

**REGULAR COUNCIL MEETING**  
**MAY 8, 2017 AT 5:00 PM**  
**LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS**

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

**ROLL CALL**

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

**REGULAR MEETING**

Mr. Eddinger came in at 5:03PM.

**HEARING OF PERSONS PRESENT**

Mary Ann Johnson has complaints about kids at the gazebo and the playground at the Library. She stated that almost every day after school a group of kids that are unruly, come to the playground, use foul language, pick on the other children, and trash the gazebo. She stated that she and her neighbors are sick of it and want to know what they can do about it.

Mr. Welham mentioned that the Borough has been working with Mr. Purcell and GME Communications to put up a camera to monitor the area. He stated that the camera should be working by next month at this time. Chief Lusk, of the Lewistown Police, also let her know that he will have more patrols in the area and asked for her and her neighbors to call the police anytime they see this happening.

Amy Collins asked about her Facility Use Request for her 5K Run for Ohesson Manor. Mr. Welham replied it was in the Consent Agenda and would be addressed then.

Laura Hendricks, animal lover, has been trapping cats to spay and neuter them to stop them from reproducing so over time the colony will be diminished in her area. She said she has heard complaints about cats in the Borough, but until someone steps up and help decrease the population, it keeps growing. She would welcome anyone's assistance, and appreciates our support.

**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 – April 10, 2017
    - 2. EG MCTV Meeting-April 27, 2017
  - B. Approval of Treasurer’s Report
  - C. Approval of Schedule of Bills
    - 1. General Borough/Specialty Tax/Refuse/Wastewater Collection & Treatment/State Liquid Fuels
  - D. Acceptance of Tax Collector’s Report
  - E. Acknowledge receipt of Municipal Authority’s Audit for 2016 & Engineer’s Annual Report of Waterworks for 2016
  - F. Acknowledge receipt of DLI Grant overview for Building and Facade Improvements & DLI Business Development Meeting Minutes March 22, 2017 & Design Committee Minutes of March 28, 2017
  - G. Acknowledge receipt of Parking Authority Minutes from March
  - H. Acknowledge receipt of EMS Week Proclamation
  - I. Acknowledge receipt of Wastewater Intermunicipal Quarterly Minutes for April
  - J. Acknowledge receipt of K-9 Unit Report for April
  - K. Acknowledge receipt of City Hook & Ladder 990 Form
  - L. Approval of Facility Use Request for Tri-Valley Farmers Market from May to October on Thursdays and Saturdays in the Mall Areas
  - M. Approval of Facility Use Request for Ohession Manor5 K Race on July 29, 2017
  - N. Approval of Facility Use Request for Salvation Army on June 11, 2017 closure of Dorcas Street between Chestnut and alley
  - O. Acknowledge receipt of April 12 Fame Meeting Minutes and March Response Statistics
  - P. Acknowledge receipt of Arle letter
  - Q. Additional Facility Use Forms approved by Rec Board:
    - 1.\*\*Approval of Facility Use Request for Pavilion for Denise Smith on May 21, 2017
    - 2.\*\*Approval of Facility Use Request for Sacred Heart School Field Day on May 19, 2017
    - 3.\*\*Approval of Facility Use Request for Pavilion for Ashley McClenahan on June 10, 2017
    - 4.\*\*Approval of Facility Use Request for Pavilion for Betty Longfield (Girl Scouts picnic) on June 5, 2017
    - 5.\*\*Approval of Facility Use Request for Pavilion for Ed Stoicheff Reunion on June 4, 2017 (not on Rec Board minutes)
  - R. Sewer Exoneration request for Barbara Leopold at 30 N Pine St
  - S. Sewer Exoneration request for Mesha Rodgers at 361 W Fifth St
  - T. Sewer Exoneration request for James and Vicki Smith at 218 Valley St
  - U. Sewer Exoneration request for Robert Baer at 33 W Third St
- \*Note: Rex Fink, Codes officer reviewed each Sewer Exoneration request and has verified that the sewer did not go into the sewer system.

**Remove the (R) Sewer Exoneration for Barbara Leopold at 30 N Pine St from the Consent Agenda because it has not been verified by Rex.**

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

## **REGULAR AGENDA**

### **REPORTS**

#### **A. Treasurer**

1. Ms. Walter stated that she received a thank you card from Jeanne Shoemaker which she proceeded to read. It was to thank everyone in the Borough for her years of employment and her retirement.
2. Ms. Walter stated that she received a letter from Pam Liddle on her impending retirement as of June 2<sup>nd</sup>. She asked the Council for approval to start to fill the open position.

