

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

The meeting opened at 5:00 PM with Borough Council President Frank Berrier presiding. The Pledge of Allegiance was recited by all present.

**ROLL CALL**

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

Mr. Berrier opened the meeting by addressing the comments in the open line of the Sentinel. He would like to see the people with issues contact Lewistown Borough Personnel and work through the issues this way instead of inserting anonymous comments in the open line of The Sentinel trashing Lewistown Borough. Mr. Berrier told The Sentinel reporter Lauren Kershner that he would like to invite Ruth Eddy or Brian Cox to the next meeting to explain to council what the Open Line is for and how it benefits our community by putting this type of comment in the newspaper. Mr. Berrier addressed the people in the audience by thanking them for coming to the meeting and that they are truly appreciated for being public spirited citizens.

**REGULAR MEETING**

**HEARING OF PERSONS PRESENT**

Mr. (Jim) Smith wanted to commend the Streets Department on immediately taking care of the No Parking sign that had fallen over at 106 Logan Street.

Mr. Smith wanted to comment on the Adopt-a-Planter program that was discussed at last month's Council Meeting. He stated that they used to have a garden center and they would have been glad to donate plants to a cause like this. He thought that maybe the local garden centers could be contacted to see if they would be willing to donate plants if they could have a small sign with their names on it inserted near the plants in the planters.

Ms. (Deb) Pepper asked why they are surveying 3<sup>rd</sup> Street. Mr. Welham replied that all the intersections in the Borough are going to get a makeover in 2018 with new traffic lights on arm posts instead of wires, handicap ramps, and the traffic lights will be on sensors.

Mr. (Larry) Carter commented that for the last several months, recycling has not been picked up for the 3 houses that are on Church Lane, which is the alley behind the Grace Church. Mr. (Ben) Rager will look into the matter.

## 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 – February 13, 2017
  - 2. Special Council Meeting Minutes-February 13, 2017
  - 2. Law and Ordinance Minutes – March 2, 2017
  - 3. Finance Committee Minutes –March 2, 2017
- B. Acceptance & Approval of the Treasurer's Report
- C. Acceptance of the Tax Collector's Report for January
- D. Acceptance of 2017 Tax Duplicate
- E. Approval of Schedule of Bills:
  - 1. General Borough, Specialty Tax, Refuse, Wastewater Collection, Wastewater Treatment Plant, State Liquid Fuels
- F. Acknowledge receipt of K-9 report for February
- G. Acknowledge receipt of DLI Executive Committee Meeting –November 15, 2016
- H. Acknowledge receipt of DLI Regional Business Center Conference – December 7, 2017
- I. Acknowledge receipt of DLI Executive Committee Meeting – January 17, 2017
- J. Acknowledge receipt of DLI General Information Notes
- K. Acknowledge receipt of Comcast Channel Change - Channel 183 will cease programming
- L. Acknowledge receipt of Comcast Channel Change of WTAJ-10 no longer broadcast in area
- M. Acknowledge receipt of Sacred Heart School Newsletter
- N. Acknowledge receipt of Juniata-Mifflin Boroughs Association Dinner Invitation for 4/12/17
- O. Acknowledge receipt of Fame Emergency Medical Services Response Statistics for January
- P. Acknowledge receipt of Fame Board of Directors Meeting Minutes for February 8, 2017
- Q. Acknowledge receipt of PA Dept. of Environmental Protection CAP Progress Report Letter
- R. Acknowledge receipt of MC Planning Commission Dinner Meeting Invitation for 4/6/17
- S. Acknowledge receipt of MC Planning & Development Dept. Award Nomination Letter
- T. Acknowledge receipt of PSAB Voting Delegation Form
- U. Acknowledge receipt of DCED Audit Letters for CDBG fund
- V. Acknowledge receipt of the Parking Lot analysis

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

## REGULAR AGENDA

### REPORTS

- A. Treasurer

1. Ms. Walter stated that Lewistown Borough received a Financial Audit from the Department of Community and Education Development for our Community Development Block Grant. Ms. Walter stated that she was happy to report that the DCED audit report showed that all the expenditures were eligible and reasonable for the purposes of the grant.
2. Ms. Walter reported that every year the Materials, Equipment and Goods manual for the roads are bid out since the quantities purchased are over the \$19,700 threshold. She is looking for approval from Council to bid this out.

