COUNCIL MEETING

April 12th, 2021 AT 5:30 P.M.

LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

The Council meeting opened at 5:30 p.m. with Borough Council President Venus Shade presiding.

The Pledge of Allegiance was recited by all present.

**ROLL CALL**

Ms. Shade (President), Mr. Campbell (Vice-President), Cassandra Goss (Councilperson) *arrived at 6:05pm*, Larry Searer (Councilperson)*,* Mr. Terry (Councilperson), and Mr. B Wilson (Councilperson) were present. Mr. A Wilson was absent.

**HEARING OF PERSONS PRESENT**

Mr. Reik states that based upon the recent Lewistown Borough Council meetings and MABL meetings, it appears to him that both boards are confused about what is going to happen. From an outsider’s perspective it seems that the originally planned MoU was the cleanest direction forward. As the commissioners have come out and publicly asked for a meeting, is it not about time to have this discussion. Ms. Shade responds that the discussion is in progress.

**\*\*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.

1. \*\*Approval of Minutes: Council Meeting-March 8, 2021
2. \*\*Approval of Treasurer’s Report
3. \*\*Approval of Schedule of Bills
4. \*\*Facility Use Request:
5. Mifflin County Jr. Bath Ruth (Insurances received)
6. Mifflin County Pony League (Insurances received)
7. Mifflin County Tomahawks (Insurance received)
8. Acknowledge receipt of Fame Meeting Minutes & Stats
9. Acknowledge receipt of Codes Enforcement Office Monthly Report
10. Acknowledge receipt of Tax Collector’s Report
11. Acknowledge receipt of two Commissioners Letters
12. Acknowledge receipt of Mifflin County Planning & Development Letter
13. Acknowledge receipt of Mifflin County Conservation District Letter

Regarding bullet D of the consent agenda, Mr. Campbell inquires as to whether there will be conflicts in utilizing the athletic fields. Ms. Shade states that there are not foreseeable conflicts. An additional facility use application was received for Empire Kosher hosting a job fair, as the insurance has not been received, any approval on this topic will be contingent upon receival of insurance.

***On a motion by Larry Searer and seconded by Mr. Terry, council unanimously agrees to approve the consent agenda.***

**Regular Agenda**

**BOROUGH MANAGER**

Mr. Zimmerman states that there are 33 ramps to be installed, of these 33 ramps, 25 are necessary as 8 reside in alleyways.

***On a motion by Mr. Campbell and seconded by Mr. Terry, Council unanimously agrees to approve proceeding with the South Side ADA Ramp Improvement Project.***

Mr. Zimmerman begins discussion regarding the purchase of the Asphalt Recycler and Hot Box Trailer. These trucks are going to be used for cold-patch repair. Three bids were received with the lowest bid being $21,540. This purchase was in the budget and needed to be bid out before proceeding.

***On a motion by Larry Searer and seconded by Mr. Campbell, Council unanimously agrees to approve the purchase of the Asphalt Recycler & Hot Box Trailer.***

**FIRE CHIEF**

The fire department ran 37 alarms during the month of March: six small building fires, six brush fires, 13 medical assists, 3 motor vehicle accidents with injuries, 1 motor vehicle accident without injuries, 2 natural gas calls, 2 police assists, 2 automatic alarm activations, 1 gas spill, and one lockout. There are water rescue and vehicle rescue classes scheduled with future classes to come in the fall.

**MAYOR BARGO**

Mayor Bargo presents her marriage report for the first quarter of 2021.

**POLICE CHIEF**

Chief Clemens states that in the month of March there were 525 calls for service: 44 traffic citations, 22 non-traffic citations, 22 written warnings, 256 parking tickets, and 100 street sweeper tickets. There was a previously discussed county-wide grant providing body cameras to the local police departments. We are still unsure what our portion of the grant will amount to. The grant will be given in May allowing the program to start. Mr. Campbell inquired as to whether these body cameras would require an IT upgrade. Chief Clemens states that the storage of the body cameras can be integrated with the current police server.

Chief Clemens brings General Order 2.1 to the attention of Council. This resolution pertains to standards of practices and disciplinary practices, this document is required for the accreditation of the Police Department. Mr. Zimmerman asks for clarification on what differs between the updated and old documentation. Chief Clemens states that a main change is the insertion of a clause regarding a duty to intervene.

