

REGULAR COUNCIL MEETING MINUTES
MAY 9, 2016 AT 5:30 P.M.
LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

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

ROLL CALL

Mr. Searer, Mr. Felmlee, Mr. Eddinger, Mr. Rager, Mr. Wilson, and Mayor Bargo were present.
**Mr. Berrier and Mr. Moore were absent.

HEARING OF PERSONS PRESENT

Barbara Harer, South Hills Business School, wanted to bring to the Council's attention that she had met with the Finance Committee about the possibility of a student parking pass. Ms. Harer stated that she was available for consultation on the matter if anyone wished to further discuss the issue.

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 – April 11, 2016
 - 2. Finance Committee Minutes – May 5, 2016
 - 3. EG Channel Committee Minutes – March 16 & April 20, 2016
 - 4. Law and Ordinance Committee Minutes-April 28, 2016
 - 5. Public Utilities Committee Minutes-April 21, 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
- D. Acknowledge Receipt of Fair Housing Information (which was posted on Website)
- E. Acknowledge Receipt of PLGIT Information
- F. Acknowledge Receipt of First United Methodist Church Letter in regards to Rental fees
- G. Acknowledge Receipt of the Yearly Maintenance Traffic Signal Letter from PA Dept of Trans
- H. Acknowledge Receipt of the Bridge Replacement Project from Kish Creek
- I. Acknowledge Receipt of the Parking Authority Minutes from March 21, 2016
- J. Acknowledge Receipt of the PA PUC Letter regarding approval of the alteration of the crossing due to new aerial fiber optic cable
- K. Approval of Tax Collector's Report
- L. Acknowledge Receipt of Intermunicipal Wastewater Minutes from April

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- M. Acknowledge Receipt of WWTP Flows and EDU Adj submitted by WCS/WWT Superintendent
- N. Acknowledge Receipt of Return of funds Letter for Fountain Square Project
- O. Acknowledge Receipt of Municipal Authority Letter regarding No Reduced Pressure Zone Assembly
- P. Acknowledge Receipt of Traffic Counting on Municipally Owned Roads from PA DOT
- Q. Acknowledge Receipt of the Municipal Authority Consulting Engineer's Annual Report
- R. Acknowledge Receipt of the Municipal Authority's Financial Statements
- S. Acknowledge Receipt of FAME Minutes & Medical Response Stats
- T. Acknowledge Receipt of K-9 Escrow Funds
- U. Acknowledge Receipt of Mifflin County Babe Ruth Schedule
- V. Adoption of Resolution 2016-23 (Appointment of Dianna Walter as Assistant approved at prior meeting)
- W. Adoption of Resolution 2016-24 (Appointment of Jodi Peters on Rec Board approved at prior meeting)
- X. Acknowledge Receipt of Inventory of Police Fleet Vehicles
- Y. Acknowledge Receipt of 990 Form for City Hook and Ladder
- Z. Acknowledge Receipt of Bags without tags billing for month of May
- AA. Acknowledge Receipt of Updated Organizational Chart

On a motion by Mr. Felmlee and seconded by Mr. Eddinger, Council by unanimous vote approved the Consent Agenda omitting Resolution 2016-23 and 2016-24.

Roll call for Resolution 2016-23 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>Bill Wilson</i>	<i>Yea</i>

On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved the adoption of Resolution 2016-23, appointment of Dianna Walter as the Assistant.

Roll call for Resolution 2016-24 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>Bill Wilson</i>	<i>Yea</i>

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On a motion by Mr. Rager and seconded by Mr. Felmlee, Council by unanimous vote approved the adoption of Resolution 2016-24, appointment of Jodi Peters to the Rec Board.

REGULAR AGENDA

REPORTS

A. Borough Treasurer

1. Ms. Walter stated that a Facility Use Form was submitted today, May 9, 2016, from Sonnie Bumgardner for the Mifflin County Pony League. Ms. Bumgardner didn't pay anything at the time that she submitted the form. Ms. Bumgardner would like to use the Pony League for one hour a day twice a week for six weeks. There was discussion on what fee to charge, whether a season rental and administration fee or just the administration fee.

On a motion by Mr. Rager and seconded by Mr. Felmlee, Council by unanimous vote approved to charge the twenty-five (25) dollar Administration Fee for the use of the Pony League Field.

2. Ms. Walter stated that a letter was received from the Pennsylvania Department of Military and Veteran's Affairs pertaining to Mr. Richard Williams. The Mifflin County Board of Assessment Appeals is exonerating Mr. Richard Williams's from collecting the County's tax due to the Veteran's Affairs approval the tax exempt status. Mr. Williams is partly disabled as a result of service connected to a period of war or armed conflict. It is requested that the Lewistown Borough exonerate Mr. Williams's real estate taxes.

