

REGULAR COUNCIL MEETING  
JUNE 10, 2019 AT 5:30 PM  
LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

The Council meeting opened at 5:30 pm with Borough Council President Venus Shade presiding. The Pledge of Allegiance was recited by all present.

**ROLL CALL**

Mr. Berrier, Mr. Campbell, Larry Searer, Mr. Wilson, Ms. Shade, and Mayor Bargo were present. Mr. Sievers arrived later and Mr. Felmlee was absent.

Mayor Bargo presented 5-year-old Marckis Mountz a proclamation statement declaring June 10 as Marckis Mountz Day in Lewistown. Marckis was diagnosed with Cornelia de Lange Syndrome, a developmental disorder, two years ago by Dr. Ian Krantz, a genetic specialist at the Children's Hospital in Philadelphia.

Mr. Sievers came in at 5:35 pm.

PFM Financial Advisors Zach Williard and Jens Damgard presented Council with the updated ordinance to refinance the Series B bonds from 2010 and 2012, saving the Borough at least \$400,000 net of all costs, reducing payments and having the interest rate being locked in later this week. Mr. Berrier wanted a breakdown of the legal fees \$43,750. It was determined 2/3 of the fees went to the bond firm and 1/3 of the legal fees went to our solicitor.

*On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by unanimous vote approved the bond refinancing.*

**Roll Call**

Frank Berrier	Yea
Dave Campbell	Yea
Larry Searer	Yea
Mark Sievers	Yea
Bill Wilson	Yea
Venus Shade	Yea

Josh Garver of the MC Correctional Facility addressed his concerns to Council regarding the parking meters. He had a couple of options to present to help prevent his staff from getting unwanted parking tickets. He wanted to know if staff could buy quarterly passes for North Wayne Street. Ms. Shade wanted to know how many people worked per shift and Mr. Campbell wanted to know if the parking lot above the library was being utilized. Mr. Garver indicated there are approximately 12 employees for each shift and they do not use the parking lot above the library due to vandalism and safety. Mr. Garver also explained there were 12-hour meters before and maybe 8-hour meters could be considered because staff cannot always go out and put money in the meters. Mr. Searer said that, if 8-hour meters are installed for the jail, then all the other businesses would want the same consideration. Mr. Berrier explained the purpose of the meters is to encourage turnover, so the businesses have customers. Ms. Shade said it's something Council can discuss later as it is on the agenda for later in the meeting.

### **HEARING OF PERSONS PRESENT**

Jim Smith of Granville Township also had a concern with parking in the Borough. As a courtesy, it's been an unwritten agreement between the municipalities not to charge a vehicle with a municipality tag while doing business in another municipality. Did this change? Ms. Shade feels this hasn't been addressed with the Parking Enforcement Officer and should probably be taken to Law & Ordinance for discussion.

Shirley Briggs of West Third Street also addressed Council about parking meters. As a resident, she never had to pay to park in front of her house on a Saturday and now tickets are being issued. She doesn't feel that all the meters are needed since a lot of the businesses are no longer around. She also feels the handicap parking should be free.

Jim Zubler is taking a poll for a project called Success Together. It addresses what concerns municipalities deal with mainly and the how they spend their resources. Mr. Zubler would like to know what the Borough's concerns are. Ms. Shade said that the parking meters are an issue and this topic would be discussed later.

Marlene Anderson has owned a business on the 100 block of Valley Street for 49 years and told Council that she receives numerous complaints from her clients about the parking meters. She feels this is keeping people from coming to Lewistown. She feels the "ticket lady" is too aggressive. She has a list of complaints that she would be willing to provide. She also wants a handicap space on her side of the street, so they do not need to cross the street. Mr. Campbell responded by wanting to know what has changed? Ms. Anderson said it's the meter maid's attitude; people never complained this much in the past.

