

BOROUGH OF LEWISTOWN
REGULAR COUNCIL MEETING
MINUTES
JUNE 8, 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. Scott Welham (4 Summit Manor, Lewistown) stated he is going record, that in January 2016 Council will have the votes to rescind the Residential Rental Unit Registration & Regulation Ordinance and is asking that this Council save the taxpayers money and stop the process. Mr. Rager asked what part of the ordinance he does not agree with. Mr. Welham indicated that there are some good parts of the ordinance; however, he does not agree with another layer of bureaucracy and charging a fee to the landlords.

Mr. Frank Berrier (7 Lombardy Circle, Lewistown) stated that any fees collected will need to be returned once the ordinance is rescinded. He stated that this follows suit with the Grant Nelson & Others vs West Chester Borough Case.

B. Mr. Luke Hess (PO Box 69, Landisville, PA) indicated that he recently purchased the Ards Ridge Property and is concerned with what he just heard. He stated that many communities in the Lancaster area have such an ordinance and it has helped clean up these communities.

C. Tom Wert (27 Grand Parkway, Lewistown) stated that he is opposed to the Residential Rental Unit Registration and Regulation Ordinance because of the burden it will cause. He also stated that this ordinance is basically an amendment to the current ordinance allowing inspections.

D. Mr. Mike Woodring (14 Valley Street, Lewistown) indicated that his landlord has multiple properties and he is concerned with the amount of the fees to be charged.

E. Ms. Ruth Varner (7 My Way, Lewistown) indicated that there is a law that a landlord cannot be held accountable for tenant behavior.

CONSENT AGENDA

Mr. Moore asked that the Facility Use Permit for the Mifflin County Soccer Club include language that the concession stand should be located near the parking lot and not in the vicinity of the field. Mr. Searer asked about some of the expenditures on the Schedule of Bills.

On a motion by Mr. Moore and seconded by Mr. O'Donnell, Council by majority vote (6-1 (Searer)) approved the Consent Agenda, containing the following items.

- A. Approved the Meeting Minutes
 - 1. Regular Council Meeting – May 11, 2015
- B. Accepted and approved the Treasurer's Report – May 2015
- C. Accepted and approved the Tax Collector's Report – May 2015
- D. Approved the Schedule of Bills
 - 1. General Borough, Refuse, Wastewater Collection, Wastewater Treatment Plant, Specialty Tax Fund, and State Liquid Fuels
 - 2. General Borough Capital Purchases Fund
 - 3. Wastewater Capital Reserve Fund

- E. Approved the Facility Use Requests
 - 1. Tri-County Farmers Market for use of the South Mall Area on Thursdays and Saturdays from June 4, 2015 – September 26, 2015
 - 2. Mifflin County Soccer Club for use of Rec Park Fields from August 1, 2015 – November 15, 2015
- F. Approved the Sewer Exoneration Request
 - 1. Ron Shelan (201 West Third Street)
- G. Acknowledged receipt of general correspondence
 - 1. Fame EMS Meeting Minutes – April 8, 2015
 - 2. Lewistown Zoning Hearing Board Notice

REGULAR AGENDA

REPORTS

- A. Treasurer
 - 1. **On a motion by Mr. Schell and seconded by Mr. O'Donnell, Council by roll call vote adopted Procedures for Compliance for Professional Services of the Municipal Pension Plan Funding Standard and Recovery Act (Resolution No. 2015-18).**

