

REGULAR COUNCIL MEETING  
JUNE 12, 2017 AT 5:00 PM  
LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

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

**ROLL CALL**

Larry Searer, Mr. Wilson, Mr. Moore, Mr. Eddinger, Mr. Rager, Mr. Felmlee, Mr. Berrier, and Mayor Bargo were present.

**REGULAR MEETING**

**HEARING OF PERSONS PRESENT**

Ms. (Laura) Hendricks stated that the traffic signal at Market Street and Dorcas Street has people continuously running the red light. She was also concerned with the crosswalks between Service Asset Management and MCS Bank where there is a pedestrian crosswalk. She said that when drivers are making the turn from Brown St. they don't seem to be yielding to the pedestrians when the pedestrians are crossing with the light.

Mr. Rager mentioned that the traffic light at the intersection of Dorcas, Chestnut, and Market Streets is exceptionally short on the Dorcas Street side and then it's really long for Chestnut Street. He thinks that the timing of the light is off. Mr. Welham said that he will look into it.

**Bids for the Ada Curb Ramp Project**

MidState Paving, LLC \$107,670. Solid State Masonry \$ 92,000.

***On a motion by Mr. Moore and seconded by Larry Searer, Council by unanimous vote approved awarding the bid to Solid State Masonry contingent upon Staff Review that all qualifications are met.***

**Bids for the Paving Project**

HRI \$78,324.00 Fulkroad \$71,525.38 Hawbaker \$69,092.90

***On a motion by Larry Searer and seconded by Mr. Moore, Council by unanimous vote approved awarding the bid to Hawbaker contingent upon Staff Review that all qualifications are met.***

**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 –May 8th, 2017
  2. Finance Committee Meeting– May 4th, 2017
  3. Special Council Meeting - May 15<sup>th</sup>, 2017
  4. Recreation Board Meeting (No Quorum)- June 6<sup>th</sup>, 2017
- B. Approval of Treasurer’s Report
- C. Acceptance of Tax Collector’s Report
- D. Approval of Schedule of Bills
1. General Borough/Specialty Tax/Refuse/Wastewater Collection & Treatment/State Liquid Fuels
- E. Approval of Facility Use Forms:
1. Annual Let Freedom Ring Concert and Liberty Fest Street Closure for Friends of the Embassy on June 30 and July 1 – rain date is July 2
  2. Summer Lunchbox Concert Series Request to utilize park beside the library on June 15, July 13, and August 10
- Additional Facility Use Forms reviewed by Rec Board (No Quorum Present):
3. National Night Out Pavilion Request for LPD on August 1
  4. Derry Township Fire Police use of Victory Park on July 14 to 16 for Fishing Tournament
  5. Lumina Center use of Rec Park Pavilion and Ball field on June 21 for slip and slide activities
  6. Lewistown Panthers use of Rec Park Football Field from June to November
- F. Approval for PA Cleanways to hold Tire Recycling Challenge at Borough Warehouse on September 16
- G. Approval for PA Cleanways to hold the River cleanup on August 5
- H. Acknowledge receipt of Brooklyn Equipment Appropriation request
- I. Acknowledge receipt of 2016 CAP Plan Letter from PA DEP
- J. Acknowledge receipt of Certificate of Accreditation to operate as a PA Accredited Lab
- K. Acknowledge receipt of Sewage Compliance Inspection Report
- L. Acknowledge receipt of DLI Minutes from April 19
- M. Acknowledge receipt of FAME Meeting Minutes from May 3
- N. Acknowledge receipt of letter from MC Planning & Developing referencing Recorder of Deeds Fee Law enabling a special deed and mortgage recording fee
- O. Acknowledge receipt of MC Tax Collection Committee notice appointing Keystone Collections Group as new tax collector January 1, 2018

**Mr. Berrier added the following items to the consent agenda**

- P. Minutes of the Law and Ordinance Committee Meeting
- Q. Facility Use Permit for Raines Plumbing and Heating

Mr. Moore asked to have the Rec Board Meeting Minutes pulled out. He said the dates for the swim nights are June 30<sup>th</sup>, July 29<sup>th</sup>, and August 25<sup>th</sup> so it will need to be changed.

