

REGULAR COUNCIL MEETING MINUTES
January 9, 2017 AT 5:00 P.M.
LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

The regular meeting commenced following the special council meeting at 5:03pm.

REGULAR MEETING

HEARING OF PERSONS PRESENT

Erin Anewalt, Lewistown Borough Tax Collector asked to speak since she was denied the opportunity to speak at the Finance Committee meeting on Thursday. Her comments were directed at the proposed decrease of the salary for the tax collector effective January 2018. Ms. Anewalt expressed concern that the actual rate has not been reviewed in more than twenty years and that it should be increased to more closely represent what Nancy Held made at her retirement. Ms. Anewalt gave out a handout that included the figures of a chart that was previously presented by Frank Berrier, a re-calculation of those figures prepared by Ms. Anewalt, a chart of compensation of several other Mifflin Co. tax collectors, and a chart with the salaries and wages of Borough employees. She felt that Mr. Berriers' figures did not include out of pocket expenses and the hours were figured low. Ms. Anewalt went over other various aspects of the handout and the effects it would have on the newly elected tax collector. She showed how the Lewistown Borough Tax Collector fared in comparison to other tax collectors in the area. Ms. Anewalt also pointed out that whatever decision the council made it would be locked in for the new tax collector from 2018 until 2022. Ms. Anewalt noted that the certification fees she is collecting are not a guarantee and they can change dramatically during the course of four years. Ms. Anewalt pointed out that the other collectors in the area collect the fees and it is not considered compensation in any of those municipalities. She mentioned that only 25% of these fees are exclusive to Lewistown Borough. Ms. Anewalt reminded everyone that these fees are to help offset out of pocket expenses that the tax collector incurs. Ms. Anewalt stated that she was told that this was not personal against her; however, then why was her dress code brought up. Finally, Ms. Anewalt hoped that everyone would vote to keep the collector's rate the same.

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 – December 29, 2016
 - 2. Finance Committee Minutes-January 5, 2017
- B. Acceptance & Approval of the Treasurer's Report
- C. Acceptance of Tax Collector's Report
- D. Approval of Schedule of Bills:

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1. General Borough, Specialty Tax, Refuse, Wastewater Collection, Wastewater Treatment Plant, State Liquid Fuels
2. CVS Escrow Account
- E. Acknowledge Receipt of Parking Lot Collections for Various Lots
- F. Acknowledge Receipt of Parking Authority Minutes from November, 2016
- G. Acknowledge Receipt of Frank Dingianni's Subdivision Land Development Review from MC Planning Department
- H. Acknowledge Receipt of Parking Ticket Collections for Sweeper and Meter Tickets
- I. Acknowledge Receipt of Municipal Authority Minutes from November, 2016
- J. Acknowledge Receipt of K-9 Unit Information
- K. Acknowledge Receipt of Fame EMS Minutes from December & Fame Response Statistics from November
- L. Acknowledge Receipt of Information relative to the Emergency Dig for Wastewater on 15 Felmlee Lane
- M. Acknowledge Receipt of Letter to Zeke Phillips
- N. Acknowledge Receipt of Updated Organizational Chart
- O. Acknowledge Receipt of List of United Fire and Rescue Officers for 2017
- P. Acknowledge Receipt of Miffco Reports
- Q. Acknowledge Receipt of United Fire Company Active Member List & United Fire Company Expenses for 2016
- R. Acknowledge Receipt of Thank you letter from Red Cross.

Mr. Felmlee had some questions on the schedule of bills and was wondering about the recertification for Mr. Plank. Mr. Welham said that Brown Township paid the whole amount, and then Lewistown Borough gave Brown Township one third of the rate and that the Borough paid for Tim's wages for the day. Mr. Felmlee also had some questions on petty cash.

On a motion by Mr. Rager and seconded by Mr. Moore, Council by unanimous vote approved the Consent Agenda.

REGULAR AGENDA

REPORTS

A. Borough Treasurer

1. Ms. Walter reported that the Borough had received a list of Per Capita Tax Exonerations, and she asked if the council was in acceptance of them.

