mr. Lawson indicated that the Mifflin County Public Safety Office will be holding a Table-Top Exercise on May 29, 2015 relative to expected response dealing with a railroad incident, and Council may be involved, if they desire.

Borough Council went into Executive Session at 7:05 PM to discuss legal and personnel matters. The Meeting resumed at 7:52 PM.

**On a motion by Mr. O'Donnell and seconded by Mr. Adams, Council by majority vote (6-1 (Searer)) approved the hiring of Mr. Michael Kurtz as the Street Sweeper Operator.**

**On a motion by Mr. O'Donnell and seconded by Mr. Lawson, Council by roll call vote approved the hiring of Ms. Sierra Mickey as the Assistant Wastewater Superintendent.**

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

Mr. Searer left the meeting at 7:54 PM.

**On a motion by Mr. O'Donnell and seconded by Mr. Moore, Council unanimously approved the hiring of Mr. Matthew Hoffmaster as the Streets Department Superintendent.**

**On a motion by Mr. O'Donnell and seconded by Mr. Moore, Council unanimously approved the hiring of Mr. Scott Brothers, on a temporary basis, to repair the parking meters.**

**On a motion by Mr. O'Donnell and seconded by Mr. Moore, Council by majority vote (5-0-1 (abstain – Rager)) approved the Incentive Time Request from Mr. Ben Rager, Refuse Department Superintendent/Interim Streets Department Superintendent.**

**On a motion by Mr. Moore and seconded by Mr. Lawson, Council unanimously approved the hiring of Mr. Nathan Eckert as a Part-Time Police Officer.**

**On a motion by Mr. Moore and seconded by Mr. Lawson, Council unanimously approved the hiring of Mr. Ryan Hartley as a Part-Time Police Officer.**

**On a motion by Mr. O'Donnell and seconded by Mr. Moore, Council unanimously approved the Facility Use Request from the Friends of the Embassy Theatre for their events in June and July, pending approval from PennDOT.**


ADJOURNMENT

On a motion by Mr. Moore and seconded by Mr. Adams, Council unanimously adjourned the meeting at 8:00 PM.



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(Vice) President, Lewistown Borough Council

(Seal)  
ATTEST:

  
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(Assistant) Borough Secretary