

REGULAR COUNCIL MEETING MINUTES
MARCH 14, 2016 AT 5:30 P.M.
LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

The meeting opened at 5:30 PM with Borough Council President Berrier presiding. The Pledge of Allegiance was recited by all present.

ROLL CALL

Mr. Berrier, Mr. Searer, Mr. Felmler, Mr. Eddinger, Mr. Rager, Mr. Welham, and Mayor Bargo were present. **Mr. Moore was absent.

HEARING OF PERSONS PRESENT

- A. Christopher Hoffert, PNC Capital Markets, was present to address Council. He explained that the refinancing rates are not as low as they were at the beginning of February however, they are still low. He stated the bonds would be callable which allows them to refinance if in five (5) years the rates are lower. He also recommended obtaining bond insurance. Under Standard and Poors, the Borough received an A rating. Mr. Hoffert explained Ms. Walter, Interim Borough Manager/Secretary/Treasurer was a key person in receiving the A rating, and he stated he was very appreciative of all her hard work. With the bond insurance, we obtain the bond insurer's rating which allows the Borough to finance at a better rate. If the Borough would default on the bonds, the bond insurance would then make the payments for the Borough. The 2010 bonds are callable. The 2011 bonds will be callable at June 15 and at that time, the Borough's paying agent would then pay off those bonds with the proceeds of the new bonds. The bond monies would be put into an escrow account until the bonds are called. He stated under the Parameter Agreement, the maximum amount would be up to 5.6 million. Mr. Hoffert explained they are planning to go to the market on Tuesday, March 22, 2016.
- B. Paul Lundeen approached Council relative to proposed Ordinance 2016-2. He stated this Ordinance has already been advertised in the local newspaper. This Ordinance allows the Borough to refinance the 2010A and 2011 Series Bonds. The maximum principal amount is 5.6 million. The net dollar savings after paying all costs associated with the refinancing can be no less than \$151,800.00 based upon council's approval. TD Wealth has been the Borough's paying agent since 2010 and will continue to be the paying agent.

<i>Larry Searer</i>	<i>Yea</i>
<i>James Felmler</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>Scott Welham</i>	<i>Yea</i>
<i>Frank Berrier, Jr.</i>	<i>Yea</i>

On a motion by Mr. Searer and seconded by Mr. Eddinger, Council by roll call vote approved Ordinance 2016-2.

Paul Lundeen also recommended Council approve Resolution 2016-17 which is a Resolution that says the Borough has Post-Issuance Compliance Procedures in place and that the Borough Manager is in charge of implementing all policies and procedures and making sure they are being followed.

<i>Larry Searer</i>	<i>Yea</i>
<i>James Felmler</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>Scott Welham</i>	<i>Yea</i>
<i>Frank Berrier, Jr.</i>	<i>Yea</i>

On a motion by Mr. Searer and seconded by Mr. Welham, Council by roll call vote approved Resolution 2016-17.

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On a motion by Mr. Searer and seconded by Mr. Eddinger, Council voted at 6:09 p.m. to recess for Council President and the Borough Manager/Secretary to execute the documents for PNC and Rhoads & Sinon.

Council president reopened the meeting at 6:24 p.m.

On a motion by Mr. Rager and seconded by Mr. Searer, Council unanimously authorized the Council President and Borough Manager/Secretary to sign the proper paperwork to continue with the Bond Procedures at the rate established and have PNC set up an Escrow Account until the bonds become payable.

Neil Purcell, 628 South Main Street, representing Boy Scouts Troop # 4, approached Council about the idea of having the Boy Scouts gather trash in the area of Rec Park. Ms. Walter, Borough Manager/Secretary stated that the Girl Scouts were also interested in gathering trash in the area. Mr. Purcell stated that he was unaware that the Girl Scouts were also interested in doing so. He stated it would probably be a Saturday that this was done. Mr. Felmlee stated he would recommend they fill out a Facility Use Form and provide the Certificate of Liability Insurance. Mr. Purcell also asked for a dumpster to be placed in the area so they could put the trash in there since it would essentially be the Borough's responsibility to clean. He stated they felt the man-power could be used on other projects and the Boy Scouts could gain community service hours.

On a motion by Mr. Searer and seconded by Mr. Rager, Council by unanimous vote approved the Facility Use contingent upon receiving the Certificate of Liability. All fees would be waived for the Facility Use Form as well as the costs associated with the dumpster. This would be for the Boy and Girl Scouts.

