

REGULAR COUNCIL MEETING
November 12, 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, Mr. Felmlee, Mr. Sievers, Ms. Shade, and Mayor Bargo were present. Larry Searer and Mr. Wilson were absent.

HEARING OF PERSONS PRESENT

Ann Lusk and Pete Basuchio from Catholic Charities working in conjunction with Nittany Paper presented a possible refugee resettlement program for our area. Ms. Lusk stated that there is a government order signed by President Trump which states that refugees cannot be resettled without prior approval from the local municipality. She stated that there may be concerns but all refugees go through multiple screenings and are available to work immediately and that this is a very successful program. She said that when refugees come over from their countries not all of their credentials follow; therefore, they have to start over again. This program assists these refugees with jobs, housing, childcare, etc. Also, under this program there is 5-year follow-up plan in place with the refugees. Ms. Lusk indicated that there is a resolution that needs to be signed for the resettlement. Mr. Basuchio explained that Catholic Charities works with the Diocese and they offer several programs such as foster care, counseling, and helping homeless pregnant women. Mr. Basuchio discussed the Catholic Charities program and handed out several flyers with information about their program and refugees. Ms. Lusk stated that they are looking to move a small group of refugees 10-20 families to the area and would hope that the refugees would be welcomed into the community.

Mr. Berrier questioned how the refugees are funded after they are settled into the community? Ms. Lusk stated they will have jobs at Nittany Paper, and they will receive a stipend for three months as well. Mr. Campbell questioned whether they would come here and depend on the community's welfare system. Ms. Lusk said they come here to work, not be welfare recipients. Mr. Berrier questioned what would happen if they lost their job? Ms. Lusk responded by saying the Catholic Charities would reach out to find them a new job. Mr. Berrier also asked if other communities have been contacted? Ms. Lusk stated that they will be reaching out to other communities, but their goal is to add them to Lewistown. She feels that they can help the economy by buying homes.

Timothy Yohn wanted to discuss the Borough of Lewistown sponsoring another ice sculpture for the Festival of Ice. He stated that there was a lot of positive feedback from the ice sculpture sponsored last year. The ice sculptures range from \$350 - \$650.

Lucas Parkes of EADS Group updated Council that the Kish Street project was almost complete. He received payout for application #2 from Hawbaker's. They will be coming out to finish the line painting with double yellow lines on Dorcas Street and Kish Street in front of the school, as well as a solid yellow line for the bus pull off. The final line paint will be adding \$2,000 to the final cost. The base payment for application #2 will be \$255,579.82. Change orders #2-7 total \$116,171.00. Mr. Parkes indicated that the total project will be roughly \$550,000 with the original project coming in at \$447,000 but, the project is still within the budget. Mr. Parkes discussed issues with adding an inlet on Green Avenue. Ms. Shade discussed water pooling in that area and questioned if that problem had been resolved. Mr. Parkes stated that it had been fixed. Mr. Felmlee questioned if the Borough had received money from Geisinger? Ms. Walter said that she had sent a letter and invoice but had yet to hear anything. She also stated it was on her list to follow-up.

On a motion by Mr. Sievers and seconded by Mr. Felmlee, Council by unanimous vote approved the change orders for the Kish Street Project.

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-October 14, 2019
 - 2. Law & Ordinance Meeting-October 17, 2019
 - 3. Finance Meeting-October 10, October 17, and October 24
- 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. Ice Festival for Dec 5 and 6 from Juniata River Valley Visitors Bureau
- F. Acknowledge receipt of Comcast Letter
- G. Acknowledge receipt of Fame Meeting Minutes Oct & Fame Response Stats for Sept
- H. Acknowledge receipt of DLI Appreciation Letter
- I. Acknowledge receipt of Intermunicipal Quarterly Meeting Minutes from October 22, 2019
- J. Acknowledge receipt of Fire Committee Meeting Minutes from Sept 3rd & 19th
- K. Acknowledge receipt of PennDot Letter
- L. Acknowledge receipt of Codes Enforcement Office Monthly Report
- M. Acknowledge receipt of Donations request from Home Nursing Agency Foundation
- N. Acknowledge receipt of letter from PA Hardwoods Development Council
- O. Acknowledge receipt of MC School District Audit Report for June 30, 2019
- P. Acknowledge receipt of Request from MC Library to sponsor "Putting for Pages"

- Q. Acknowledge receipt of letter from Comcast on Internet Essentials Program
- R. Acknowledge receipt of MC Community Discussions Group
- S. Acknowledge receipt of Letter from PA Liquor Control Board for Trolley Car Cafe

Mr. Campbell questioned the transfer of the Trolley Car liquor license. Ms. Shade stated that there was a transfer of business due to new owner.

