

REGULAR COUNCIL MEETING MINUTES  
APRIL 11, 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. Felmlee, Mr. Eddinger, Mr. Rager, Mr. Welham, and Mayor Bargo were present. \*\*Mr. Moore was absent.

**HEARING OF PERSONS PRESENT**

No one from the public wished to address Council at this time.

**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. Regular Council Meeting Minutes – March 14, 2016
  - 2. Special Council Meeting Minutes – March 28, 2016
  - 3. Finance Committee Minutes - April 7, 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. General Borough Capital
  - 3. CVS
  - 4. Mann Edge II
- D. Acknowledge Receipt of Public Utility Report
- E. Acknowledge Receipt of the Comcast Channel Revision
- F. Acknowledge Receipt of the Costars Contract
- G. Acknowledge Receipt of the WWT letter from Don Dippery concerning vent caps
- H. Acknowledge Receipt of the Banner letter from the Parking Authority
- I. Acknowledge Receipt of the Parking Authority Minutes from the February 15<sup>th</sup>, 2016
- J. Acknowledge Receipt of the Borough Organizational Chart
- K. Approval of Tax Collector's Report

***On-a motion by Mr. Searer and seconded by Mr. Felmlee, Council unanimously approved the Consent Agenda.***

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**REGULAR AGENDA**

**REPORTS**

- A. Borough Treasurer
  - 1. Ms. Walter gave an overview of the March 2016 Compliance Audit Report of The Lewistown Firemen's Relief Association of Lewistown Borough for the period of January 1, 2011 to December 31, 2014. The audit report found that there was a failure to adhere to relief association bylaws pertaining to the number of meetings to be held each year. The Fire Chief addressed Council and stated he will review this with the Fire Companies to prevent this in the future.

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2. Ms. Walter reviewed the discussion that was held at the Finance Committee meeting in regards to the accounts with minimal activity. The accounts with minimal activity that the Borough signs for represent the General Borough Capital Reserve Account, Fire Escrow Account, Refuse Capital Reserve Account, Ticket Citation Account, Victory Park Water Implementation Account, Wastewater Collection and Wastewater Treatment Capital Reserve Accounts, and the Wastewater Facilities Construction Account. Ms. Walter stated that the recommendation of the Finance Committee was that the Borough would initiate Requests for Proposals from these accounts with Council's approval.

***On a motion by Mr. Rager and seconded by Mr. Searer, Council by unanimous vote approved placing Request for Proposals with various banks for the accounts that have minimal activity.***

3. Ms. Walter stated that a check in the sum of \$1,400 was received from the Pennsylvania Liquor Control Board. This check is for the municipality's portion of annual retail liquor and malt beverage license fees that have been collected by the Pennsylvania Liquor Control Board from the period of August 1, 2015 to January 31, 2016.
4. Ms. Walter stated that the 2015 Public Utility Real Estate Tax Report was submitted by the due date of April 1<sup>st</sup>. The report shows all the revenue the Borough has received from the prior year for the Real Estate/Per Capita/Earned Income Taxes/ and any other taxes we received.
5. Ms. Walter also submitted the forms to all the employees which were required from the Affordable Care Act. The deadline for submission was March 31, 2016.
6. Ms. Walter stated, per the letter pertaining to the allocation of county liquid fuels tax funds, that a proposed amount of \$60,000 is to be distributed in Mifflin County, with the amount of \$7,135.72 being allocated to the Lewistown Borough.
7. In reviewing Council's request from the prior meeting on applying credits to the sewage tapping fees and building permits for Mann Edge II Development, Ms. Walter reviewed the minutes from the Finance Committee on February 2014, which read that "there was a discussion relative to a credit being applied to sewage tap fees in the amount of \$68,000 and zoning permit in the amount of \$32,000"; however no recommendation was recorded. She also reviewed the council meeting minutes from February 10, 2014 and it stated..."On a motion by Mr. O'Donnell and seconded by Mr. Schell, Council by 6-1 vote approved submitting a letter of support for the Mann Edge II project in form of credits to the sewage tap fees and zoning permit fees." The amounts were also not stated in the Council meeting minutes but it was discussed at the Finance Meeting. Therefore, with Council's blessing we will proceed with sending Seda-Cog a letter stating the amount of credits of \$68,000 for sewage tapping fees and a credit in the amount of \$32,000 for zoning permit fees.

