

REGULAR COUNCIL MEETING
FEBRUARY 11, 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. Campbell, Mr. Felmler, Larry Searer, Mr. Sievers, Mr. Wilson, Ms. Shade, Mayor Bargo and Chief Clemens were present. Mr. Berrier was absent.

The meeting began with the opening of bids for a 2017 Case 521F wheel loader. Four bids were received:

- K&S Equipment from Woodlawn, Alabama; 180 hours, \$108,000 plus \$2,200 for delivery
- Mitchell, South Dakota; 184.6 hours, \$105,350 plus \$4,225 for delivery
- Parkersburg, WV; 142 hours, \$108,900 plus \$1,200 for deliver
- Groff (Case dealer) from Centre County; 690 hours and \$90,000. Shipping is included in the price. The advantage with them is all repairs are done locally.

Council liked the offer from West Virginia; however, Mr. Remy advised them they had to take the lowest price that meets our specs.

Ms. Shade wanted to know how the hours compared between 142 and 690. Mr. Plank informed them the higher hours indicate it's been used more. Mr. Sievers questioned the warranty and Mr. Welham informed him that they are all under warranty until October, but we could buy additional warranties.

The original bid stated 140 hours or less: Mr. Remy informed Council they have to reject all bids since they were all over the hours stated. They will, then, have to rebid. Discussion ensued about the specs wanted for hours used.

Larry Searer wanted to know what we were going to rebid it at. Mr. Plank informed Council the average hours used is from 1200 to 1500 hours annually. After discussion, it was agreed that staff will get the manufacturers recommendation and get the definition of low hours.

On a motion by Mr. Felmler and seconded by Mr. Campbell, Council by unanimous vote rejected all bids and authorized staff to rebid after staff calls various manufacturers and get the standard industries definition of low hours.

HEARING OF PERSONS PRESENT

Bill Gomes, director of Mifflin County Planning and Development, presented Council with updated information on the proposed extension to the Juniata River Trail across the properties of Juniata Concrete and the Fire Academy. Mr. Gomes informed Council that, since the last meeting, the County has agreed to cover the \$7,000 for the survey if Lewistown Borough would be responsible for maintenance once the project was complete. If the Borough wanted to make a donation, that would help.

Mr. Gomes had Mr. Remy review a Memorandum of Understanding. Mr. Remy stated it had six points in its agreement between Mifflin County and Lewistown Borough:

1. The County, Juniata Concrete and the Fire Academy are going to enter into an easement agreement whereby Juniata Concrete and the Fire Academy will grant an easement for a 10' wide multi-purpose trail and parking lot over the Juniata Concrete and Fire Academy properties.
2. The trail is to be known as the Juniata River Trail; however, Mr. Gomes said we could list it however we wish.
3. The trail will be constructed by the County pursuant to the draft proposal and location map attached hereto.
4. After the trail is fully constructed, the easement agreement entered into between the County and Juniata Concrete and the Fire Academy shall be assigned to the Borough of Lewistown and the Borough of Lewistown agrees to accept said assignment of easement agreement.
5. Pursuant to the planned terms of the easement agreement, responsibility for all maintenance and repair of the trail and the costs of said maintenance and repair will be assumed by and be the responsibility of the Borough.
6. The Borough and County hereby agree to the provisions of the Memorandum of Understanding, said Memorandum having been approved by the Borough Council and County Commissioners in duly authorized sessions of each.

Mr. Felmlee wanted to know why it was brought back at this meeting. Ms. Shade informed him there were no motions made, Council did not act on it and Mr. Gomes has updated funding.

Mr. Wilson was concerned about the flooding. Mr. Gomes reminded him that it is in a flood plain and may require attention at some point. Mr. Felmlee wanted to know if Granville Township was on board with the project. Mr. Smith, Granville Township, said they had some major concerns with liability and maintenance and most of them didn't support it. Members of the community stated that Rec Park and the boat launch are also in the flood zone, but they are used and maintained by the Borough. Discussion ensued about the upkeep of the trail once completed.