## 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-May 13, 2019
  - 2. Law & Ordinance Meeting-May 16, 2019
  - 3. Finance Meeting-May 23, 2019
- B. Approval of Treasurer's Report
- C. Approval of Schedule of Bills
  - 1. General Borough/Specialty/Refuse/Wastewater Coll & Treatment/State Liquid Fuels
- D. Acknowledge Receipt of Tax Collector's Report & Commissions
- E. Facility Use Forms Approval:
  - 1. Friends of the Embassy Theatre, Inc Let Freedom Ring Concert and Liberty Fest for 6/28/19 and 6/29/19 with rate date of 6/30/19 contingent upon fees being paid
  - 2. Farmer's Market for June to November
  - 3. Juniata River Valley Chamber Fireworks display for 6/29/19 with a rain date of 6/30/19
  - 4. Lumina Center for 6/26/19 Water Day for Rainbow Summer
  - 5. Lewistown Panther's Football and Cheer Organization for 6/15/19 to 11/30/19 contingent upon receiving their liability insurance
- F. Acknowledge receipt of Fame Meeting Minutes May & Fame Response Stats for April
- G. Acknowledge receipt of ComCast Letter
- H. Acknowledge receipt of DLI Information
- I. Acknowledge receipt of Municipal Authority Audit
- J. Acknowledge receipt of MC Parks and Recreation Council Minutes
- K. Acknowledge receipt of Juniata River Trail Phase 2 Information
- L. Acknowledge receipt of Letter from PA Liquor Control Board
- M. Acknowledge receipt of PA DOT Letter Meeting Minutes for SR 0022 Section 722 Project
- N. Acknowledge receipt of Bridge Replacement Letter from PennDot
- O. Acknowledge receipt of Assessment change for 672 & 674 Valley St
- P. Acknowledge receipt of Municipal Authority Operation and Maintenance Waterworks System Calendar year 2018 Engineer's Annual Report
- Q. Acknowledge receipt of Keystone Collections Group Financial Report for 2017 and 2018
- R. Acknowledge receipt of Mifflin County Commissioners Letter regarding Maintenance for 3<sup>rd</sup> St/Juniata St Cemetery

Larry Searer made a motion to approve the consent agenda. Mr. Berrier wanted two items removed; Council meeting minutes from May 13, 2019 and schedule of bills.

***On a motion by Mr. Berrier and seconded by Mr. Sievers, Council by a 2-4 vote, did not approve the remaining items on the agenda.***

**Roll Call**

<b>Frank Berrier</b>	<b>Yea</b>
<b>Dave Campbell</b>	<b>Nay</b>
<b>Larry Searer</b>	<b>Nay</b>
<b>Mark Sievers</b>	<b>Nay</b>
<b>Bill Wilson</b>	<b>Nay</b>
<b>Venus Shade</b>	<b>Yea</b>

***On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved discussion on the Consent Agenda, item A1, Council Meeting Minutes for May 13, 2019.***

Mr. Berrier said he was absent from last month's meeting and, after numerous attempts at contacting other members of Council as to why Mr. Welham was terminated as the Borough Manager, Ms. Shade could not give him a good answer. After watching the video and reading the minutes, Mr. Campbell stated it was due to several personnel issues. Mr. Berrier would like to know what those issues are and why it resulted in the termination of the manager, specifically from Mr. Campbell. Ms. Shade informed Mr. Berrier that, if he wanted specific issues, they need to be discussed in executive session. Mr. Berrier said they do not need to be discussed in executive session. He and the community deserve an explanation. Larry Searer said his reason was personal to him and none of his business. Mr. Campbell said they don't need to give a reason.

Mr. Campbell asked Ms. Shade to call the orders of the day, which is a privileged motion.

Mr. Campbell told Mr. Berrier that he felt Mr. Berrier was trying to lure a Council member into breaching the confidentiality of the executive session. Mr. Berrier denies that is his intention. Mr. Campbell again stated it was due to multiple personnel issues. Mr. Berrier wanted to know, if that was true, how many grievances were filed?

Mr. Berrier wanted to know when the decision was made by Council to terminate the manager. And why was the locksmith called on Sunday? Obviously, the decision was made outside of Council because the locksmith received a phone call from Mr. Campbell Sunday evening to change the locks Monday evening at 6:00 during the Council meeting. Mr. Campbell informed Council that the locksmith was not called on Sunday.

