

REGULAR COUNCIL MEETING
FEBRUARY 13, 2017 AT 5:00 PM
LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

The regular meeting commenced following the special council meeting at 5:05pm.

ROLL CALL

Mr. Berrier, Mr. Searer, Mr. Wilson, Mr. Moore, Mr. Rager, Mr. Felmlee, and Mayor Bargo were present. Mr. Eddinger was absent.

REGULAR MEETING

HEARING OF PERSONS PRESENT

Erin Anewalt was on the agenda to speak but she has been sick and didn't have anything prepared so she chose not to speak.

Terri Reed of 71 S. Main St, Reedsville asked to speak but was denied because she is not a resident or taxpayer of Lewistown Borough.

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 Minutes – January 9, 2017
 - 2. Law and Ordinance Minutes – January 26, 2017
 - 3. Finance Committee Minutes – February 2, 2017
 - 4. Fire Committee Minutes – February 6, 2017
- B. Acceptance & Approval of the Treasurer's Report
- C. Acceptance of the Tax Collector's Report for December
- D. Approval of Schedule of Bills:
 - 1. General Borough, Specialty Tax, Refuse, Wastewater Collection, Wastewater Treatment Plant, State Liquid Fuels
- E. General Borough Capital Schedule of Bills & Requisition 229
- F. CVS Schedule of Bills
- G. Acknowledge receipt of Tax Collection Committee Budget & invoice
- H. Acknowledge receipt of Cap Progress Report 2016 from Mr. Rehab
- I. Acknowledge receipt of WinCan Reports for second half of 2016
- J. Acknowledge receipt of Request for Qualifications for Electrical Inspection Services for CDBG
- K. Acknowledge receipt of Request for Lead Based Paint Inspector/Risk Assessor, Asbestos & Radon Testing Services for CDBG

- L. Acknowledge receipt of United Fire Company's 990
- M. Acknowledge receipt of Dingianni Approval and Welham Conditional Approval from Planning Commission
- N. Acknowledge receipt of 5% discount letter from Department of Labor for Safety Committees
- O. Acknowledge receipt of FAME EMS 2016 Report/December FAME EMS Statistics/January Meeting minutes
- P. Acknowledge receipt of K-9 report
- Q. Acknowledge receipt of Pets First Donation Request
- R. Acknowledge receipt of WCS/WWT 2016 report
- S. Acknowledge receipt of Public Utility report
- T. Acknowledge receipt of Storb Environmental Incorporated letter regarding Storage Tanks
- U. Acknowledge receipt of Notice of Intent to Enter Letter from PennDot for upgrade of traffic signals
- V. Acknowledge receipt of Brooklyn Hose Company Firefighters info with address, birthdays, license #,etc
- W. Acknowledge receipt of City Hook and Ladder Firefighters Officers with Names and Phone numbers/Names of Board of Directors/ and Roster

Mr. Berrier pointed out that the Planning Commission Meeting Minutes from February 1 are to be included as part of the consent agenda.

It was noted that Item M Dingianni Approval and Welham Conditional Approval from Planning Commission will be discussed by Mark Remy later.

Mr. Searer wanted to know what the K-9 account was and Mr. Berrier replied that it just showed the balance in the account.

Mr. Searer questioned what requests and information the Brooklyn Fire company provided to the Borough. Mr. Berrier stated that it was a list of what they are going to use their allocation for; however, Mr. Welham replied that they didn't send what was needed to complete the 990.

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

REGULAR AGENDA

REPORTS

A. Treasurer

Ms. Walter reported on some of the accomplishments of January. This included the completion of the Survey of Financial Conditions, 2017 Report of Elected and Appointed Officials, and the 2017 Tax Information Form which was submitted for the Borough to receive the annual allocation for State Liquid Fuels that is estimated at \$214,000 for March 1. Ms. Walter completed the annual report of Revenues over Expenses for the year of 2016 for the State Liquid Fuels account that was due by January 31st which was also required to be completed to receive the State Liquid Fuel allocation. In addition, Ms. Walter completed 9

quarterlies, 97 W-2's, and 17 1099's. Ms. Walter prepared paperwork for the fiscal year 2016 for the annual audit. Ms. Walter also stated that the changes in the cost and fee schedule regarding the refuse rates caused some computer programming issues that she needed resolved before the bills could go out. Ms. Walter thanked the Clerk/Secretaries for staying to help with the billing.

