

COUNCIL MEETING
June 14th, 2021, AT 5:30 P.M.
LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

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

ROLL CALL

Ms. Shade (President), Ms. Goss (Councilperson), Mr. Larry Searer (Councilperson), Mr. Terry (Councilperson), Mr. A Wilson (Councilperson), and Mr. B Wilson (Councilperson) were present. Mr. Campbell (Vice-President) was absent.

HEARING OF PERSONS PRESENT

Chastity Fultz - CDBG

Ms. Fultz begins discussion regarding the CDBG program. This year Lewistown will have \$119,224 for project costs and \$21,039 will be given to Planning and Development for administrative costs. Some projects that were previously funded are water line improvements, sewer line improvements, housing rehabilitation, and construction of affordable housing and public facilities. Citizens are encouraged to propose ideas and projects to utilize the funds.

Ms. Fultz states that last year, Lewistown received CDBG CB funds, this was resulting from the CARES act. These funds had to follow the normal CDBG guidelines while also responding to or preventing problems resulting from the coronavirus. Lewistown Borough along with Brown, Derry, and Granville Townships agreed to utilize their funds to provide laptops to low-income students needing accommodations for remote learning. Due to Federal Entitlement laws the school could not be a direct recipient of the machines. Multiple complications arose and the school district purchased laptops for each student. As a result, Lewistown and the other municipalities must make a new decision regarding where the funds are to be spent. Rec Park lies largely in the flood plane, because of this the funds cannot be used for improvements at the park. Ms. Shade inquires about the 5th Ward Park near Valley Street. Ms. Fultz states that both the 5th Ward Park as well as Victory Park are eligible. Ms. Fultz provides other ideas that she has researched such as using the funds for mortgage, rent, and utility assistance, improvement of HVAC systems, as well as replacing inoperable windows to improve air circulation. Ms. Shade inquires regarding the deadline for decisions/contracts. Ms. Fultz states that contracts must be closed out by December of 2022.

Ms. Fultz states that there was a request from NuVisions, they are looking to establish a program called Senior Net. The program targets seniors and those severely disabled that may be lacking the technology/capabilities to perform remote medical visits as well as communication with friends and family. Mr. Zimmerman states that he has made and provided copies of NuVision's program to the Council Members for further discussion.

Brad Zuke – Herr EDUs

Mr. Zuke begins discussion regarding the Herr EDUs for the property on Wilson and S Wayne. Mr. Zuke states that the Herr's originally purchased 20 EDUs, but when the property was converted only 10 EDUs were utilized. The Herr's were then assured by Mr. M Dippery that they

would be able to bank the 10 un-utilized EDUs for future use on the adjoining property. Mr. Zimmerman summarizes previous discussions on the matter, stating that the main issue is that a borough employee told Mr. Herr that the EDUs could be banked, but only Council has the capability to make a decision of that magnitude. Larry Searer states that he recalls a decision already being made on the topic. Ms. Shade clarifies that a decision was made that the EDUs would be granted if written permission/evidence is presented. Mr. Fink states that while no documentation was found, he had a discussion with Mr. M Dippery in which Mr. M Dippery stated that he remembers providing permission to store the EDUs.

Roll call vote was taken: Permitting 10 more EDUs

<i>Dave Campbell</i>	<i>-----</i>
<i>Cassandra Goss</i>	<i>Yea</i>
<i>Larry Searer</i>	<i>Yea</i>
<i>Venus Shade</i>	<i>Yea</i>
<i>Marc Terry</i>	<i>Yea</i>
<i>Aaron Wilson</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>

On a roll call vote motioned by Larry Searer and seconded by Mr. B Wilson, Council unanimously agreed to permit the usage of the 10 EDUs.

Zach Willard & Jens Damgaard

Mr. Damgaard states that during the March 8th Council meeting an ordinance was enacted authorizing up to \$17M of General Obligation Bonds of the Borough. Most of this debt was earmarked to refinance the debt of the Water Authority, there was also debt authorized to refinance the Borough's 2016 bonds that were primarily attributed to the sewer system. What is being proposed this evening is the refinancing of the 2016 Borough Bonds only. Mr. Damgaard states that an official approval is not needed as the refinance is still covered under the enacted ordinance, however he will advise the State that bonds of the borough will not be issued to refinance the Water Authority Bonds.

