

REGULAR COUNCIL MEETING
 APRIL 9, 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. Felmlee, Mr. Berrier, Mr. Campbell, Mr. Wilson, and Larry Searer were present.

HEARING OF PERSONS PRESENT

- A. Colby Guyer of 22 West Charles Street addressed his concerns about the proposed towing ordinance and the vehicle parking registration ordinance in which it discusses vehicles without a current registration. While the intentions may be good, he feels it's going to turn people away from the area.
- B. Cathy Thompson, a part-time resident from Minnesota spoke up, wondering if her car would be towed because she does not have a registration sticker on it. Mr. Searer said "no". The police officers will run the license plate and if Minnesota does not require inspections stickers, then that law would be applied here.
- C. Jim Smith informed Council that he parked in front of Attorney Gingerich's office the other day, put money in the meter and it was not functioning.
- D. Fred Stoicheff expressed his concerns regarding the proposed ordinances. He also expressed several concerns regarding the Lewistown Police Department.
- E. MEG manual bid was awarded to the only applicant, Glenn O. Hawbaker, Inc for the following:

	Estimated Required Quantity (tons)	Unit Price Per Ton Pickup at Plant	Estimated Required Quantity (tons)	Unit Price Per Ton Delivered
ITEM 1 - Crushed Stone Aggregate				
1a) Penna No 2RC	500	\$7.25	500	\$11.97
1b) Penna No 1B	50	\$12.40	100	\$17.12
1c) Penna No 2B	50	\$10.00	100	\$14.72
1d) Antiskid (6S)	100	\$11.00	200	\$15.72

1e) Gabion Stone	100	\$11.00	200	\$15.72
1f) Stone 2A	100	\$8.00	100	\$12.72
ITEM 2 - Bituminous Concrete				
2a) 25MM Base Course	100	\$47.00	100	NA
2b) 9.5MM-L Wearing Course	500	\$60.00	500	NA
2c) 19MM-L Wearing Course	500	\$51.00	500	NA
ITEM 3 - Bituminous Stockpile Patching Material				
3a) Type Stockpatch 485 for shallow patching	50	NA	100	NA
3b) UPM Premium Cold Patch Material	50	\$130.00	100	\$134.72

On a motion by Mr. Felmlee and seconded by Mr. Wilson, Council by unanimous vote, approved the Materials, Equipment, Goods be awarded to Glenn O. Hawbaker, Inc., contingent upon all the paperwork being received and completed appropriately.

- F. Police vehicle, a 2003 Ford Crown Vic Police Interceptor received a bid for \$438 and police vehicle, a 2004 Ford Crown Vic Police Interceptor, received a bid for \$568. Both bids were received from Zeke Phillips, who was the only bidder.

On a motion by Mr. Campbell and seconded by Ms. Shade, Council by unanimous vote, accepted the bids received from Zeke Phillips for \$438 for a 2003 Ford Crown Vic Police Interceptor and \$568 for a 2004 Ford Crown Vic Police Interceptor.

Note: No Bids were received for the Concession Stand.

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-March 12, 2018
 - 2. Law & Ordinance Meeting- March 22, 2018
 - 3. Finance Meeting-March 22, 2018
 - 4. Police Ad Hoc Meeting-March 22, 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 Account
- D. Approval of Facility Use Forms:
 - 1. Faith Festival on 5/19/18 for closing of alley behind library from Main St to Wayne St
 - 2. Diakon Lutheran Social Ministries-Ohesson on 7/21/18 for the 5k fun run/walk to raise money the residents and staff of Ohesson Manor
 - 3. Sacred Heart Home & School Association on 5/18/18 for Field Day (received after Rec Board Meeting)
- E. Additional Facility Use Forms-Rec Board:
 - 1. Lewistown Girls Little League Softball for 3/19/18 to 11/1/18 for use of the Green Acres Softball Field
 - 2. Pavilion Use Request for Karl Stoicheff for 6/3/18
 - 3. Pavilion Use Request for Alan Rodkey Reunion on 7/7/18
- F. Acknowledge Receipt of Municipal Authority Minutes from 2/21/18
- G. Acknowledge Receipt of Street Sweeping News Release
- H. Acknowledge Receipt of Dollar General DEP Sewer Module Letter
- I. Acknowledge Receipt of DLI Executive Committee Meeting Minutes 1/17/18 & Agenda for 3/21/18
- J. Acknowledge Receipt of FAME Stats for February & Minutes from 3/14/18
- K. Acknowledge Receipt of Residents Bags Without Tags Spreadsheet
- L. Acknowledge Receipt of 2nd Invitation to the Mifflin-Juniata Assoc Dinner on 4/12/18

Ms. Shade would like a correction made on her statement at the Police Ad Hoc on 3/22/2018 regarding the previous administration making her pay for participation with Kid Connection. Correction will be made to minutes.