***On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by unanimous vote approved the Consent Agenda.***

**REGULAR AGENDA**

**REPORTS**

#### **A. Treasurer**

1. Ms. Walter reported that the Exoneration Requests for current PCap taxes was received from Erin Anewalt and needs to be approved by Council.

***On a motion by Larry Searer and seconded by Mr. Moore, Council by unanimous vote approved the Exoneration Request for current PCap Taxes.***

2. Ms. Walter reported that the Exoneration Requests for delinquent PCap taxes was received from Miffco and needs to be approved by Council.

***On a motion by Larry Searer and seconded by Mr. Moore, Council by unanimous vote approved the Exoneration Request for delinquent PCap Taxes.***

3. Ms. Walter stated that the State Liquid Fuel Audit was completed and there were no findings for 2015 and 2016. She thanked everyone involved.

#### **B. Code Enforcement Office**

1. Mr. Fink reported there were 69 Violations in May. He stated that the biggest one was 52 violations for grass/weeds. Mr. Fink stated that the Codes Department issued 74 permits for \$2,545.36 and 39 Sidewalk Permits at \$1,125. He said that for year to date he has collected \$8,220.57 vs the \$25,714.32(which includes CVS Permits) for last year. The Year to date estimated improvement amount is \$511,157.51.
2. Mr. Fink stated that he has a sewer exoneration request for Barbara Leopold for 30 N. Pine Street. It all leaked into a dirt floor in the basement while she was in Florida for the winter.

***On a motion by Mr. Rager and seconded by Mr. Moore, Council by unanimous vote approved the Sewer Exoneration Request for Barbara Leopold.***

3. Mr. Fink reported that the Notice & Order letter has been sent out to the property owner of Valley and 3<sup>rd</sup> Street.

#### **C. Fire Chief**

2. Chief Barlett reported that for the month of May the fire department had 18 alarms plus medical assists. There were no significant fires. They have been busy with 3 water rescues in McVeytown.
3. Chief Barlett reported that they had a coordinated search with the Police Department for a missing person. They searched the river from the Borough line by the sand plant down to Juniata Co, but they didn't find anything.
4. Chief Barlett stated he has an itemized list of the fire apparatus that he would like to order for the fire houses with the funds budgeted for this year. The total for everything

would be \$41,560. He mentioned that, according to the NFPA, after ten years turnout gear is not sufficient for the interior firefighters to make entry with. The firehouses need 45 sets of interior gear. This would give the firehouses 15 new sets toward that 45. To be insured legally they have to abide by the NFPA. (National Fire Protection Agency)

**On a motion by Larry Searer and seconded by Mr. Moore, Council by unanimous vote approved the purchase of the budgeted turnout gear for the three fire companies.**

**D. Mayor**

1. Mayor Bargo said she would like to have additional stops at the train station thorough Amtrak. Last week the Senate passed a bill making this possible and she feels we need these extra stops to serve the community better.
2. Mayor Bargo congratulated RC&D for 25 years of service.
3. Mayor Bargo wanted to thank the Fire Departments and Fame EMS since she had a personal experience yesterday, and they were wonderful!

**E. Police Chief**

1. Chief Lusk stated that in the month of May, the Lewistown Police Department issued 54 traffic citations, 22 non-traffic citations, 9 written warnings, and they handled 282 calls for service. The Chief reported they gave out 385 street sweeper tickets and 381 parking meter tickets and 1 handicap parking ticket.
2. Chief Lusk stated there is a new Cops Grant that came out that includes hiring a police officer that is apportioned. The Cops Grant must be submitted by July 10, 2017, and DLI would handle the grant. It would be a savings over time, and it's up to \$125,000 per officer. Mifflin County School District voted not to help with the SRO so the Borough would be responsible for the amount not covered by the grant. Some discussion ensued on how the grant would work.