Mr. Berrier inquired if there was ever a letter sent to Seda-Cog showing the amounts that were discussed in at Finance Committee meeting as a result of the Council's action.

A brief discussion was held on the amounts discussed at the Finance Committee meeting and whether a letter had already been sent to Seda-Cog after the Borough Council's meeting on February 10, 2014. A letter for refuse was submitted but not a letter for the tapping fees.

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Roll call was as follows:

<i>Larry Searer</i>	<i>No</i>
<i>James Felmlee</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>Frank Berrier, Jr.</i>	<i>Yea</i>

*On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by (4-1 (Searer) approved sending Seda-Cog a letter advising them of the credits in the amount of \$68,000 for sewage tapping fees and a credit in the amount of \$32,000 for zoning permit fees.*

8. The Borough staff would like to get Council's blessing on tape recording the Council meetings for the usage of recording the minutes. The tape recording would be deleted and recorded over each Council meeting. Discussion was held, and Mr. Remy, Borough Solicitor, stated he felt that Law and Ordinance should review. Mr. Welham stated that these recordings would be used for the efficiency of the Borough staff.

*On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved sending the tape recording request to Law and Ordinance.*

9. Ms. Walter addressed Council in regards to a letter received from Miffco from the request that the Borough had sent them initially. The letter stated that any requests that we have should be addressed to the Mifflin County Tax Collection Committee on the April 14, 2016 meeting.

Mr. Berrier stated that the letter pertained to overcharges on delinquent collections which was discussed at the last meeting on March 14, 2016, by our representative of the Tax Collection Committee. According to the agreement with Miffco, Lewistown Borough can submit a claim with the tax collector. Mr. Remy felt that it would be best to let the Tax Collection Committee address the issue on April 14, 2016.

**B. Codes Enforcement Officer**

1. Mr. Fink was not present. Mr. Welham, Borough Manager reported that there were a total of 26 violations. Of the 26 violations, 30 percent were deemed unfit for occupancy primarily due to a water shutoff, 30 percent were for prohibited accumulation of refuse or other types of solid waste, and 23 percent were for noncompliance with the property maintenance code. There were a total of 37 permits issued, 22 percent were for roofing, 16 percent were for sidewalk repair.

**C. Fire Chief**

1. Chief Barlett reported that the department responded to 47 calls of service in March. Chief stated that of those 47 calls, one (1) was wires down, nine (9) were miscellaneous calls, twenty-two (22) were medical, one (1) carbon monoxide, three (3) automatic fire alarms, seven (7) motor vehicle accidents, and three (3) were working fires. Of the three (3) fire calls, there was an oven fire on March 1, a fire on 4<sup>th</sup> Street on March 5, and a house fire on March 19.
2. Chief Barlett reported that on February 12, there was a major house fire on Ards Ridge Road. The department used areal wagons, breathing apparatus, and approximately 3,000 gallons of water to extinguish the fire. Chief stated that the house was salvageable. Chief also stated that there was a snow storm that night, and he wanted to extend his gratitude to the street crew for the crew's assistance.

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**D. Mayor**

1. Mayor Bargo submitted her first quarterly report on Marriage Ceremony fees for the year of 2016.
2. Mayor Bargo stated that she would like to see the costs absolved for the Mifflin-Juniata Counties Borough Association's rental of the Lewistown Community Center on May 5.
3. Mayor Bargo stated that a problem relating to sight when entering or exiting of the parking lot for Ansal Apartments on Water Street was brought to her attention. Mayor Bargo would like the Streets Committee to review the issue.