Ms. Shade approved Mr. Campbell's motion and called the question to a vote for the Council Meeting Minutes for May 13, 2019.

**Roll Call**

Frank Berrier	Nay
Dave Campbell	Yea
Larry Searer	Yea
Mark Sievers	Yea
Bill Wilson	Yea
Venus Shade	Yea

***On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved discussion on the Consent Agenda, item C1, Schedule of Bills.***

Mr. Berrier questioned the bill received from the locksmith, as Mr. Campbell called to have the locks changed and it was not approved by Council. Council members cannot incur expenses on behalf of the Borough outside of the system. He suggested Mr. Campbell pay the bill. Mr. Campbell informed Mr. Berrier "it was handled the exact same way as you handled it when you terminated the prior Borough Manager. Did you pay that bill?"

Mr. Remy confirmed no single Council member can take any action outside of the public meeting. Council could, however, approve payment of the bill.

Ms. Shade called the question to a vote for the Schedule of Bills.

**Roll Call**

Frank Berrier	Nay
Dave Campbell	Yea
Larry Searer	Yea
Mark Sievers	Yea
Bill Wilson	Yea
Venus Shade	Yea

***On a motion by Mr. Campbell and seconded by Larry Searer, Council by unanimous vote, approved all of the remaining consent agenda.***

## REGULAR AGENDA

### REPORTS

#### A. Treasurer

Ms. Walter was happy to present to Council a Bond rating of "A" and summary of that report is in the packets that were handed out earlier.

Ms. Walter informed Council that she completed the WasteWater Treatment Plant final report and were given to the respective Municipalities, Derry and Granville. Copies were handed out to Council for review.

#### B. Code Enforcement Officer

In Mr. Fink's absence, Ms. Walter presented the May report. There were 71 violations in May. 51 violations were issued for high grass and weeds, 2 were for trees, 1 was for noncompliance with property maintenance code, 11 for exterior accumulation of trash, 6 for work done without a permit and no properties were condemned. There were 50 zoning permits issued, totaling \$4,980.39. There were 51 sidewalk permits issued for \$1,735. Estimated improvements totaled \$310,189 in May, with a year-to-date total of \$1,258,236. The inspection fees for May were \$1,005. There were no LOMA letters received.

#### C. Fire Chief

Chief Barlett reported 24 alarms for May. Two building fires, one brush and grass fire, one dumpster fire, assisted EMS, three motor vehicle accidents with injury, one motor vehicle accident with pedestrian injury, one hazardous condition, one nitrous oxide condition, two power lines down, two detector activation with no fire, and two alarm activations.

Thirty-six hours of training on the fire department personnel was completed this past month. Later this month, he will be coordinating with Police Chief Clemens for the upcoming fireworks display.

#### D. Mayor

Dr. Parcel's Trust members had their first meeting earlier this month. Members of the Board are Kay Hamilton, Jason Cunningham, Dr. Charles Everhart, Susan Hunter and herself. Mayor Bargo is seeking Council's approval to continue with the members and have another meeting on June 26, 2019.

***On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved the committee for Dr. Parcel's Trust.***

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

Chief Clemens reported the statistics for May. The Lewistown Police Department had 568 calls for service, 66 traffic citations, 13 non-traffic citations and 12 written warnings. There were 897 metered tickets issued and 109 street sweeper and street maintenance tickets.

An update on the new police vehicle was received. Manufacturing is expected to begin June 26 and is expected to arrive in July. Laptop computers for the vehicles are to be installed this week. The radio project with the County is to be finalized this month.

The fireworks display is scheduled for June 29 and the Police Department will be working closely with the Fire Departments.

Mr. Berrier wanted to know if the LPD was investigating the Borough employee that falsified a drug test and subsequently quit his job. Will charges be filed for falsifying a drug test? Chief Clemens said there was no formal complaint made to the Police Department for investigation and it is not being investigated. Mr. Berrier wanted to know why a formal complaint is needed. Chief Clemens said the only information he had was what was discussed at the last meeting. The Police Department does not take it upon themselves to investigate unless something is reported to them.