Ms. Shade stated that it would be beneficial to have the Comcast letter information regarding the Internet Essentials Program available to residents at the Municipal Building. Ms. Walter indicated she would also post the information on the Borough web page.

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

REGULAR AGENDA

REPORTS

A. Treasurer/Borough Manager/Secretary

Ms. Walter received a sewer exoneration request from 117 North Brown Street. They were billed 20,000 gallons at \$143.88. Their average consumption over the last four quarters is 3,000 gallons. Mr. Fink verified the water did not go down the sewer. The exoneration amount would be \$71.91.

On a motion by Mr. Felmler and seconded by Mr. Campbell, Council by unanimous vote approved the sewer exoneration request for 117 North Brown Street.

Ms. Walter received a letter from PennDot stated they will be milling, paving, and replacing ADA curb ramps, and traffic signal upgrades to SR3002 West 4th street and SR3006 North Juniata Street. They are anticipating bidding the project beginning July 2020, starting construction around September 2020, and completing the project in the summer of 2021.

Ms. Walter sought Council's approval for the disposition of records. Under the records retention manual we can dispose of items after so many years. The resolution shows what items can be disposed of.

On a motion by Mr. Felmler and seconded by Mr. Sievers, Council by unanimous vote approved the disposition of records by Resolution.

B. Fire Chief

Chief Barlett reported 25 alarms plus medical assists for October: 4 building fires, 4 medical assists, 5 vehicle accidents with injuries, one extrication of victim from a building structure, 1 gas leak, 1 power line down, 2 lock outs with children locked in vehicles, 1 standby assignment for Derry Township, 1 odorless gas, and 1 heat detector malfunction.

The fire department participated in 11 fire prevention programs.

Mr. Campbell stated that there is a piece of property behind what used to be the old Mann Edge Tool Company that was to become an Eagle Scout Project and then a fire fighter memorial. The fire companies were to get involved and the project went through Council. The project was never completed. The family member of the property had reached out to Mr. Campbell to see if there was anything the Borough could do to get the project back on track. Mr. Berrier said he thought that fire companies were going to follow-up on the project. Chief Barlett stated that he remembered the prior Superintendent, Mr. Kibler and the fire companies were looking into landscaping but when Mr. Kibler retired the project didn't get completed. Chief Barlett stated if there was someone to spearhead the project it could get completed. Ms. Shade stated Public Works could look at the location and see where the project could go from there.

C. Mayor

Mayor Bargo thanked everyone involved with the Veteran's Day Parade. The weather held off and there was good participation. She also added that the Lewistown Armory participated this year which meant a lot to the veterans.

D. Police Chief

Chief Clemens reported the statistics for September. The Lewistown Police Department had 489 calls for service, 35 traffic citations, 15 non-traffic citations and 53 written warnings. There were also 92 tickets issued.

There has been no update on the new car. Chief Clemens contacted Ford to see if a gas engine was available. Chief Clemens stated Lakes has not been able to get an answer to the delay from Ford. Ms. Shade asked what the quote was for the gas engine. Chief Clemens stated he didn't have an exact quote, but it was roughly \$4,000 less than the hybrid. Mr. Campbell suggested moving forward with the gas engine and look at the hybrid for next year. Mr. Sievers stated that during the Finance Committee Meeting, he requested Chief Clemens get a price for a gas engine to get the car into 2019 and bypass getting a vehicle in 2020 considering that Chief Clemens had received council's approval to keep the 1985 vehicle. Chief Clemens stated that the hybrid would save \$3,500 a year in fuel. Mr. Berrier suggested that it is getting too close to the end of the year to wait for the hybrid and that it will soon roll over into next year's budget if they don't act soon. Mr. Sievers stated that is why he asked for the price on the gas engine vehicle. After more discussion regarding the gas engine vs the hybrid, Mr. Sievers stated that a motion should be made for a gas engine not exceeding \$35,000.

On a motion by Mr. Sievers and seconded by Mr. Felmlee, Council by unanimous vote approved the purchase of a gas engine police vehicle not exceeding \$35,000.

Chief Clemens stated that radio equipment will be encrypted and delivered by January. Mr. Felmlee questioned if the new radios had GPS installed. Chief stated that they do not have the GPS system.