***On a motion by Mr. Felmler and seconded by Mr. Moore, Council by unanimous vote approved starting the process to fill the open position for Clerk/Secretary.***

3. Ms. Walter stated that the Borough has 3 upcoming audits in May. The first audit is May 16 for the Parking Authority Audit. The second one is May 17 for Workman's Comp Audit. The third is May 23<sup>rd</sup> and 24<sup>th</sup> for State Liquid Fuels Audit. State Liquid Fuels Audit will be for the years of 2015 and 2016.

#### **B. Code Enforcement Office**

1. Mr. Fink reported there were 49 Violations in April. He stated that the two big ones were garbage and grass/weeds. Mr. Fink stated that the Codes Department issued 50 permits for \$2,992.70 and Sidewalk Permits at \$520. He said that for year to date he has collected \$5,675.21 vs the \$20,139 for last year.

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

2. Chief Barlett reported that for the month of March the fire department had 14 alarms plus medical assists.
3. Chief Barlett reported that they had a fire last Monday night on Valley Street at the City. He said strong winds came and tore a piece of siding off of the building. It hit the power lines which started the fire. The water got inside the walls and caused a lot of damage. It got in the 3<sup>rd</sup> floor executive office area and on the 2<sup>nd</sup> floor social room. They have a policy through Kish Agency and they had adjustors in the next day. The damage was estimated at \$34,000. The City asked Chief Barlett to thank the Council for all the assistance and support they provided during this time.

4. Chief Barlett mentioned the fire companies participated in Kid Connection. He said normally they just take fire trucks, but this year they built a small house and ran simulations of fires in it. The Chief said they took small trucks down, ran hoses and let the kids fight the fires. He said the kids had a good time and he thanked the firehouses for making it possible.

#### **D. Mayor**

1. Mayor Bargo was absent from the meeting.

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

1. Chief Lusk stated that in the month of March, the Lewistown Police Department issued 69 traffic citations, 16 non-traffic citations, 8 warnings, and they handled 290 incidents. The Chief reported they gave out 549 street sweeper tickets and 44 parking meter tickets.
2. Chief Lusk stated they have 2 interns, Daylon Breon, and Ryan Wagner, interested in doing internships for the police department. Daylon started today and the other intern will be starting around the first or second of July. They will be learning and exposed to police work and will be issuing parking tickets. He wanted to thank the Parking Authority for supplying the funds for the internships.
3. Chief Lusk stated they are going to be involved in a community project with South Hills with a program on the 16<sup>th</sup> of May with students that are going to be in the Criminal Justice Program.

#### **F. Board of Recreation**

1. Mr. (Matt) Webb went over the items for the Board of Recreation. He stated that the Lumina Center with the Rainbow Summer Program is looking for a reduced fee of \$1.00 for entry to the pool.

**On a motion by Mr. Moore and seconded by Mr. Wilson, Council voted 3-3 (Rager, Felmlee, Searer) tie vote for the fee reduction to \$1.00 for the Lumina Center for the Rainbow Summer Program.**

#### **Roll call**

<b>Bill Wilson</b>	<b>Yea</b>
<b>Mr. Moore</b>	<b>Yea</b>
<b>Larry Eddinger</b>	<b>Yea</b>
<b>Russell Rager</b>	<b>Nay</b>
<b>Jim Felmlee</b>	<b>Nay</b>
<b>Larry Searer</b>	<b>Nay</b>

2. Mr. Webb reported they are looking for approval of a use of alcohol for Kirstin and Wesley Reed Wedding on June 30.

**On a motion by Mr. Rager, and seconded by Mr. Felmlee, Council voted 5-1(Searer) to approve the use of alcohol for the Reed Wedding on June 30<sup>th</sup>.**

3. Mr. Webb thanked Jim Felmlee for paying for the fee for the Helping Hands Food Distribution. He stated that the Helping Hands distribution of food seemed to go well and they are waiting on the report from them and will update everyone at the June Meeting.

#### **G. Borough Manager/Secretary**

1. Mr. Welham reported May 21<sup>st</sup> through May27th is Emergency Medical Services Week. He asked for Councils approval for EMS Week.

**On a motion by Mr. Rager and seconded by Mr. Moore, Council by unanimous vote approved May 21<sup>st</sup>-May27th as EMS Week.**

#### **Roll call**

<b>Bill Wilson</b>	<b>Yea</b>
<b>Mr. Moore</b>	<b>Yea</b>
<b>Larry Eddinger</b>	<b>Yea</b>
<b>Russell Rager</b>	<b>Yea</b>
<b>Jim Felmlee</b>	<b>Yea</b>
<b>Larry Searer</b>	<b>Yea</b>

2. Mr. Welham gave an update on the ADA Ramp down at Rec Park from the Marcellus Shale Grant.
3. Mr. Welham stated that on Thursday evening Lt Governor Mike Stack will be speaking on Pathways to Pardon.
4. Mr. Welham went over budget items for the first 4 months. He mentioned Healthcare has increased drastically. He went over other budget items.
5. Mr. Welham went over the PennDot Agility Agreement and asked for approval of Resolution 2017-18.