Ms. Walter reported that the Borough also received the County Aid for the last 2 years in the amount of \$16,055.

B. Code Enforcement Officer

Mr. Fink reported there were only 16 Violations in January because he was working on the EDU project that lasted 3 ½ weeks. Mr. Fink stated that they issued 21 permits for a fee collection of \$1,822.74 with an estimated project cost of \$148,468.

C. Fire Chief

Chief Barlett reported that for the month of January the fire department had 11 alarms with no significant damage, and they had some additional medical calls.

Chief Barlett stated last month, the tower trucks went out for aerial certification. City's tower truck passed its certification, but United's truck needed some repairs. The repairs are completed and they should receive the certification sticker in a couple of days.

Chief Barlett stated that Lewistown Borough Council made it possible to buy some new fire gear, so he wanted to thank the Council for making this possible.

Chief Barlett discussed having a man on stand-by for three and half hours during the Meth lab issue on Valley Street. Due to the harmful vapors when the police put the containers on the table he had men stand-by with fire extinguishers in case anything was to happen. A few days later he went back to Valley Street with Mr. Fink to inspect the building. They had City's multi-meter which they took through the building to check it for any left-over chemicals, harmful vapors or explosives. Nothing was found. They talked to the Sentinel and had a notice put in the paper for the local businesses that had concerned customers that were reluctant to come to the area.

D. Mayor

Mayor Bargo stated that the Mifflin Juniata Borough Association is having their annual dinner on April 12, 2017. She mentioned that the social event is at 6:00 and dinner is at 6:30, and that an invitation will be sent to Borough Council.

E. Police Chief

Chief Lusk was absent so Mayor Bargo mentioned that she had the service call report. She also wanted to publicly thank the First United Methodist Church for its Law Enforcement Sunday Appreciation Service and Luncheon. Mayor Bargo stated that the church was very appreciative. The question was asked to the Mayor who was running the police station in the absence of Chief Lusk. She stated that it would be both sergeants that are next in command.

F. Board of Recreation

Ms. Barr stated that the Rec Board would like to support Brett Rodgers and the MCS&T Fair. Ms. Barr spoke about how Mr. Rodgers has been running the Mifflin County Science and Technology Fair for the last three years. The fair is on Saturday April 15 from 12:00 to 2:00 pm at the Lewistown Community Center. Ms. Barr gave an overview of the program. It's open to local school age students in fourth through sixth grade. It is very well attended and last year there were 57 families that came to the event. It is a cash prize competition with ribbons and metals given out for 1st, 2nd, and 3rd places. Ms. Barr stated that Mr. Rodgers would like to have the fee remain the same as last year's fee of \$375. Mr. Rodgers does the entire fund raising for this event himself and he runs this program as a volunteer. It was determined since Mr. Rodgers had the form in last year that the rate will remain the same.

On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by unanimous vote approved a Facility Use for the Science and Technology Fair and for them to receive the Community Center at 2016's rate of \$375.

G. Other Facility Use Forms needing approval

Mr. Berrier reported they had a Facility Use request from Venus Shade for Kid Connection on April 29, 2017.

On a motion by Mr. Searer and seconded by Mr. Moore, Council by unanimous vote approved the Facility Use request for Kid Connection on April 29, 2017.