On a motion by Mr. Searer and seconded by Mr. Rager, Council by unanimous vote approved the list of exonerations.

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Mr. Berrier asked Mr. Remy to review what constitutes grounds for exoneration. Mr. Remy stated that he had looked into the issue, and that the Borough's ordinances didn't cover anything specific for exoneration. He stated that he would investigate it further and present at the Law & Ordinance meeting.

2. Ms. Walter reported that the following transfers into the Capital accounts occurred at the end of fiscal 2016; \$40,000 was transferred from General Borough Budget to General Borough Capital Reserve, \$50,000 from Refuse to Refuse Capital Reserve, \$30,000 from Wastewater Collection to Wastewater Collection Capital Reserve, and \$8,000 from Wastewater Treatment to Wastewater Capital Reserve for 2016 transfers.

B. Codes Enforcement Officer

Mr. Fink was ill so there was no report.

C. Fire Chief

1. Chief Barlett reported that for the month of December the fire department had 21 alarms and that there were no fires with any significant damage.
2. Chief Barlett stated that they did have a unique situation of a body recovery from Kish Creek necessitated the use of two water rescue teams. He also mentioned that they tried to be as compassionate as possible since there were a lot of bystanders on the banks.
3. Chief Barlett stated that City's fire truck was requested in Mifflin last weekend to help remove a 500 pound person from a second floor building. They had to use ropes and ladders to get the job done.
4. Chief Barlett reported that the three Lewistown Fire Houses assisted Granville Township in a major structure fire in Strodes Mills.
5. Chief Barlett stated that this morning, January 16th, two pieces of equipment from City Fire House assisted at the Woodland Ave Fire.
6. Chief Barlett mentioned that Brooklyn was called to the Industrial Park for a woodpile fire that lasted a couple of hours.
7. Mr. Barlett pointed out that for the year of 2016 the Borough didn't lose any structures, and he attributed this to the fireman's quick response, aggressiveness, and training. Mr. Barlett wanted to thank Lewistown Fire Departments for a job well done.

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8. Mr. Barlett mentioned that they were called to Kish Apartments at 12:15PM for smoke in an apartment and a woman on the floor that couldn't get up, which to the Chief is fire entrapment. When they responded, the master key to the apartments was missing and there was no one in the lobby to assist. They had to make a forced entry to open the door, they tried to be as cautious as possible but there was still some damage. He was supposed to meet with the manager from Kish Apartments today but he had a fire call and had to reschedule.

D. Mayor

1. Mayor Bargo gave her yearly report on Marriage Ceremony Fees and stated that she will be paying taxes on it since the amount was over the threshold.

E. Police Chief

1. Chief Lusk thanked the Fire Departments for helping with the body removal and stated that there is an ongoing investigation into it.
2. Chief Lusk thanked Tim Plank and The Streets guys for a good job with the roads during the nasty weather.
3. Chief Lusk stated that in the month of December, the Lewistown Police Department responded to 216 calls for service. They issued 55 traffic violations, 6 non-traffic tickets, and 5 parking tickets which generated \$9,022 in revenue from police services.
4. Chief Lusk reported that the Police Department was busy with untimely deaths. They had the body that was pulled out of Kish Creek, and then the body on Shaw Avenue that was drug related. Chief Lusk stated that they have a lot of man hours in the death cases in order to figure out what happened up until the time of death.
5. Chief Lusk stated they have been busy with the car breaks. He also mentioned that a small reward is being offered to possibly generate help from the public.

F. Board of Recreation

1. Mr. Berrier asked if there were any questions for Ms. Barr. Mr. Searer asked about the life guards. It was mentioned that it would be put on the EG channel to save on advertising fees along with texting all the previous guards to help fill the positions. Mr. Welham stated that a couple of life guards have come to the office for applications.
2. Mr. Berrier reported that the council had two requests for use of alcohol at the Community Center.