Ms. Shade asked Mr. Gomes what he may be looking for from the Borough cost wise. He stated he needs to find \$20,000-\$25,000. If the Borough wants to make a donation, that would be great; otherwise, it's up to him to find the money elsewhere.

Mr. Gomes stressed that the Commissioners will not authorize the survey until the Borough agrees to maintain and take responsibility of the property upon completion and that the Memorandum of Understanding that was offered by the County be approved.

Mr. Remy suggests a few minor changes in the Memorandum of Understanding. He would strike paragraph two and ask the easements be free of all liens and encumbrances.

Mr. Sievers stated that, when Mr. Gomes presented this to the Finance Committee, he was to go back and see if he could get additional funding because the Borough could use that money towards projects involving our roads and alleys. Maybe this isn't the time for this project. Ms. Shade suggests we look at what it could possibly bring into the Borough such as tourism, people coming into our community to buy things, etc. This should be looked at as an investment into the future. Mayor Bargo said its things like this that attracts young people into our area.

Mr. Campbell made a motion to have the Borough maintain the extended walking trail upon completion and authorized Ms. Shade to sign the Memorandum of Understanding with the proposed changes by Mr. Remy. Ms. Shade stepped down and seconded the motion. Council voted 3-3.

Roll Call

Dave Campbell	Yea
Jim Felmler	Nay
Larry Searer	Nay
Mark Sievers	Yea
Bill Wilson	Nay
Venus Shade	Yea

The Mayor broke the tie with a 'Yea' vote.

Mr. Gomes presented Council with the trail feasibility study for the proposed trail between Victory Park, Rec Park and Kish Park. He is asking for a \$500 donation from the Borough towards the study. The proposed costs for the project are \$14,870.

Marie Mulvihill, Chair of Mifflin County Parks and Recreation, spoke to Council about how they have been working hard at making a whole community and it has been very beneficial and unique to the municipalities. This is another project similar to the boat launch where it was specific to the municipality, but we all worked together. She feels this trail project is another way we can enhance the county, but we all need to work together. As a resident, she feels this is a small investment and hopes Council will give it consideration.

Ms. Shade stepped down and made a motion to give \$500 for the feasibility study, seconded by Mr. Campbell for discussion.

Mr. Campbell wanted to know what kind of time frame does something like this look like. First, Mr. Gomes needs to apply for a grant, which usually takes 2-3 months. Once approved, there is a window of 4-5 months for the study to be done. If all goes well, it should be done this year.

Jim Zubler of DLI told Council it has been discussed by DLI for a long time. In 2000, the Charter Plan was put together and it called for the connection of Rec Park to Victory Park. They have gotten the Kish River Walk to South Main Street at this point. If we can see the connection geographically, from South Main to Victory Park, that would be a big victory. The more we connect, the more value it has. He feels it's a community asset.

John Pannizzo spoke up, reminding Council of the Monument Square project that was recently done, trying to improve downtown Lewistown and then seeing the individual investments done because of that. That project spurred other development. He wants Council to think about the future and how the completion of the new highway to Centre County will have residents of State College migrating to other areas. What will they be looking for in their search? Walking trails, a nice downtown, this and that. He feels we're competing with Brown Township for people and where they may want to live. He thinks we need to find a way to make it work.

Mr. Sievers wanted to know if there was any we could get this \$500 cut in half. Mr. Campbell wanted to know if DLI would be interested in splitting the fee with the Borough. Mr. Zubler said they would.

Ms. Shade amended her motion to give Mr. Gomes \$250, with DLI giving the other \$250, to do the feasibility study to connect Victory Park, Rec Park and Kish Park. The motion was seconded by Mr. Campbell. Council voted 3-3.

Roll Call

Dave Campbell	Yea
Jim Felmlee	Nay
Larry Searer	Nay
Mark Sievers	Yea
Bill Wilson	Nay
Venus Shade	Yea

The Mayor broke the tie with a 'Yea' vote.