**On a motion by Mr. Moore and seconded by Mr. Rager, Council by 5-2(Searer, Wilson) vote approved looking into applying for the Cops Grant.**

**Roll call**

Larry Searer	Nay
Bill Wilson	Nay
Mr. Moore	Yea
Larry Eddinger	Yea
Russell Rager	Yea
Jim Felmlee	Yea
Frank Berrier	Yea

3. Chief Lusk stated the second intern will start work the first week of July for his ride along internship.
4. The Civil Service test was June 3, 2017. Three of the applicants passed at 80% and above. The Chief would like to open the Civil Service test up to certified and non-certified people. We would pay for them to become certified; however, we would lower the salary to a prorated amount. They would have to sign on for 3 years and would not be in the Union until their training is up. This would give the police a better pool of candidates to choose from.
5. Chief Lusk would like to hire Cody Wilt and Ethan Hummel part-time, but it needs to be discussed in executive session.

**F. Board of Recreation**

1. Mr. Moore said there was no Quorum for the Rec Board meeting; however, he had some updates. They did have Candy Snyder talk to them about bringing the concession unit in like last year. She is going to meet with Scott on June 13<sup>th</sup> at 9:00 to discuss it further.
2. Mr. Moore reported they rented the center 10 times in June and 9 times in July. The new tables and chairs have arrived. They had two damaged ones that are being replaced.
3. Mr. Moore stated that Mr. (Matt) Webb is updating Facebook and the Web for the Rec Center and the Pool.
4. Mr. Moore reported that Brett Leister hired a substitute lifeguard for the summer. The two that were originally voted on by Council declined the offer.
5. Mr. Moore said they are working on a sign in/sign out sheet for the children that are being dropped off at the Pool. Especially when it's different people dropping them off and picking them up.
6. Mr. Moore said they will have 3 different movie nights, and the fee for movie night will be \$1.00 for members and \$2.00 for nonmembers.

**G. Borough Solicitor**

1. Mr. Remy stated that some changes have been made to the Civil Service Test for the physical agility test with Resolution 2017-22.

**On a motion by Mr. Felmlee and seconded by Mr. Moore, Council by unanimous vote approved the change in the agility testing with Resolution 2017-22.**

**Roll call**

<b>Larry Searer</b>	<b>Yea</b>
<b>Bill Wilson</b>	<b>Yea</b>
<b>Mr. Moore</b>	<b>Yea</b>

Larry Eddinger	Yea
Russell Rager	Yea
Jim Felmlee	Yea
Frank Berrier	Yea

- Mr. Remy stated there is a Sewage Rent Imposition Ordinance up for adoption that defines a property that discharges into the sewer with regards to an EDU.

***On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved the Sewage Rent Imposition Ordinance.***

**Roll call**

Larry Searer	Yea
Bill Wilson	Yea
Mr. Moore	Yea
Larry Eddinger	Yea
Russell Rager	Yea
Jim Felmlee	Yea
Frank Berrier	Yea

- Mr. Remy has a request from MCIDC to use an ILOC (Irrevocable Letter of Credit) backed by a certificate of deposit instead of a bond to post as a security for a storm drain project. The existing ordinance says that no street excavation permit can be issued without a surety bond for \$1,000 for each street opening. The cost of the project is \$3,000.

***On a motion by Mr. Moore and seconded by Larry Searer, Council by unanimous vote approved MCIDC using an ILOC as a form of security for the storm drain project.***

**Roll call**

Larry Searer	Yea
Bill Wilson	Yea
Mr. Moore	Yea
Larry Eddinger	Yea
Russell Rager	Abstained
Jim Felmlee	Abstained
Frank Berrier	Yea

Mr. Rager and Mr. Felmlee abstained since they have a conflict of interest being on the MCID Authority.

- Mr. Remy has an agreement for the Phase V of the Streetscape Project. It is a contract for professional services with EADS. He has reviewed the document and has some concerns with some of the verbiage. Mr. (Lucas) Parkes stated this was a typical engineering document where the Borough and EADS has worked thru these issues with Mr. Remy before. Mr. Remy and Mr. Parkes will discuss the issue and have a contract ready to vote on for next council meeting.