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On a motion by Mr. Moore and seconded by Mr. Rager, Council by 6-1 vote (Mr. Searer) approved Jodi Benning use of alcohol on Sept 16, 2017, at the Community Center contingent upon receiving an Updated Certificate of Liability.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by 6-1 vote (Mr. Searer) approved Sandra Kyper use of alcohol on April 29, 2017, at the Community Center contingent upon receiving an Updated Certificate of Liability.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved advertising for life guards as long as it was no cost to the Borough.

G. Borough Solicitor

1. Mr. Remy mentioned that the adoption of Ordinance No. 2016 amending all allowable ordinances to reflect the cost and fee schedule on any amounts to be changed would be discussed at the upcoming Law and Ordinance Meeting.
2. Mr. Remy stated that the Roll Off ordinance up for adoption was to allow the Borough refuse to be collected by persons performing services by contract for the Borough. He stated this allows the Borough to hire outside services.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by 5-2 (Mr. Searer and Mr. Wilson) vote approved the collection of trash from outside Borough collectors.

Roll call was as follows:

<i>Larry Searer</i>	<i>Nay</i>
<i>Bill Wilson</i>	<i>Nay</i>
<i>Matt Moore</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>Jim Felmlee</i>	<i>Yea</i>
<i>Frank Berrier</i>	<i>Yea</i>

3. Mr. Remy stated that he was looking for approval to execute a contract with S&S Trash Service. He stated that S&S will be the service provider that drops off the dumpster, picks it up, and dumps it. It was also discussed that the Borough would continue to do the billing. Mr. Remy let everyone know that this was just for the roll off service.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved the execution of a contract with S&S Trash Service.

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4. Mr. Remy stated that he was seeking permission to advertise the ordinance for the Tax Collector Compensation for the years 2018-2020. Mr. Remy reported that it needs to be adopted by the next meeting because by law, this rate needs to be in place by February 14th the year before the term begins.

On a motion by Mr. Rager and seconded by Mr. Eddinger, Council by a 4-3 vote (Mr. Searer, Mr. Wilson, Mr. Felmlee) approved advertising the ordinance for Tax Collector Compensation for the years 2018-2020.

Roll call was as follows:

<i>Larry Searer</i>	<i>Nay</i>
<i>Bill Wilson</i>	<i>Nay</i>
<i>Matt Moore</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>Jim Felmlee</i>	<i>Nay</i>
<i>Frank Berrier</i>	<i>Yea</i>

H. Borough Manager/Secretary

1. Mr. Welham reported that at the Rec Board Meeting last week they discussed the concession stand. The Rec Board would like a potential candidate to lease out the concession stand and they were asking councils permission to advertise for bids to lease the concession stand for the 2017 summer.

Mr. Berrier noted at this time that there were still many details to be worked out on leasing the concession stand, including but not limited to the percent portion of profit that the Borough would receive. This would need to be decided at the next Finance Meeting. The motion is to advertise once the details are determined.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by 6-1 (Mr. Searer) vote approved the advertising to lease out the concession stand at Rec Park after the details are worked out.

3. Mr. Welham presented his annual report (there is a copy online). It has information listing the accomplishments for the year, an overview of the areas of savings for the year, and a list of highlights from the supervisors. He mentioned there were a lot of positive accomplishments this year and lots of hard work that provided the lists of saving that amounted to \$436,000 for the Borough. Mr. Welham also recapped what Ms. Walter had pointed out with \$128,000 being moved into capital accounts this year.

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3. Mr. Welham stated that everyone around the council table had received a United Way pledge card since they are all employees of the Borough. Everyone was invited to participate.
4. Mr. Welham invited everyone on Council and the general public to participation in a PSAB Webinar on the duties and responsibilities of Council. This is a free webinar at council chambers this coming Wednesday and Thursday, January 11 and 12 from 5:30PM - 6:30PM.
5. Mr. Welham detailed how he had found the Municipal building blueprints down in the basement (dated Sept 1935). He stated that these documents were part of the Borough history and should be in a visible place for all to enjoy. The blue prints were framed and hung for display in the corridor outside of the Council Chambers. Mr. Welham invited everyone to take the time to view the building blueprints.