Mr. Campbell had a concern about the Dollar General Store relocation and the amount of traffic in the area. Mr. Welham indicated that a traffic study is being done by Dollar General for PennDOT.

Mr. Sievers questioned the permanent records being moved from the basement to the second floor. Mr. Welham stated that the resolutions and ordinances are maintained in a fireproof and waterproof safe; and due to the potential of flooding it would be advantageous to move the other permanent records to the second floor where they would not be susceptible to water damage.

On a motion by Ms. Sievers and seconded by Mr. Campbell, Council by unanimous vote, approved the Consent Agenda, contingent to the correction being made to the Police Ad Hoc minutes.

REGULAR AGENDA

REPORTS

A. Treasurer

1. The Governor General report was completed March 31, 2018. This report helps fund the pension plan cost. We should know how much to receive in October.
2. *On a motion by Mr. Felmlee and seconded by Mr. Wilson, Council by unanimous vote, approved Disposition of Records, Resolution 2018-34.*

Roll Call

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

B. Code Enforcement Officer

1. Mr. Fink reported there were 37 violations in March, 23 of those were an accumulation of garbage. There were six citations issued with a maximum fine amount of \$6000. 31 permits were issued. Zoning permits collected was \$1652.21, with a year-to-date amount of \$13,622.51. There was \$240.00 collected in sidewalk permits. Improvements totaled \$89,609 in March with a year-to-date total of \$1,492,553. The inspection fees for March were \$315, totaling \$695 for the year. There were no LOMA letters issued last month.
2. Mr. Searer asked Mr. Fink if Doug Sellers owns the property he has been renting (by the river across from the sewage plant). According to the tax records at the courthouse, Mr. Fink advised Mr. Searer that the property is owned by Lewistown Borough. Mr. Fink suggested having the property surveyed to confirm ownership. Mr. Campbell suggests

having Mr. Sellers produce the deed, if possible, to save money in having a survey done. Mr. Remy recommends having a survey done so everyone knows where the property lines are. Mr. Fink will check on the cost of having a survey done and present this to Council at the next meeting.

C. Fire Chief

1. Chief Barlett reported that, for the month of March, the fire departments had 14 alarms, no fires of significant damage.
2. The fire at 127/131/133 Shaw Avenue last week was determined to have started by an electrical problem in a meter base. Three borough fire companies were on the scene. Eleven more companies assisted from out of the area. The buildings were deemed a total loss. Red Cross came in and assisted with cash, room, and board.
3. Mr. Barlett addressed the proposed Marble Street direction change. He tested two tower trucks and the turn from Logan Street to Marble Street required each truck to backup three times to make the turn. This was done in a controlled environment; having an emergency would be more difficult. If the change is made, it will require more hoses to access the fire hydrants that are spread out with corresponding street. His recommendation is to leave it alone.

D. Mayor

1. Mayor Bargo distributed her first quarter report for wedding fees, totaling \$355.
2. Mayor Bargo explained that there is a group called September 11 National Memorial Trail Alliance that is developing a trail from Pittsburgh to Washington DC. Part of the trail is the Towpath in Lewistown. Six or seven board members of this group will be biking 1300 miles and they are expected to arrive in Lewistown on April 18. She is planning a reception for them at Victory Park. They will be escorted on West 4th Street and arrive tentatively around 1:00 pm. They will then be at Victory Park for a meet/greet session if anyone is interested.

E. Police Chief

1. Chief Clemens stated that in the month of March, the Lewistown Police had 270 calls to service, an increase of 52 calls from last month. Sixty-nine citations were issued for traffic, 14 citations issued for non-traffic. Three hundred forty-three parking citations were issued this week, mostly from the street sweeper starting again on April 2nd.

2. The first Police Advisory meeting was held March 29, 2018. They will be done quarterly. Any suggestions or issues can be brought to their attention at the meetings. The next meeting is scheduled in June.