**On a motion from Mr. Rager and seconded by Mr. Moore, Council by unanimous vote approved the process to bid out Materials, Equipment and Goods manual for the roads.**

#### **B. Code Enforcement Officer Treasurer**

1. Mr. Fink reported there were 54 Violations in February with the biggest ones being garbage and junk in people's yards, along with property maintenance issues. He said they removed 10 unlicensed vehicles from the Borough. Mr. Fink stated that they issued 19 permits for a fee collection of \$2,682.51 with an estimated project cost of \$28,550 for February.

#### **C. Fire Chief**

1. Chief Barlett reported that for the month of February the fire department had 18 alarms plus medical assists consisting of a couple of cardiac arrests.
2. Chief Barlett reported that the fire houses are all ready for the impending snow storm. Each station is going to keep a crew at the stations for the next 24 hours. He stated that all the generators have been checked and are available as needed. Chief Barlett mentioned that the Brooklyn has offered their service of the snow plow if Lewistown Borough needs it during the storm. He said that the Police Chief has placed police patrol cars at the Brooklyn and at City Hook & Ladder so they aren't sitting in a parking lot with snow on them. This way they will be ready to leave quickly if needed for any reason.

#### **D. Mayor**

1. Nothing to report this month

#### **E. Police Chief**

1. Chief Lusk said that with the impending weather the police are staged and ready to go with backup power if the electricity goes out. He mentioned that Mr. Plank, Streets Superintendent, brought a small generator down to power the server for the computers if the power goes out.

2. Chief Lusk stated that in the month of February, the Lewistown Police Department issued 81 parking tickets, 54 traffic citations, 16 non-traffic citations, and had 218 calls for service.
3. Chief Lusk mentioned he received the resignation of part-time officer Paul Butler who took a job with Armagh Township.
4. Chief Lusk mentioned they had an error in the cost and fee schedule that is a wrong amount for accident reports. It is a state law in Pennsylvania that the cost of traffic accident reports for the insurance companies can't be more than \$15. Chief Lusk needs approval from the Council to take the cost from \$25 to \$15.

**On a motion by Mr. Moore and seconded by Mr. Eddinger, Council by unanimous vote approved changing the cost and fee schedule amount of \$25 to the legally mandated amount of \$15 for traffic accident reports for insurance companies.**

**Roll call**

Larry Searer	Yea
Bill Wilson	Yea
Mr. Moore	Yea
Larry Eddinger	Yea
Russell Rager	Yea
Jim Felmlee	Yea
Frank Berrier	Yea

5. Chief Lusk mentioned that they are planning for the Civil Service test to be held the first week of June, and that Sergeant Shaffer will be running that part of the operation. He stated that they are taking applications for part-time officers.

**F. Board of Recreation –No Quorum**

**On a motion by Larry Searer and seconded by Mr. Moore, Council unanimously voted to approve the Facility use form for the Mifflin County Tomahawks.**

**On a motion by Larry Searer and seconded by Mr. Moore, Council unanimously voted to approve the Facility use form for the Mifflin County Youth Baseball.**

**On a motion by Mr. Moore and seconded by Larry Searer, Council unanimously voted to approve the Facility use form for the Strodes Mills Babe Ruth Baseball.**

Mr. Welham reported that the next item was approved at the prior meeting; however, the fee waiver request was not discussed. He discussed with the Mifflin County High School about undergoing a movie night down at the pool, and that in other areas it's part of a growing trend. The Borough doesn't have a projector or a screen and rental of this

equipment is \$170 per night. The School District possesses this equipment and would be willing to provide it in lieu of waving the fee. He stated this was a casual agreement with the school.