**E. Police Chief**

1. Chief Herkert was not present. Travis Shaffer, Sergeant of the Police Department stated that in the month of March, the department had 338 service calls. The most notable arrest that was made was an aggravated assault.  
Mr. Sheaffer also stated that many officers were recertified on Taser training.
2. Mr. Sheaffer stated the K-9 unit was given a donation for a bulletproof vest from Vested Interest in K9s, Inc. Vested Interest in K9s, Inc. has donated more than \$1.6 million worth of vests to police departments across the country.

**F. Board of Recreation**

Mr. Webb addressed the board in regards to the resignation of Brittany Kerns. He also stated that Rec Board accepted Ashley Adams and Ellen O'Donnell's resignations last year. Mr. Webb had stated he received an application from Jodi Peters to replace Ms. Kerns resignation. Roll call was as follows:

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

***On a motion by Mr. Rager and seconded by Mr. Felmlee, Council by roll call vote approved appointing Ms. Peters to the Recreation Board.***

1. Authorization to hire two substitute lifeguards

***On a motion by Mr. Rager and seconded by Mr. Felmlee, Council by unanimous vote approved to hire Jonah Kile and Tyler Mitchell as substitute lifeguards.***

2. A Facility Use form was received from the Derry Township Fire Police for the use of Victory Park. Their organization would like to utilize Victory Park from July 15 at 3 p.m. to July 17 at 2 p.m. for a fishing tournament. The Derry Township Fire Police already have the necessary permits from the Game Commission.

***On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved the use of Victory Park for the Derry Township Fire Police Fishing Tournament contingent upon receiving the updated Certificate of Liability Insurance.***

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3. A Community Center Rental Agreement was received from the Senate of Pennsylvania for the use of the Community Center. Their organization would like to use the Community Center on August 10 for the annual Senior Expo. Their organization has asked that the early setup fee be waived. Mr. Felmlee noted that he felt the Borough should not start a precedence in regarding the waiving of the fees.

***On a motion by Mr. Searer and seconded by Mr. Rager, Council by (4-1(Felmlee)) approved the waiving of the setup fee for the use of the Community Center for the annual Senior Expo.***

4. A Community Center Rental Agreement was received from Todd Pully and Darcie Dunmire for the use of alcohol at the Community Center on September 3rd.

***On a motion by Mr. Rager and seconded by Mr. Felmlee, Council by (5-1(Searer)) approved the use of alcohol at the Community Center for Todd Pully and Darcie Dunmire contingent upon receiving updated Certificate of Liability Insurance.***

5. A Community Center Rental Agreement was received from the First United Methodist Church for the use of the Community Center. Their organization would like to use the Community Center on August 14 for the Week of Caring. Their organization asked that the fee be reduced to \$175.

***On a motion by Mr. Searer and seconded by Mr. Rager, Council by unanimous vote approved the use of the Community Center for the First United Methodist Church without a fee reduction.***

6. A Community Center Rental Agreement was received from the Mifflin-Juniata Counties Borough Association for the use of the Community Center. Their organization would like to use the Community Center on May 5. The organization has asked that the fees be exonerated.

***On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous voted approved the use of the Community Center for the Mifflin Juniata Association of Boroughs without a fee reduction.***

7. A Community Center Rental Agreement was received from Logan Reis wedding on October 29, 2016 with the use of alcohol.

***On a motion by Mr. Rager and seconded by Mr. Felmlee, Council by (5-1(Searer)) approved the use alcohol for the Logan Reis wedding contingent upon receiving an updated Certificate of Liability Insurance.***

**G. Borough Solicitor**

1. After a brief discussion it was decided that the Major League Zoning issue would be discussed at the Executive session.
2. After a brief discussion it was decided that the Miffco Tax overcharge issue would be discussed at the Executive session.
3. Solicitor Remy stated that the Special Needs Tax appeal would also be discussed at the Executive session.

**H. Borough Manager/Secretary**

Mr. Welham briefly discussed the summary of the refund related to the bonds. The result of the refinancing was a savings to the Borough of \$243,200.