Mr. Willard states that it is an excellent time to refinance and provides data to show the historically low rates that we are experiencing. The second page of the financing discussion shows a summary of the Borough's debt services. The third page further organizes the debt services to show a more budgetary separation of the debts. The fourth page indicates the savings and shortened debt term that would result from the refinancing of existing debt as well as the addition of new monies totaling \$600,000 for the purchasing of the streetsweeper and vactruck. Pages 5 and 6 provide a summary of the Borough's debt service after the refinancing and introduction of new money projects.

Dan Taptich – Sacred Heart

Mr. Taptich states that a Sievers property runs along an alley adjacent to the Sacred Heart School. There is a portion of the property that Sacred Heart wishes to purchase for potential parking. The land will be a non-building lot and is roughly 1800x50 square feet. Mr. Remy states

that the acquisition was presented to the Planning Commission, and they recommend Council to approve.

On a motion by Larry Searer and seconded by Mr. A Wilson, Council unanimously agrees to approve the lot acquisition.

John Aiken

Mr. Aiken states that he lives on Central Avenue and must sometimes utilize the alley in order to leave his home. The alley is posted no-parking but there is a lack of enforcement, with cars parking along the alley it is impossible to get his truck through. Mr. Aiken states that another issue is the lack of diversity seen in the tow companies utilized by the Police.

Mr. Aiken states that recently he was on the way to an accident when the police told the customer that Parsons was already on the way, Mr. Aiken had to argue for the job. Mayor Bargo states that she will look into the issue, she believed it to have been discussed and solved when discussed prior. Council agrees that the topic was previously discussed, and a rotation should have been put in place for accidents that require towing.

Mr. Aiken states that he was pulled over and told that he ran a stop sign. Mr. Aikens maintains that he did not run the stop sign, and the officer continued to nitpick and harass him throughout the stop for a sticker on his windshield, while also not returning his license. OFC. Leight states that there can not be a sticker on top of the inspection sticker. OFC. Leight also stated that the officer had returned to Mr. Aikens residence in an attempt to return his documentation after the mistake was noticed, as no one was home a card was left at the door. OFC. Leight states that the body camera footage can be reviewed for further discussion of 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:**
 - a. Council Meeting-May 10, 2021
 - b. Law & Ordinance – May 20, 2021
 - c. Finance Meeting Synopsis – May 27, 2027
- B. ****Approval of Treasurer's Report**
- C. ****Approval of Schedule of Bills**
- D. ****Facility Use Request:**
 - 1. Logan Guards -
 - 2. Farmer's Market – June 3, 2021 – October 3, 2021
 - 3. Hannon Reunion – August 14, 2021
 - 4. Mifflin County Veterans Event – May 28, 2021
- E. Acknowledge receipt of Fame Meeting Minutes & Stats
- F. Acknowledge receipt of Tax Collector's Report

- G. Acknowledge receipt of letter from PA Department of Transportation
- H. Acknowledge receipt of letter from Jay Faulkroad
- I. Acknowledge receipt of letter from Mifflin County Commissioners

On a motion by Ms. Goss and seconded by Mr. A Wilson, Council unanimously agrees to accept the consent agenda.

BOROUGH MANAGER

Mr. Zimmerman states that the Borough has an antiquated phone system. A quote has been received for \$9750 initially and \$500 per month. Originally there was \$10,000 budgeted for the police phones, this quote is for the entirety of the Borough.

On a motion by Larry Searer and seconded by Ms. Goss, Council unanimously agrees to approve the purchase of the phone system.

Mr. Zimmerman states that the ADA stairlift in the municipal building is not working properly. The quote for the repair of the lift is \$31,150. This is simply to repair the lift, to replace the lift would be much more expensive as well as requiring additional permits and procedures.

On a motion by Ms. Goss and seconded by Larry Searer, Council unanimously agrees to approve the repair of the ADA chairlift.

Mr. Zimmerman states that he has instructed Mr. Fink to deny any building permits requested by those who are delinquent on their taxes. This is covered under state law as well as ordinance 2020-03. Mayor Bargo inquired about potential situations in which a permit is needed to fix safety issues. Mr. Zimmerman states that there are stipulations and contingencies that allow leeway to be given in certain scenarios.