**On a motion by Mr. Rager and seconded by Mr. Moore, Council 5-2 (Searer, Wilson) voted to waive the \$60 fee for Mifflin County High School Ecology Class for their trout day on April 28, 2017.**

**Roll call**

Larry Searer	Nay
Bill Wilson	Nay
Mr. Moore	Yea
Larry Eddinger	Yea
Russell Rager	Yea
Jim Felmlee	Yea
Frank Berrier	Yea

**On a motion by Mr. Moore and seconded by Larry Searer, Council unanimously voted to approve the Facility use form for the Mifflin County Soccer Club contingent upon receiving their updated insurance form.**

**H. Borough Solicitor –Mr. Remy is not present.**

1. Mr. (Bill) Wright, the surveyor went over the Approval of the Lewistown Zoning Hearing Board Request for Variance for the Estate of Elta M. Lauver. It is two lots side by side that needed to be divided in order to have separate owners. This has been through the Planning Board and has their approval.

**On a motion by Mr. Felmlee and seconded by Mr. Rager, Council unanimously voted to approved the Request for Variance for the Estate of Elta M. Lauver.**

2. Mr. Berrier stated they have the ordinance permitting the Codes Officer to have the ability to write tickets. Mr. Felmlee wanted to know the details and stated that he would like to be able to review all ordinances prior to the meetings. Mr. Welham stated that the tickets will be handled the same way it always was; however it will not go through the justice department. Mr. Felmlee thought the landlord should know right away. Mr. Berrier asked who the violator is, whether it is landlord or the tenant. Mr. Fink stated there is no way to know that because it could depend on how the lease is written. So Mr. Fink just goes after the owner and then the owner can go after the tenant. Ms. (Deb) Peffer had a question on what specifically the ordinance was. After some discussion it was decided to wait until the next council meeting to vote on this ordinance.
3. Mr. Berrier stated that the ordinance tying all the fees written into all the various ordinances in with the Cost & Fee schedule is ready for adoption. Mr. Berrier stated it

saves from having to change ordinances every time cost and fees changes. It allows us to save money and do fewer ordinances.

***On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved the adoption of the ordinance tying all the fees written into all the various ordinances into the Cost & Fee Schedule.***

**Roll call**

Larry Searer	Yea
Bill Wilson	Yea
Mr. Moore	Yea
Larry Eddinger	Yea
Russell Rager	Yea
Jim Felmlee	Yea
Frank Berrier	Yea

4. Mr. Berrier stated the next ordinance up for adoption is the ordinance concerning the reporting of the Tax Collector. It would require the tax collector to report to the Borough the amount of fees collected for check charges, duplicate tax bills and tax certifications. Some discussion ensued.

***On a motion by Mr. Rager and seconded by Mr. Eddinger, Council by 5-2(Searer, Wilson, Moore, Eddinger, Berrier) vote denied the adoption of the ordinance concerning the reporting of the tax collector to the Borough.***

**Roll call**

Larry Searer	Nay
Bill Wilson	Nay
Mr. Moore	Nay
Larry Eddinger	Nay
Russell Rager	Yea
Jim Felmlee	Yea
Frank Berrier	Nay

**I. Borough Manager/Secretary**

1. Mr. Welham gave an overview of the Kish Street Project. This is a \$1.5 million dollar project that would rebuild Kish Street, enlarge the areas by Lewistown Intermediate School and Lewistown Elementary School for a better bus setup and add a traffic light at Green Avenue and Kish Street intersection. Mr. Welham stated that he is working with Lucas Parkes at the EADs Group and they would like to work on getting the Multimodal Grant. This grant would require a 30% or \$450,000 match from the community. Mr. Welham is hoping to get funding help from the Mifflin County School District, Geisinger, Ohesson Manor, Blossom Hill, MC Technology School, and Sum Child Development which

would all benefit from the enhanced area. This grant is very receptive to areas that improve a safe route to school zones which this project would greatly improve safe travel from downtown Lewistown to the Lewistown Elementary School, Lewistown Intermediate School, and Lewistown Middle School

