

REGULAR COUNCIL MEETING
OCTOBER 14, 2019 AT 5:30 PM
LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

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

ROLL CALL

Mr. Berrier, Mr. Campbell, Larry Searer, Mr. Sievers, Mr. Wilson, Ms. Shade, and Mayor Bargo were present. Mr. Felmlee was absent.

HEARING OF PERSONS PRESENT

Scott Noerr of Norlin Warehousing presented Council with a letter from Wright Land Surveying, Inc indicating there were no survey issues with the property located on South Juniata Street. He is looking for Council's approval to sell the property that was appraised for \$1,300.

On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by unanimous vote approved to sell the property on South Juniata Street to Norlin Warehousing by Resolution.

Roll Call

Frank Berrier	Yea
Dave Campbell	Yea
Larry Searer	Yea
Mark Sievers	Yea
Bill Wilson	Yea
Venus Shade	Yea

Lucas Parkes of EADS Group updated Council on the Kish Street project. He received the first application for payment last month and is seeking Council's approval to pay that in the amount of \$97,353.72.

On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by unanimous vote approved the payment of the first application in the amount of \$97,353.72.

Mr. Parkes is also seeking Council's approval for additional change orders for the Kish Street project. The first one was for 88 tons of additional stone that was needed for \$3,998.70 and the second change order was 520 tons of additional base pavement for \$50,700.

On a motion by Mr. Berrier and seconded by Mr. Campbell, Council by unanimous vote approved change orders for stone in the amount of \$3,998.70 and additional base pavement in the amount of \$50,700 for the Kish Street project.

Regarding the parking study, Mr. Parkes indicated a steering committee was formed and he was able to meet with them a few weeks ago. They were able to compose a list of concerns. Since then, they completed a parking inventory and know where all the current meters are and what they are programmed for. They also have the old ordinances and original maps with the approved layout and see how they vary from where the meters are today and see where things need to change. A parking survey was also prepared that will be sent to all the business owners and residents in the area of the study so they can get feedback from them. Focus group meetings will be scheduled in the near future.

Chief Clemens and Mayor Bargo wanted to recognize Steven Knudson on his retirement from the Police Department for all the service he has given over the years. Mayor Bargo presented Steven Knudson with a proclamation, commending him for his 44 years of dedicated service to the community.

REGULAR MEETING

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. Council Meeting-September 9, 2019
 - 2. Streets Meeting-September 12, 2019 & October 10, 2019
 - 3. Law & Ordinance Meeting-September 19, 2019
 - 4. Finance Meeting-September 26, 2019
- B. ****Approval of Treasurer's Report**
- C. ****Approval of Schedule of Bills**
 - 1. General Borough/Specialty/Refuse/Wastewater Coll & Treatment/State Liquid Fuels
- D. **Acknowledge Receipt of Tax Collector's Report & Commissions**
- E. ****Facility Use Forms Approval:**
 - 1. Approval of Chillin 4k Race by Juniata Valley Striders on 12/6/19 from 6:00 to 7:00 pm
 - 2. Approval of Kiwanis Christmas Parade on 12/7/19 contingent upon receiving an updated Certificate of Liability Insurance
 - 3. Approval of G&R Charles Excavating Ltd on 10/14/19 to 10/26/19 to close S Brown St at intersection of W Water St
- F. **Acknowledge receipt of Fame Meeting Minutes Sept & Fame Response Stats for Aug**

- G. Acknowledge receipt of DLI Minutes and Other Information
- H. Acknowledge receipt of Confirmation of Shredding Documents Certification
- I. Acknowledge receipt of Wastewater Final Reports for Proficiency Testing
- J. Acknowledge receipt of MC Board of Assessment Appeals schedule
- K. Acknowledge receipt of Judicial Sale Info from Tax Claim Bureau
- L. Acknowledge receipt of Codes Enforcement Office Monthly Report

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

REGULAR AGENDA

REPORTS

A. Treasurer/Borough Manager/Secretary

Ms. Walter received an estimated allocation for the State Liquid Fuels in the amount of \$222,942.89 from PennDOT.

Ms. Walter was in contact with Kim Houser, attorney for the fire companies, and he plans to be here on Monday, November 4, 2019 at 6:00 pm. This is a regular scheduled fire committee meeting, so we won't have to re-advertise. Council is encouraged to attend.

At the last Council meeting, Council approved a Facility Use Request from MGM Mechanical; however, they are now requesting to close North Main Street instead of West Berks Alley because the cranes they are using are too large to place in the alley on October 15.

On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by unanimous vote approved the Facility Use modification for MGM Mechanical.

Ms. Walter received two quotes for a new postage meter. Mr. Sievers recommended reaching out to a company called FP. FP deals with the government and the rental cost is \$26.06 monthly for 60 months. Another quote was received from Pitney Bowes at \$180.00 quarterly. The Borough currently pays \$208.50 quarterly and will be saving \$521.28 annually.