Brian Rodgers, Mifflin County Tomahawk Property Manager, addressed Council relative to the bags without tags. He stated he felt this was going to hurt his properties. If the Borough removes the tag, they are also removing the evidence, and he has no way of knowing whose garbage this actually is. He felt it was more of a problem at his multi-unit properties. If someone sees ten (10) bags of garbage, they just add two more because they don't think it will matter. In the past, Mr. Rodgers was using a dumpster, however, he realized he was still being charged for Refuse Tags and had the dumpsters removed. Mr. Rager explained that this issue has been talked about in Finance several of times. Mr. Rodgers felt if we did away completely with the tags, we would be saving \$8,000.00. Mr. Berrier stated that we would not have this surplus because residents from outside areas would then bring their trash here. Mr. Berrier explained that we are not able to police all households. If our Refuse personnel discover the bags, they pick them up and write the address down. Mr. Berrier stated that Council will bring the fees up at the next Finance Meeting.

Ron Yetter, Borough Resident, stated that in prior years when the bags were used instead of the tags, there were not issues with the extra bags being left out. Mr. Rager explained that the Borough's fee associated with the bags is a lot higher than the tags.

Trenton Everly, City Hook and Ladder, stated that they received an e-mail from Jason Cunningham of Kish Bank relative to a tax-free opinion supplied by the Borough. Mr. Remy explained that this is not normally associated with the Borough, nor does the Borough provide it. He stated this would be done privately, and that he could supply the information however it would not be at the Boroughs cost.

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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. Special Council Meeting Minutes – February 29, 2016
 - 2. Finance Committee Minutes-March 3, 2016
 - 3. Streets Committee Minutes-March 10, 2016
- B. Acceptance & Approval of the Treasurer's Report
- C. Approval of Schedule of Bills:
 - 1. General Borough, Specialty Tax, Refuse, Wastewater Collection, Wastewater Treatment Plant, State Liquid Fuels
 - 2. CVS
 - 3. Mann Edge II
- D. Acceptance & Approval of Tax Duplicate Report
- **E. Acknowledge Information from WCS/WWT Superintendent EDU Chapter 94 Info/Final Restoration Issue/2016 DEP Summary Report for Leaking Tank
- F. Acknowledge and Approval of Updated Organizational Chart
- G. Acknowledge Receipt of Brooklyn Fire Company Members List
- **H. **Approval of Facility Use Form from Wilma Blevins for Wedding
- **I. **Approval of Facility Use Form from Tiffany Shotzberger Pavilion Request
- **J. **Approval of Facility Use Form from Mifflin County Tomahawks LLC & Request to post "No Parking signs in front of Rec Center"
- K. Acknowledge receipt of Downtown Lewistown Inc. Minutes from December, January, February

**Items E, H, I, J were removed from the Consent Agenda for separate approval.

On a motion by Mr. Rager and seconded by Mr. Welham, Council unanimously voted to approve the consent agenda.

On a motion by Mr. Welham and seconded by Mr. Rager, Council by majority vote (5-1(Searer)) approved the Facility Use form for Tiffany Shotzberger contingent upon receipt of a Certificate of Liability Insurance and directing staff to let her know that she would be responsible for the clean up of the horses and/or ponies.

On a motion by Mr. Felmler and seconded by Mr. Welham, Council unanimously approved the Facility Use form for Wilma Blevins contingent upon receipt of a Certificate of Liability Insurance if required by the Borough's insurance provider.

Brian Rodgers, Mifflin County Tomahawks Football team, approached Council relative to placing "No Parking" signage in front of the Community center. He stated that there are roughly thirty (30) teams in their league that come from all across the state. He stated at almost every game they play, they almost have to stop their games for someone to move their vehicle because they parked in front of the Community Center.

On a motion by Mr. Felmler and seconded by Mr. Searer, Council unanimously voted to approve installing chains with signs that state "Event Parking Only" on the Montgomery Avenue entrance to the Community Center.

On a motion by Mr. Welham and seconded by Mr. Rager, Council unanimously voted to approve the Facility Use form for the Mifflin County Tomahawks.