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

- B. Code Enforcement Officer
 - 1. Mr. Fink reported that 105 violations were issued in May, with 20% being for owner occupied properties, 58% for rental properties, and 22% for commercial/vacant/lots.
 - 2. Mr. Fink reported that 80 permits were issued in May representing approximately \$154,000.00 in improvements. Of the permits issued, 46% were for owner occupied properties, 36% for rental properties, and 18% for commercial properties.
 - 3. Mr. Fink noted that he continues to meet with property owners relative to the sidewalk and curb inspections.
 - 4. Mr. Fink indicated that a Zoning Hearing Board Application was received requesting a variance for the allotted building area requirement. The Hearing has been scheduled for Tuesday, June 23, 2015.
- C. Fire Chief
 - 1. Chief Barlett reported that the Fire Department responded to 22 calls for service in May. The most significant call was when a contractor struck an underground power line near the South Plaza Drive and South Brown Street intersection.
 - 2. Chief Barlett reported that six firemen recently attended intensive training at the State Fire Academy. He indicated that vehicle rescue training will be held in the near future.
- D. Mayor
 - 1. Mr. Moore announced that Mayor Bargo received the 2015 Mayor of the Year Award from the Association of Mayors of the Boroughs of Pennsylvania and Senate recognition for receipt of this award.
- E. Police Chief
 - 1. Chief Herkert reported that the Department responded to 285 calls for service in May, with domestic violence being the largest number of calls. He added that the Department has been focusing on thefts from vehicles. He also noted that the Officers are monitoring areas where speeding complaints have been received.

2. Chief Herkert indicated that the first Bike Rodeo will be held on June 22, 2015 at Rec Park. The Bike Rodeos are used to teach kids bike safety.
3. Chief Herkert reported that 268 parking tickets were issued relative to the overnight parking regulations.
4. Chief Herkert noted that he has been working with PennDOT relative to the closure of the Charles Street exit for approximately 30-days.
5. Chief Herkert indicated that the bike patrol was out last weekend.

F. Board of Recreation – June 2, 2015

1. Mr. O'Donnell noted that the Swimming Pool is open daily from 12:00 PM (Noon) to 7:00 PM and memberships can be purchased.
2. Mr. O'Donnell indicated that some additional lifeguards were hired to fill the employment roster.

G. Borough Solicitor

1. Mr. Remy explained that the Amended Animals Ordinance will require all animals to be under leash control and will allow dogs at Rec Park. **On a motion by Mr. Moore and seconded by Mr. O'Donnell, Council by roll call vote adopted Ordinance No. 2015-5, Amended Animals Ordinance.**

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

2. Mr. Remy explained that the Amended Pool Code Ordinance changes the definition of a barrier to include a wall for an above-ground swimming pool, as long as the gates are equipped with self-closing and self-latching devices. **On a motion by Mr. Moore and seconded by Mr. O'Donnell, Council by roll call vote adopted Ordinance No. 2015-6, Amended Borough Pool Code Ordinance.**

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

3. Mr. Snook indicated that he has been working with the EADS Group relative to the Engineering Agreement for the Borough's 2015, 2016, and 2017 CDBG Program and all requests relative to changes in language have been made. **On a motion by Mr. O'Donnell and seconded by Mr. Lawson, Council by roll call vote adopted Resolution No. 2015-21, authorizing the Council President to sign the Engineering Agreement.**

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

4. Mr. Remy noted that the suit against Mr. Brought, relative to the garage on Valley Street, has been filed and the hearing is scheduled for July 6, 2015. Mr. Remy indicated that a hearing is scheduled for July 30, 2015 relative to the conservatorship at 216 East Third Street. He also explained that the EG Channel Committee is looking at forming a 501(c)3 non-profit, which could potentially take control of the channel.

H. Borough Manager/Secretary

1. Mr. White explained that the EADS Group has presented an outline relative to the development of the Borough's Strategic Plan, which is being funded with CDBG funds. **On a motion by Mr. O'Donnell and seconded by Mr. Schell, Council by majority vote (6-1 (Searer)) approved the outline for the development of the Strategic Plan and authorized the EADS Groups to begin the process.**
2. Mr. White indicated that he sent all councilmembers some proposed wording for the Borough's plaque at Fountain Square and asked for any comments.
3. Mr. White introduced Ms. Sierra Mickey, Assistant Wastewater Superintendent. Mr. White explained that she is working with Staff in tracking the data from the seven flow meters that have been installed, working with Axis Surveying relative to the surveying of the Borough's manholes, and has begun a portion of the data collection that Gannett-Fleming used to track for the Borough.