Mr. Zimmerman states that the Borough Manager is to designate a person to act in their place in the case that the Borough Manager cannot be reached. This resolution would be to appoint Jennifer Miller as the Deputy Borough Manager/Treasurer.

Roll call vote was taken: Appointing Jennifer Miller as Deputy Borough Manager/Treasurer

<i>Dave Campbell</i>	<i>-----</i>
<i>Cassandra Goss</i>	<i>Yea</i>
<i>Larry Searer</i>	<i>Nay</i>
<i>Venus Shade</i>	<i>Yea</i>
<i>Marc Terry</i>	<i>Yea</i>
<i>Aaron Wilson</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Nay</i>

On a roll call vote motioned by Ms. Goss and seconded by Mr. A Wilson, Council by 4-2 vote agrees to appoint Jennifer Miller as Deputy Borough Manager/Treasurer.

Mr. Zimmerman presents the request from NuVisions for \$11,381 to set up the previously mentioned Senior Net program. Mr. Zimmerman states that he does not believe there is a strict timeline to reach this decision, so discussion can take place now or at the next finance meeting. Mr. Terry states that he believes that the proposed Senior Net program would be very beneficial to assist the elderly and disabled in accessing and utilizing the tools that the internet provides.

Roll call vote was taken: NuVision's Request

<i>Dave Campbell</i>	<i>-----</i>
<i>Cassandra Goss</i>	<i>Yea</i>
<i>Larry Searer</i>	<i>Yea</i>
<i>Venus Shade</i>	<i>Yea</i>
<i>Marc Terry</i>	<i>Yea</i>
<i>Aaron Wilson</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>

On a roll call vote motioned by Mr. Terry and seconded by Ms. Goss, Council unanimously agrees to approve the request by NuVision for \$11,381.

Mr. Zimmerman states that DLI is performing the West Water Street Project and have provided sealed bids for the project. Bowman Excavating has a base bid of \$106,543, alternate of \$1,568, resulting in a total bid of \$108,111. Antares Site Work has a base bid of \$119,689, alternate of \$2,632, resulting in a total bid of \$122,321. Glenn Hawbaker has a base bid of \$237,911, alternate of \$6,160, resulting in a total bid of \$244,071. RC Bowman has a base bid of \$91,500, alternate of \$3,136, resulting in a total bid of \$94,636. Midstate Paving has a base bid of \$152,918, alternate of \$3,920, resulting in a total bid of \$156,838. Greenland Construction has a base bid of \$176,110, alternate of \$3,360, resulting in a total bid of \$179,470. Council awaits written bids to properly award the project.

FIRE CHIEF

Chief Barlett states that the incident volume was low in the past month. There were a total of 18 calls for service: 1 building fire, 1 cooking fire, 1 brush fire, 5 medical assists, 4 motor vehicle accidents with injuries, 1 motor vehicle accident without injury, 1 water rescue, 1 gas leak, 1 downed power line, 1 lock-out, and 1 alarm system activation. Chief Barlett states that the training package is beginning to be put to use with a 19-hour water rescue class. In July there will be a 46-hour vehicle rescue class with more to follow.

MAYOR

Mayor Bargo states that the PSAB conference was altered from an in-person event to a virtual event. Mayor Bargo states that there are two attorneys within the PSAB that are continuously lobbying to the Senate. There has been an ongoing discussion regarding use of Radar in the municipality. There was to be a vote by the House of Representatives but the raising of

more concerns has discussion halted. A program is being discussed to provide municipalities with funds due to a large portion of the properties being tax-exempt. There is also discussion being held regarding the advertisement of public meetings through social media as opposed to traditional publications such as the local paper.

POLICE

OFC. Leight begins discussion regarding the previously discussed issue with Police not utilizing a rotation when calling for a tow. OFC. Leight states that he will ensure that officers are calling for the nearest available tow truck unless the vehicle owner requests a specific company. OFC. Leight believes that it is likely easier for dispatch to handle the rotation of the towing companies. Ms. Shade and OFC. Leight agree that some policy must be in writing to ensure that there is not preferential treatment towards specific companies.