REPORTS

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A. Borough Treasurer

1. Ms. Walter stated that the State Liquid Fuels Allocation was received in the amount of \$208,938.33. This was higher than what we had anticipated.
2. Ms. Walter also stated she received a request from Downtown Lewistown, Inc. to release the Fountain Square Escrow Funds. The remaining balance is \$623.27.

On a motion by Mr. Welham and seconded by Mr. Felmlee, Council unanimously voted to approve the release of the Escrow funds contingent upon receiving all paperwork including warranties and manuals as well as all keys associated with the Fountain Square.

3. Ms. Walter stated that she received a report from Donald Dippery, WCS/WWT Superintendent. In 2015 there was some sewer work done on Forsythe Street and Spring Street. Initially the Borough received two bids. The lowest bidder was Raines Plumbing in the amount of \$1,800.00, however this did not include the cost of final restorations. Prior Borough Management accepted this bid. Wastewater Collection had to call them back out a second time because they did not do the job right the first time. This cost the Borough additional funds in the amount of \$1,850.00. The Borough Administration offices received a call about the location on Spring Street sinking also. Borough crews checked it out and determined that they did not do final restorations. It was not known at that time that the quote did not include final restorations. Mr. Don Dippery, Wastewater Treatment Superintendent, called Raines and instructed them to do the final restorations as they were not done. Raines then called Mr. Rex Fink and explained that final restorations were not included in their quote. After review by Mr. Dippery, it was determined that these costs were not included and therefore the Borough must do the final restorations on both streets.

B. Code Enforcement Officer

1. Mr. Fink explained that he has received several phone calls inquiring about the fees associated with Rental Registration Ordinance. Mr. Berrier explained that it is included in the budget to return the inspection fees but not the registration fees. We will be releasing these funds once the revenue from Real Estate Taxes comes in.

C. Fire Chief

1. Chief Barlett was not present with his report.

D. Mayor

1. Mayor Bargo had nothing new to report. She did wish to congratulate the Mifflin County Husky Wrestling team and all the coaches for their trip to Hershey. She said she did get to attend the match on Saturday night and these kids made Mifflin County proud.

E. Police Chief

1. Chief Herkert reported that the department responded to 268 calls of service in February. Chief stated that the department worked with the Drug Task Force on enforcement and it went very well. One Officer and one firefighter performed CPR on an individual and saved the man's life. It appears he will be okay. Chief is working with Chief Barlett to recognize these individuals.

F. Board of Recreation

1. A Facility Use form was received from Sherri Shehan for the Girls Little League Softball for the use of the field at the Green Gables. They were asking to receive a reduction in their fee due to not having restrooms available. Mr. Searer stated that this was due to when this field was installed. In review of the Facility Use Form, Council stated the teams would be responsible for the upkeep and such for this field.

On a motion by Mr. Rager and seconded by Mr. Welham Council unanimously voted to approve the Facility Use form for the Girls Little League Softball at the Green Gables field for the dates specified on the application without a reduction in costs.

2. There was a request received from the Miffco Science Fair for a reduction in their fee. There was some discussion relative to the fee and whether or not it was waived last year. Mr. Searer said he felt that using the entire room for a fee of \$350.00 was good. Ms. Mary Barr explained that the Borough cosponsored this event last year and Mr. Brett Rogers only

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paid the \$175.00. It was mentioned that the Borough did receive a Certificate for cosponsoring this event in 2015.

Mr. Searer *Yea*

Mr. Felmlee *Yea*

Mr. Eddinger *Yea*

Mr. Rager *Yea*

Mr. Welham *Yea*

Mr. Berrier *Yea*

On a motion by Mr. Searer and seconded by Mr. Felmlee, Council by roll call vote approved the use of the Community Center at the regular rate for the Miffco Science Fair.

3. A Facility Use form was received from Mifflin County Youth baseball for the use of the baseball fields at Rec Park. Their organization would like to take ownership of the restroom area and completely redo this. They are also asking permission to remove the block storage building located next to the youth baseball field. This building is in serious disrepair and needs removed. They would like to add a pavilion to the concession area. They are also asking for signs to be posted to keep dogs off the fields.

On a motion by Mr. Searer and seconded by Mr. Rager, Council by roll call vote approved the use the baseball fields on the dates specified on the application.

On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by majority vote (5-1(Searer)) approved the Alcohol Policy for Hannah Pecora at the Community Center on June 11, 2016.