***On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved Mr. Remy and Mr. Parkes negotiate the contract and present to the board next month.***

#### **H. Borough Manager/Secretary**

1. Mr. Welham did a presentation on why the Borough was asking for a small portion of funds (\$50,000) from Derry Township to assist in getting the funding for the Kish Street Project. He went over the number of vehicles (1,600 a day) that use the Green Avenue/Kish Street intersection from Blossom Hill, Geisinger, The cottages above Ohession, and SUM Child Development which are all located in Derry Township. Mr. Welham stated that the School District is another entity that has a huge impact with 128 buses along with teachers, parents and faculty. He said that the School District and Derry Township have votes coming up and he really wants to see them vote in favor of the Kish Street Project. Mr. Welham stated that Geisinger has committed to \$150,000 with the Borough's \$150,000 equals 66% of what is needed for the grant.
2. Mr. Welham stated that the dedication for Jim Tunall Drive is on Sunday June 18, 2017.
3. Mr. Welham stated that he is seeking approval to pay the 3 fire companies, City, Brooklyn, and United, their allocations of \$5,625.00 for second quarter. All 3 companies have their 990's and paperwork in order to receive the allocations.

***On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by unanimous vote approved the 2<sup>nd</sup> quarter allocations to Brooklyn, City, and United Fire Companies.***

4. Mr. Welham was given a letter from Brooklyn requesting a yearly equipment appropriation for the annual engine payment, but since the Brooklyn didn't seek approval for the equipment from Council he doesn't think it's applicable. Many Council members agreed that the Brooklyn engine is not eligible.

#### **UNFINISHED BUSINESS**

Mr. Rager stated there was a motion last month, which was rescinded, to hire two individuals for the open positions at the Wastewater Treatment Plant and on the Streets crew. Mr. Rager would like to make the motion to hire these individuals.

***On a motion by Mr. Rager and seconded by Mr. Felmlee, Council by unanimous vote approved hiring 2 individuals, one for the Wastewater Treatment Plant and one for the Streets Crew effectively immediately.***

Mr. Berrier stated that approval was needed to hire an intern for the summer at Borough Hall. He is a student at South Hills School of Business & Technology.

***On a motion by Larry Searer and seconded by Mr. Moore, Council by unanimous vote approved hiring an intern for \$7.25 for the summer at Borough Hall.***

Jim Felmler abstained from the vote since he is on the advisory board.

#### **Larry Searer –Streets Chairman**

***On a motion by Larry Searer and seconded by Mr. Moore, Council by unanimous vote approved a handicap parking space for 149 Pannebaker Avenue.***

#### **Roll call**

Larry Searer	Yea
Bill Wilson	Yea
Mr. Moore	Yea
Larry Eddinger	Yea
Russell Rager	Yea
Jim Felmler	Yea
Frank Berrier	Yea

Larry Searer stated they had a request for handicap parking at 205 South Main Street, but he has some reservations about putting a handicap space there since it's across from the Brooklyn. He said there are issues in that area with the signs in the street for the handicap crossing and that the pylons cause problems with the tractor and trailers making the turn there. It was decided that more information was needed and that maybe Chief Lusk and Scott Welham could look into it too. This will be held for further discussion at the next meeting.

Larry Searer said that the intersection of Spruce Street and Shaw Avenue has a vehicle that is parked legally on the Spruce Street side, but when he is parked close to the yellow line it is very hard to make the turn from Shaw Avenue to Spruce Street. The yellow line needs to have 10 feet added to it to improve the intersection and avoid an accident.

***On a motion by Larry Searer and seconded by Mr. Moore, Council by unanimous vote approved an extension to the yellow line of ten feet and to move the sign back accordingly on South Spruce Street by the intersection with Shaw Avenue.***

#### **NEW BUSINESS**

***On a motion by Mr. Moore and seconded by Larry Searer, Council by unanimous vote approved Resolution 2017-19 Opposing the elimination of the CDBG Funding.***

#### **Roll call**

Larry Searer	Yea
Bill Wilson	Yea
Mr. Moore	Yea
Larry Eddinger	Yea
Russell Rager	Yea
Jim Felmler	Yea



**Frank Berrier            Yea**

Note: This resolution will be mailed to Federal Legislators to make the Borough's concern about the possible loss of CBDG funding known to them.