On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved turning the letter over to Mr. Remy, Solicitor, for review.

3. Ms. Walter stated that a letter was received regarding the DCED monitoring for the CDBG program. DCED stated in their letter after the documentation was reviewed, they concluded that all the expenditures reviewed for the CDBG program appear to be eligible and reasonable for the purpose of the grant. Ms. Walter also stated that she received an email from DCED stating that the DCED would like to monitor several more invoices pertaining to the 2013 and 2012 CDBG. Ms. Walter will send the information to the DCED sometime within the next couple of weeks.
4. Ms. Walter also stated that a letter was received regarding the CDBG -R Contract for 2009. The DCED stated that all the relevant closeout materials for the contract and were found acceptable.

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B. Codes Enforcement Officer

1. Mr. Fink was not present. Due to his absence Mr. Welham, Borough Manager, reported that there were a total of eleven (11) violations. Violations were issued for refuse or other type of solid waste left outside on the property, non-compliance with the Property Maintenance Code, grass violations, and a few other violations. There were fifty (50) permits issued, eight (8) for electrical work, seven (7) for roofing, seven (7) for sidewalks, five (5) for replacing siding, and a few other permits were issued. The permit fees for April were \$2661.03 for zoning and \$200 for sidewalk. The estimated improvements for the month of April were \$151,467.33. Estimated improvements for the year to date are \$1,312,236.71.

C. Fire Chief

1. Chief Barlett reported that the department responded to 18 calls of service in April.
2. Chief Barlett reported that there was a large fire that wasn't in the Borough on Fifth Street. Lewistown Borough fire departments were called to assist. Tower truck and engine from United Fire Company and two (2) engines from Brooklyn were called to stage rescue.
3. United and City Fire Departments received their state grants. Brooklyn's state grant was put on hold. All three (3) stations participated in the Kid Connection event in the Lewistown Borough on April 30.
4. Larry Carter representing the Brooklyn explained that the 990's are completed and have been turned over to the LCB. Kim Freed was removed from office. The position of Treasurer is currently vacant and a replacement is currently being sought. The Board Manager was also removed. The Board is now being run by an executive panel as opposed to a single person. The LCB is waiting on a hearing to decide if a Small Games and Chance license will be issued. It can take up to six (6) months for a hearing to be scheduled.

D. Mayor

Due to Mayor Bargo absence, nothing was reported.

E. Police Chief

1. Sergeant Sheaffer reported that in the month of April that the Lewistown Police Department responded to 352 calls of service. There has been an increase in juvenile complaints as the weather has been warming up. There is a further increase in juvenile-related complaints expected over the next few weeks.

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2. Sergeant Sheaffer stated that the most notable arrest occurred on May 1. Officers responded to an address on Valley Street for a home invasion. Upon investigation, the officers were able to determine that an assault took place at the address, which is still under investigation. During the course of investigation for the home invasion/assault, it was determined that there were various drugs and drug paraphernalia. Consent to search the house was obtained from all of the occupants of the residence. Large quantities of various drugs, including cocaine, powdered morphine, marijuana, mushrooms, were found. Matthew Clark was found to be the owner of the material and was placed under arrest.

F. Board of Recreation

On a motion by Mr. Rager and seconded by Mr. Eddinger, Council by unanimous voted approved all the Facility Use Forms. Geisinger Health System/Mifflin Juniata County United Way's Facility Use Form is approved pending receiving the fees associated with the event.

G. Borough Solicitor

1. Mr. Remy addressed the Council regarding the parking ordinance at Rec Community Center. Section eighty-one (81) of the ordinance establishes the Community Center parking lot as a parking lot of the Borough with special rules, and section eighty-two (82) references the use of the spaces. The spaces are for people having an event at the Community Center, but the ordinance gives the Borough the ability to let other individuals utilize the Center's parking if it's not being used by others. It had previously been discussed using a chain or gate to close off the parking lot when it's not in use. Section eighty-four (84) sets fourth what is a violation of the ordinance and provides for special purpose parking spaces, tickets and penalties, and fines. The ordinance is enforced the same as other Borough lots and the Woodlawn lot. Mr. Searer stated that he believes that the change needs to be supported and enforced.

On a motion by Mr. Rager and seconded by Mr. Felmlee, Council by unanimous vote approved the advertisement of the Ordinance.

2. Mr. Remy discussed the CDBG agreement. This was an issue that was referred to Council last year and again this year. Mr. Remy believes that the Borough is very close with reaching an agreement with the county. A one year agreement is being considered. This would give the Borough the ability to see what the Borough wants and if the fees are acceptable. Mr. Remy stated that the estimated rate would be around fifteen (15) percent. Mr. Remy stated that he will bring the agreement in for the next Council meeting.