Chief Clemens informed Council that the Fill-A -Cruiser event will be held Friday, December 13, 2019 from 9:00 a.m. – 4:00 p.m. at the Lewistown Giant Store. All donations go to Mother Hubbard's Cupboard and the Lumina Center.

E. Recreation Board

No action needed.

F. Borough Solicitor

Mr. Remy discussed the Blight and Reclamation and Revitalization Ordinance that had been reviewed during the Law and Ordinance Committee Meeting. The ordinance would give a cause of action to a property owner with serious code violations, allow for asset attachment of the owner of the reality if there is a judgment against the person, and allow the denial of municipal permits with someone with existing code violations. Mr. Remy stated this is another step to get more tools to help with dealing with blighted properties. Mr. Sievers had sent two additions to the ordinance. They would allow the extradition of out of state property owners with criminal cases for serious code violations and suing associations. Mr. Remy stated he would support both additions and is asking if Council would like to advertise the Ordinance in December. Mr. Campbell stated that he didn't feel a decision to advertise could be made until changes have been made and that the ordinance should be brought back to Law and Ordinance Committee again. Ms. Shade would like to see where the information was found and the outcomes. She felt that it would require some interworking's and she didn't see that occurring. Mr. Sievers disagreed. Mr. Felmlee stated that it wouldn't cost anything extra to add them. Ms. Venus questioned if the extradition only applied to anyone out of state? Mr. Remy stated the extradition only applied to those out of state and it doesn't happen often. Mr. Campbell stated it wouldn't hurt to add them because they didn't cost anything extra. Mr. Berrier questioned if someone has a property that has a violation and the Borough must step in and correct the issue, can the borough put a judgement on all their properties? Mr. Remy stated yes, the Borough can put the judgments on the properties. Mr. Berrier then asked about the criminal charges? Mr. Remy stated that there is a state law that says there can be criminal charges for failure to comply with property codes, these are for repeated or serious code violations. These cases will be filed with the police and prosecuted in court. Mr. Berrier stated most of these with serious cases do not have the money to fix the issues and felt that these rules seem heavy handed. Mr. Remy stated that the board does not have to act on the rule. Mr. Campbell stated that there are several cases that flaunt their arrogance to the Borough and cause health and safety issues. Ms. Shade stated that some discretion should be taken for those who can not afford to fix their properties and felt adding these rules will not help the issue. Chief Clemens said there is always some discretion in criminal cases, but it wouldn't hurt to have the tools available. Ms. Shade stated she is looking to the future and how these could be misused. Mr. Campbell asked if they could make the process easier if they are in the ordinance. Mr. Remy

stated that is a state law no matter whether it's in the ordinance or not. After discussion, it was agreed to have Law and Ordinance Committee review it again.

Mr. Remy stated that the Repeal of the Ticket Ordinance was advertised and is ready for consideration from Borough Council.

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

Roll Call

Frank Berrier	Yea
Dave Campbell	Yea
Jim Felmlee	Yea
Mark Sievers	Yea
Venus Shade	Yea

Mr. Remy indicated that Sheetz is requesting Council to approve a resolution to approve a liquor license from Granville Township into the Borough on Juniata Street. Mr. Berrier stated he did not have an issue with it because it was just a carry-out situation.

On a motion by Mr. Berrier seconded by Mr. Campbell, Council by unanimous vote agreed to approve the transfer of liquor license from Granville to Lewistown by Resolution.

Roll Call

Frank Berrier	Yea
Dave Campbell	Yea
Jim Flemlee	Yea
Mark Sievers	Yea
Venus Shade	Yea

Mr. Remy updated Council on the bus shelter. He reported that there has been some discussion but nothing to act on now. He hopes to have something to present to council in December.

UNFINISHED AND NEW BUSINESS

Ms. Shade brought up the refugee program previously discussed by Ms. Lusk and Mr. Basuchio. Mr. Berrier would like to see how the other municipalities feel about the program. Mayor Bargo had reached out to two mayors and is waiting to hear back. Mr. Berrier stated he would like to see the program spread out in the community other than just in the Borough. Mr. Berrier also stated that he went to Nittany Paper Mill today to discuss the program. He also learned that there are 500 unfilled jobs now in Mifflin County. It was requested that Catholic Charities return next month to give an update to the Council.