Mr. Berrier reported they had a Facility Use request from Daversa Construction Corp for a Closure of Street on 2/27/17 to 3/3/17. Mr. Welham stated Comcast needs to run a line from a telephone pole behind CVS across Brown St to the Bon Ton at the rear corner of the building by the back doors. Daversa Construction needs to channel across Brown St and down North Plaza Drive to the entry point at the rear of the Bon Ton building.

On a motion by Mr. Searer and seconded by Mr. Moore, Council by unanimous vote approved Facility Use request for Daversa Construction from Feb 27 to Mar 3 2017 contingent upon all fees being paid.

Mr. Berrier stated they had a late Facility Use request from the Mifflin County High School for Ecology Student Day and Trout Release at Rec Park on April 28th. They are requesting the use of the restroom facilities and 2 pavilions.

On a motion by Mr. Searer and seconded by Mr. Rager, Council by unanimous vote approved Facility Use request for the Mifflin County High School for Ecology Student Day and Trout Release at Rec Park on April 28, 2017.

H. Borough Solicitor

Mr. Remy stated that he is presenting the ordinance for the upcoming Tax Collectors compensation for fiscal 2018, 2019 2020, and 2021.

On a motion by Mr. Rager and seconded by Mr. Berrier, Mr. Berrier stepped down temporally to second the motion, Council by 2-4 (Searer, Wilson, Moore, Felmlee) vote denied approval of the Ordinance for the Tax Collectors compensation for 2018 – 2021.

Roll call

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

Mr. Remy stated the next item of business was the approval to advertise the ordinance that ties all fees to the annual Cost & Fee Schedule.

On a motion by Mr. Rager and seconded by Mr. Felmlee, Council by unanimous vote approved advertising the ordinance that ties all fees in previous ordinances to the annual Cost & Fee Schedule.

Mr. Remy is seeking approval to advertise the ordinance which outlines the duties of the newly elected Tax Collector. This ordinance includes preparing a monthly report on fees collected that tie back to a previous ordinance that allowed the tax collector to charge for bad check fees, extra duplications, and certifications.

On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by unanimous vote approved advertising the ordinance which outlines the duties of the newly elected Tax Collector that includes preparing monthly reports on fees collected.

Item four was giving the Codes enforcement officer the ability to write tickets. Mr. Remy stated this is an attempt to increase compliance and decrease costs by allowing the Codes Officer to issue tickets after a week's written notice if the violation isn't fixed for certain ordinances. It would be similar to parking tickets. The ticketing would occur prior to the case going to the magisterial district judge level which is when the situation becomes more expensive and cumbersome. Mr. Remy is asking to advertise the ordinance that permits the Codes Officer to write tickets.

Mr. (Dave) Campbell asked what the fees would be like. Mr. Remy stated the cost as drafted would be \$25 after the first week, then \$50 the following week, then \$75 the next week, and then after that on to citation.

On a motion by Mr. Searer and seconded by Mr. Moore, Council by unanimous vote approved advertising the ordinance that permits the Codes Officer to write tickets.

Mr. Remy reviewed the letter from Special Needs regarding the refund of taxes paid. He stated they are in the process of locating the information that is needed for the refund. Mr. Berrier asked Mr. Remy if he was aware that Special Needs was late in submitting the appeal on the first round of taxes. Mr. Remy wasn't aware of this, but would look into it.

Mr. Remy reviewed the Dingianni Sub Division Plan that was recommended to the Borough by the Planning Commission. The plan is to divide the lot in half on Church Lane.

On a motion by Mr. Felmlee and seconded by Mr. Moore, Council by unanimous vote approved the Dingiani Subdivision Plan.

Mr. Remy reviewed the Welham lot plan that is asking to clarify and clean up some property lines near Black's Hospital which had been conditionally approved by the Planning Commission. Mr. Remy stated there were a few things that needed revised, and they have been done.

On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by unanimous vote approved the Welham Lot Addition Plan.