**On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by unanimous vote approved Resolution 2017-18 PennDot Agility Agreement.**

**Roll call**

<b>Bill Wilson</b>	<b>Yea</b>
<b>Mr. Moore</b>	<b>Yea</b>
<b>Larry Eddinger</b>	<b>Yea</b>
<b>Russell Rager</b>	<b>Yea</b>
<b>Jim Felmlee</b>	<b>Yea</b>
<b>Larry Searer</b>	<b>Yea</b>

**H. Borough Solicitor**

1. Mr. Remy stated that with the tie vote for the fee reduction to \$1.00 for the Lumina Center there will need to be a special meeting on Monday May 15, 2017 at 5:00 PM for the Mayor to break the vote.
2. Mr. Remy mentioned that last month at the Council Meeting he was instructed to advertise an Ordinance repealing the Rental Agreement. It has been posted and advertised.

***On a motion by Mr. Felmlee and seconded by Mr. Wilson, Council by 5-1(Rager) vote approved the Ordinance for the Repeal of the Rental Agreement.***

**Roll call**

<b>Bill Wilson</b>	<b>Yea</b>
<b>Mr. Moore</b>	<b>Yea</b>
<b>Larry Eddinger</b>	<b>Yea</b>
<b>Russell Rager</b>	<b>Nay</b>
<b>Jim Felmlee</b>	<b>Yea</b>
<b>Larry Searer</b>	<b>Yea</b>

3. Mr. Remy stated that on the Agenda is a proposed ordinance dealing with the Sewer Rate Ordinance. At the Finance Committee it was determined the law allows a charge to properties even if they don't have water. Mr. Remy ask Council for the authority to advertise the changes to the ordinance for adoption next month.

***On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by 5-1(Eddinger) vote approved advertising the changes to the Sewer Rate Ordinance for adoption.***

**Roll call**

<b>Bill Wilson</b>	<b>Yea</b>
<b>Mr. Moore</b>	<b>Yea</b>
<b>Larry Eddinger</b>	<b>Nay</b>
<b>Russell Rager</b>	<b>Yea</b>
<b>Jim Felmlee</b>	<b>Yea</b>
<b>Larry Searer</b>	<b>Yea</b>

## UNFINISHED BUSINESS

***On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote agreed to name the road that currently is Library Drive to Jim Tunall Drive effective June 18, 2017 by Resolution 2017-14.***

### Roll call

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

Mr. Wilson wondered why the last couple of people hired didn't go thru Personnel Committee and what was the reason. Mr. Remy pointed out that in the Manager Ordinance one of the jobs the manager is paid to do is hire and discharge employees under their jurisdiction in concurrence with council. Further discussion ensued.

***On a motion by Mr. Wilson and seconded by Mr. Eddinger, Council by 2-4 (Moore, Eddinger, Rager, Felmlee) denied having Personnel Committee do the Union staff hiring.***

### Roll call

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

It was noted Council will still have the final say about the person/persons hired.

## NEW BUSINESS

***On a motion by Mr. Rager and seconded by Mr. Moore, Council by unanimous vote approved Resolution 2017-17 to appoint Michael Morrison to the Parking Authority.***

### Roll call

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

**On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved authorizing the ARLE Grant project funds to be reallocated to ADA Compliance Ramps by Resolution 2017-15 and to advertise for bids.**

**Roll call**

<b>Bill Wilson</b>	<b>Yea</b>
<b>Mr. Moore</b>	<b>Yea</b>
<b>Larry Eddinger</b>	<b>Yea</b>
<b>Russell Rager</b>	<b>Yea</b>
<b>Jim Felmlee</b>	<b>Yea</b>
<b>Larry Searer</b>	<b>Yea</b>

Mr. Welham went over the streets paving project this summer. The streets to be paved are South Wayne St (blocks 3, 4, & 5), Marble St, and Ridge Road after it is slip lined. These streets will be funded by CDBG money at a cost of \$143,795. The next series of streets to be paved is Grand Parkway North, Sunset Rd, Grant Ave, and the first section of Center St. These streets will be funded by State Liquid Fuels at a cost of \$89,575.