Mr. Berrier presented a 4x8 picture of a mural that hung in the Green Gables Hotel dated 1958. He has the opportunity to purchase and also has community members willing to pay for the mural. He could bring it into the Municipal Building and the only cost to the Borough would be Public Works hanging the mural. He also said there would be a plaque with all the donor's names. Mr. Campbell and Ms. Shade agreed it would be a great addition.

On a motion by Mr. Campbell and seconded by Mr. Sievers, Council by unanimous vote agreed to have Public Works hang the mural in the Municipal Building.

Ms. Shade wanted to discuss the purchase of the ice sculpture for the Ice Festival. **Ms. Shade stepped down to make a motion to purchase the ice sculpture.** Mr. Campbell stated his own issue was if they approved the ice sculpture then others would want a donation for other events. Ms. Shade asked if other events came and asked for donations. Mr. Campbell felt we should be involved in events, but the Borough can not afford to do so fiscally.

Motion died for lack of second.

Ms. Walter received a request for courtesy parking to be implementing Thursday, November 28, 2019 and lasting through Wednesday, January 1, 2020. Downtown Lewistown will again supply the coins for the courtesy parking.

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by unanimous vote approved for Courtesy parking from November 28, 2019 through January 1, 2020.

Discussion was held in regard to closing Borough Hall the day after Thanksgiving as was done in the past. Mr. Felmlee asked if employees would be required to use their vacation time. Ms. Walter stated they are required to utilize their vacation time or personal time. Mr. Berrier stated that he wanted to make sure that those taking off for this day are not receiving over time to be here as well.

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by unanimous vote approved to close Borough Hall on Friday, November 29, 2019.

Ms. Walter sought council's approval to pay the 2016 CDBG fund for Big Brothers/Big Sisters in the amount of \$180.47. Mr. Berrier questioned if these funds had been paid last meeting. Ms. Walter stated that the project isn't complete, and we will have more requests.

On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by unanimous vote approved to pay the 2016 CDBG funds for Big Brothers/Big Sisters.

Ms. Walter is seeking Council's approval to release 2017 CDBG funds for the Admin & Materials and Supplies in the amount of \$2,043.03.

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by unanimous vote approved to pay the 2017 CDBG funds for Admin & Materials and Supplies.

Ms. Walter stated that she received an Information Application from Bryan Van Scyoc to be appointed to the Planning Commission. Mr. Campbell questioned if Mr. Van Scyoc understood the role he would be taking? Ms. Shade stated he filled out the application knowing he would have to understand the role better.

On a motion by Mr. Campbell and seconded by Mr. Felmler, Council by unanimous vote approved to Bryan Van Scyoc to the Planning Commission.

Roll Call

Frank Berrier	Yea
Dave Campbell	Yea
Jim Felmler	Yea
Mark Sievers	Yea
Venus Shade	Yea

STREETS

There was a discussion held regarding a handicap parking place request for 206 Logan Street. Ms. Walter stated the Streets Committee meeting had been canceled and that the streets chairman had looked at the parking place and had no issue with the approval of the parking space.

On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by unanimous vote approved the handicapped parking place at 206 Logan Street by Resolution.

LAW AND ORDINANCE

Mr. Campbell stated that Harding Avenue had never been added to the Street Sweeping Schedule. The street is being swept and it just needs added to the Ordinance. Mr. Remy stated he would get the Ordinance Advertised and bring back to council. Mr. Campbell questioned if Mr. Plank verified that there is a sign. Ms. Shade stated he had verified.

On a motion by Mr. Felmler and seconded by Mr. Sievers, Council by unanimous vote approved to add Harding Avenue to the Street Sweeping Ordinance.

FIRE COMMITTEE

Mr. Campbell said since the last council meeting that they had a workshop. At the last fire committee meeting the Attorney Mr. Houser was unable to attend.

FINANCE

Mr. Sievers stated at the October 24, 2019 meeting Mr. Zubler attended regarding the rates of the use of the Community Center. The Rotary is currently paying \$50 per week for the use

of half of the community room at the community center and the cost and fee schedule stated that rate should be \$125. Mr. Sievers presented a rate of \$90 per week. He said he also found out that the Rotary was paying JP Edwards for the rental of the room instead of the Borough and going forward the Borough would invoice the Rotary directly. Mr. Berrier questioned if there was an agreement. Ms. Walter stated there was an agreement signed between the Borough and John Panninzo from JP Edwards not the Rotary. In the past they had used the activity room, which at that time the cost was at \$50 under the prior cost and fee schedules, however they moved over to half the community room and the rates had changed. Since then, Mr. Amspacker had taken over JP Edwards. Mr. Berrier asked what is happening with the arrearages. Ms. Walter stated that she had sent a letter to JP Edwards and since then a certified letter. She also spoke to Mr. Zubler who had talked to Aaron Amspacker. Mr. Amspacker will be sending a small amount and from there on the Rotary will be taking the remainder from JP Edwards for their catering they provide and then use that money to pay the Borough for the arrearages.