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

***On a motion by Mr. Campbell and seconded by Mr. Sievers, Council by a 5-1 (Searer) vote, approved the Emma McClure wedding reception for October 26, 2019 with alcohol.***

***On a motion by Mr. Campbell and seconded by Mr. Sievers, Council by a 5-1 (Searer) vote, approved the Kreider/Weaver wedding reception for August 10, 2019 with alcohol.***

***On a motion by Mr. Campbell and seconded by Mr. Sievers, Council by a 5-1 (Berrier) vote, approved the Rec Pool fee of \$1 per child for Children of the Ark Daycare.***

***On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved the back to school party for July 23, 2019 with the regular fees.***

Mr. Berrier wanted to know how the opening of the pool went over Memorial Day weekend. Ms. Hendricks reported the finances, but Mr. Berrier was more concerned about the operations of the pool and staff. Ms. Hendricks was only aware of pool staff in attendance for opening weekend.

## G. Borough Solicitor

Mr. Remy is seeking Council's approval to enter into an agreement with the Mifflin County School District for the Police Department to provide an SRO for the 2019-2020 school year. The MC School District will pay the Borough the officer's pay for four hours per day while school is in session.

***On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved the SRO Agreement with the Mifflin County School District.***

### Roll Call

Frank Berrier	Yea
Dave Campbell	Yea
Larry Searer	Yea
Mark Sievers	Yea
Bill Wilson	Yea
Venus Shade	Yea

Mr. Remy has been working on revisions to the proposed Recovery of Response Costs Ordinance for the Fire Department. He is asking Council's permission to send it back to Law & Ordinance to look at other municipality ordinances and to determine which direction they want to go with it.

## H. Interim Borough Manager/Secretary

***On a motion by Mr. Campbell and seconded by Larry Searer, Council by a 5-1 (Sievers) vote approved the hiring of three interns for summer help in the Streets Department.***

Gary Baker of HRI presented Ms. Walter with an agreement for South Main Street and Elizabeth Street. Signature is needed to continue the highway construction on the bridge. The agreement allows them to utilize and occupy the properties since the Borough owns them. She is seeking Council's approval to execute the agreement.

Mr. Sievers wanted to know if there was an existing agreement from the beginning or was it verbal. Ms. Walter was under the impression it was discussed with the previous Borough Manager, just not approved by Council.

***On a motion by Larry Searer and seconded by Mr. Campbell, Council by a 5-1 (Sievers) vote approved the HRI Field Site Agreement.***

Ms. Walter had a Highway Occupancy Permit executed so the engineers can finish the design for Valley Street project. More manholes need to be installed so they can inspect the sewer lines prior to the PennDOT paving project slated for 2022.



***On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved the Highway Occupancy Permit for the Valley Street project.***

Ms. Walter received a letter from the Mifflin County Commissioners regarding the maintenance for the cemetery located at the intersection of Third Street and Juniata Street. The County has maintained the cemetery for years; however, they now feel the Borough should maintain it since records show we own it. Ms. Walter could not locate any agreement done prior, but the County will no longer maintain the cemetery after June 30, 2019. She could look into having the Probation Office maintain the property, but she needs to check with the AFSMCE Union first.

Mr. Remy explained that, exempt properties are not usually kept current on the tax roll. Even though a tax card was provided by the County, Mr. Remy cannot say for sure that the Borough owns the property. There should be a deed somewhere. Mr. Berrier remembers a deed search being done years ago. He suggests looking through previous minutes to see what was found out.

Ms. Walter announced to Council that the side door to the building near the Refuse/Sewer Office has been locked during business hours to help the security of the staff. The door can be used as an exit only now.

#### **UNFINISHED AND NEW BUSINESS**

Ms. Walter is seeking Council's approval to release the CDBG funds for 2016/2017 in the amount of \$4,557.05 for the 2019 first quarter salary reimbursement and the release of the 2016 CDBG funds of \$199.93 for the 2019 first quarter materials and supplies reimbursement.

***On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by unanimous vote approved the release of the 2016/2017 CDBG funds for \$4,557.05 and the 2016 CDBG funds for \$199.93.***

#### **FINANCE**

Mr. Sievers is looking for approval to bid out the property at 672-674 Valley Street with a \$5,000 reserve on the bid.