**On a motion by Mr. Felmlee and seconded by Mr. Moore, Council by unanimous vote approved advertising bids for the Street Paving Project.**

Mr. Welham stated they still have concerns about Grand Parkway North because there are two residents that haven't done their sidewalks. Mr. Welham wanted to know if Council wants to send out for a RFP and put a lien on the properties.

**On a motion from Mr. Rager and seconded by Mr. Felmlee, Council by 4-2 (Wilson, Moore) vote approved preparing a RFP to get the cost of having the sidewalks done by a contractor if the property owner fails to have the work completed by June 1<sup>st</sup>, and the Borough will also lien the property if the property owner fails to pay the invoice.**

**Roll call**

<b>Bill Wilson</b>	<b>Nay</b>
<b>Mr. Moore</b>	<b>Nay</b>
<b>Larry Eddinger</b>	<b>Yea</b>
<b>Russell Rager</b>	<b>Yea</b>
<b>Jim Felmlee</b>	<b>Yea</b>
<b>Larry Searer</b>	<b>Yea</b>

**Russ Rager Finance Committee Chairman**

1. Mr. Rager stated that last year we lost \$84,000 in rollback cost saving. Since we have outsourced this service, that in 4 months we are \$8,000 to the good.



2. Mr. Rager mentioned that last month Council discussed allowing Gannett Fleming prepare a rate study. The cost would be \$11,500 vs the lost revenue of \$57,000 a year on EDU's not being paid.

***On a motion by Mr. Moore, and seconded by Mr. Felmlee, Council by unanimous vote approved Gannett Fleming preparing a rate study at the cost of \$11,500.***

**Roll call**

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

Mr. Rager stated the Finance Committee discussed Brooklyn's 990 form. He mentioned that Mr. Berrier looked at it and has some concerns about the social room being carried by the Fire Company. He said the 990 was received and in order, so they are letting it up to Council to determine if the allocation should be released.

Mr. Felmlee asked about receiving a resolution from the Brooklyn stating where public funds are going. Mr. (Larry) Carter stated they have one started and as soon as it is finished they will provide a copy to Council.

***On a motion by Mr. Moore, and seconded by Mr. Felmlee, Council by unanimous vote approved releasing Brooklyn's allocation for the first quarter immediately and release the second quarter allocation in June.***

Mr. Rager reported there is a proposal for municipalities to create a transfer tax of \$15. This tax, which the state allows on property transfers, is collected and put into a fund for blighted properties.

***On a motion by Mr. Moore, and seconded by Mr. Felmlee, Council by unanimous vote approved initiating a Resolution asking the County Commissioners to approve a \$15 transfer tax for blighted properties.***

**Roll call**

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

**Scott Welham discussed Personnel Committee Issues.**

***On a motion by Mr. Rager, and seconded by Mr. Felmlee, Council was going to vote on hiring Todd Pulley as Wastewater Treatment Plant Operator and Eric Hesketh as Streets Workman; however this motion was tabled until after Executive Session.***

**Larry Searer-Streets Chairman**

1. Res. 2017-16 Handicap Parking Spot – Felt that at this time, Council needed more information.

**Matt Moore – EG Channel**

1. EG Channel will be broadcasting the Mifflin County High School Commencement.

### **PUBLIC COMMENTS**

Mr. (Neil) Purcel stated our police make about \$5.00 less than Granville Township. He thinks they should make more to stop the continuous need to hire young police officers because the seasoned ones leave for better pay. Mr. Felmlee explained that the police wages are governed by a Union contract. They can look at the contract the next time it comes up for consideration, but Mr. Welham stated this will probably raise taxes.

Mr. (Nelson) Reiffanact stated there were 3 police vehicles parked in front of his house. He said they took a 15 year old kid in and he wants to know why it takes 3 police vehicles for one 15 year old kid. Chief Lusk stated that when police are stopping vehicles they don't know who they are pulling over and with two officers they can deter the criminal. After the responding officers know what the situation is the extra officers can leave. He said they are working to that end.

Mr. (Larry) Carter said thank you for assisting the Brooklyn Fire House and that they are trying to move forward.

### **EXECUTIVE SESSION**

Council went into an executive session at 6:25 P.M. for police and labor matters.

Council came out of executive session at 7:12 P.M.

Mr. Rager rescinded his motion, seconded by Mr. Felmlee to hire 2 new employees. Future discussion will be held at the council meeting in June.

There will be a Special Meeting on Monday May 15, 2017 to have the Mayor break the tie vote with the Lumina Center.

***On a motion by Mr. Felmler and seconded by Mr. Moore, Council unanimously voted to adjourn at 7:14 P.M.***

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(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

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(Asst) Borough Secretary