On a motion by Mr. Sievers and seconded by Mr. Felmler, Council (Mr. Berrier abstaining) approved to charge the Rotary Club \$90.00 per week for the use of half of the community room at the Community Center.

On a motion by Mr. Felmler and seconded by Mr. Berrier, Council by unanimous vote approved the purchase of a quick disconnect for the snowplow not exceeding \$6,500.

On a motion by Mr. Felmler and seconded by Mr. Berrier, Council by unanimous vote approved the purchase of a Basket Strainer in the amount of \$20,599 from Voigt - Abernathy.

On a motion by Mr. Felmler and seconded by Mr. Berrier, Council by unanimous vote approved the vision plan with Vision Benefits of America with no rate increase.

On a motion by Mr. Felmler and seconded by Mr. Berrier, Council by unanimous vote approved the dental plan with Delta Dental with no rate increase.

PUBLIC COMMENTS

Mr. Yohn questioned if dogs were allowed at Rec Park? Ms. Shade stated for a short period of time, dogs were allowed but that rule had changed. She said that dogs are allowed at Victory Park.

Mr. Clint Aurand submitted a Facility Use Form late for Eco Day that didn't make in on the agenda. He is seeking conditional approval for Eco Day to be held at Rec Park on May 21, 2019 and a rain date of May 26, 2019. Mr. Campbell asked what was involved in the event. Mr. Aurand stated that it is an event that teaches students about ecology related information. Ms. Shade stated that Mr. Aurand should prepare all of the information for Council to approve.

Mr. Felmlee questioned if the Borough is utilizing the GPS. Ms. Shade stated that Chief Clemens monitors the GPS for the police, and Ms. Walter stated the supervisors monitor the GPS for their department.

Mr. Darvin Donough was disappointed in the decision not to purchase an ice block for the Ice Festival. He asked if the community would pay for the ice block, could the Borough of Lewistown's name be put on the block. Mr. Remy stated that it's not a legal issue. However, Council did not approve.

EXECUTIVE SESSION

Council went into executive session at 7:09 p.m for personnel reasons.
Council came out of executive session at 7:36 pm.

On a motion by Mr. Campbell and seconded by Mr. Felmlee, Council by unanimous vote approved the hiring of Zachary Houop as the Public Works Workman.

On a motion by Mr. Campbell and seconded by Mr. Berrier, Council by unanimous vote approved to eliminate the current vacant Clerk/Secretary position.

On a motion by Mr. Campbell and seconded by Mr. Berrier, Council by unanimous vote approved to eliminate a Clerk/Secretary position effective December 27, 2019.

On a motion by Mr. Campbell and seconded by Mr. Berrier, Council by unanimous vote approved to create the position of Secretary to the Borough Manager at a current rate of \$19.05 per hour.

On a motion by Mr. Campbell and seconded by Mr. Berrier, Council by unanimous vote approved to create the part-time position Codes Office Assistant at starting rate of \$15.00 per hour effective December 28, 2019.

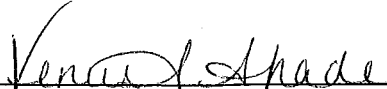
On a motion by Mr. Sievers and seconded by Mr. Berrier, Council by a 5-1 vote (Felmlee) approved the execution of the Water Company Agreement with Ms. Walter serving on the Water Authority Board.

On a motion by Mr. Campbell and seconded by Mr. Felmlee, Council by unanimous vote approved to post the WasteWater Treatment Plant Operator position internally on December 4, 2019.

Mr. Campbell wanted to make sure that it was clear to Ms. Walter the direction Council wanted to go with advertising the position that were created in the time discussed and that there was nothing more needed from Council to go forward.


Mr. Berrier questioned if there would be a vote to use Gannet Fleming for an evaluation. It was said that the issue would be voted on at a different time after more discussion.

The meeting adjourned at 8:00 p.m.



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST: 

(Asst.) Borough Secretary