Jim Lettiere requested a copy of Resolution 2017-19 CBDG Funding for the County.

**On a motion by Mr. Rager and seconded by Mr. Moore, Council by unanimous vote approved Resolution 2017-20 for CBDG 2015 Modifications.**

**Roll call**

<b>Larry Searer</b>	<b>Yea</b>
<b>Bill Wilson</b>	<b>Yea</b>
<b>Mr. Moore</b>	<b>Yea</b>
<b>Larry Eddinger</b>	<b>Yea</b>
<b>Russell Rager</b>	<b>Yea</b>
<b>Jim Felmlee</b>	<b>Yea</b>
<b>Frank Berrier</b>	<b>Yea</b>

**On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved Resolution 2017-21 for the CBDG 2016 Modifications.**

**Roll call**

<b>Larry Searer</b>	<b>Yea</b>
<b>Bill Wilson</b>	<b>Yea</b>
<b>Mr. Moore</b>	<b>Yea</b>
<b>Larry Eddinger</b>	<b>Yea</b>
<b>Russell Rager</b>	<b>Yea</b>
<b>Jim Felmlee</b>	<b>Yea</b>
<b>Frank Berrier</b>	<b>Yea</b>

**Russ Rager Finance Committee Chairman**

1. Mr. Rager discussed the engineering costs for the River Walk. The cost is \$58,500 which would be paid out of CBDG money and is contingent on the DCNR grant being approved. Once it is approved they will start on the environmental reviews which will take some time. This could allow for construction to start as early as next year if this is all approved.

**On a motion by Mr. Rager and seconded by Mr. Felmlee, Council by unanimous vote approved paying the \$58,500 EADs engineering costs out of CBDG allocations contingent on the DCNR Grant being approved.**

Larry Searer had a question that related back to the Finance minutes dealing with why department heads are required to come to Council meetings. He feels it's not reasonable to have them here. He asked if there is anything in their job description that states they have to be here. More discussion ensued.

## PUBLIC COMMENTS

Ms. (Jackie) Fisher, questioned Borough exoneration of sewer hookup fees for nonprofit entities and she is wondering who is picking up the slack and if it isn't the rate paying families. That maybe it should be rethought when large businesses and nonprofits are requesting exonerations for these fees when they have the ability to pay.

Mr. (Dave) Campbell asked about when the Facility Use Requests were approved and if it was under the Consent Agenda. Mr. Moore answered that yes that was when they were approved.

Ms. (Mary) Johnson complained again about the kids at the gazebo at the Library. She said that since school is out the kids are worst and she has called the police three times. Chief Lusk said to please call the police every time. She was wondering if there was some kind of citation could be issued to discourage the kids. Mr. Felmlee said that we need to step up the patrolling of the area. It was stated that the camera needs to get up and running.

Ms. (Deb) Peffer stated that the kids aren't going to stop until they are citted.

Mr. (Jim) Smith commended Mr. (Scott) Welham on the adopt-a-planter project. Mr. Welham stated that Ms. (Sara) Buffington, from the master gardeners, was the orchestrator of the project and it has worked out very well to the point where they now have a waiting list for adopting-a-planter.

Ms. (Laura) Hendricks stated that coming out the alley between Montgomery Ave and the alley by Depot Street you must pull all the way out because you can't see. Larry Searer said he will check this out.

## EXECUTIVE SESSION

Council went into an executive session at 6:58 P.M. for police personnel matters.

Council came out of executive session at 7:10 P.M.

***On a motion by Larry Searer and seconded by Mr. Rager, Council unanimously voted to hire two part-time officers.***

***On a motion by Larry Searer and seconded by Mr. Rager, Council unanimously voted to accept the resignation letters of Cortney Terry and Nathan Eckert.***

***On a motion by Mr. Moore and seconded by Mr. Rager, Council unanimously voted to adjourn at 7:14 P.M.***

*Frank Berri*

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(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

*[Handwritten Signature]*

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(Asst) Borough Secretary