***On a motion by Mr. Moore and seconded by Mr. Felmler, Council by unanimous vote approved applying for the Multimodal Grant for the Kish Street Project.***

2. Mr. Welham mentioned that Seda Cog came to Lewistown Borough in 2015 asking for refuse rates when they were putting together the proposal for Mann Edge II. The Borough Manager at that time told them that the rate would be \$4,849 for all 34 units. Mr. Welham said that the full rate would actually be \$6,472 or approximately \$1,600 more. Mr. Welham proposed that we honor the rate for the first year and then gradually roll the rate over in the next 3 years until it is in line with what all other Borough residents pay.

***On a motion by Larry Searer and seconded by Mr. Felmler, Council by unanimous vote approved the original proposal rate for the first year with a gradually increased 3 year rate structure for Seda Cog on the refuse rates at Mann Edge II.***

3. Mr. Welham stated that PSAB needed a voting delegate and alternate for the upcoming conference.

***On a motion by Mr. Felmler and seconded by Mr. Rager, Council by unanimous vote approved the appointment of Robert Welham as the voting delegate with Mayor Bargo as the alternate.***

4. Mr. Welham stated there is a special occasion with 2 long term employees retiring on March 31st. He mentioned that Sally Shoemaker with 44 years' service and Merle Burge with 36 years' service are retiring. He is proposing a retirement party at the Rec Park Community Center with a cost of approximately \$303 to the Borough.

***On a motion by Larry Searer and seconded by Mr. Moore, Council by unanimous vote approved the retirement party at the Rec Park Community Center on March 31<sup>st</sup>.***

5. Mr. Welham reported that the camera for the gazebo up at the Library has been set in motion and he will have more of an update at the next council meeting.
6. Mr. Welham gave an update on the South Main Street Bridge project which is going to take place in March to October of 2019. PennDot will be meeting to review various areas that need to be addressed at the Borough building.

7. Mr. Welham stated that a letter was sent to Penn Dot concerning the plowing of the hill on Logan Street. PennDot has responded with the request of a meeting on March 16<sup>th</sup> between at 10:30 to discuss it.
8. Mr. Welham mentioned that in conjunction with the paving project this summer there is Arle Grant Money that has to be used by December 2017 or the Borough loses it. It was suggested that \$6500 of the \$75,000 be used to have EADS to the engineering work on the ADA compliant crosswalks on South Wayne Street.

***On a motion by Mr. Rager and seconded by Mr. Moore, Council by unanimous vote approved using part of the Arle Grant for the \$6500 to contract EADS to do the engineer work for the ADA compliant crosswalks on South Wayne Street.***

Ms. (Mel) Smith asked if any of the money could be used to pave alleys. Mr. Welham answered that this Grant money has specific projects it can be used on. She then asked if they were going to pave the alley behind Snedekers. Mr. Welham answered that the alleys are on a ten year plan to be paved. He mentioned that the worst will be paved first.

9. Mr. Welham asked Mr. Rager, Refuse Superintendent to explain the refuse route snow schedule for Tuesday March 14<sup>th</sup>. Mr. Rager stated that refuse and recycling has cancelled the routes for the snow day and all refuse for Tuesday will be picked up on Wednesday.
10. Mr. Welham stated that in 2016 the Lewistown Borough Facebook was shutdown. Mr. Welham would like to use Facebook to reach people with items such as the refuse change. It would be a one way form of communication.

***On a motion by Mr. Moore and seconded by Mr. Rager, Council by 6-1(Felmlee) vote approved using Facebook as a tool to send out notifications to the public.***

