

BOROUGH OF LEWISTOWN  
REGULAR COUNCIL MEETING  
MINUTES  
SEPTEMBER 14, 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

1. Daniel Wallace – J.C. Bar Properties, Inc (CVS Developer) - Mr. Wallace gave a brief overview of the proposed plan for the new CVS. After conducting an operational assessment it was found that the existing CVS was aging and had several deficiencies. A deal was arranged with John Pannizzo and Chris Aumiller. Mr. Wallace requested from council a conditional approval of the plans before applying for building permits and recording the plans. He hopes to close by years end, start building in January of 2016 and have the project completed by summer. The new facility will have a drive-thru, 53 parking spaces and coincide with the existing street scape program. The façade will blend in with other buildings in the area. Mr. Moore questioned if parking would be available to the public. Mr. Wallace said the spaces would be designated for CVS customers and employees first and open to the public but controlled. Mr. Remy stated that if conditional approval would be given tonight there were 17 issues that needed to be completed or corrected. Most of the properties have already been transferred or are about to be. The Planning Commission recommended granting conditional approval. **In a motion by Mr. Moore and seconded by Mr. Searer, Council by roll call vote conditionally approved the plans for the CVS project.**

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

2. Chad Stafford, Mann Edge II Project – Mr. Stafford briefly addressed Council about the Mann Edge II project. Mann Edge Terrace has 31 units and Mann Edge II will contain 34 units. Council approved the curb cut for the driveway and authorized the sewer letter from Mr. White. **In a motion by Mr. Moore and seconded by Mr. O'Donnell, Council unanimously granted approval of the plans for the Mann Edge II project.**
3. Doug Cramer, Lewistown Police Dept. and Beth Birch, Abuse Network – Mr. Cramer and Ms. Birch spoke on statistics pertaining to Domestic Abuse. The Police Dept. and the Abuse Network have developed a great working relationship. A domestic violence safety plan pamphlet was also distributed.
4. Penelope Hartman, 65 N. Pine Street – Ms. Hartman addressed Council on a water run off issue on North Pine Street. She explained that there is either a leak or a natural spring causing the run off. The MABL came and tested and reported that it was a spring but that information is unconfirmed. Ms. Hartman stated that there is a driveway at either 75 or 79 North Pine Street that is level with the street. It was to have been milled several years ago but never occurred. She is speaking to Council tonight because these issues have not been addressed in the past. Ms. Hartman expressed concern that there are safety issues involved because the road becomes very icy in the winter. Ms. Hartman produced pictures

showing damage to her cement that the water has caused. She has repaired the sidewalk numerous times. Mr. White indicated that the issue will be directed to the Borough Streets Committee long before this.

- 5. **On a motion made by Mr. O'Donnell and seconded by Mr. Adams, Council unanimously denied the Facility Use Form for FAME EMS for their Halloween Parade.** The newly proposed parade route warrants closing down Fourth Street for an extended period of time. Mr. White will contact FAME and coordinate with the Police Dept. about an alternate route beginning on the east end of Lewistown that would close as few borough streets as possible.

**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 – August 10, 2015
- B. Accepted and approved the Treasurer's Report – August 2015
- C. Accepted and approved the Tax Collector's Report – August 2015
- D. Approved the Schedule of Bills
  - 1. General Borough, Refuse, Wastewater Collection, Wastewater Treatment Plant, Specialty Tax Fund, and State Liquid Fuels
- F. Acknowledged receipt of general correspondence
  - 1. Fame EMS Meeting Minutes – August 12, 2015

**REGULAR AGENDA**

**REPORTS**

- A. Treasurer
  - 1. **On a motion made by Mr. O'Donnell and seconded by Mr. Moore, Council unanimously acknowledged and approved the 2015 Minimum Municipal Obligation (MMO) for the Borough of Lewistown's Non-Uniformed Pension Plan and Police Pension Plan.**
- B. Code Enforcement Officer and Inspector
  - 1. Mr. Fink, Codes Enforcement Officer reported that there were 158 violations issued in August 2015 with most being high grass and/or weeds or exterior structure violations. He stated that he was required to attend court frequently on citations that have been issued. Mr. Burk, Codes Enforcement Inspector, reported that rental inspections have begun. Most of the violations found in the inspections are safety related such as smoke and/or carbon monoxide detectors that are either missing or non-operational.
- C. Fire Chief
  - 1. Chief Barlett reported that the Fire Department responded to 18 fire alarms in August 2015. Most of the alarms were odor related. There were no fires in August.
- D. Mayor
  - 1. Mayor Bargo reported that two months ago she approached Council about adopting a resolution to establish a junior council program in the Borough. Mayor Bargo introduced two candidates for the junior council program. Jennifer Tuyen is a member of the National Honor Society, Key Club, Band and Drama Club. Abigail Roman-White is a member of the National Honor Society, Key Club, Big Brothers/Big Sisters and Principals Cabinet. **In a motion by Mr. Lawson and seconded by Mr. Moore, Council by roll call vote approved the establishment of the Pennsylvania State Association of Boroughs Junior Council Program for Lewistown Borough Council (Resolution No. 2015-32)**

Adams	Yea
Lawson	Yea

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

**On a motion by Mr. Moore and seconded by Mr. Adams, Council unanimously approved Mayor Bargo to administer the pledge of induction to junior council members Jennifer Tuyen and Abigail Roman-White.**

**E. Police Chief**

1. Travis Sheaffer reported that there were 403 calls for service in August with 27 of those calls being domestic incidents. There was an increase of traffic enforcements of 68 in August.