OFC. Leight states that there are 545 calls for service. There were 20 traffic citations, 14 non-traffic citations, 10 written warnings, 123 parking tickets, 252 street maintenance tickets. OFC. Leight states that the police department has decided on the Reveal Body Cameras. One reason for this is that the Reveal cameras have a front facing screen, allowing those being recorded to see themselves. Mr. Terry inquires the price of the Reveal cameras. OFC. Leight states that the total cost including a 2-year no fault warranty and battery replacements is \$17,503. OFC. Leight states that \$9,000 was budgeted for the cameras as well as a \$3,000 donation. While the original plan was to purchase 12 cameras and rotate the cameras through the officers, this price will purchase 18 cameras. OFC. Leight believes that having a camera per officer will alleviate administrative effort when storing footage as well as limiting access to the database. Ms. Shade inquires about the grant received to assist the funding of body cameras. Ms. Stalnaker states that the county received a grant totaling \$85,000. The grant has a 50 % match as well. OFC.> Leight states that the cameras will also assist the officers when writing reports, as they can review footage while marking evidence in the system. Larry Searer inquires as to whether officers have access to delete recordings. OFC. Leight states that the officers can not access the footage to that extent. OFC. Leight states that the system leaves an extensive audit trail with information such as the length of use, powering on/off, as well as logging when recordings are accessed. Ms. Shade inquires as to whether the budgeted amount is enough to complete the project. Ms. Stalnaker states that the budgeted value along with the 50% match and in-kind time for training should heartily cover the entire project. OFC. Leight states that the Council would have to purchase the cameras and be repaid by the grant.

On a motion by Larry Searer and seconded by Mr. Terry, Council unanimously agrees to the purchase of Reveal Body Cameras for \$17,503.

Mr. Zimmerman states that the police generator is a part of the contract for the building being rented currently. Under the new lease, the Borough is requested to install the generator for \$23,000. Once the lease ends, the generator will stay in the building and the Borough will lose the asset. If the discussed lock upgrades are not made to the building, the generator will not be needed. Ms. Shade states that she does not agree with spending \$23,000 on a generator that the Borough will not retain. Mr. Terry and Mr. Zimmerman agree with this. Mr. Remy states that a new copy of the lease must be provided without the agreement involving the generator installation. Council then must approve this lease.

REC BOARD – No Quorum

While the Rec Board had no quorum, Ms. Miller begins presenting information regarding the pool news. Ms. Miller states that despite cooler temperatures, the pool opened on Memorial Day and experienced a nice turnout. The first round of swim lessons will be offered June 21-25. The cost of swim lessons are \$40 per child and the pool is hoping to offer at least 2 more rounds of lessons throughout July and August. As the evening events last year were successful, a splash hop is tentatively planned for June 30th with a hope to have at least two more events in July.

Ms. Shade states that she is concerned with the lack of quorum for Rec Board. Ms. Shade states that the members should be contacted to ensure they still have a desire to participate in the Board, otherwise active members must be found.

BOROUGH SOLICITOR

Mr. Remy wishes to update Council regarding the River Lot Litigation. The opposing party’s lawyer accepted service of the Boroughs lawsuit on June 4th, this gives them until June 24th to file their answer in court. Mr. Terry inquires as to the liability if an injury occurs on the property in the interim. Mr. Remy states that the Borough would take the position with their insurance that residents were told to leave the property and thus liability does not lie with the Borough.

Mr. Remy states that an updated copy of the MOU provided by the county was provided. The updated MOU is a three-party agreement that will require the agreement of the County and Water Authority. The MOU authorizes the sale of the system to the County Authority. As opposed to the previous MOU, the updated MOU is a binding agreement. There will be a \$1,000,000 initial payment followed by \$300,000 yearly payments compounded by 2% for 30 years. Water rates should remain uniform, and the Borough’s interest will be secured by a note. Mr. Remy is seeking Council’s approval for a resolution under which Council will assist in the production of a finalized MOU. Mr. Terry states that while he was initially opposed as he viewed it as the best deal for the Lewistown Residents, as many seem interested in a County Authority, he is willing to concede.