On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by unanimous vote approved the new postage meter for a rental fee of \$26.06 monthly for 60 months.

Ms. Walter is seeking Council's approval to modify the 2018 CDBG funds as discussed at the last Council meeting. The funds will be used to pave South Wayne Street, the 500 and 600 blocks of South Grand Street and the ADA ramps. The reallocation is \$110,675.

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved the reallocation of the 2018 CDBG funds by Resolution.

Ms. Walter is also seeking Council's approval to use 2019 CDBG funds for paving Wilson Avenue, Susquehanna Avenue and the ADA ramps in the amount of \$113,847 for paving and \$20,090 for planning and administration costs, totaling \$133,937.

On a motion by Mr. Campbell and seconded by Mr. Berrier, Council by unanimous vote approved the 2019 CDBG funds in the amount of \$133,937 by Resolution.

B. Fire Chief

Chief Barlett reported 27 alarms plus medical assists for September: one trash fire, one building fire, 10 medical assists, 3 vehicle accidents with injuries, one motor vehicle/pedestrian accident, one gasoline or other flammable liquid spill, one gas leak, two carbon monoxide incidents, one smoke scare, one smoke from barbeque, one alarm system sounded due to malfunction, and 3 unintentional transmission of alarms.

October is Fire Prevention month and the fire department has nine fire safety programs scheduled in churches and daycare centers.

C. Mayor

Mayor Bargo contacted Burnham, McVeytown, Derry and Granville Townships and it was agreed to have Trick or Treat on October 31, 2019.

Mayor Bargo also received approval from PennDOT for the Veteran's Day Parade and everything is ready for that. It is scheduled for November 7 at 6:30. There will also be a ceremony held at the old historical courthouse.

Mayor Bargo received an email from the President of the Pennsylvania State's Mayor's Association. The Mayor of Lancaster has created a video about the radar technology waiting to be approved for municipal Police. He is hoping this video will help support the cause and get the Bill passed. Mayor Bargo is requesting to have the video placed on Lewistown Borough's website. Ms. Shade would like to view it first. Mr. Berrier suggested putting it on the EG Channel instead of our website. Mayor Bargo said she will contact Roger Herto about the EG Channel.

D. Police Chief

Chief Clemens reported the statistics for September. The Lewistown Police Department had 511 calls for service, 43 traffic citations, 26 non-traffic citations and 6 written warnings. There were also 82 tickets issued for street sweeping.

From prior discussion, Chief Clemens is looking for direction on what to do with the building they are leasing now. The lease is to expire next year. Mr. Sievers stated that a decision will be made prior to the lease expiring.

The new car has not arrived yet. Chief Clemens contacted Ford and they are waiting on a part. Initially, the discussion was to trade two vehicles in; however, Chief Clemens would like to keep Car 49. It's a 2005 with 88,000 miles on it and they only offered \$1250 in on the trade-in. It's fully equipped and running well. It would be nice to have in case there would be an issue with one of the other vehicles.

On a motion by Larry Searer and seconded by Mr. Berrier, Council by a 4-2 vote approved the Police Department to keep Car 49.

Roll Call

Frank Berrier	Yea
Dave Campbell	Nay
Larry Searer	Yea
Mark Sievers	Nay
Bill Wilson	Yea
Venus Shade	Yea

E. Recreation Board

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved the appointment of Cassandra Goss to the Rec Board by Resolution.

Granville Fire Company has an event scheduled at the Community Center on March 21, 2020 and is requesting alcohol to be served. Ms. Hendricks received their Certificate of Liability and other required paperwork. They would like to get approval tonight so they can proceed with getting their advertisement paperwork completed.

On a motion by Mr. Campbell and seconded by Ms. Shade (stepped down), Council by 5-1 vote (Searer) approved the Granville Fire Company's request of alcohol being served at their March 21, 2020 event, contingent upon receipt of all required documentation.

Building revenue for the Community Center was discussed at the Rec Board meeting. Two ideas discussed were an Artisan and Antiques event where a vendor could rent a 10'x10' space for \$30 and also having an event for local wineries and breweries to promote their business for catering. Food Truck Friday was also suggested to coordinate with First Friday events in downtown Lewistown.

F. Borough Solicitor

Mr. Remy advised Council that the LERTA Ordinance went to the Borough and County Planning Commissions. No input was received from the County Planning Commission, but the Borough Planning Commission did write a letter to Council with their recommendation. If Council wishes to move forward, Council needs to pick a time for a public hearing. Before we do that, Mr. Berrier would like the Finance Committee to review the tax implementation of this and what it would do to the real estate taxes. From what he can tell, it decreases our assessment with no upside and only a downside for however many years LERTA has no tax consequence. Mr. Sievers said he has looked at it, but we really need to determine the percentage and the years involved. It will be added to the agenda for the next Finance Committee meeting.