John Pannizzo addressed the Facility Use forms for Rec Park's ball fields. Mr. Welham informed Council that, at the last Rec Board meeting, Rec Board would like to see the Little League fields used in the summer for tournaments. Right now, Little League locks in the fields between March 1 and October 31. Rec Board is requesting Little League to have two seasons, Spring season from March 1 to mid-June and the Fall season being mid-August to October 31. This would leave two months open for tournaments for anybody that wants to

use the fields. One of the reasons the lights were put in was for the purpose of tournaments and they feel it's not being used that way. Right now, there are two tournaments scheduled in June and one scheduled in July.

If another team wanted to use the field, Mr. Pannizzo said they would always try to accommodate. One of his concerns, though, is if it's for softball. Most softball fields have flat pitching mounds and the fields at Rec Park are for baseball, so they have mounds. There are softball fields that the Borough has that could be used instead, as well as the old high school. The last time they let a softball team use the baseball fields at Rec Park, they ripped up the mounds and created ruts.

The Little League pays for the Facility Use form and, if it's used and damaged from another team, who responsibility is it to fixing these things? Mr. Pannizzo reminded Council that the Little League does take care of the fields for the Borough. The property was vandalized this year and they took care of it, plus they are getting ready to add security cameras and fix up the bathrooms at no cost to the Borough.

If the Borough wants them to get a Facility Use every time they use it, then every time they get it back, then the Borough's going to have to spend money to bring it back to the standard that the Little League has. If someone wants to have a tournament, they have no problem checking their schedule to see when they could make it work, but to just let anybody use it, they don't want to put more money into the fields. They treat the fields like they are their own and he feels the Borough is treating them like they're tenants and that's not the relationship the Little League wants with the Borough.

Mr. Sievers said it should be stated in the contract about the usage. Larry Searer wanted to know if it could be used for Little League baseball only and refuse softball. Ms. Shade indicated that the Rec Board wanted to make sure they were not missing out on additional revenue and is the field being utilized as it should be. Mr. Pannizzo stated that the State tournaments were held here two years ago and now the District tournaments (all age groups) are now scheduled to be held here. At the end of the fall season, County tournaments are held as well.

After discussion, it was determined that Mr. Pannizzo, or a member of Little League, should present this information at the next Rec Board meeting.

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-January 14th, 2019
 - 2. Streets-January 10th, 2019
 - 3. Law & Ordinance-January 17th, 2019
 - 4. Finance-January 24th, 2019
 - 5. Fire Committee-February 4th, 2019
- B. Approval of Treasurer's Report
- C. Approval of Schedule of Bills
 - 1. General Borough/Specialty Tax/Refuse/Wastewater Collection & Treatment/State Liquid Fuels
 - 2. Dollar General
- D. Acknowledge Receipt of Tax Collector's Commissions
- E. Facility Use Forms Approval-Rec Board:
 - 1. MC Youth Baseball for use of the Little League Baseball Fields and Practice Field from 3/1/19 to 10/30/19 (Certificate of Liability Insurance was received)
 - 2. Facility Use Request for Trout Unlimited for May 10th (Note: Fee was paid in full)
- F. Acknowledge receipt of Downtown Lewistown Inc. Calendar
- G. Acknowledge receipt of FAME Meeting Minutes January and December Response Stats & 2018 Response Report
- H. Acknowledge receipt of Comcast Letters
- I. Acknowledge receipt of WCS and WWT Yearly Report for 2018
- J. Acknowledge receipt of MC Historical Society Appreciation Letter
- K. Acknowledge receipt of PA Dept of Labor and Industry Safety Committee Certification Renewal with 5% discount
- L. Acknowledge receipt of United Fire Co. Profit and Loss Detail/List of Officers & Members/Transaction Detail Report for 2018
- M. Acknowledge receipt of Storb Environmental Incorporated Notification
- N. Acknowledge receipt of DCED Financial Monitoring Report
- O. Acknowledge receipt of Jackie Fisher Letter
- P. Acknowledge receipt of PA DEP Inspection Report for Hazardous Waste for CVS
- Q. Acknowledge receipt of Quarterly Inter-municipal Meeting Minutes for Jan 22, 2019
- R. Acknowledge receipt of Tax Claim Letter for 672 and 674 Valley Street
- S. Acknowledge receipt of 2018 Judicial Tax Sale Schedule of Distribution

On a motion by Larry Searer and seconded by Mr. Felmlee, Council by unanimous vote approved the consent agenda.