On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by majority vote (5-1(Searer)) approved the Alcohol Policy for Kaitlyn Lewis at the Community Center on June 18, 2016.

4. The lifeguards and pool manager will be discussed in Executive Session.
5. Mr. Matt Webb presented a proposal to Council for the use of the Concession Stand. The salaries and wages are figured on 93 days open. They would like to put two people in the concession stand from 12:00 p.m. to 3:00 p.m. each day. These kids would come in at 11:30 to prepare for the day and stay until 3:30 p.m. for clean-up. They are proposing to pay \$6.50 per hour.

Ms. Walter explained that in prior years, the Borough Solicitor had researched this and he felt it was not something the Borough should do. We should be paying the seasonal employees at least minimum wage to avoid any potential lawsuits.

Mr. Welham asked if there was a profit with the proposal they provided. Mr. Webb explained there was no profit. Mr. Welham stated that under the budget that was passed, a profit of \$1,400.00 was included off the vending machines. Unless Rec Board can provide Council with a profit of \$1,400.00, they are not willing to consider the proposal.

Mr. Webb stated that Rec Board would like clarification on what is actually included in the Facility Use form. He stated that it says that seeding and mowing is included in the use of the fields. The Youth baseball organization does their own and they want to clarify for them. Mr. Berrier explained that Council has no wishes of seeding and mowing the fields. Mr. Webb will address this to the Mifflin County Youth Little League.

Mr. Rager made a motion to rescind the prior approval of the Facility Use forms. This motion was seconded by Mr. Searer. The motion was then rescinded by Mr. Rager as long as the Organizations understood that the Borough would not be responsible for the upkeep of the fields.

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G. Borough Solicitor

1. Solicitor Remy explained that more than 90 days have lapsed since the CVS and Mann Edge agreements were conditionally approved. Since all the paperwork and conditions have been met, he is requested Council do a final approval so both plans can be filed. Also, Solicitor Remy received a letter from a Borough Resident named Ken Schuct. His complaint was in regards to Comcast removing their Lewistown Office. Mr. Remy stated that Mr. Schuct had sent a letter similar to the Borough Council in the past.

On a motion by Mr. Searer and seconded by Mr. Rager, Council unanimously voted to approve the final CVS plans and for Mr. Remy to file them.

On a motion by Mr. Welham and seconded by Mr. Rager, Council unanimously approved the final Mann Edge plans and for Mr. Remy to file them.

H. Manager/Secretary

1. Ms. Walter stated that she needed authorization to proceed with the MEG Manual. The MEG Manual includes various materials used for the streets.

On a motion by Mr. Rager and seconded by Mr. Searer, Council unanimously voted to authorize staff to proceed with the MEG manual.

2. Ms. Walter also stated she received a notice from Hazel Foltz in regards to 112 Logan Street Handicap Space that Council had approved at a prior meeting. Ms. Foltz wishes to cancel this due to the fact that she did not realize that everyone who is handicap could park there. Ms. Walter questioned the Borough Solicitor what else needed to be done. Mr. Remy stated that the prior Resolution would need rescinded.

***Mr. Searer Yea
Mr. Felmler Yea
Mr. Eddinger Yea
Mr. Rager Yea
Mr. Welham Yea
Mr. Berrier Yea***

On a motion by Mr. Rager and seconded by Mr. Felmler, Council by roll call vote approved to rescind Resolution 2016-12, Handicapped Parking Space at 112 Logan Street.

UNFINISHED BUSINESS

A. President Berrier stated he would be in touch in regards to the Council Committees.

B. A quote from General Code was received. Solicitor Remy stated he felt it was a good idea to approve as the updated Code of Ordinances are all updated and current. President Berrier stated that this amount was not included in the budget however it could be considered a cost of doing business.

On a motion by Mr. Welham and seconded by Mr. Felmler, Council unanimously approved the quote for General Code.

NEW BUSINESS

- A. There was some discussion relative to the request of the Mifflin County Forest Firefighters in regard to waiving the fees for their Transient Business Licenses. Ms. Walter stated that the fees have been waived for multiple years in the past. The amount would be \$75.00 for each of the Transient Business License. They have submitted one for the Easter Flower Sale and one for the Mother's Day Flower Sale.