1. Mr. Welham addressed Council in regards to receiving authorization to permit the Mifflin County Faith Festival to close the alley behind St. John's Lutheran Church to

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Wayne Street on June 18 in conjunction with the festival for pony rides from 10 a.m. to 2 p.m. The facility use form was submitted and approved at a prior meeting; however they would like to add this in addition to the festival.

***On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous voted approved the closure of the alley behind St. John's Lutheran Church on June 18 from 10-2 p.m.***

2. Authorization to close Dorcas Street between Third Street and North Plaza Drive on April 22 for the use of a crane by David M. Maines Associates for the repair of the dome on the Methodist Church.

***On a motion by Mr. Searer and seconded by Mr. Eddinger, Council by unanimous voted approved the closure between Third Street and North Plaza Drive on April 22 from 7-5 p.m.***

3. Mr. Welham stated that the ad for the Juniata River Borough's guide was completed, and he felt the ad represented the Borough's Community Center well.
4. Mr. Welham reported that the bills pertaining to bags without tags went out on April 1. The total of these bills amounted to \$270.04.
5. Mr. Welham stated that the Athletic Fields Facility Use Request form says "included in your rental fee is refuse and recycling containers, refuse and recycling pickup, mowing, seeding, fertilizing, and treatment of weeds." He would like to see this wording "mowing, seeding, fertilizing, and treatment of weeds" eliminated from the form. Several organizations take care of their own fields. In addition, Mr. Welham indicated that it would be beneficial to combine the Little League fields to be covered by the form.

***On a motion by Mr. Rager and seconded by Mr. Felmlee, Council by unanimous vote approved amending the Athletic Fields Facility Use Request form.***

**UNFINISHED BUSINESS**

- A. After a careful review of all applications received for the open positions on the Council, the Council nominated Bill Wilson to fill the vacancy on Council by Resolution No. 2016-22. Roll call was as follows:

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

***On a motion by Mr. Felmlee and seconded by Mr. Searer, Council by roll call vote approved appointing Bill Wilson as the new councilman, Resolution No. 2016-22.***

- B. Mr. Berrier stated that he will realign Council Committees at the next meeting.

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**NEW BUSINESS**

A. Mr. Rager reviewed the Finance Committee documents.

1. The police department received the annual Metro Alert Software Contract in the amount of \$2,187. This is the software that handles the all citations parking tickets and police reports. This software is used by most police departments in Mifflin County as a record management system. The Finance Committee recommends the renewal of the contract.

***On a motion by Mr. Felmlee and seconded by Mr. Searer, Council by unanimous vote approved the Metro Alert Software Contract.***

2. Invitations for bids were sent out to provide material from various quarries. The only response was from Glenn O. Hawbaker. The Finance Committee recommends that the Council accept the bid from Glenn O. Hawbaker.

***On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote awarded the material bid to Glenn O. Hawbaker.***

3. ***On a motion by Mr. Searer and seconded by Mr. Felmlee, Council by unanimous vote approved the monetary award to the Borough Treasurer for additional services provided during the absence of a Borough Manager in the amount of \$2,500.***

4. As glass is no longer an item that the Borough can sell or recycle for a profit. We currently utilize the refuse trucks and employees to make the round trip to the Centre County Transfer Station. It costs \$185.67 or \$37.13 a ton for five (5) tons in the refuse truck. Mike's Landscaping has a twenty-three (23) ton truck available and the cost would be \$14.78 a ton. The Finance Committee recommends that the change be made to utilize Mike's Landscaping instead of the Borough's refuse truck.

***On a motion by Mr. Felmlee and seconded by Mr. Searer, Council by unanimous vote approved to have Mike's Landscaping to haul glass over to the Centre County Transfer Station on an as needed basis.***

5. The Borough Manager was in touch with Mr. Wilt. Mr. Wilt has agreed to set in the vending machines at the concession stand at the Rec Park Pool at no cost to the Borough. Mr. Welham has checked the wiring at the concession stand and it appears that the machines can be set in without much preparation. The profit percentage remains to be worked out with Mr. Wilt when it is seen what the volume is like at the concession stand. The Finance Committee recommends the use of Wilt's Vending Services.