The Borough received a request from Sheetz for a transfer of a Liquor License into the Borough. He would like to do a hearing on that before the next Borough Council meeting. We have a 45-day period where we are supposed to hear this request and it will need to be advertised. The next Council meeting is scheduled for November 12, 2019 and he would like to do it at 5:00 pm before the meeting starts. Mr. Berrier wanted to know if the applicant would have to pay the fees. Mr. Remy didn't think so, but sometimes they do, and he will inquire with Sheetz to see if they will become involved with the cost of advertising and the fee of having a required stenographer present.

On a motion by Mr. Berrier and seconded by Mr. Campbell, Council by a 5-1 vote (Searer) approved the hearing with Sheetz to be scheduled on November 12, 2019 at 5:00 pm.

Mr. Remy is seeking Council's approval to repeal the Ticket Ordinance and go back to Notice and Orders. The Ticket Ordinance was created two years ago and really hasn't worked out to the benefit of the Borough. It is seen as too cumbersome and the process is too long and drawn out. The Notice and Order procedure would be to do a verbal notice, issue a Notice and Order, then issue a citation if not addressed, with a time frame of seven days between steps.

On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by unanimous vote agreed to advertise to repeal the Ticket Ordinance.

UNFINISHED AND NEW BUSINESS

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved Downtown Safe Trick or Treat Night on October 25, 2019 from 4:30 pm to 7:00 pm.

On a motion by Larry Searer and seconded by Mr. Sievers, Council by unanimous vote approved Trick or Treat Night on October 31, 2019 from 6:00 pm to 8:00 pm.

On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by a 5-1 vote (Searer) approved to release 2016 CDBG funds to Big Brothers/Big Sisters in the amount of \$551.22.

Mr. Christie's appointment will be discussed during executive session.

STREETS

Mr. Wilson is seeking Council's approval to allow a PennDOT contractor to use Woodlawn parking lot for their vehicles during the Traffic Signal Project from March 2020 to November 2020. Mr. Sievers wanted to make sure there wouldn't be any disadvantages to the funeral home if PennDOT utilizes the parking lot as he has witnessed that lot being full at times with other vehicles.

A motion was made by Mr. Campbell to allow a PennDOT contractor to utilize the Woodlawn parking lot for their vehicles during the Traffic Signal Project and seconded by Mr. Berrier for discussion.

After looking at the map that was provided to Council, Mr. Berrier said the contractor could use the lot across from Main Street. Ms. Walter will present it to the contractor and bring it back to Council.

Mr. Berrier and Mr. Campbell rescinded their previous motions.

Mr. Wilson is looking for Council's approval to remove the 'No Parking Until After 6:00 PM' sign at MABL and replace it with a 'No Parking' sign. Mr. Berrier wanted to know if it would require a change in the Ordinance. Mr. Remy said he would have to look at the Ordinance and see what it says about parking on the street, but it probably would require a change in the Ordinance; however, he doesn't remember changing the Ordinance the last time a sign was placed.

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved the placement of a 'No Parking' sign in front of MABL.

MABL wants to put a cross drain and pipe at the lower end of their parking lot due to water accumulation. They will do all the work. Mr. Wilson is looking for Council's approval to have this done.

On a motion by Larry Searer and seconded by Mr. Berrier, Council by unanimous vote approved MABL putting a cross drain and pipe at the lower end of their parking lot.

The property that was demolished at 672 Valley Street recently had a new sidewalk done by the new owner. He is upset because people are now parking on the new sidewalk since the road isn't wide enough. Mr. Remy said that parking on the sidewalk is a vehicle code violation. He would like to make the area from the dry cleaners to the line at FAME a 'No Parking' area. There is only one house that doesn't have off-street parking and they are willing to put a parking space in at the back of their house. After discussion, it was agreed to table it until more information is received.

Mr. Wilson presented Council with repainting the yellow curb by the area that was previously the Keg and extending the yellow curb at the South Side Hoagie Shop. Again, the road is not wide enough, and busses and tractor-trailers have a hard time turning onto South Main Street. Deb Peffer, an owner of one of the businesses there stated she wouldn't want it done. She feels it would take away from her business because she doesn't have parking in the back for patrons.

On a motion by Larry Searer and seconded by Mr. Sievers, Council by unanimous vote approved to repaint the existing yellow curb lines by South Side Hoagie Shop and in front of the bar previously known as the Keg.

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved the removal of the handicap parking space at 228 South Wayne Street by Resolution.