REGULAR AGENDA

REPORTS

A. Treasurer

Mr. Welham stepping in for Ms. Walter is seeking Council's approval to release 2014/2015/2016 CDBG funds for the following:

- \$1,470.45 to the EADS Group for the Monument Square Streetscape project
- \$146.98 to the Mifflin County Commissioners for the 2018 fourth quarter material and supplies reimbursement
- \$7,014.50 to the Mifflin County Commissioners for the 2018 fourth quarter salary reimbursement
- \$145,050.27 to Jay Fulkroad for the paving of South Wayne Street and Spring Street

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote, approved to release the 2014/2015/2016 CDBG funds.

Mr. Welham needs Council's approval to bid out a 1984 Chevy truck, a 1988 Chevy truck, a 2001 Smith salt spreader and a 2004 International garbage truck. Mr. Sievers wanted to know if anyone checked on the value of the vehicles. Mr. Campbell said he doesn't see the trucks having a lot of value. Mr. Welham said the only thing of value may be the garbage truck.

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote, approved to bid out a 1984 Chevy truck, a 1988 Chevy truck, a 2001 Smith salt spreader and the 2004 International garbage truck.

B. Code Enforcement Officer

Mr. Fink reported there were 46 violations in January. 20 violations were issued for no snow removal, 14 for exterior accumulation of trash, 3 for work done without a permit and 4 properties were condemned for no sewer, no water, no power, and no heat. There were 18 zoning permits issued, totaling \$1,435.89. There were 13 sidewalk permits issued, totaling \$390. Estimated improvements totaled \$78,020 in January. The inspection fees for January were \$170. There were no LOMA letters received.

There was a traffic accident this morning on Fourth Street, involving a vehicle going into a residential house. The house sustained significant structural damage and needs to be demolished.

Mr. Campbell questioned Mr. Fink about the taxi station on Valley Street. It had a fire there a few weeks ago and when the responders got there, it was found to be in poor condition. Mr. Fink informed him that he verbally told them that no one was allowed on the property; however, he received a report today that they were living in there and using space heaters and propane heaters donated from Lowes. He then condemned the property.

C. Fire Chief

Chief Barlett reported 28 alarms and medical assists for January. Most of these were cold weather related and included electrical problems and motor vehicle accidents. Several incidents involved houses with no heat and poor living conditions. Mr. Fink was notified and he was on scene to assist.

Chief Barlett also addressed the accident on Fourth Street this morning. All three stations were dispatched at 8:16 am. Upon arrival, the Police Department advised them that no one was in the building. Stabilizing jacks were used to support the structure so it wouldn't collapse; Penelec arrived and disconnected the electricity. A safety perimeter was set up and, unfortunately, Fourth Street was blocked and shut down for a while. The Red Cross is assisting and took in four residents today.

Since the Fire Committee meeting last week, Chief Barlett said the fire companies have been talking among themselves about consolidation and more meetings and workshops have been set up to get things accomplished.

D. Mayor

Mayor Bargo presented Council with the Dr. Parcel Trust Fund. In the 1930's, Dr. Parcel was a local physician who had willed some property. The property was sold and placed into a trust account. JVB currently has been managing the account. They assumed they were the trustee only to find out in December that Lewistown Borough is actually the trustee. When this was set up, his will states that this money was to be used for poor people in Mifflin County. At some point, it was set up that anyone going into the medical field could borrow \$2,000 a year at 3% interest and not start paying it back until six months after graduation. Applications are received and reviewed by a five member board.

