

REGULAR COUNCIL MEETING
SEPTEMBER 11, 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 previously at the CDBG Public Hearing held at 4:45PM.

ROLL CALL

Mr. Wilson, Mr. Moore, Mr. Rager, Mr. Felmlee, Larry Searer, and Mr. Berrier were present. Mr. Eddinger was absent.

HEARING OF PERSONS PRESENT

Mr. (Michael) Buffington spoke on installing a 16.35 kilowatt solar system on top of 13 East Market Street on the building formally known as Wilson's Gift & Jewelry now KC's Gift and Jewelry. It may be partially funded by a grant from the USDA. This solar system will be installed on the roof and will not be visible to most of downtown Lewistown. It will be similar to the installation on 3 West Monument Square that is in operation today. There are letters of support from the Mifflin County Historical Society since there is no impact on historical preservation.

Ms. (Sara) Buffington is a Master Gardner who organized the Adopt-a-Planter Program. She worked with Mr. Welham to move and prepare the planters. It was decided to offer the Jim Tunall Award to the best planter to acknowledge all the beautiful planters, and to honor Jim Tunall who was a fantastic guy that did a lot for the community and Master Gardner's. Lisa Knudson was awarded the first Jim Tunall Award for the Adopt-a-Planter Program for 2017.

The Representative from the Mifflin County Little League was on the Agenda but not present to speak. Mr. (Rex) Fink mentioned the Mifflin County Little League has a permit for the light project for the fields. The zoning fee will be around \$405. They wanted to ask Council to waive the zoning fee for the installation of approximately \$92,000 worth of lights at the Borough's Major League ball field. They do realize they still need to pay the inspection fee since it is to a third party inspector.

On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by 5-1 (Searer) vote, approved waiving the zoning fee for the Mifflin County Little League to install lights at the baseball field.

Roll call

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

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-August 14, 2017
 - 2. Public Hearing for CDBG-August 14, 2017
 - 3. Finance Committee Meeting-August 10th, 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. Street Closure from Juniata Valley Striders event on 9/30/17 for Goose Day 5k Race
 - 2. Street Closures for Halloween Parade from FAME EMS on 10/25/17 contingent upon receiving their Certificate of Liability Insurance
 - 3. Street Closures for Veteran's Day Parade from MC Commissioner's on 11/9/17
- Additional Facility Use Forms reviewed by Rec Board
- F. Approval for release of CDBG 2015 Funds in the amount of \$795.74 for Administration of program
 - G. Acknowledge receipt of DEP Letter for Ohesson Living Care Facility
 - H. Acknowledge receipt of FAME Meeting Minutes August and July Response Stats
 - I. Acknowledge receipt of Goose Day Newsletter
 - J. Acknowledge receipt of Proposed Solar Project

Mr. Moore would like to have the Council Meeting Minutes of August 14, 2017 pulled out for a motion made by him when he was absent. The minutes will be amended and approved at the next meeting.

Mr. Felmlee asked about the Facility Use request for the Veteran's Day Parade by the County Commissioners utilizing the police department and should that be the fire police. The Veteran's Day Parade was pulled out to be updated with the correction and will be presented at the next meeting.

The August Council Meeting Minutes and the Facility Use Form for the Veteran's Day Parade were pulled out.

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 said the first item she has is the CDBG resolution that was discussed by Mr. (Jim) Lettiere. It outlines the use of the 2017 CDBG funds for the paving.

On a motion by Mr. Rager and seconded by Mr. Moore, Council by unanimous vote, approved the CDBG Resolution for the 2017 allocations to pave Spring Street and a portion of Grand Parkway North.

Roll call

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

2. Ms. Walter stated the need to amend the Cost and Fee schedule with the change in electrical fees on Resolution 2017-31. The fees are listed as 200 amp or smaller \$50 and 400 amp single phase \$50. They should be 200 amp or smaller \$70 and 400 amp single phase \$80 to reflect the actual fees charged by Commonwealth Inspection Services.

On a motion by Mr. Rager and seconded by Larry Searer, Council by unanimous vote, approved the amendment to the cost and fee schedule with Resolution 2017-31.