F. Board of Recreation

1. Ms. Barr recommends grandfathering the wages in for the lifeguards and having the wages be based upon years of service.
2. Ms. Barr is asking that the cement block building be torn down and replaced with a storage shed. She is asking Council to consider having the Streets Department tear down the building and allowing the Little League to put another building up in its place, with no cost to the Borough. The existing building is presently being held together with straps and is a liability.

On a motion by Mr. Felmler and seconded by Mr. Sievers, Council by unanimous vote, agreed to have the Streets Department tear down the cement block building.

On a motion by Ms. Shade and seconded by Mr. Felmler, Council by unanimous vote, approved the Little League to put a 10'x10' pre-built structure to replace the cement block building and waive permit fees.

G. Borough Solicitor

1. Mr. Remy is seeking approval to add provisions to the wording in Fines, Penalties, Costs and Fees, Chapter 15, Section 1, by the addition of Article III, Costs and Fees. This schedule would be kept on file and available to the public.

Addressed at the last Law and Ordinance meeting, Mr. Welham and Mr. Fink were asked to research the top 5-10 ordinances and let Law and Ordinance know what needs to be changed. The proposed wording "fines not less than" instead of "fines not more than" would be applied to:

Chapter 110, Codes, Article I, Section 110-19; Chapter 131, Grass Brush and Weeds, Section 131-6, Subsection A;

Chapter 200, Solid Waste, Article 1, Refuse Collection, Section 200-14, Violations and Penalties, Subsection A;

Chapter 212, Streets and Sidewalks, Article IV, Snow and Ice Removal, Section 212-41, Violations and Penalties;

Chapter 233, Vehicles and Traffic, Article IV, General Parking Regulations, Section 233-40, Ticket and Penalty for Violation; fine upon prosecution and conviction.

Mr. Berrier would like to review the proposal at the next Law and Ordinance Meeting before consideration by Council.

2. Proposal was made to adopt an Ordinance on towing of vehicles. Amendment to Chapter 233, Vehicles and Traffic, by the addition of Article XI, Removal and Impounding of Certain Vehicles:
 - Section 233-87, Applicability and Scope;
 - Section 233-88, Authority;
 - Section 233-89, Designation of approved storage garages, bonding, towing and storage;
 - Section 233-90, Notification of removal and impounding;
 - Section 233-91, Effect of payment of towing and storage charges;
 - Section 233-92, Records of vehicles removed and impounded;
 - Section 233-93, Restrictions upon removal of vehicles.

This information was advertised and posted and is ready for consideration.

Discussion ensued regarding the towing of vehicles if a meter expires, who will be doing the towing and who is going to enforce it.

On a motion by Mr. Berrier and seconded by Mr. Felmlee, Council by a 2-5 vote, did not approve the adopted Towing of Vehicles Ordinance.

Roll Call

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

After further discussion, this subject will be sent back to Law and Ordinance.

3. Mr. Remy proposed to amend the Code of Ordinances, Chapter 233, Vehicles and Traffic, by the addition of Article XI, General Parking Regulations, Section 233-30, Parking prohibited at all times, where it shall be unlawful to park a vehicle in a Borough alley at any time of day and it shall be unlawful to park/leave a vehicle without a current registration or current inspection sticker on any public street or highway in the Borough, or unmetered parking lots owned/operated by the Borough.

Chief Clemens confirmed there is no state law pertaining to parked vehicles without a current registration or inspection. The state law indicates that you cannot operate a vehicle without a registration or inspection. There is also a state law prohibiting parking a vehicle in the wrong direction.

Ms. Shade is questioning the intention of the ordinance. Mr. Berrier stated that the intention was to get these “junk” vehicles off the street. Mr. Campbell feels that all situations are different; some may be waiting on parts, others may be going through a personal/financial situation. He provided a personal example of waiting on the garage to get additional stickers because they ran out of stickers. Ms. Shade wants to know how long a vehicles must sit before it is checked by the police to see if it has a valid registration because time is not stated in the proposed ordinance.

On a motion by Mr. Berrier and seconded by Mr. Felmlee, Council by a 3-4 vote, did not approve the adopted Ordinance regarding unlawful parking of vehicles parked without a current registration/inspection sticker.