JVB receives \$800 out of the Trust annually to administer the account. Presently, there is \$112,054.07 in the Trust. If we want it to do what is originally stated in the will, we have the right to do that, but we would have to petition the court through the Attorney General's Office to renegotiate.

Mayor Bargo wants to know if we want to take over the account or do we want JVB to continue handling the account?

Mr. Remy would like the opportunity to review the will and the documents. He doesn't understand why and when things changed from the will. And what happens when the people don't pay the money back? Mayor Bargo said the applications are reviewed thoroughly; however, they have had to pursue a few of them and only one has been a major problem. Mr. Remy's concern is that the money was left for the poor and the needy, is this loan part of his wishes?

On a motion by Larry Searer and seconded by Mr. Sievers, Council by unanimous vote approved Mr. Remy reviewing the documents.

E. Police Chief

Chief Clemens reported January statistics. The Lewistown Police Department had 442 calls for service, 48 traffic citations, 16 non-traffic citations and 2 written warnings. They recently changed the way incidents are recorded, so that's why the numbers may seem high.

Chief Clemens announced Coffee with Cops, scheduled for February 15, at East End Coffee Shop from 11:30 am to 12: 30 pm. The event is opened to the public for anyone that wishes to get to know the police officers, ask any questions and voice any concerns they may have. He's hoping to have more events like this in the future with different hours so everyone has an opportunity to participate.

The Police Department hosted a Standard Field Sobriety testing refresher course through the PA DUI Association.

Sergeant Roberts attended a two week executive leadership course in Centre County.

Chief Clemens presented Council with a 2020 Hybrid Police Inceptor Utility to lease or purchase. Ford no longer makes the Inceptor sedans and is going to all SUV's. With the Hybrid, an estimated savings in gas, at \$2.65 a gallon, is \$3,485 per year. The cost for the new vehicle is \$36,632 from Lake Ford since they are a COSTARS dealer. The Police Department does have two vehicles to trade in and the value of those from Lake Ford totals \$7,250. The cost for the new vehicle would then be \$29,382 if purchased outright.

The budget allowed for a lease of \$10,728 per year for three years. If the new vehicle is leased, it would be an additional \$2,800 over three years due to interest.

Discussion ensued about purchasing or leasing the vehicle. Mr. Sievers wanted to know how the cages were installed. Chief Clemens said they were bolted to the floor and the pillars.

Discussion ensued on purchasing the vehicle or leasing it. Mr. Sievers asked Chief Clemens if we would be able to purchase the vehicle after the lease was up. Chief Clemens said he was told we could purchase the vehicle for \$1 after the lease was up.

On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by a 4-2 vote approved to lease a new police vehicle.

Roll Call

Dave Campbell	Yea
Jim Felmlie	Yea
Larry Searer	Nay

Mark Sievers	Yea
Bill Wilson	Nay
Venus Shade	Yea

F. Recreation Board

Ms. Hendricks is seeking Council’s approval to advertise for lifeguards, a ticket taker, and a pool manager for the upcoming summer season.

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by unanimous vote approved to advertise for lifeguards, a ticket taker and a pool manager at Rec Park.

Ms. Hendricks informed Council that the Rec Board discussed changing the name at the Lewistown Community Center to Lewistown Event Center, hoping to attract more business. Mr. Sievers didn’t think the name made a difference in activity as much as the marketing and use of social media. Mr. Campbell applauded Ms. Hendricks’s with her effort in using social media. Ms. Shade was also pleased with the effort Ms. Hendricks has put into improving the Community Center.

On a motion by Mr. Campbell and seconded by Ms. Shade (stepped down), Council by a 2-4 vote, did not approve changing the name of the Community Center.

Roll Call

Dave Campbell	Yea
Jim Felmlee	Nay
Larry Searer	Nay
Mark Sievers	Nay
Bill Wilson	Nay
Venus Shade	Yea

Ms. Hendricks gave a questionnaire and list of ideas to Council for review on how to improve the Community Center and increase the revenue.

G. Borough Solicitor

Nothing reported.