***Mr. Searer Yea
Mr. Felmler Yea
Mr. Eddinger Nay
Mr. Rager Nay***

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Mr. Welham Yea

Mr. Berrier Yea

On a motion by Mr. Searer and seconded by Mr. Felmler, Council by roll call vote approved the application for the Transient Business License with no reduction in their fees.

- B. Ms. Walter explained the Street Sweeper normally resumes in April, and she would like to know when Council wishes to reinstate this. Mr. Berrier instructed staff to place the advertisement to all local newspaper, do a Swiftreach call and send this to all the local radio stations.

On a motion by Mr. Searer and seconded by Mr. Rager, Council unanimously approved the street sweeping to resume on April 4, 2016.

- C. Mr. Welham, Chairman of Finance Committee explained that Ms. Walter, Interim Borough Manager/Secretary discovered that the prior Management did not include the Sewer Tapping Fees into the Cost and Fee Schedule, and that this should be amended..

Mr. Searer Yea

Mr. Felmler Yea

Mr. Eddinger Yea

Mr. Rager Yea

Mr. Welham Yea

Mr. Berrier Yea

On a motion by Mr. Rager and seconded by Mr. Felmler, Council by roll call vote approved Resolution 2016-18, Addendum to the Cost and Fee Schedule for Sewer Tapping Fees.

D. Streets Committee

1. Mr. Searer stated that Streets is recommending that "Client Parking Only" Signs to be posted in front of Dr. David Ray's office on Chestnut Street. There would be two (2) signs. Mr. Remy explained that these are special parking signs and would need to amend the ordinance to include this.

On a motion by Mr. Rager and seconded by Mr. Welham, Council unanimously authorized staff to install these signs on Chestnut Street.

2. Mr. Searer explained that he and Mr. Welham met with John Atkins of Lion Country Automotive relative to the parking in front of his business. Mr. Searer explained that Mr. Atkin has made substantial progress in cleaning up however it is not completely done. He stated that he and Mr. Welham agreed they would give him until June 1, 2016 to get the area completely cleaned up. Streets Committee is recommending the signs be removed to allow parking in front of his business on East Hale Street. They are also requesting a "Parking for Fire Chief Only" sign on Valley Street in front of Chief Bartlett's home.

On a motion by Mr. Rager and seconded by Mr. Welham, Council unanimously voted to allow parking in front of Lion Country Automotive on East Hale Street. This is only until 7 p.m. with no overnight parking.

On a motion by Mr. Rager and seconded by Mr. Welham, Council unanimously voted to amend the original motion to amend the Parking Ordinance. The amendments need to include a 90 day trial period for the parking on East Hale Street in front of Lion Country Automotive, the installation of two (2) "Client Parking only signs" on Chestnut Street and a "No Parking- Fire Chief sign" on Valley Street.

- E. ***On a motion by Mr. Rager and seconded by Mr. Eddinger, Council by roll call vote approved Resolution 2016-19 Tax Collector.***

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Council went into an executive session at 8:39 p.m. to discuss hiring of the Borough personnel.

Council came out of executive session at 9:15 p.m.

Discussion was held in regards to Miffco, and their Compliance and Collection policies and procedures with the Tax Collection Contract.

On a motion by Mr. Searer and seconded by Mr. Welham, Council directed staff to write Miffco a letter in regards to their Compliance.

Mr. Welham stated he would be resigning from Borough Council.

Mr. Searer Yea
Mr. Felmlee Yea
Mr. Eddinger Yea
Mr. Rager Yea
Mr. Welham Yea
Mr. Berrier Yea

On a motion by Mr. Searer and seconded by Mr. Eddinger, Council by roll call voted to accept Scott Welham's resignation effective March 27, 2016.

On a motion by Mr. Rager and seconded by Mr. Eddinger, Council unanimously voted to hire the lifeguards.

On a motion by Mr. Searer and seconded by Mr. Welham, Council unanimously voted to offer employment to Street Sweeper Operator effective April 4, 2016.

On a motion by Mr. Searer and seconded by Mr. Eddinger, Council unanimously voted to hire the Borough Manager effective March 28, 2016.

On a motion by Mr. Rager and seconded by Mr. Welham, Council unanimously voted to have Mike Miller, Borough Labor Attorney draft a letter in regards to the workers compensation issue.


On a motion by Mr. Felmlee and seconded by Mr. Welham, Council unanimously voted to adjourn at 9:25p.m.



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:



(Asst) Borough Secretary