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H. Borough Manager/Secretary

1. Mr. Welham addressed Council in regards to the fountain opening on April 28. The choir from Sacred Heart third, fourth, and fifth grades were singing and Mayor Bargo flipped the switch. There were balloons from Parchey's and an ice cream truck. There have been a few problems with the fountain's pump and work is being done to restore the fountain back to full capacity.
2. Mr. Welham reported that due to efficiency the Administration Office has been moved downstairs.
3. The Rec Park pool opening will be Saturday, May 28. In the month of June the hours will be 12 P.M. to 5 P.M. In July and August the hours for the pool will change to 11 A.M. to 5 P.M. This will allow for more pool parties in the evening. The vending machines from Wilt's are ready and will be installed prior to May 28.
4. The Safety Committee is gearing up after being put on the back burner last year. Mr. Don Dippery, WCS/WWT Superintendent will be the Chairman of the Safety Committee which will be meeting monthly.
5. Mr. Welham also reported that the ground breaking for Mann Edge 2 was completed. This will be a great addition to the community.

UNFINISHED BUSINESS

- A. The list pertaining to realigning council committees was passed around.
- B. Appointment for the 2 alternates for the Zoning Hearing Board was discussed. There was no interest from the audience at this time. It was asked that people spread the word that there are 2 openings for alternates.
- C. Mr. Remy stated that the Tax Collection Committee has additional audits that need to be performed. The Tax Collection Committee voted to extend the agreement with Miffco for a period of one (1) year. During the extension, the Tax Collection Committee will use the time to review several issues brought to the Tax Collection Committee's attention.

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NEW BUSINESS

- A. Ms. Walter reviewed the handicap parking space application from October. She stated that the application was received and the fees were paid, however a Resolution was never passed to enact the recording of the space, and the space was also never placed. Since that time frame, the space has been placed; and the Resolution will need passed in order to follow procedures.

Roll call for Resolution 2016-25 was as follows:

Larry Searer	Yea
James Felmlie	Yea
Larry Eddinger	Yea
Russell Rager	Yea
Bill Wilson	Yea

On a motion by Mr. Felmlie and seconded by Mr. Rager, Council by unanimous vote approved the adoption of Resolution 2016-25, Handicap Parking Space for 230 South Wayne Street amending Council's action from October 12, 2015.

- B. Mr. Rager, Finance Committee Chairman reviewed the Finance Committee minutes.
1. Insurance costs have risen from last year to the current year. The Finance Committee is working hard with the Safety Committee to lower the insurance cost for the next year.
 2. Mr. Rager stated that tax revenue is down but it is anticipated that it will pick up. Expenses are also down. The first quarter results overall were promising.
 3. The matter of refuse bags versus tags was discussed again. For years the Borough used bags before switching to tags. To compare costs, Ms. Walter looked back at invoices for the last year that the Borough used bags. In January 2007 the cost of bags were \$22,500, in May the cost was \$22,500, and in December the cost was \$21,949. Bags are quite expensive when compared to the cost of tags. There were two (2) bids, and the lower quote was \$3,432 for 20,000 tags. Those tags should be enough for the rest of this year. It is the recommendation of the Finance Committee that the Borough accept the quote from QPS Print Company 200,000 tags. The Finance Committee also reviewed the revenues for the bags without tags that was put into place around two (2) months prior. So far the refuse department has tagged 222 bags and the amount received has been \$381.84

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On a motion by Mr. Felmler and seconded by Mr. Wilson, Council by unanimous vote approved accepting the quote from QPS Print Company for 200,000 tags.

4. Purchasing of a police vehicle was discussed. A number of used vehicles were purchased when the department was created in 2011. One of the vehicles in question is Unit 2, which is a 2005 Ford Interceptor that was purchased from the city of Dubois in October 2010. The vehicle cost around \$1,500 used when it was purchased in 2010. A suitable replacement has been found. The possible replacement vehicle is a 2005 with 60,000 miles and was originally used by Columbia Police Department. The asking price of the vehicle is \$4,800. The Finance Committee also recommends keeping the former vehicle as a parts car. The new vehicle does not need to be painted.

On a motion by Mr. Felmler and seconded by Mr. Rager, Council by unanimous vote approved purchasing the vehicle for \$4,800.

5. Regarding refunding of the rental license fees, the Finance Committee felt that the rentals that have been inspected and failed should not get refunds until they have been re-inspected and passed. Rentals that have passed inspection will get a refund for the Rental License Fees. The Finance Committee recommends spreading out the payment into thirds by May, June, and July.

On a motion by Mr. Felmler and seconded by Mr. Eddinger, Council by unanimous vote approved refunding the Rental License fees in thirds in May, June, and July.