***On a motion by Larry Searer and seconded by Mr. Terry, Council unanimously agrees to approve the adoption of General Order No. 2.1 Resolution.***

**RECREATION BOARD**

Ms. Shade states that Rec Board requests the approval to advertise Rec Park Pool positions for 2021. Mr. Campbell inquires as to whether we have reached out to those previously employed. Ms. Miller states that a few lifeguards have reached out with one application received, she believes that returning employees are waiting for the position to officially open.

***On a motion by Mr. Campbell and seconded by Mr. Terry, Council unanimously agrees to approve advertisement of Rec Park positions.***

**BOROUGH SOLICITOR**

Mr. Remy presents a resolution relating to the law involving warrantless arrests for specific summary offenses. These offenses are disorderly conduct, public drunkenness, obstructing highways, and crimes related to the purchase of liquor and malt beverages. Mr. Campbell inquires as to why the Borough is not covered by Title 42 Chapter 89 of the state legislature relating to the matter. Mr. Remy states that the rights of this section are permitted only after the governmental body employing the police officer instate guidelines relating to the section.

Mr. Terry asks for clarification regarding the scope of the change of procedure that this would bring. Mr. Clemens states that as the jail is considered to be a processing center, the allowance of these warrantless arrests for summary offences would not necessarily change the way in which these cases are handled. These guidelines are simply to clarify the procedures. Chief Clemens clarifies that the rules for criminal procedure must still be followed as well as justifiable probable cause. Mr. Remy agrees that the guidelines would not expand or contract the definition or need for probable cause. Mr. Terry seeks additional information from Mr. Remy regarding the scope of the resolution. Mr. Zimmerman suggests visiting the topic at a later Law & Ordinance meeting. Mr. Campbell mentions that Mr. Terry is not on Law & Ordinance, so this does not assist him directly.

***On a motion by Larry Searer and seconded by Mr. B Wilson, Council agreed to adopt the proposed Guidelines for Warrantless Summary Arrests 3-1. Mr. Campbell dissented; Mr. Terry abstained.***

Mr. Remy states that as the Federal and State taxes have had their deadlines extended until May 17th, the EIT Tax Collector wanted the tax collection committee to extend the EIT deadline until May 17th as well.

**STREETS**

Ms. Shade states that there is a request for a handicapped parking space at 216 E 4th Street as the resident has had knee replacement surgery and is struggling to enter and exit their home. Mr. Zimmerman states that he verified that there is an old handicap space available that would simply need to be repainted and have signage re-erected.

***On a motion by Mr. Campbell and seconded by Mr. Terry, Council unanimously agreed to approve the handicapped parking space at 216 E 4th Street.***

**UNFINISHED AND NEW BUSINESS**

Mr. Zimmerman states that there are three properties in the repository that were up for bid. The bids have been received, the county has no issues and requests are approval for the purchases. Mr. Campbell inquires whether the taxes are settled on the Borough’s side as well. Mr. Zimmerman confirms this and states that in the future the County will also provide the name of the purchaser so that the Borough can do proper due diligence.

***On a motion by Larry Searer and seconded by Mr. Campbell, Council unanimously agreed to approve the bids for 132-134 Valley Street, 14 W 4th Street, and 130 Valley Street.***

Mr. Zimmerman states that there was a finance meeting in order to discuss how to proceed with the vacation overage. The conclusion by the committee is to payout excess vacation as of recorded December 31, 2020 a total expense of $26,333.99. This ensures that each member no longer has vacation in excess of 240 hours.

***On a motion by Mr. Terry and seconded by Larry Searer, Council agrees to approve the payout of 2021 Vacation Overage. Mr. Campbell dissented.***

Larry Searer wished to reiterate that as the water authority situation appears to escalate, he is opposed to Borough Employees attending MABL meetings while working.

***Council entered executive session at 6:07 pm to discuss Police matters.***

***Council exited executive session at 6:38 pm.***

***On a motion by Mr. Campbell and seconded by Mr. Terry, Council agrees to move forward with the Chief’s proposed disciplinary plan for the discussed officer. Larry Searer dissented.***

***On a motion by Mr. Terry and seconded by Mr. Campbell, Council unanimously agrees to approve the hiring of a part-time officer.***

***On a motion by Mr. Campbell and seconded by Mr. Terry, Council unanimously agrees to approve the beginning of a salary share with the Parking Authority regarding the newly hired intern.***

***On a motion by Larry Searer and seconded by Mr. Terry, Council adjourned at 6:39 pm.***

(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

(Asst.) Borough Secretary