***On a motion by Larry Searer and seconded by Mr. Berrier, Council by a 5-1 (Sievers) vote, approved to bid out the property at 672-674 Valley Street with a \$4,000 reserve on the bid.***

## LAW & ORDINANCE

Mr. Campbell addressed the ongoing parking meter concerns. He is recommending a change in the Parking Enforcement Officer's schedule Monday through Friday, eliminating Saturday parking tickets. Ms. Shade indicated that there was discussion on having the Parking Authority assist with having a consultant come in and look at the situation.

Mr. Searer wants to know how you can have an ordinance and only enforce it on certain days. Mr. Berrier feels a comprehensive discussion should be done at Law & Ordinance. This whole problem was brought about by not having any enforcement for the last five years.

Discussion began on the EDU for property owned by Michelle Fetters. Mr. Remy informed Council that Ms. Fetters has a two-story dwelling that has a business downstairs and residence upstairs. After looking at the Intermunicipal Agreement, there are two sections in the agreement that could apply to her. Mr. Remy feels her situation falls under Section 2.2.4(b), mixed occupancy, "buildings which have one or more residential dwelling units, but whose lower stories or parts thereof are used for commercial purposes" and should be one EDU.

Another paragraph in Section 2.2.4(c), sub-paragraph(c) of the Intermunicipal EDU Agreement states "the use of the principle provided is permissive, not mandatory and that the municipality may treat the combined residential use-home commercial use as a mixed occupancy dwelling and, therefore classify the combined use as a commercial use under sub-paragraph (e); or it may treat the combined use as something more than a residential use but something less than a commercial use and, assign such numerical EDU value to the combined use as it deems to be fair and reasonable under the circumstances of the case".

Mr. Berrier stated that the Borough treats it as two units; the residential unit as one portion and the business unit as a commercial unit. An example he provided was Kish Apartments, where you have a business on the first floor and the whole building would be one unit. Under the Intermunicipal Agreement, that can be done; however, under the Borough Ordinance, you cannot do it that way.

Mr. Remy was looking at Section 192.16(c) where "the Borough determines to be an equivalent dwelling unit (EDU) as that term is defined in the 1982 Agreement for the Acceptance and Treatment, at the Lewiston Wastewater Treatment Plant, of Wastewater Received from the Derry Wastewater Collection System, the Granville Wastewater Collection System, any the Lewistown Wastewater Collection System, including any amendments thereto and any successor agreements. in our Sewage and Sewage Disposal Ordinance what says the Borough determines the EDU equivalent dwelling unit".

Mr. Berrier reminded Council that an EDU is 60,000 gallons a year usage, but that's not what the Intermunicipal Agreement says. They count units, not EDU's.

Presently, Ms. Fetters is being charged as a commercial property with two units. Ms. Walter provided examples of other businesses that are billed the same way. After a brief discussion, it was determined there will be no changes in the billing.

## **PUBLIC COMMENTS**

Jim Zubler wanted to know if Council had an answer to his questions earlier. Ms. Shade and Ms. Walter indicated they will follow up with him later.

## **EXECUTIVE SESSION**

Council went into executive session at 7:13 pm for personnel reasons.  
Council came out of executive session at 7:26 pm.

*On a motion by Mr. Campbell and seconded by Bill Wilson, Council by unanimous vote approved to post the WasteWater Treatment Plant operator position, the Refuse Collector and the Refuse Driver internally. If no bids received, then advertise the job externally. If the internal bid does yield results, we move that employee into that position. If there is more than one person that bids on the position, the Borough Manager will utilize the Collective Bargaining Unit to establish who gets that position.*

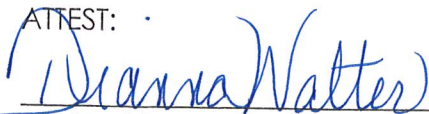
*On a motion by Mr. Campbell and seconded by Larry Searer, the meeting adjourned at 7:30 pm.*



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:



(Asst.) Borough Secretary