I. Borough Manager/Secretary

Mr. Welham stated that Rhonda Moore approached several individuals about having a bus shelter in front of the Embassy Theater. It will be a Boy Scout Eagle Project with no liability to the Lewistown Borough. Mr. Welham is looking for approval by Council to move forward with a bus stop shelter. Mr. Welham mentioned that ultimately the Borough would be responsible for maintaining the location. Mr. Searer didn't think we need any more areas to be responsible for. No one has problems with the project, but most of Council doesn't want Lewistown Borough to take any responsibility or liability for it. No action was taken.

Mr. Welham stated that Don Dippery along with the safety committee has made it possible to get the Borough Certified. This entitles the Borough to a 5% discount on workman's Compensation in April on the renewal.

Mr. Welham asked Don Dippery to speak about the Letter from DEP. Mr. Dippery stated that the letter, dated January 23, 2017, concerning Manhole 510 near Green Gables has been eliminated from the corrective action plan.

Mr. Welham wanted to thank The Sentinel for the article on the action taken by Rex Fink and Bob Barlett to assure the public that the location on Valley Street where the meth lab was found is safe.

Mr. Welham outlined the Adopt-A-Planter Program where various interested groups take ownership of 1 of the 50 planter's downtown. Then at the end of the summer there will be an award called the Jim H. Tunall Award for the best floral display. Mr. Welham doesn't think there will be any problem getting the planters adopted.

Mr. Welham stated the county presented the opportunity for the Borough to apply for Marcellus Shale Grant. He felt that there were two projects that would be a good fit for this grant. The first one was the ADA handicap ramp for entrance into the pool area. The other project is to replace all the pavilion roofs at Rec Park. Mr. Welham stated the Borough's in kind match would be \$3,900.

Mr. Welham reviewed the plan on the concession stand at Rec Park. It would be a turnkey operation with utilities and equipment provided. The bids need to be submitted by March 31, 2017. Mr. Welham also stated that any equipment that's damaged will need to be fixed by the concessioners and a security deposit will be required. Mr. Welham thought the bids should come in around 2,000 to 4,000. He stated last year with the vending machines our profit was around \$600. More discussion ensued.

UNFINISHED BUSINESS

The formal approval of the Tax Ordinance.

On a motion by Mr. Searer and seconded by Mr. Moore, Council by unanimous vote approved the adoption of the Tax Ordinance with no tax increases.

Roll call

<i>Larry Searer</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>
<i>Matt Moore</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>

Mr. Berrier stated they received a request from Jonathan Marsh to resign from the Lewistown Police Department.

On a motion by Mr. Rager and seconded by Mr. Moore, Council by unanimous vote approved the resignation of Jonathan Marsh from the Lewistown Police Department.

NEW BUSINESS

- A. Mr. Berrier reported that United Fire Company has requested to have their 2017 equipment allocation disbursed. He stated their 990 has been prepared and submitted to Council. Mr. Berrier stated the 990 appears to be in order, and they are in compliance to receive their equipment allocation.

On a motion by Mr. Moore and seconded by Mr. Searer, Council by unanimous vote approved the disbursement of the 2017 Equipment Allocation to United Fire Company.

- B. Mr. Berrier reported that City, Hook & Ladder has requested to have their 2017 first quarter allocation disbursed. He stated they are in compliance to receive the allocation.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved the disbursement of 2017 First Quarter Allocation to City, Hook, & Ladder.

- C. Mr. Berrier reported that Brooklyn Fire Company has requested to have their 2017 first quarter allocation disbursed. He stated they failed to respond to questions for their 2016 Form 990's so they are not in compliance to receive the allocation so he ask Council what their decision is. Some discussion ensued on what the Fire House needs to do to be able to collect their allocations. Mr. Searer stated that the 990 needs to be submitted to an accountant to be analyzed so they can collect their allocations this year.

- D. Mr. Berrier stated they had a request to exonerate a sewer bill at 20 Grand Parkway from Michele Lewis who had a hot water line break which sent water rushing down the street for a couple of days.