**F. Board of Recreation – September 1, 2015**

1. **In a motion by Mr. Moore and seconded by Mr. O'Donnell, Council by roll call vote approved the Alcohol Policy Request for Stella Robinson for a birthday party on September 18, 2015.**

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

**G. Borough Solicitor**

- A. 1. Mr. Remy proposed a resolution adopting amendments to the civil service commission rules. In the civil service rules the physical agility test is discriminatory because most female applicants are unable to pass it. There is not a separate test for men and women. They have reformed some of the test such as the running portion where they are allowing extra time. The Civil Service Commission has already adopted these changes. **In a motion by Mr. Moore and seconded by Mr. O'Donnell, Council by roll call vote approved adopting amendments and revisions (third) to the Borough of Lewistown Civil Service Commission rules Resolution (Resolution No. 2015-34 )**

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

**H. Borough Manager/Secretary**

1. Mr. White reported that settlement took place on August 31, 2015 for the 100 North Walnut Street property. The next step would be for Solicitor Snook to prepare a sales agreement that includes the CDBG required restrictions and then list the property. **In a motion by Mr. O'Donnell and seconded by Mr. Moore, Council by a majority vote ( 5-1) Searer) approved Solicitor Snook to prepare a settlement agreement, with CDBG restrictions included, for the property located at 100 North Walnut Street.**
2. Mr. White requested approval to attend the Fall Leadership Conference and to be reimbursed for all expenses incurred. **On a motion by Mr. Moore and seconded by Mr. O'Donnell, Council unanimously approved Mr. John White to attend the Fall Leadership Conference with all expenses paid.**

3. Mr. White reported that the budget calendar was prepared and had been distributed to the finance committee and is available upon request.

#### UNFINISHED BUSINESS

- A. Finance Committee – September 3, 2015
  1. **In a motion by Mr. Moore and seconded by Mr. Adams, Council by a majority vote ( (5-1) Searer) approved the Borough Administrative Staff to participate in the United Way Day of Caring on September 16, 2015**

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

2. **In a motion by Mr. Moore and seconded by Mr. O'Donnell, Council unanimously approved to proceed with emergency lateral repairs at South Wayne Street.**
- B. Streets Committee – September 10, 2015
  1. Mr. Adams reported that the Streets Committee is considering informing property owners when handicap parking space applications are received before granting or denying the request.
  2. Mr. O'Donnell recommended Mike's Landscaping as the low bidder for the South Wayne Street Sanitary Sewer project.
- C. Law & Ordinance Committee – August 27, 2015
  1. Mr. Snook had requests to draw up a proposed draft to amend sections of the Administrative Legislation Ordinance. Sections of the draft were acquired from the State Associations of Boroughs. It basically states that individual councilmen have no authority to act solely on their own but must act as a whole council body and a chain of command must be followed. Mr. Adams asked Mr. Snook how much time and money was spent to draft the proposed amendment and what would be the cost to advertise it? Mr. Snook did not have the exact cost figures. Mr. Adams wanted to be put on the record to let the public know that this proposed amendment to the ordinance was a result of Mr. Searer. He stated that Mr. Searer claims he is saving the tax payers money but as a result of this ordinance he is actually costing the tax payers money. Mr. Schell asked if there would be a fine levied for violating the ordinance. Council will reprimand anyone violating the ordinance instead of fining. **In a motion by Mr. O'Donnell and seconded by Mr. Lawson, Council by a majority vote ( (5-1) Searer) approved advertising the amended sections of the Administrative Legislation Ordinance (Resolution No. 2015-30-9)**
- D. Mr. Moore reported on an item not listed on the agenda. The EG Channel Mission Statement is now completed. The committee is moving forward in obtaining 501 (c) 3 status and establishing a sitting committee and governing body.

#### NEW BUSINESS

1. **On a motion by Mr. Lawson and seconded by Mr. Moore, Council unanimously approved the Disposition of Public Records (Resolution No. 2015-32)**
2. **On a motion by Mr. Searer and seconded by Mr. Adams, Council by a majority vote ( (5-1) Rager) voted to hold Borough Council meetings at the Lewistown Community Center.**
3. Mr. Lucas Parks from the Eads Group requested releasing payment for the CDBG Paving Projects for contract 1 in the amount of \$147,552.30 to New Enterprise. **On a motion by Mr. O'Donnell and seconded by Mr. Moore, Council unanimously approved the release of payment for the CDGB Paving Projects for contract 1 to New Enterprise.**

4. Mr. Lucas Parks from the Eads Group requested releasing payment for the CDGB Paving Projects for contract 2 in the amount of \$21,987.90 to Mid State Paving. **On a motion by Mr. Moore and seconded by Mr. O'Donnell, Council unanimously approved the release of payment for the CDGB Paving Projects for contract 2 to Mid State Paving.**

At 6:57 PM Council went into Executive Session.

At 7:14 PM Council returned from Executive Session.

1. **On a motion by Mr. Adams and seconded by Mr. Lawson, Council by a majority vote ((4-0) O'Donnell and Moore – abstain) approved drafting a PILOT agreement with the Special Needs Center.**
2. **On a motion by Mr. Moore and seconded by Mr. Adams, Council unanimously approved the hiring of Suzan McClure as Administrative Assistant/Operations.**

ADJOURNMENT

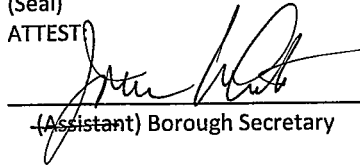
**On a motion by Mr. Moore and seconded by Mr. Adams, Council unanimously adjourned the meeting at 7:16 PM.**



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST



(Assistant) Borough Secretary

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