***On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved Wilt's Vending Service to provide vending services at Rec Park Pool contingent upon receiving documentation from Wilt's Vending.***

6. Discussion was held on hiring 2 summer maintenance workers and hiring a supervisor to oversee their work.

***On a motion by Mr. Felmlee and seconded by Mr. Searer, Council by unanimous vote approved hiring 2 summer help maintenance workers at the rate of \$8.50 an hour, and hiring a supervisor at the rate of \$11.55 an hour.***

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7. Currently the Borough Manager has to carry two (2) cellphones, his personal phone and the Borough's phone. The possibility of streamlining this process to only his personal cellphone is suggested. This would eliminate the Borough's cellphone cost of \$54.77.

***On a motion by Mr. Felmlee and seconded by Mr. Eddinger, Council by (4-1(Searer)) approved the paying to the Borough Manager a fifty (50) dollar monthly stipend for the use of his cell phone and to eliminate the cell phone that the Borough holds for him.***

8. As with previous years, the Lumina Center sent a letter requesting reduced rated for their Rainbow Summer and Fun in the Sun programs. The Lumina Center would like the fee for the Rec Park Pool to be reduced from \$2.50 to \$1.00 per participant.

<i>Larry Searer</i>	<i>No</i>
<i>James Felmlee</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>Frank Berrier, Jr.</i>	<i>Yea</i>

***On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by (4-1 (Searer)) approved the Lumina Center's request for a reduced rate for the Rainbow Summer and Fun in the Sun programs.***

B. Streets Committee

1. Mr. Searer discussed the proposed street paving recommendations for 2016. Pending the availability of funding, the paving schedule is as follows:

The work will be contracted out for the following roads:

- a. Grand Parkway North from Lombardy Circle to the top of the hill across from Marie Lepley's
- b. Park Place and Park Place Alley
- c. Sunset Road
- d. Grant Avenue
- e. Top of Lombardy Circle
- f. North Grand Street

The work for the following roads will be completed by Borough employees:

- a. Alley between Third and Valley Street
- b. Alley North of Valley and Third Street
- c. Alley behind the OIP between Brown and Main Street
- d. Alley behind the Trinity Church
- e. Nine foot ramps on both sides of the Dorcas Street Bridge.

***On a motion by Mr. Rager and seconded by Mr. Felmlee, Council unanimously voted to approve the streets paving contingent upon the availability of the funding.***

2. ***On a motion by Mr. Searer and seconded by Mr. Felmlee, Council unanimously voted to add Assistant Borough Manager/Secretary to Ms. Walter's title.***
3. ***On a motion by Mr. Searer and seconded by Mr. Felmlee, Council unanimously voted to hire Robert Lepley as Pool Manager at Rec Park Pool.***
4. ***On a motion by Mr. Searer and seconded by Mr. Rager, Council unanimously voted to hire Brett Leister as Supervisor of Maintenance.***



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5. ***On a motion by Mr. Felmler and seconded by Mr. Eddinger, Council by unanimous vote approved to relinquish direction of the Borough employees from the Borough Council President and Vice President.***

Council went into an executive session at 7:02 p.m. to discuss hiring of the Borough personnel.

Council came out of executive session at 7:48 p.m.

***On a motion by Mr. Searer and seconded by Mr. Eddinger, Council unanimously voted to hire Rebecca Dippery as Administrative Assistant of Police Department.***

***On a motion by Mr. Searer and seconded by Mr. Felmler, Council unanimously voted to hire Ryan Hartley as full-time Police Officer.***

***On a motion by Mr. Rager and seconded by Mr. Searer, Council unanimously voted to hire Terry Courtney as part-time Police Officer.***

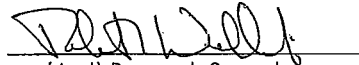
***On a motion by Mr. Felmler and seconded by Mr. Rager, Council unanimously voted to adjourn at 7:54 p.m.***



\_\_\_\_\_  
(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

  
\_\_\_\_\_  
(Asst) Borough Secretary