Roll Call

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

H. Borough Manager/Secretary

1. Mr. Welham discussed insurance bids received for liability and worker’s compensation insurance. Two of the bids were lower than last year. EMC submitted a bid for liability insurance at \$86,116 and worker’s compensation at \$124,382, totaling \$210,498. This is a 14% reduction from the current plan. EMC is endorsed by PSAB and they have paid additional dividends at the end of the year based on a lower loss record. A presentation was presented by Keith Altiery of HC Kerstetter Insurance. There are currently 139 boroughs enrolled with EMC and the dividend is split. Mr. Sievers suggests looking into Cyber insurance. More discussion followed. The other bid received was from Argonot and it was \$10,000 more with no dividends paid out.

On a motion by Mr. Felmlee and seconded by Mr. Sievers, Council by unanimous vote, approved the insurance bid to HC Kerstetter Ins for \$210,498.

Roll Call

Venus Shade	Yea
-------------	-----

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

2. Mr. Welham informed Council that the Dollar General Store is requesting a letter be sent to DEP indicating that the Waste Water Treatment Plant is capable of handling the two additional EDU's needed for their new store. Staff is looking for approval to have the Council President execute a letter stating that we can handle it.

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by unanimous vote, approved the execution of letter to DEP by Council President for the Dollar General Store.

3. Mr. Welham presented Council with a Transient Business License issue that he was notified about. In February, the Mifflin County Forest Fires Association, addressed permit fees for their flower sales. They were informed at that time that no organization, including non-profit, were exempt from permit or admin fees. The Mifflin County Forest Fires Association notified Mr. Fink that the Boy Scouts were also selling flowers at Andrea's restaurant; however, they did not have a permit and did not pay the admin fee. The City Fire Company was also selling flowers without paying the admin fee as well. Under the Ordinance, it states that any 501C or non-profit business must pay an admin fee. It then brings up the question of how to handle vendors at the Ice Festival and the Embassy Theater festivals and other fairs held in the Borough. After further discussion, the Transient Business License will be forwarded to the Law and Ordinance for review.
4. The Multimodal Grant was finalized. We received a \$340,000 grant on the Kish Street project. Lucas Parkes of the EADS group reviewed the project. Geisinger has provided \$150,000 and the Borough has allocated \$210,000, totaling \$700,000 for the project funding. The President of Council needs to sign the grant contract and return it to Harrisburg. An additional grant source is the ARLE grant through PennDOT. In June, we can apply to have the red light added to the project with the ARLE grant. He feels we have a good chance of receiving the ARLE grant.

On a motion by Mr. Felmlee and seconded by Ms. Shade, Council by unanimous vote, approved having Council President sign and return the Multimodal Grant to DCED.

Roll Call

Venus Shade	Yea
Mark Sievers	Yea
Jim Felmlee	Yea
Frank Berrier	Yea

Dave Campbell	Yea
Bill Wilson	Yea
Larry Searer	Yea

- Approval is needed to order parts necessary to rehab the Vactor for \$45,000, as budgeted in the capital. There is a one year warranty after parts are installed.

On a motion by Mr. Felmlee and seconded by Mr. Wilson, Council by unanimous vote, approved ordering the parts needed to rehab the Vactor.

- Mr. Welham is seeking the approval to purchase the International 440 and the Packer for the Refuse Department. Quotes were received from CoStars Vendors including, Five Star International and Hill International for 2018 and 2019 trucks. The only difference in the trucks seems to be the size of the engines. Four quotes were received: \$76,200 for a 2018 truck and \$77,140, \$80,950 and \$157,000 for a 2019 truck. Mr. Wilson feels that whichever truck we purchase should have a rebuildable engine. The 2018 truck that is available at Noerr's does have a rebuildable engine.

On a motion by Mr. Campbell and seconded by Mr. Wilson, Council by unanimous vote, approved the purchase of a 2018 International 440 from Noerr's for \$76,200.

Roll Call

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

- Mr. Welham informed Council that three quotes were received for a new server for the Police Department. The lowest bid was \$13,698.95 from GME. It was recommended that discussion be postponed for another month. Chief Clemens informed Council that the existing server is now going out of storage space and needs to be replaced soon.

Ms. Shade made a motion to approve a new server at the \$13,698.95 price, however, the motion dies due to lack of second.

- Mr. Welham made the announcement that another intern is needed for the Streets Department's summer program. The age group preferred is high school seniors or college

students. If anyone knows of anyone looking for a summer job, send them to Borough Hall for an application.