#### **UNFINISHED BUSINESS**

- A. Mr. Berrier mentioned that last month Mr. Felmlee asked to be removed from all committees. He asked for volunteers to take over Mr. Felmlee committee assignments and the only person to come forward was Mr. Moore who volunteered to be on the Personnel Committee. However, Mr. Berrier appointed himself to Personnel so no one else was needed. Mr. Berrier also appointed himself to Finance; however, Mr. Berrier denied Mr. Felmlee's request to be removed from the rest of the committees. Mr. Berrier reminded him that when he was sworn in that he had made a commitment to the citizens of the Borough to do his job. Mr. Felmlee replied that he would do that as long as it's not a quorum. Mr. Berrier replied that they checked on it and as long as the meetings were advertised, which they all have, they can have the entire committee as a whole meet.
- B. Mr. Berrier stated that Resolution 2017-10 authorizes the change in refuse rates approved at last month's meeting for the Cost and Fee Schedule. Mr. Welham stated that in buildings like



Mount Rock Commons where the individuals were billed as tag customers but they were also billed as dumpster customers so in essence they were billed twice. Now they will just charge these customers \$10 a quarter each for the dumpster and the recycling bins. It gives the residents a place to put garbage bags and it helps the refuse guys out on collection day. Mr. Rager explained that the Black Bag accounts are for intermediate businesses that don't have the quantity of trash that requires a dumpster but it is more than an individual. Some of these businesses don't have the area to put a dumpster such as The Bon Ton. Mr. Rager explained that Lewistown Borough is a mandated recycling community. The Borough has the corrugated cardboard pickups on Tuesdays and Fridays. Usually on one day's pickup they collect approximately one ton of corrugated cardboard from the businesses in Lewistown.

***On a motion by Mr. Rager and seconded by Mr. Eddinger, Council by 6-1(Felmlee) vote approved the adoption of Resolution 2017-10 authorizing the changes in the Cost and Fee Schedule for specific refuse charges.***

**Roll call**

Larry Searer	Yea
Bill Wilson	Yea
Mr. Moore	Yea
Larry Eddinger	Yea
Russell Rager	Yea
Jim Felmlee	Nay
Frank Berrier	Yea

- C. Mr. Berrier introduced 2017-11 DCNR Resolution for the Juniata River Trail. Mr. Welham stated that this was discussed last month when they went over the increase in cost to the walking trail and that they would be going after a DCNR grant that would include paying the county \$2000 to put the grant together and \$1,000 to administer the grant.

***On a motion by Mr. Rager and seconded by Mr. Moore, Council by 6-1(Felmlee) vote approved the adoption of Resolution 2017-11 for the costs to the county of \$2000 to put the DCNR grant together and another \$1000 to administer the grant.***

**Roll call**

Larry Searer	Yea
Bill Wilson	Yea
Mr. Moore	Yea
Larry Eddinger	Yea
Russell Rager	Yea
Jim Felmlee	Nay
Frank Berrier	Yea

## NEW BUSINESS

- A. Mr. Berrier announced that authorization was needed to reinstate street sweeping on April 3.

***On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved the Ordinance reinstating street sweeping on April 3, 2017.***

### B. Russ Rager-Law and Ordinance Chairman

1. Mr. Rager stated they are seeking approval to move the meeting time for Law & Ordinance to the first Thursday of every month immediately following the Finance Committee meeting at 3:00pm.

***On a motion by Larry Searer and seconded by Mr. Moore, Council by unanimous vote approved moving Law & Ordinance meeting to first Thursday of every month at 3:00pm.***

### C. Russ Rager-Finance Chairman

1. Mr. Rager reviewed the Intermunicipal Waste Water agreement with Derry Township and Granville Township. In the agreement we are being assessed for every unit which is connected to a municipal wastewater collection system even if they are unoccupied. Mr. Fink found that there are potentially 350 active units that we are not charging due to their inactivity of water usage. This count costs the Borough over \$23,000 a year. Unless the unit is shown to be abandoned, destroyed, or damaged it is required to count as an EDU. Each empty EDU is costing the Borough approximately \$68.46 per quarter. Since the Borough is responsible for paying for this EDU, the Borough needs to bill these 350 units a charge of \$62.31 per quarter. This amount is for unused EDU's and is the minimum bill for usage of 0 to 6 thousand gallons. Larry Searer asked why we were only going for \$62.31 and not the \$68.46. Mr. Berrier explained that we cannot charge more than the minimum rate and he also stated we need to have the whole sewer rate structure analyzed. Mr. Berrier would like to have Gannett Fleming do the sewer analysis.

