

BOROUGH OF LEWISTOWN
REGULAR COUNCIL MEETING
MINUTES
AUGUST 10, 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. Searer, Mr. Rager, and Mayor Bargo were present. Mr. Schell was absent

HEARING OF PERSONS PRESENT

None

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 – July 13 2015
- B. Accepted and approved the Treasurer's Report – July 2015
- C. Accepted and approved the Tax Collector's Report – July 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. Fountain Square Escrow Account
- E. Approved the Facility Use Requests
 - 1. Stone House Nursery to close alley behind 702 W. 5th St. on July 23, 2015 (ratify)
 - 2. South Hills School of Business & Technology on Wed. September 26, 2015 on N. Main St. (Market St. to 3rd St.) beside the Old Courthouse for Goose Day Fun Fest
 - 3. Brian Rodgers (Mifflin County Tomahawks) on Sat. July 25, 2015 at Rec Park Football Field for Kids Punt, Pass & Kick event followed by a Tomahawk game (ratify)
- F. Acknowledged receipt of general correspondence
 - 1. Fame EMS Meeting Minutes – July 8, 2015
- G. Approval of Requests for Sewer Exonerations
 - 1. Borough of Lewistown – Rec Park
 - 2. Richard Spigelmyer – 214 N. Walnut St.

REGULAR AGENDA

REPORTS

- A. Treasurer
 - 1. Ms. Walter reported that we received the Mifflin County Tax Collection Committee Audit for 2014. **On a motion made by Mr. Adams and seconded by Mr. Moore, Council unanimously acknowledged receipt of the audit.**
 - 2. Ms. Walter reported that we were monitored from PennDOT for our 2014 State Liquid Fuels and were in compliance. **On a motion made by Mr. Moore and seconded by Mr. O'Donnell, Council unanimously acknowledged receipt of the audit.**
 - 3. Ms. Walter informed Council that the Borough will be audited by the Department of Auditor General's Office within the next couple of weeks.
- B. Code Enforcement Inspector
 - 1. Mr. Burk introduced himself to Council and reported that out of the 120 violations that were issued in July 2015 23% were owner occupied, 65% rental properties and 12% commercial/vacant. He explained that high grass and/or weeds were the largest number

with 59 violations. 30 citations were filed with a maximum fine of \$29,100.

2. Mr. Burk reported that 90 permits were issued in July 2015 representing approximately \$359,825.46 in improvements. 46% of permits issued were owner occupied and 32% were rental properties.
 3. Mr. Burk distributed photos of the Brought garage demolition on Valley St.
 4. Mr. Burk reported that on July 30, 2015 the Court granted conservatorship to the Borough for the East Third Street property. The Borough must wait 30 days for the appeal period to demolish the structure.
 5. Mr. Burk reported that Rooming House inspections have begun and that Land Development plans have been received for Mann Edge Terrace II and CVS.
 6. Mr. John White reported that year to date a total of 50 individual parcels have been registered and 54 units have been licensed under the Residential Rental Unit Registration and Regulation Ordinance.
- C. Fire Chief
1. Chief Barlett reported that the Fire Department responded to 21 fire alarms and medical assists in July 2015.
 2. Chief Barlett reported that on July 18th a fire occurred at an apartment building on Valley St. Though there were smoke detectors going off in the building, the batteries had been removed from the detector in the apartment where the fire originated. On July 23rd a fire occurred at the Toll Gate School Apartments on Logan St. There were working smoke detectors and the tenant whose apartment where the fire originated utilized a fire extinguisher from the hallway. Both fires were deemed accidental and all occupants were removed safely. Firefighters from both fires had to be transported to the hospital.
 3. Chief Barlett reported that on July 28th the representative from ISO met with him and John White. He evaluates fire departments, checks certifications for trucks and officers. He will return after the 1st of the year to report on his evaluation.
 4. Mr. Adams reported that for the second time no representative from any fire stations attended the quarterly Fire Ad Hoc Committee meeting. It is stated in the Ordinance that one representative must attend the quarterly meeting in order to receive their allocation. Mr. Moore questioned if all allocations should be held till next quarter since no one attended the meetings. Chief Barlett requested that Council consider being lenient and reschedule the meeting. Chief Barlett agreed to get all members email addresses to Mr. White by the weeks end. **On a motion made by Mr. Moore and seconded by Mr. O'Donnell, Council unanimously authorized to advertise the holding of a special Fire Ad Hoc Committee meeting on Thursday, August 13, 2015 at 7:00 pm in Council chambers.**
- D. Mayor
1. Mayor Bargo reported that an interested student had been found for the PSAB Junior Council Program. Unfortunately the student resides in Derry Township. She will inquire if it is possible to have two students' participate...one from Lewistown Borough and one from Derry Township. Mayor Bargo will submit a form to draft a resolution for the September Council meeting to have Borough Council participate in the program.
 2. Mayor Bargo expressed her appreciation to the area fire departments for their efforts in fighting the 2 large fires that occurred in the Borough in July.
 3. Mayor Bargo reported that National Night Out was held at Rec Park on Tuesday, August 4, 2015. The attendance for this worthwhile event was greater than the previous year and she praised the police department on how well it was organized.
- E. Police Chief
1. Chief Herkert reported that the Police Department responded to 359 calls for service in July 2015. He noted that an incident at the Rec Park Pool resulted in banning an individual from the premises for disorderly conduct.
 2. Chief Herkert noted that all parking meters have now been numbered which will aide in identifying the meters for repair.
 3. Chief Herkert stated that approximately 350 people attended National Night Out and the event received a lot of community support.