H. Borough Manager/Secretary

Mr. Welham updated Council on the successful bids of the properties located at 672 & 674 Valley Street. We are finalizing the agreement with the County and, upon the settling of the deed, we can approve and proceed with the demolition process.

Mr. Sievers had a question about the agreement with the County. Is it based on whether the Borough has a clear title of the property on the demolition deal? Mr. Remy said the Borough will get the title to the property, the Borough will spend the money to tear it down and the County will reimburse 50% of the actual cost of demolition and, in the event the Borough does sell the property, the County will recoup some of the money based on formula a in the agreement.

In the past, Mr. Sievers said the CDBG money that was used to tear a property down, we had no recourse, and it could be used for Section 8 housing only. He wanted to make sure that did not apply to this. Mr. Remy confirmed that it wouldn't since we are not using CDBG Grant money.

The Borough started a lighting upgrade using LED lights. The first building they are starting with is the Public Work Warehouse. Mr. Welham is seeking Council's approval to spend \$5,061.81 for the warehouse project. We would get a rebate of \$1,358.06, taking the cost down to \$3,703.75. The LED lights have a 50,000 hour life. We would be saving approximately \$102,000 over the life of the fixtures in electric by upgrading the lighting at the warehouse. Another nice feature is that the lights have motion detectors on each of the units, so they can turn themselves on and off.

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved spending \$5,061.81 for new LED lights at the Public Works Warehouse.

Mr. Welham presented Council with the need to purchase new cutter blades for the primary digester at the WWT Plant. The existing blades are not sharp enough to cut the material coming into the digester and it's causing the pipes to clog. We tried to have the blades sharpened, but it didn't work. A set of blades costs \$10,500 and we are requesting two sets totaling \$21,000.

On a motion by Larry Searer and seconded by Mr. Sievers, Council by unanimous vote approved the purchase of two sets of cutter blades for the WWT Plant.

In 2021, Mr. Welham told Council that we intend to have Valley Street reconstructed and paved. Nine manholes need to be installed before 2021 because there is too much space between the existing manholes. Mr. Sievers thought it was already in the budget. Mr. Welham is seeking Council's approval to have Gannett Fleming start the engineering work for the project.

On a motion by Larry Searer and seconded by Mr. Felmlee, Council by unanimous vote approved to have Gannett Fleming start engineering work for nine manholes needed on Valley Street.

UNFINISHED AND NEW BUSINESS

Ms. Shade is seeking Council's approval of the following board resignations:

- Bruce Buffington from the Civil Service Commission (moved)
- Colby Guyer from the Planning Commission (term expired)
- Jason Cunningham from the Rec Board (personal)
- Matthew Webb from the Rec Board (moved)

On a motion by Mr. Felmlee and seconded by Larry Searer, Council by unanimous vote approved the resignations from Bruce Buffington, Colby Guyer, Jason Cunningham and Matthew Webb.

On a motion by Mr. Felmlee and seconded by Mr. Sievers, Council by a 5-1 (Searer) vote approved the appointment of Colby Guyer to the Rec Board by Resolution.

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council unanimous vote approved the reappointment of Barry Bargo to the Rec Board for a three year term by Resolution.

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council unanimous vote approved the reappointment of Nelson Rieffannacht to the Zoning Hearing Board for a three year term by Resolution.

On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by unanimous vote approved the appointment of Michael Spahr to the Civil Service Commission by Resolution.

PUBLIC COMMENTS

None.

EXECUTIVE SESSION


Council went into executive session at 7:46 pm for personnel matters.
Council came out of executive session at 7:54 pm.

On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by a 4-2 vote approved the hiring of a full-time Police Officer utilizing part time positions.

Roll Call

Dave Campbell	Yea
Jim Felmlee	Yea
Larry Searer	Nay
Mark Sievers	Yea
Bill Wilson	Nay
Venus Shade	Yea


On a motion by Larry Searer and seconded by Mr. Campbell, the meeting adjourned at 7:58 pm.



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:



(Asst.) Borough Secretary