On a motion by Mr. Searer and seconded by Mr. Rager, Council by unanimous vote approved the exoneration for the sewer bill at 20 Grand Parkway.

- E. Mr. Berrier stated they have an Authorization to execute the Link Contract for another year of Site Care.

On a motion by Mr. Felmler and seconded by Mr. Rager, Council by unanimous vote approved the Authorization to execute the Link Contract for another year of Site Care.

F. Frank Berrier - Law and Ordinance Chairman

1. Mr. Berrier reported that Law and Ordinance felt it would be a good idea to establish a Resolution specifying a dress code of business casual as defined in the union contract for all management and elected officials conducting business in the Municipal Building.

Mr. Searer questioned if Council is allowed to implement a dress code and do they have the right to tell people how to dress. Mr. Berrier pointed out that it's the same dress code as Union Personnel adhere to. Mr. Searer at this time pointed out that Mr. Wilson has a paper that states Council President is not supposed to chair any Committees. Mr. Felmler asked Mr. Remy if we have the right to put a dress code resolution in place. Mr. Remy stated that Council has taken it upon themselves to require persons conducting business in the Municipal Building be dressed in an appropriate manner.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by 4-3(Searer, Wilson, Felmler) vote with the Mayor breaking the tie, approved the Resolution for a dress code for all management and elected officials conducting business in the Municipal Building.

Roll call

<i>Larry Searer</i>	<i>Nay</i>
<i>Bill Wilson</i>	<i>Nay</i>
<i>Matt Moore</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>Jim Felmler</i>	<i>Nay</i>
<i>Frank Berrier</i>	<i>Yea</i>
<i>Mayor Bargo</i>	<i>Yea</i>

Mr. Berrier stated they should discuss committee assignments, especially since as Mr. Wilson pointed out; there is a problem with Council President serving as a Committee Chairman. After Mr. Remy reviewed some documents it was determined that the Council President can't serve as a Committee Chairman. Mr. Felmler had informed Mr. Welham after the meeting in January that he doesn't wish to serve on any committees at this time. There are several committees that Mr. Felmler was on so some committee changes were required. Mr. Berrier removed himself as Law and Ordinance Committee Chairman, added himself as a member of Finance Committee and then he asked if other members would like to help take some of the positions. Mr. Berrier also mentioned that more discussion would follow at the next meeting.

G. Russ Rager - Finance Chairman

Mr. Rager was seeking approval for staff to proceed with the DCNR grant for the River Trail. The grant would help offset the increase due to the original proposal showing \$285,000 and now three years later the new proposal shows approximately \$390,000. The cost to the county is \$2,000 for the application fee and \$1,000 to administer.

On a motion by Mr. Searer and seconded by Mr. Rager, Council by a 4-2 (Moore, & Felmlee) vote has approved proceeding with the DCNR grant for the River Trail Project.

Roll call

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

Mr. Rager reported they are seeking approval to change the Cost and Fee schedule to allow the rental of a dumpster for apartment buildings that participate in the bags with tags program. The rental fee will be \$10 per quarter per dumpster and \$10 per quarter per six 90 gallon carts for recycling.

Mr. Rager stated that along with the prior Cost and Fee Schedule change they are looking for approval to change the Cost and Fee Schedule to a temporary 2 yard dumpster at \$65.00 monthly, a 3 yard dumpster to \$69.50 monthly, and a 6 yard dumpster to \$83.00 monthly. He stated this was more of a process to clean up the bill so it was easier to read than any real changes to the amount charged.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote has approved changing the Cost and Fee schedule to allow the rental of a dumpster for apartment buildings that participate in the bags with tags program to be \$10 per quarter per dumpster and \$10 per quarter per six 90 gallon carts for recycling. Along with changing the fees for temporary 2 yard dumpsters to \$65.00 monthly, 3 yard dumpsters to \$69.50 monthly, and 6 yard dumpsters to \$83.00 monthly.