6. Mr. Rager discussed the contract with Comcast versus Verizon for the Borough's telephone costs. After review from the Finance Committee, the Committee decided that the costs were similar. With Comcast the Borough does get cable into the building as opposed to Verizon. There is around \$100 difference between the two companies, and it would cost around \$100 to get cable with Verizon. The Finance Committee recommends continuing the contract with Comcast. Mr. Welham stated that the Borough has been able to renegotiate with Comcast for a savings of \$3,500 a year.

On a motion by Mr. Felmler and seconded by Mr. Rager, Council by unanimous vote approved renewing the contract with Comcast for internet and telephone services.

7. In 2012, there was a developer's agreement for the property of 219 West Fourth Street to establish a Subdivision Development Plan. Ms. Walter stated that she received a letter from Nittany Oil that requests the Borough send the bond pertaining to the project back as Nittany wishes to cancel the project.

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On a motion by Mr. Felmlee and seconded by Mr. Eddinger, Council by unanimous vote approved releasing the bond back to Nittany Oil.

8. Mr. Rager discussed the Arle Grant modifications for updating the traffic signal controllers at the intersections of Market/Wayne, Market/Brown, and Main/Third. The Finance Committee recommendation is to proceed with the various projects.

On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved to continue with the modifications to the Arle Grant regarding the traffic signal controllers.

9. Mr. Rager discussed the possibility of a video tour that would be included on the website. The video tour would be free of charge to the Borough.

On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved having a video tour put on to the website.

10. There is a yearly agreement with ESRI to update the GIS software, and the maintenance fee represents \$1,200.

On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved to renew the yearly agreement with ESRI to update the GIS software.

On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved to accept the check for the amount of \$696.39 for the principle of the lien for 212 North Grand Street.

11. There is a building at the WasteWater Treatment Plant that is not on the Borough's insurance policy. The additional cost to have this building added to the insurance policy is \$2,385. The Finance Committee recommends adding the building to the insurance policy.

On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved to add the building at the WasteWater Treatment Plant to the Borough's insurance policy for a cost of \$2,385.

C. Jim Felmlee, Personnel Committee Member

1. ***On a motion by Mr. Rager and seconded by Mr. Felmlee, Council by unanimous vote approved to ratify staff's action on hiring of Brett Leister as the pool manager, and hiring of 2 summer help maintenance workers at rate of \$8.50.***

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2. ***On a motion by Mr. Rager and seconded by Mr. Felmlee, Council by 4-1 (Mr. Eddinger) vote approved to accept the resignation of Chief Herkert.***

3. Choosing an Acting Chief was moved to executive session.

4. ***On a motion by Mr. Rager and seconded by Mr. Felmlee, Council by unanimous vote approved to advertise for the Chief of Police position pending approval of the advertisement.***

On a motion by Mr. Felmlee and seconded by Mr. Eddinger, Council by unanimous vote approved have a Special Personnel Committee Meeting on Thursday, May 12, 2016.

5. ***On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved to advertise for the Streets Department position of Mason.***

6. ***Roll call for Resolution 2016-26 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>Bill Wilson</i>	<i>Yea</i>

On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved the adoption of Resolution 2016-26, Reallocation of the 2014 CDBG.

Roll call for Resolution 2016-27 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>Bill Wilson</i>	<i>Yea</i>

On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved the adoption of Resolution 2016-27, Reallocation of the 2012 CBDG.

Roll call for Resolution 2016-28 was as follows:

<i>Larry Searer</i>	<i>Yea</i>
<i>James Felmlee</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>

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Russell Rager *Yea*
Bill Wilson *Yea*

On a motion by Mr. Felmler and seconded by Mr. Rager, Council by unanimous vote approved the adoption of Resolution 2016-28, Reallocation of the 2013 CBDG.

Mr. Purcel questioned the empty seat at Council and was wondering how long it was going to be kept vacant or if a position was open. The Council explained that Mr. Moore was absent due to other commitments, and explained that the position was not vacant.

Council went into an executive session at 6:48 p.m. to discuss Tax Collection Committee issues and Personnel issues.

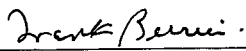
Council came out of executive session at 7:40 p.m.

On a motion by Mr. Felmler and seconded by Mr. Rager, Council by unanimous vote approved appointing Travis Sheaffer with the position of Sergeant, as Acting Chief of Police.

On a motion by Mr. Rager and seconded by Mr. Felmler, Council by unanimous vote approved the employee from WWTP to not accrue vacation time while he is using vacation time to offset his Worker's Compensation.

On a motion by Mr. Felmler and seconded by Mr. Rager, Council by unanimous vote acknowledged receipt of the letter from Knepp & Snook, and to have Knepp & Snook continue to represent the Borough.

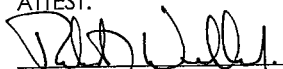
On a motion by Mr. Felmler and seconded by Mr. Rager, Council unanimously voted to adjourn at 7:44 p.m.



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:



(Asst) Borough Secretary