UNFINISHED BUSINESS

1. Mr. Berrier stated that the first item of business was the approval of Ecommerce agreement and authorization for Council President to execute the appropriate documents. Mr. Berrier asked Ms. Walter to explain the program.

Ms. Walter detailed how the hand held ticket device has a software program called United Public Safety. United Public Safety is changing the fee schedule because of the costs they have incurred for online and credit card payments. It increases the fees from \$1.00 plus 3.9% of the parking ticket price to \$2.50 or 4% of the parking ticket price (whichever is greater) effective January 9, 2017. Right now, after the customer pays, it gets uploaded to the system and then the police issue citations to the people who haven't paid. Mr. Welham pointed out that no one was happy with this planned fee increase, but it did offer the customer an option to pay for tickets and permits if they are unable to come into the office. He also pointed out that it didn't apply to anyone that came in to the office to pay with cash or with checks.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved the execution of the documents for Ecommerce agreement.

2. Mr. Berrier opened the floor for discussion on the cost and fee schedule which had been agreed to from the previous meeting. There was no response. After a long silence, Mr. Moore then asked about the \$.25 charge for emails. Mr. Welham stated that Ms. Walter had reviewed the Right to Know procedure and verified that it was acceptable to charge \$.25 per page for any electronic or paper correspondence.
3. Mr. Berrier mentioned that the Borough had received the resignation of Kristen Price from the Planning Commission. He accepted the letter with regret and thanked her for serving.

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On a motion by Mr. Felmlee and seconded by Mr. Moore, Council by unanimous vote approved the resignation of Kristen Price from the Planning Commission.

4. Mr. Berrier stated that there was interest from Stefan Russell to be appointed to the Planning Commission.

On a motion by Mr. Moore and seconded by Mr. Searer, Council by unanimous vote approved the appointment of Stefan Russell to the Planning Commission for a term that would expire January 13, 2020 by Resolution.

Roll call was as follows:

<i>Larry Searer</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>
<i>Matt Moore</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>Jim Felmlee</i>	<i>Yea</i>
<i>Frank Berrier</i>	<i>Yea</i>

5. Mr. Berrier stated that Matt Webb's three year term on the Rec Board had expired. Mr. Webb has agreed to serve another three year term.

On a motion by Mr. Moore and seconded by Mr. Searer, Council by unanimous vote approved the re -appointment of Matt Webb to the Rec Board by Resolution.

Roll call was as follows:

<i>Larry Searer</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>
<i>Matt Moore</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>Jim Felmlee</i>	<i>Yea</i>
<i>Frank Berrier</i>	<i>Yea</i>

6. Mr. Berrier stated that Mark Stoicheff has agreed to serve a three year term on the Rec Board.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved the appointment of Mark Stoicheff to the Rec Board by Resolution.

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Roll call was as follows:

<i>Larry Searer</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>
<i>Matt Moore</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>Jim Felmlee</i>	<i>Yea</i>
<i>Frank Berrier</i>	<i>Yea</i>

7. Mr. Welham announced that there was a need to fill more open positions on various Borough Boards. There are two open positions on the Planning Commission, one on the Board of Building Appeals. Mr. Welham asked if anyone knew of anyone interested in these openings to please let Borough council know. Mr. Remy pointed out that the Planning Commission couldn't meet in January because it was short members and that committees need at least three people to show up to conduct business.
8. Mr. Berrier asked Council Members to review any committees they are on and to let him know if they want to make any changes.
9. Mr. Berrier announced that they needed to appoint someone to the Municipal Authority Board. Mr. Berrier indicated that he would now step down from the chairman's seat and ask Mr. Searer as the Vice President to proceed over the meeting.

Mr. Berrier made a motion to reconsider (since he had voted no at a previous meeting and thus was eligible) re- appointing Barry Bargo to the Municipal Authority Board.