Roll call

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

3. Ms. Walter stated that each year the Borough is mandated to calculate the Minimum Municipal Obligation (MMO) for the pension plan. Act 205 of 1984 requires the Borough to annually estimate the W2 wages for its employees for the pension plan. The calculations for the upcoming year of 2018 are the police at \$69,810 and non-uniformed at \$93,708. She needs Council acknowledgement in regards to the financial obligation which is due next year. Annually there is state aid allocations to help pay for the obligation. Generally in the past the Borough has received 96% to 100% of the funds to cover it.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote, approved the obligation for the 2018 Minimum Municipal Obligation Worksheet.

4. Ms. Walter said she was contacted by the Water Company in regards to a property at 719 South Wayne Street for Donald Stimely. His sewer reduction meter didn't register properly so his consumption was 24,000 gallons which didn't calculate for the water that didn't go down the sewer. She did an analysis and his normal consumption is 12,000 so she is seeking exoneration for the difference of 12,000 gallons.

On a motion by Larry Searer and seconded by Mr. Felmlee, Council by unanimous vote, approved the sewer exoneration for 719 South Wayne Street.

B. Code Enforcement Office

1. Mr. Fink reported there were 115 Violations in August. He stated that 32 were for grass and weeds and 31 were for exterior structures. Mr. Welham and Mr. Fink previously walked around the downtown area and sent out letters to people for properties that needed to be painted or fixed up. People are responding well and 7 properties are already fixed up and they aren't even at 20 days since the letters went out. There were 85 permits issued for \$9,772.75 in zoning fees and for the year that brings the department to \$27,491.55. There was no LOMA letters issued last month.
2. Mr. Fink said that for 216 East Third Street he got an estimate and it's over the bid threshold so a bid packet will need to be prepared to have it torn down. There is a new owner so hopefully he will respond. The other property he is dealing with is on Valley Street and the Borough is expecting a letter with a plan of action with what needs to be done to make the building compliant. This is the building on the corner of Valley and Third Street and it starts at 45 and goes to 51. A structural engineer looked at the property and it needs a lot of capital to bring it up to code or to tear it down, or even just to stabilize it so it doesn't fall down. It will probably be condemned by the end of the week. There are 5 units that are rented.
3. Mr. Fink stated they have started to send letters out for sidewalk repairs for next year's street paving.
Mr. Moore asked Mr. Fink if anything can be done about stuff sitting on porches. When Mr. Fink answered sure, Mr. Moore asked him if he would take a look at Shaw Avenue, Pannebaker Avenue and Spring Street. Mr. Welham mentioned that we don't have a lot of tools in our box to deal with stuff on the front porch. Mr. Remy pointed out that the Borough doesn't have any Ordinances that prohibit stuff on the porch. Chief Barlett said he has concerns too since some of these places have boxes piled up in front of the doors that make it hard to enter during a fire. Mr. Remy said he would look into it, he knows the Fire

Chief has some powers but exactly what he didn't know. Mr. Remy said he would follow up on this.

C. Fire Chief

1. Chief Barlett reported that for the month of August the fire departments had 22 alarms plus medical assists. There were no major fires in August, just all routine calls.
2. Chief Barlett said that this morning they had a tractor and trailer run off the road on the bypass. The fifth wheel snapped, the trailer came loose, and then rolled down over the bank. The tractor stayed on the road. The truck driver and the car driver both sustained minor injuries. The fire departments were there for 3.5 hours to assist.
3. Chief Barlett wanted to mention the Brooklyn boat and trailer incident. They responded to a call in Granville. The trailer came loose over on Juniata Street by the Valero station. The trailer did go into the parking lot, but it didn't strike the gas pump. The gas station attendant in his haste to get out of the way fell and had scrapes and bruises. The Chief did meet with the Officers at the Brooklyn and they put some safety procedures into effect to prevent this from happening again.

D. Mayor

1. Mayor Bargo mentioned the Veteran's Day Parade on Thursday November 9, at 6:30. Following the parade, there will be a ceremony on the steps of the Historical Courthouse. There is an application to enter floats into the parade that is available from the Commissioners or from the Mayor. She stated that last year's parade was a first and it turned out as a nice way to honor our Veterans.

E. Police Chief

1. Police Chief Clemens stated that in the month of August, the Lewistown Police had 338 calls for service, and they gave out 78 traffic citations, 23 non traffic citations for minor criminal offenses and 15 warnings. There were 150 meter tickets and 171 street sweeper tickets for a total of \$3,315 for the month of August.
2. Chief Clemens stated that they are fairly busy with the start of school and without the School Resource Officer he has encouraged the guys to visit the schools. He said they are continuing with the foot patrols in the problem areas.
3. Chief Clemens said he has addressed the Library issue with the gazebo area. They are going to post signs at the park that it is closed from 10:00 PM to 8:00 AM. Mr. Welham stated that the camera is up and operating. They just need to relocate the feed to the police station. Mr. Moore will follow up on the optic cable situation. Chief Clemens said they have sent trespass letters to some of the offenders that were an ongoing problem at the Library Park.