4. Mr. Adams voiced his concern that the numbering done on the parking meters did not look very good. Chief Herkert explained the numbering is done with a paint pen which adheres better than stickers that can be removed or crossed out. This is the method that State College uses and has proven to be the best.
5. Mr. Searer asked Chief Herkert if on his Calls for Service report that he would list the number of domestic cases that result in arrests. Chief Herkert replied that that information could be broken down for the September Council meeting.

F. Board of Recreation – June 4, 2015

1. Mr. O’Donnell requested that the rental fee be waived for the Mifflin County Children and Youth’s Back to School Pool Party from 6-8 PM on Thursday, August 20, 2015. Last year’s event was well attended even though the weather was inclement. **On a motion by Mr. Moore and seconded by Mr. Lawson, Council unanimously approved co-partnering with Mifflin County Children and Youth to hold a Back to School Pool Party on Thursday, August 20, 2015.**
2. Mr. O’Donnell reported that the first Rec Park Pool Swimming Olympics was held August 2, 2015 and went well.
3. Mr. O’Donnell explained that the Recreation Board requested permission to form a sub-committee for volunteers to organize or promote special community events and activities. Permission was given to refer the request to the Law and Ordinance Committee.
4. **In a motion by Mr. Moore and seconded by Mr. Lawson, Council by roll call vote approved the Alcohol Policy Request for Miki Benner for a wedding reception on August 22, 2015.**

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

G. Borough Solicitor

1. Mr. Snook clarified the difference between Snow/Ice Violations and Grass/Weeds. In regards to Snow/Ice the Boroughs responsibility becomes secondary liable. Grass/Weeds are a health and safety issue.
2. Mr. Snook verified a question discussed earlier in the meeting during the Fire Chiefs report. In order to receive fire allocations the ordinance states that one of the conditions be that one (1) representative must be present at a quarterly meeting.
3. Mr. Searer inquired if Mr. Snook had read documents he had given him at the June Council meeting. Mr. Snook acknowledged looking over the documents but not reading them thoroughly. He noted that the case referred to in the documents is still binding in Chester County and is still being enforced. He stated he will look into the case further and more in-depth but noted that the Chester County case is not binding in Mifflin County.

H. Borough Manager/Secretary

1. Mr. White stated that the final advertisement for the position of Administrative Assistant of Operations will be in Saturday, August 15, 2015 issue of the Sentinel. To date, 37 resumes have been received. Interviews will be conducted the week of August 24, 2015. He will have recommendations for the position at the September Council meeting.
2. Mr. White reported that we received correspondence from Ed Mann in appreciation of several Borough staff members that assisted him and a relative with information they needed after the Toll Gate School fire.