UNFINISHED BUSINESS

A. Streets Committee – May 14, 2015

1. **On a motion by Mr. O'Donnell and seconded by Mr. Moore, Council by roll call vote approved the removal of the handicap parking space at 317 Shaw Avenue (Resolution No. 2015-19).**

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

2. Mr. Adams explained that a handicap parking space request was received for 31 Logan Street; however, there are already seven parking spaces on this block. Staff is doing an overview of all the handicap parking spaces and the Committee is waiting to see if there are handicap parking spaces on this block that are no longer needed.
3. It was noted that the Borough's Public Works employees are working on cleaning up the alley behind Chestnut Street Extended.
4. Mr. Searer indicated that he received a request from a resident and would like to see a stop sign installed on Logan Street at the South Spruce Street intersection. It was discussed that Logan Street is a PennDOT road and that there is a process that needs to be followed. **On a motion by Mr. Searer and seconded by Mr. Moore, Council by majority vote (5-2 (Schell/Rager)) approved the installation of the stop sign on Logan Street at the South Spruce Street intersection upon receipt of the proper approvals.** Mr. Rager and Mr. Schell both voiced that they feel this matter should go to the Streets Committee for their review and then a recommendation brought back to Council.

B. EG Channel Committee – May 20, 2015

1. Mr. Moore noted that the EG Channel has been live for about a month and positive feedbacks have been received.
2. Mr. Moore noted that Atlanta Broadband and Zampelli Electronics are not carrying the channel. It appears that if the company does not have a franchise agreement with the municipality then they are not obligated to carry the EG Channel.

C. Utilities, Cable TV, & Public Works Committee – May 21, 2015

1. Mr. O'Donnell indicated that they reviewed the complaint received from Mr. Ken Schucht relative to Comcast closing the Lewistown office. Mr. Schucht's complaint was forwarded to Comcast to obtain their official response. Mr. White noted that we received Comcast's response today and it will be forwarded to Mr. Schucht.

D. Law & Ordinance Committee – May 28, 2015

1. Mr. Snook explained that the Borough is currently using the 2003 Editions of the International Property Maintenance Code and Fire Code, and this ordinance would update both codes to the 2015 Editions. He also explained that there were some minor changes made to the established districts for above ground storage tanks – added the UGI Gas Company location on West Fleming Avenue and removed the former Mann Edge Tool Company property on Water Street. **On a motion by Mr. Adams and seconded by Mr. O'Donnell, Council unanimously authorized the Solicitor's Office to advertise the International Property Maintenance Code & Fire Code Ordinance.**