With the Kish Street project coming to an end, there will be approximately \$100,000 remaining. Ms. Walter is seeking Council's approval to pave alleys with that money. She received costs if we do it ourselves. So far, Mr. Plank has provided a list of alleys for paving totaling \$19,799 if we would do the work. Right now, we are looking at the alley parallel to North Main Street and North Brown Street (by Parking Lot for the Funeral Home), Mill Street, Greenleaf off of West 6th Street, Crystal Springs, McClintock Alley, and West Chester Alley. Ms. Walter is seeking Council's approval to start paving. Larry Searer said there are plenty of streets that need paved too; however, some of the alleys are in dire need of paving.

On a motion by Mr. Berrier and seconded by Mr. Campbell, Council by a 5-1 vote (Searer) approved the paving of alleys with some of the remaining funds from the Kish Street project.

Mr. Wilson is seeking Council's approval to have speed limit signs placed on Sunset Road. The speed limit is 25 mph, but there is an issue with people speeding. Mr. Berrier wanted to know if this was a matter of signage or enforcement. Chief Clemens stated both are an issue. Mr. Sievers and Mr. Berrier wanted to know why we should spend the money on the signs if we can't enforce it. Mayor Bargo said she had received complaints from the residents, asking to have signs placed, hoping that would help. No action was taken.

LAW AND ORDINANCE

Mr. Campbell reviewed the property at 114 West 4th Street. Discussion ensued. There had been \$35,000 budgeted for demotion projects this year, and only \$7,530 has been used. Three quotes were received, and the lowest bid was \$17,200.74, with half being due before the project begins.

Norman Kratzer owns the property. Mr. Remy indicated that this is Mr. Kratzer's responsibility at this point to keep his property in compliance with all of Borough's codes. Previously, an engineer's report was requested. Mr. Parkes did do a site visit with Mr. Fink on this property and it was deemed such a structural issue that they were not comfortable entering the building.

Mr. Remy said we had to issue Mr. Kratzer a Notice and Order, which Mr. Fink has done. Once that expires and nothing has been done, the Borough should get a citation and a judgment on that. Assuming he gets found to be in violation, the Borough would need to go to court and file an equitable action against the owner to prohibit him from maintaining the dangerous structure and ask for the relief to be either he fix it or demolish it. Or, the alternative would be, to have the Borough have the authority to demolish it and lien the property.

After discussion, it was agreed to take it back to Law and Ordinance.

FINANCE

Mr. Sievers is looking for Council's approval to purchase an 8-point switch/wireless access point/security gateway 3-port/battery backup for the Community Center. We have wireless internet issues there. Mike from GME can provide us one for \$536.95.

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved the purchase of an 8-point switch/wireless access point/security gateway 3-port/battery backup for the Community Center for \$536.95 from GME.

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved to renew the agreement with MetLife for their retirement plan policy.

On a motion by Mr. Campbell and seconded by Mr. Berrier, Council by unanimous vote approved to pay Mr. Rehab for sewer line repairs in the amount of \$152,653.

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved the purchase of a new snowplow for the wheel loader in the amount of \$12,998 from Groff.

One a motion by Mr. Campbell and seconded by Larry Searer, Council by unanimous vote approved the purchase of new gas water heaters at the Warehouse (\$913.05) and the Community Center (\$2,543.85), to be installed by United Plumbing and Heating.

PUBLIC COMMENTS

The Boy Scouts were in attendance to get an overview of how local government works for their community badge.

Bob Lingle, owner of Lingle Distributing, wanted to address an issue the Borough Manager has about the delivery trucks as they back into the docks. The trucks are going over the new ADA ramps and he says he replaces them if and when needed. The issue was discussed at the Streets Committee meeting and they forwarded it to Law and Ordinance. Mr. Lingle was invited to attend that meeting.

EXECUTIVE SESSION

Council went into executive session at 7:02 pm for personnel reasons.
Council came out of executive session at 7:45 pm.

On a motion by Mr. Campbell and seconded by Mr. Berrier, Council by unanimous vote approved the hiring of Travis Hartzler as the WasteWater Treatment Plant Operator.

On a motion by Mr. Campbell and seconded by Mr. Berrier, Council by unanimous vote approved the hiring of Daniel Zupan as a Workman in the Streets Department.

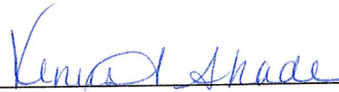
On a motion by Mr. Campbell and seconded by Mr. Berrier, Council by (4-2) vote (Searer & Wilson) approved the hiring of Jennifer Miller as the Administrative Assistant at a salary of \$43,000 a year.

Roll Call

Frank Berrier	Yea
Dave Campbell	Yea
Larry Searer	Nay
Mark Sievers	Yea
Bill Wilson	Nay
Venus Shade	Yea

On a motion by Mr. Berrier and seconded by Larry Searer, Council by unanimous vote agreed to contact the insurance company to determine whether our deductible is covered by legal fees and to settle only if the deductible is covered.

The meeting adjourned at 7:49 pm.



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:



(Asst.) Borough Secretary