***On a motion by Larry Searer and seconded by Mr. Rager, Council by 6-1 (Eddinger) vote approved charging the minimum bill amount of \$62.31 to units that are unoccupied.***

***On a motion by Larry Searer and seconded by Mr. Rager, Council by unanimous vote approved having Gannett Fleming do a sewer analysis.***

2. Mr. Rager reported on the Sewer Reduction meters. They can be attained here at the Municipal Building and they will require a plumber for installation. After the installation they will have to have Codes Officer Mr. Fink come out and inspect it to have it activated to ensure it is only on outside used water. The cost is \$214 for the meter plus tax and the

plumber fee for installation. The Lewistown Borough will collect sales tax. The Municipal Authority will bill the Borough on a monthly basis for meters sold.

#### **D. Larry Searer-Streets Chairman**

1. Larry Searer stated there is a Request for a Handicapped Parking Space at 78 Logan Street with Res. 2017-7, and a request to remove a Handicap Parking Space at 82 Logan Street with Res. 2017-8. He recommends that the people at 78 Logan Street be notified that they can utilize the spot at 82 Logan Street.

***On a motion by Larry Searer and seconded by Mr. Eddinger, Council by unanimous vote denied the Resolutions and notifying the people at 78 Logan Street to utilize the Handicap Parking Space at 82 Logan Street.***

2. Larry Searer stated there is a request to remove the Handicapped Parking Space at 443 South Brown Street with Res. 2017-9. The property is vacant so evidently the parking is no longer needed.

***On a motion by Larry Searer and seconded by Mr. Moore, Council by unanimous vote approved removing the Handicapped Parking Space at 443 South Brown Street.***

Larry Searer then stated he wanted to make a motion to rescind the dress code that was approved at last month's meeting. Mr. Felmlee seconded the motion.

Mr. Berrier replied that he can't make that motion since he was not on the winning side of the motion.

Mr. Eddinger then stated he wanted to make the motion to rescind the dress code.

There was a question on whether this motion was legal. There was not a copy of Roberts Rules Of Order to make a decision on which way to go with this motion.

It was decided this needed to be put on the agenda for the next meeting.

The Mayor stated that the Governor has declared a state of emergency for the impending snow storm.

#### **PUBLIC COMMENTS**

Ms. (Cathy) Wilson stated that she didn't appreciate the way Mr. Berrier opened the meeting. She was appalled at the condescending attitude and lecturing from Mr. Berrier towards the other Council Members and towards the audience, towards people who pay taxes in this Borough, on the comments in the newspaper opinion line. She thought maybe he should consider doing a different line of work. She commented on his lecturing the

other Council Members about wasting Borough dollars because he has done his fair share of wasting Borough dollars.

Mr. (Jim) Knepp asked if he would need a permit to work on a private drive way. Mr. Welham told him he would need to see Mr. Fink, Codes Officer for more information.

#### **EXECUTIVE SESSION**

Council went into an executive session at 8:05 P.M. for police personnel matters and for school board contractual matters.

Council came out of executive session at 8:31 P.M.

Mr. Berrier left and the rest of the meeting was conducted by Larry Searer.

***On a motion by Mr. Rager and seconded by Mr. Moore, Council unanimously voted to investigate an incident with the police force.***

***On a motion by Mr. Rager and seconded by Mr. Moore, Council unanimously voted for staff to settle the SRO Grant with the Mifflin County School District.***

***On a motion by Mr. Rager and seconded by Mr. Felmlee, Council voted for the solicitor to negotiate payments with Special Needs on the tax agreement. Mr. Moore abstained from this vote stating a conflict of interest for him.***

***On a motion by Mr. Moore and seconded by Mr. Rager, Council unanimously voted to adjourn at 8:34 P.M.***

  
\_\_\_\_\_  
(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

  
\_\_\_\_\_  
(Asst) Borough Secretary