Larry Searer appreciated the officers continuing with the street sweeper tickets and the reports in The Sentinel. Chief Clemens has been stressing to the officers that they need to get more public information reports out.

4. Chief Clemens presented the information on purchasing a new police cruiser. It was decided that the best option is to lease it at this time to spread the funds out over a couple of years. They got estimates from three dealerships and Lake Ford has the best price at \$25,828 under the CoStars program. They would have two local vendors install the police equipment, and put the decals on which is another \$2,000. The lease payment would be \$9,307 a year for three years, with the option at the end to buy the vehicle for a \$1.00. The vehicle is a 2017 Ford Taurus Interceptor. The two older vehicles would be put out to bid. Some discussion ensued on the police cruisers old and new. It was also mentioned that some Council Members would like to see a Resource Officer in the school before another vehicle. It was mentioned that the School District was asked to partner with the Borough on the Resource Officer and they didn't want to. There was \$28,000 budgeted for a car.

On a motion by Mr. Rager to purchase a police vehicle ...the motion died for a lack of a second motion.

On a motion by Mr. Moore to bid out the two Crown Vic's ...the motion died for a lack of a second motion.

The Mayor questioned why another car couldn't be purchased when it was budgeted for. Larry Searer wanted to know why the police need the Interceptors. Chief Clemens is worried about having police officers drive around in vehicles that aren't rated for police work. What if something happens or someone gets hurt, it could make the Borough liable. Mr. Remy addressed Mayor Bargo's question on why a car can't be bought when it was budgeted. He said that regardless of the budget the Council has the final say about spending funds.

F. Board of Recreation

1. There was nothing from Rec Board. Mr. Rager asked for a report on the swimming pool for the season when it's available. Larry Searer asked if we could use the chain at the Community Center when it's not in use. It's too heavy for Mary to move. Mr. Moore asked about having the chain put back up where the Borough's property meets with Penelec's. The posts are there it just needs a chain. Mr. Welham said they will look at it.

G. Borough Solicitor

1. Mr. Remy stated it was just a month of the typical Borough issues. He did work on the notice of Trespass that was discussed by Chief Clemens. There is the annual notice of claims of the Borough that go the Tax Claim Bureau for the Tax Upset Sale in which he worked with Ms. Walter on.

H. Borough Manager/Secretary

1. Mr. Welham stated that he had an anonymous request for a donation of two benches for either side of the wall at the fountain. The cost of the benches is \$2,200 and they would be in memory of Doris Teeney who passed away in 2013. The Borough's responsibility would be to put two concrete slabs down and bolt them in.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote, approved the anonymous donation of two benches with backs totaling \$2,200 for the fountain area.

2. Mr. Welham wanted to update Council on the Valley Street lateral connections. It was started in August and it is working well. The first house on the top of the hill that was connected into the storm water system was dug up and reconnected into the closest wastewater lateral. Two of the six houses were done and the average price was \$4,800. They knew if they kept going it would be over the \$19,700 threshold. They stopped, put it out for bids, 6 contractors were notified, 5 responded, two showed up and they got one bid. It was under the \$19,700 so they checked with Mr. Remy and since they did all the necessary steps and they had commitments on attendance to the meeting it was fine. The bid was from Mike's Landscaping for \$17,294 which was slightly less considering the average of the first two. The total project was \$26,000 and the initial estimate was \$250,000. The only thing left is to fix the sidewalks that were torn up. They will need to be bid out once this project is finished. Mike's Landscaping will start sometime this week if the bid is approved.

On a motion by Larry Searer and seconded by Mr. Moore, Council by unanimous vote, approved bid of \$17,294 from Mike's Landscaping to finish connecting the remaining four houses on Valley Street to the wastewater laterals.