Mr. Searer at this point had some issues with the motion and didn't want to acknowledge the motion. Mr. Searer questioned the choice of the candidate since they had another qualified candidate due to advertising for the position. Mr. Remy injected that anyone can be nominated. Mr. Felmlee stated that he felt it was a conflict of interest to have the Mayor break the tie since it was Mayor Bargo's husband that had served on the board. Mr. Felmlee expressed concern about why there was discussion on the Municipal Authority appointment at the Finance Committee Meeting. Mr. Eddinger then questioned why Mr. Felmlee was not at the Finance meeting. Mr. Felmlee said that it would be a violation of the Sunshine Act if he were there since Council President Berrier was in attendance as well. Mr. Felmlee felt this constituted a quorum of Council. Mr. Searer wanted to consider the second applicant at this point.

Mr. Berrier than remade his motion to reconsider the re-appointing of Barry Bargo to the Municipal Authority Board.

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The motion was seconded by Mr. Rager.

Some more discussion ensued, Mr. Berrier stepped back into the chair, thanked Mr. Searer, and then Ms. Walter had a roll call vote.

Council on a 4-3 (Mr. Searer, Mr. Wilson, Mr. Felmlee) vote, appointed Barry Bargo to the Municipal Authority Board.

Roll call was as follows:

<i>Larry Searer</i>	<i>Nay</i>
<i>Bill Wilson</i>	<i>Nay</i>
<i>Matt Moore</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>Jim Felmlee</i>	<i>Nay</i>
<i>Frank Berrier</i>	<i>Yea</i>

NEW BUSINESS

- A. Ms. Walter asked for authorization for staff to submit a new Salt Contract Participation Agreement with Costars.

On a motion by Mr. Rager and seconded by Mr. Moore, Council by unanimous vote approved the authorization for staff to submit a new Salt Contract Participation Agreement with Costars.

- B. Mr. Berrier asked about summer help for the street department. Mr. Moore asked if we need them. Mr. Welham mentioned that with employee vacations and added various projects in the summer that this additional help was really needed.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by 4-3 (Mr. Searer, Mr. Wilson, Mr. Felmlee) voted to advertise for summer help with Streets Department.

Roll call was as follows:

<i>Larry Searer</i>	<i>Nay</i>
<i>Bill Wilson</i>	<i>Nay</i>
<i>Matt Moore</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>Jim Felmlee</i>	<i>Nay</i>
<i>Frank Berrier</i>	<i>Yea</i>

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- C. Mr. Berrier reported that permission was being sought to advertise a special meeting in regards to the Wastewater Treatment Intermunicipal Committee to review the EDU count. Derry Township has asked the Borough of Lewistown to review their EDU count. The Borough met with them on January 5 and included this as part of their regular quarterly meeting. There may be a need to meet again before their regular quarterly meeting so a special meeting may be needed. Mr. Berrier was asking for permission to advertise if they would happen to need the meeting.

On a motion by Mr. Rager and seconded by Mr. Moore, Council by 6-1 (Mr. Felmlee) vote to advertise if there is a need to have a special meeting outside of the regular scheduled quarterly meeting.

Russ Rager, Finance Chairman

1. Mr. Rager stated they met with the Housing Authority to renew the Police Service Contract at the new rate of \$33,507.57 which represents a 3% raise over the previous contract.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by a unanimous vote approved the new contract for Police Services at the Housing Authority.

Larry Searer, Personnel Chairman

1. Mr. Searer stated that he had nothing to report.

Larry Searer, Streets Chairman

1. Mr. Searer stated that at the Social Security Building they have a yellow line painted on the curb out front where they drop off people. This yellow line needs to be extended to the sign they says "Drop Off Only".

On a motion by Mr. Searer and seconded by Mr. Felmlee, Council by unanimous vote approved extending the yellow line on the curb in front of the Social Security Office.

Council went into an executive session at 6:13 P.M. to discuss Police Personnel and a Grievance.

Council came out of executive session at 6:58 P.M.

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Items of Business

1. Mr. Searer had some questions about the use of our bucket truck and some discussion ensued about municipalities bartering with different pieces of equipment, and how it worked.

On a motion by Mr. Searer and seconded by Mr. Moore, Council unanimously voted to adjourn at 7:03 P.M.



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST: 

(Asst) Borough Secretary