Mr. Rager talked about a water reduction meter which is purchased from the Water Company to record the flow of water that is used for outside purposes such as filling a swimming pool, washing cars, and watering lawns since this water doesn't go into the sewer system. Mr. Rager stated that the Finance Committee is recommending any external water usage exoneration requests to require the owners to have a sewer reduction meter which can be purchased from the Water Company for \$234.00. Mr. Searer felt that it should be advertised so residents are informed. Mr. Welham stated that it will be on the EG Channel, and the people who got exonerations last year will be contacted directly and made aware of

the change for exonerations in 2017. The staff would also prepare a notice to be included in the billing.

On a motion by Mr. Rager and seconded by Mr. Felmlee, Council by unanimous vote approved all requests for sewer exonerations will require a reduction meter.

Mr. Berrier stated that the Council needed to appoint a new delegate to the Tax Collection Committee and that Mr. Welham has volunteered to serve as the delegate.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved Scott Welham as the new delegate for the Tax Collection Committee.

H. Larry Searer – Personnel Chairman

Mr. Searer stated at this time there was nothing to report.

I. Larry Searer-Streets Chairman

Mr. Searer reported that a PennDot plow truck took out a couple of parked cars along Logan Street this winter. PennDot is requesting that one side of Logan Street that comes down off the 322 bypass be no parking during the winter months. The question asked by some of the Council Members is where else are the people supposed to park? It was decided the answer is to let PennDot know by letter that the Borough will take care of the snow since the Borough snow plows are smaller.

Mayor Bargo mentioned that she has had quite a few comments about how nice it is to have the handicapped parking in front of the Post Office instead of on the side street.

Mr. Searer reported they had a request by Katrina Johnson asking for no turn on red signs be installed at the Walnut St/Spring St intersection. Mr. Searer stated that Walnut Street is a PennDot road and the only thing Lewistown Borough can do is send her a letter notifying her to contact PennDot by letter so they can investigate the situation and make the decision.

Mr. Searer stated there are 40 alleys that the 911 center wants us to name. It was suggested that we have a “name the alley” fund raiser where anyone can name the alley for a donation.

PUBLIC COMMENTS

Mr. Neil Purcell stated that from Montgomery Avenue to Crider Mitchel the sidewalks are 4 to 6 inches below the curb which has caused safety concerns because people are tripping and falling. Mr. Welham replied that they are on the list to be fixed.

Mr. Purcell stated that the gazebo at the library has been destroyed a couple of times. He mentioned that last spring he had offered to pay for a camera to hook up at the gazebo so they can catch the vandals. He was wondering if any decisions had been made about the camera purchase. Mr. Welham stated he will look into the situation and let Mr. Purcell know what is decided.

Mr. Jim Smith has concerns about a No Parking sign at 106 Logan Street that fell over and needs to be replaced. Mr. Welham asked Mr. Plank to check into the situation.

Mr. Smith was concerned about the cost of the walking trail. He wasn't sure we need another walking trail. Mr. Welham stated that the walking trail is a nice addition to make the town more appealing to outsiders considering relocation, and that grant money will allow the Borough to complete the project.

Ms. Erin Anawalt commented on the dress code that as of December 12, 2016 there were no formal complaints on file regarding the tax collector.

EXECUTIVE SESSION

Council went into an executive session at 6:58 P.M. for police personnel matters and litigation.

Council came out of executive session at 7:45 P.M.

Mr. Berrier made a motion to hold an Executive Session on February 28, 2017 at 5:00 pm.

On a motion by Mr. Searer and seconded by Mr. Moore, Council by unanimous vote approved authorization for staff to pursue a wastewater repair project on Valley Street.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved suspension of a police officer for three days without pay for damages to Borough Property. Mr. Berrier noted that this would be at the discretion of the Chief of Police.

On a motion by Mr. Rager and seconded by Mr. Moore, Council unanimously voted to adjourn at 7:48 P.M.

Joseph Berrier
(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:
[Signature]
(Asst) Borough Secretary