3. Mr. White reported that he will be having a meeting with Ann Yost in constructing the Revitalization of Rec Park Plan.
4. Mr. Adams inquired if the Borough would be utilizing work release personnel to perform tasks. Mr. White responded that he is looking into that possibility after the release of summer employees.

UNFINISHED BUSINESS

- A. **In a motion by Mr. Moore and seconded by Mr. Lawson, Council by roll call vote approved advertisement of the yearly Fair Housing Notice and the adoption of the Fair Housing Resolution (Resolution No. 2015-29)**

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

- B. **In a motion by Mr. Lawson and seconded by Mr. Moore, Council by a majority vote (5-1 Searer) approved the submission of a 3-year Activity Completion Extension Request to DCED for the Borough's 2012 CDGB Grant.**
- C. **In a motion by Mr. Moore and seconded by Mr. Adams, Council by roll call vote approved authorizing the appropriate officer to execute the EADS Group – Professional Services Agreement (on an as needed basis)**

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

- D. **In a motion by Mr. Adams and seconded by Mr. O'Donnell, Council by a majority vote ((5-1) Searer) approved to award General Borough and County Aid Program – Maint. Resurfacing 2015 Project to Glen O Hawbaker, Inc.**
- E. **In a motion by Mr. O'Donnell and seconded by Mr. Moore, Council by roll call vote approved the removal of handicap parking spaces that are no longer needed (Resolution No. 2015-30).**

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

- F. **On a motion by Mr. O'Donnell and seconded by Mr. Moore, Council unanimously approved to obtain an agreement from Apple Valley recycling Center for Solicitor Snook to do an overview for September 14th Council Meeting.**
- G. Mr. White will make phone contact with SEDA COG to request doing repair to the Chestnut Street railroad tracks.
- H. Jim Zubler addressed Council concerning the Fountain Square Park and Fountain. He asked Council to consider acceptance of Fountain Square Park and Fountain. He informed Council that a dedication ceremony will be held Friday, August 21, 2015 at 10:30 AM. Mr. Moore asked what was the approximate yearly cost of operating the

fountain. Mr. Zubler stated that maintenance to the fountain is done by a DLI volunteer. Electricity costs are approximately \$25-\$35 with no circulator running. Mr. Snook stated that if the Borough decides to take possession there should first be a title search, the title needs to be updated and a deed prepared. Mr. Searer asked how much would those services cost. Mr. Snook said approximately \$50. Jim Smith a Borough property owner asked if when the project was first proposed was the agreement that the Borough would eventually take possession of the fountain. Mr. Snook responded no. Funding for the project was obtained by DLI Inc. a non-profit organization. Mr. Snook advised Council that if the Borough takes possession they are responsible for all expenses related to the fountain and park at the tax payers' expense. Jon Zimmerman from Boalsburg related that when Fountain Square was erected it was done with the purpose of improving Lewistown. Mr. Zimmerman stated that Fountain Square Park is no different than Victory Park and it should be under municipal authority so that the Borough would have control to use it as it sees fit. Neil Purcel of 628 S. Main St. volunteered to calculate the costs of running the fountain for the Borough. He inquired if the advertised secretary position has a residency requirement.

On a motion by Mr. Adams and seconded by Mr. Lawson, Council by majority vote (4-2(Searer,Moore)) approved Mr. Snook to draft a deed and perform a title search and proceed with the acceptance of Fountain Square Park.

NEW BUSINESS

1. **On a motion by Mr. Moore and seconded by Mr. Adams, Council unanimously approved the Disposition of Public Records (Resolution No. 2015-31)**

At 7:04 PM Council went into Executive Session.

At 7:28 PM Council returned from Executive Session.

ADJOURNMENT

On a motion by Mr. Moore and seconded by Mr. Lawson, Council unanimously adjourned the meeting at 7:28 PM.



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:



(Assistant) Borough Secretary