3. Mr. Welham stated that as work progressed on the Sunset Road slip lining project they started down the section from Wilson Avenue to Harding, 28 feet into the pipe they hit a lateral that was sticking out and it stopped the camera car. Mr. Dippery requested a recap for the expense so far from Mr. Rehab. The total price for Mr. Rehab to do the work instead of \$181,000 is now \$126,000. They are coming in this week and will mark on the street exactly where these lateral extend into the pipe. Mike's Landscaping is going to dig down and fix the issue with the lateral and then Mr. Rehab will finish the slip lining. The total cost of the project will be \$131,000. He thinks that Sunset Road will still be paved this year.
4. Mr. Welham stated that he has seen Jenny Landis a lot this week. He wants to remind everyone that Goose Day Week is from September 23 to September 31.

UNFINISHED AND NEW BUSINESS

1. The next order of business was the approval of awarding the bid to J. Fulkroad & Son for the milling and paving of Ridge Road and the paving of Marble Street. Mr. Rager asked how much the next bid was because he didn't think the last work done by Fulkroad down in the South End was terrific. A discussion ensued on paving and it was determined that

On a motion by Larry Searer and seconded by Mr. Moore, approved a Handicap Parking Space by Resolution at 92 Logan Street contingent on Mr. Plank reviewing the curb and agreeing with Larry Searer that the yellow curb can be removed and the Handicap space put there.

Roll call

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

Larry Searer stated they have a request for a handicap parking space at 146 Pannebaker Avenue. It seems to be in order.

On a motion by Larry Searer and seconded by Mr. Moore, approved the Handicap Parking Space at 146 Pannebaker Avenue by Resolution.

Roll call

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

Larry Searer stated they have a request for a handicap parking space at 200 West Market Street. It is right in the area of meter parking, he has no objection but the meter parking will need to be changed. There was some question about which space he wants to park at. This will be on hold for the next meeting.

Some discussion ensued about when an individual applies for a Handicap Space; the Ordinance says they need to pay for the sign which is around \$100. Mr. Plank stated he reuses handicap signs if he has them, but presently he doesn't have any that they will need to be ordered. Previously the sign wasn't paid for by the requestor, but it will need to be looked into by Mr. Remy to discuss at Law and Ordinance.

PUBLIC COMMENTS

Mel Smith asked if there was anything in Borough Ordinances about a tractor part of a tractor and trailer sitting on the street at 318 South Main Street. She said it makes it really hard to see to pull out. Mr. Welham stated they will look into it.

Larry Carter asked about the pedestrian sign down by the Brooklyn. Can the one closest to the Brooklyn be removed, because they have to keep moving it to get in and out. Mr. Welham thought maybe we could try removing it and just have the one. Someone mentioned there is a blind person down there. Mr. Welham said they will talk to the residents to see what they can do to work it out.

Neil Purcel stated he received a letter from Mr. Welham thanking him for the purchase of the camera that is being used at the Library Gazebo. He wasn't expecting it and he thought it was commendable. He wanted to know if there were still police still on leave from the incident on the Heights. It was stated it was a personnel issue, but Mr. Welham answered no there isn't. He wondered if it was a drain on the budget or needed any resolution.

Dave Campbell wanted to go back to the police vehicle, there are officers running the guts out of the police cars. He said people were mentioning it to him while he was campaigning. He said since then he has tried to pay more attention to it and there were 4 incidents in the past month. There was an officer in the Fusion just trying to beat the red light. He understands if the officer is on a call, but he beat the light just to go to the South Side. He thinks it's a bad practice to base decisions on emotional opinions.

EXECUTIVE SESSION

Council went into an executive session at 6:38 P.M. for personnel matters.
Council came out of executive session at 7:50 P.M.

On a motion by Mr. Moore and seconded by Larry Searer, Council by roll call vote, approved retaining an employee who had been on probationary period.

Roll call

Bill Wilson	Yea
Mr. Moore	Yea
Russ Rager	Nay
Jim Felmlee	Abstain
Larry Searer	Yea
Frank Berrier	Nay

Mr. Felmlee abstained due to being related to the employee.

On a motion by Mr. Rager and seconded by Mr. Moore, Council by roll call vote, approved extending the employee's probationary period for additional 3 months'.

Roll call

Bill Wilson	Yea
Mr. Moore	Yea
Russ Rager	Yea
Jim Felmlee	Abstain
Larry Searer	Nay
Frank Berrier	Yea

Mr. Moore questioned if the employee could be limited during the 3 months to be only doing 2 jobs. Mr. Berrier stated that multi-tasking is part of the employee's job duties which can't be limited.

On a motion by Mr. Moore and seconded by Larry Searer, Council unanimously voted to adjourn at 7:55 P.M.

(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

(Asst) Borough Secretary