9. A few upcoming projects to be aware of. The Charles Street bridge above Kish Creek will be torn down and rebuilt starting June 7, PennDOT is hoping to be finished by September 10. The Streetscape Phase 5 will also be starting in June.
10. The Safety Committee is requesting from Council an incentive program for not having any loss time due to an accident. If there are no accidents in six months, the committee is asking everyone to receive a hoagie from the OIP; no accidents reported for one year, the committee is requesting everyone to receive a personal day. This will be forwarded to the Finance Committee for further discussion.
11. Mr. Welham gave an overview of the first quarter in 2018. The general borough's revenue is up 4.5%, expenses were down 10.2%. The total revenue increased over expenses \$95,000. The refuse revenue increased 7.5% while expenses have increased 3.1%. The total revenue increased over expenses \$14,000. The waste water collections revenue has increased 9.7%, expenses increased .8%. Revenue increased over expenses \$42,000. The waste water treatment has had a decrease in revenue of 1.7%, expenses have increased 4.9%. They are now running at a \$30,000 deficit for revenue over expenses for the first quarter. The Police Department had \$240,000 in expenses compared to last year's first quarter of \$290,000, a decrease of \$50,000.
12. Mr. Wilson addressed some concerns regarding the street sweeper hours. He has been receiving complaints that he's still cleaning streets at 8:00 in the morning and it should be done at that time. Mr. Welham will look into it and report back to Council.

UNFINISHED AND NEW BUSINESS

On a motion by Mr. Felmler and seconded by Ms. Shade, Council by a unanimous vote, approved to release the CDBG funds in the amount of \$81.65, \$72.75 for materials and supplies, and \$9,092.96 for engineering fees.

Approval was needed to award the Juniata River Walk project to the lowest bidder on April 19 after all the criteria has been approved by the EADS Group. Mr. Berrier would like to see who the bidders are first and vote at the next Council meeting. Council agreed.

On a motion by Mr. Campbell and seconded by Ms. Shade, Council by a unanimous vote, approved the 2018 Paving Projects. CDBG funds will be used for Spring Street, South Wayne Street and Grand Parkway North. The State Liquid Fuels fund will be used for Charles Street, Winding Way, and Lombardy Circle.

Mr. Welham said he was meeting with PennDOT in Council Chambers on Thursday, April 12 at 10:00 am to discuss the traffic light project. He will address the recommended Marble Street direction change with them and let them know Chief Barlett's concerns for emergency response. Mr. Welham invited Council to attend.

FINANCE COMMITTEE

- A. Rec Board had requested wages for lifeguards this summer to be \$10.00 per hour for returning lifeguards plus \$.25 for each year returned, and \$9.00 per hour for new hires,.

On a motion by Ms. Shade and seconded by Mr. Wilson, Council by a 6-1 (Sievers) vote, approved the lifeguard wages at \$10.00 per hour for returning lifeguards and \$9.00 per hour for new hires.

- B. ***On a motion by Mr. Sievers and seconded by Mr. Felmlee, Council by a unanimous vote, approved to purchase 18 new dumpsters.***

Mr. Rager gave an update on the 902 Grant. At this time we are not eligible for the grant. The requirements will be addressed at the Law and Ordinance meeting.

- C. ***On a motion by Ms. Shade and seconded by Mr. Campbell, Council by a unanimous vote, approved to dispose of outdated cell phones and printers.***
- D. ***On a motion by Ms. Shade and seconded by Mr. Sievers, Council by a 6-1 (Searer) vote, approved to hire someone at minimum wage to collect money at the pool entrance.***

LAW AND ORDINANCE

On a motion by Mr. Campbell and seconded by Ms. Shade, Council by a 4-3 vote, approved to rescind the street sweeper tickets increase back to \$15 and metered parking ticket increase back to \$5 on the Cost and Fee Schedule.

Roll Call

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

STREETS

None

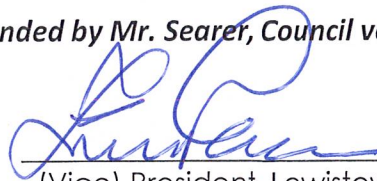
PUBLIC COMMENTS

None

EXECUTIVE SESSION

Council went into an executive session at 7:21 PM for personnel matters.
Council came out of executive session at 7:38 PM.

On a motion by Mr. Felmlee and seconded by Mr. Searer, Council voted to adjourn at 7:40 PM.



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:



(Asst.) Borough Secretary