E. Finance Committee – June 4, 2015

1. There was discussion relative to purchasing the property at 100 North Walnut Street because of the CDBG Grant funding requirements. Mr. O'Donnell reminded Council that the final use of the property needs to benefit low-to-moderate income residents or the Borough may have to pay back funds (approximately \$30,000.00). Mr. Searer noted that he does not agree with spending additional money. A resident asked if the Borough could take the property by eminent domain. Mr. Snook noted that the Borough would still have to pay Fair Market Value for the property. **On a motion by Mr. Moore and seconded by Mr. O'Donnell, Council by majority vote (6-1 (Rager)) decided to table the matter.**
2. Mr. White explained that Staff was prepared to obtain additional quotes for removal of trees along the walking track at Rec Park when an email was received from a concerned citizen relative to this dangerous situation. He added that this became an emergency situation then due to the threat of safety to the public using the walking track. **On a motion by Mr. O'Donnell and seconded by Mr. Lawson, Council by majority vote (6-1 (Searer)) ratified the acceptance of the quote from Noerr's Tree Service (\$6000.00) for the removal of trees along the walking track at Rec Park.**
3. **On a motion by Mr. O'Donnell and seconded by Mr. Adams, Council unanimously awarded the 2015 Vehicle/Equipment Sale items based on Staff's recommendation noted on the Bid Tabulation Form.**
4. Municipal Building Cleaning
 - a. Mr. White noted that Ms. Dana Pennington submitted her resignation for cleaning at the Municipal Building. He indicated that quotes were received from NuVisions Center and Perfection Cleaning for janitorial services. **On a motion by Mr. O'Donnell and seconded by Mr. Lawson, Council by majority vote (6-1 (Moore)) accepted the quote from NuVisions Center for janitorial services (\$396.26/month).**
 - b. **On a motion by Mr. Lawson and seconded by Mr. Schell, Council unanimously accepted the quote from NuVisions Center for the stripping and waxing of the tile floors (\$460.00).**
 - c. **On a motion by Mr. O'Donnell and seconded by Mr. Lawson, Council unanimously accepted the quotes from Green Guys Carpet Cleaning for cleaning of carpets on the second floor (\$425.00) and cleaning of the entry mats, quarterly, on the first floor (\$90.00/quarter).**
5. **On a motion by Mr. O'Donnell and seconded by Mr. Adams, Council unanimously acknowledged receipt of the 2014 WWTP Final Report.**
6. **On a motion by Mr. O'Donnell and seconded by Mr. Lawson, Council unanimously authorized the appropriate officer to execute the quote from ESRI for ArcGIS Yearly Maintenance (\$533.33).**

7. Mr. Searer asked why we are continuing to move forward with CourseVector developing the online program for landlord registration relative to the Residential Rental Unit Registration & Regulation Ordinance. Mr. O'Donnell noted that the ordinance outlines that landlords are to register within 90-days of the effective date, July 1, 2015. **On a motion by Mr. Searer and seconded by Mr. Moore, Council by roll call vote failed to approve the motion to discontinue the start-up of the Residential Rental Unit Registration & Regulation Ordinance on July 1, 2015.**

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

8. **On a motion by Mr. Moore and seconded by Mr. O'Donnell, Council unanimously approved the exoneration request from Erin Laub Anewalt, Borough's Tax Collector for the 2015 Per Capita Taxes.**

NEW BUSINESS

- A. **On a motion by Mr. Lawson and seconded by Mr. Moore, Council by roll call vote approved the disposition of public records (Resolution No. 2015-20).**

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

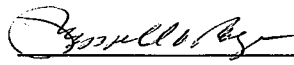
- B. Mr. Searer inquired if the Refuse Superintendent's salary was back to its regular rate, which had been increased when he was serving as the Interim Streets Superintendent. Mr. White noted that the increase in his salary has been reduced because the new Streets Superintendent is under the training period.
- C. Mr. Searer asked if superintendents are driving their work vehicles home. Mr. White explained that when we were short staffed he was allowing them to drive the vehicles home because of having to respond to emergency call outs, which allows them to respond directly to the location of the call out. Mr. Searer explained that Council decided several years ago that the superintendents are not to drive the vehicles home. Mr. White noted that he inform the superintendents.

Borough Council went into Executive Session at 6:48 PM to discuss personnel matters. The Meeting resumed at 7:12 PM.

On a motion by Mr. Adams and seconded by Mr. O'Donnell, Council by roll call vote offered the Code Inspector L1 position to Mr. Ronald Burk at a salary of \$39,500.00.

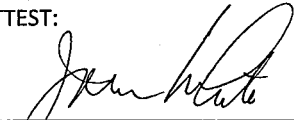
ADJOURNMENT

On a motion by Mr. Moore and seconded by Mr. Adams, Council unanimously adjourned the meeting at 7:14 PM.



(Vice) President, Lewistown Borough Council

(Seal)
ATTEST:



(Assistant) Borough Secretary