Roll call vote was taken: Lewistown MOU Resolution

<i>Dave Campbell</i>	<i>-----</i>
<i>Cassandra Goss</i>	<i>Yea</i>
<i>Larry Searer</i>	<i>Yea</i>
<i>Venus Shade</i>	<i>Yea</i>
<i>Marc Terry</i>	<i>Yea</i>
<i>Aaron Wilson</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>

On a roll call vote motioned by Ms. Goss and seconded by Larry Searer, Council unanimously agrees to approve the MOU Resolution.

Mr. Remy states that it would be beneficial for Council to begin discussion regarding the three seats that will be allotted to the Borough under a County Authority.

UNFINISHED AND NEW BUSINESS

In order for the Borough to qualify for the DLI Keystone Funding Resolution, Council must extend the funding through 2025, currently the funding ends in 2024.

On a motion by Ms. Goss and seconded by Mr. Terry, Council unanimously agrees to extend the DLI Keystone Funding Resolution through 2025.

Mr. Zimmerman states that there was a bid received for 18-20,22, and 24 Chestnut Street. Ms. Shade and Ms. Goss state that Council should wait until a redevelopment plan is received for the properties. Council agrees that they are lacking information.

On a motion by Mr. Terry and seconded by Ms. Goss, Council unanimously agrees to offer a bid of \$1 for the purchase of "Points Demolition".

Ms. Miller states that the Water company is not charging the Borough to turn off sewer. The Borough is requesting to in-turn not charge residents to disconnect for a month as well as ending the moratorium to allow refuse/sewer termination.

On a motion by Ms. Goss and seconded by Mr. A Wilson, Council unanimously agrees to pass a Moratorium to not charge a \$20 disconnect fee as well as allowing refuse/sewer terminations.

Mr. Zimmerman states that two bids have been received for the Chestnut Street paving project. One bid from Hawbaker is for \$40,333, while the second bid from Mike Cleck Paving totals \$20,750.

On a motion by Larry Searer and seconded by Ms. Goss, Council unanimously agrees to approve Mike Cleck Paving's bid of \$20,750.

Mr. A Wilson states that a resident at 51 Logan Street is applying for a handicapped parking spot. The resident has stage 4 cancer and there is no off-street parking options.

On a motion by Ms. Goss and seconded by Mr. A Wilson, Council agrees to approve the installation of the handicapped parking space at 51 Logan Street.

Mr. Zimmerman states that at the last meeting there was a resident concerned regarding the payment of the fee to operate skill games. The topic was discussed at Law & Ordinance and a recommendation was made to not alter the resolution and maintain the fee.

There was a discussion regarding lifting the restriction to allow dogs at Rec Park. Mr. Terry inquires about rules to ensure proper maintenance of pets. Larry Searer states that this was discussed previously as there are rules regarding cleaning up after pets, they are just not followed.

Mr. Zimmerman states that there have been no responses received from the party that previously ran the concession stand at the pool. In the interim there was a discussion regarding the purchasing of basic snack items such as chips and sodas to be sold at the front desk. Larry Searer states his concern regarding a previous lack of accurate inventory. Mr. Zimmerman states that there have been discussions regarding a working inventory system.

On a motion by Mr. Terry and seconded by Larry Searer, Council unanimously agrees to allow the purchase of basic bulk concession items.

Ms. Miller states that Children of the Ark and Lumina Center submitted their request to reduce their pool fees to \$1.

On a motion by Mr. Terry and seconded by Ms. Goss, Council unanimously agrees to approve the discount requests from Children of the Ark and Lumina Center.

On a motion by Ms. Goss and seconded by Mr. Terry, Council unanimously agrees to approve Ms. Shade and Mr. Campbell to sign for the Blight Remediation Grant.

Council entered executive session to discuss personnel issues at 7:54pm.

Council exited executive session at 8:16pm.

On a motion by Mr. Terry and seconded by Larry Searer, Council unanimously agrees to terminate employee A.

On a motion by Mr. Terry and seconded by Larry Searer, Council unanimously agrees to hire an employee for summer parking enforcement until August 31st.

On a motion by Mr. Terry and seconded by Larry Searer, Council unanimously agrees to approve the Collective Bargaining Agreement for 2021.

On a motion by Mr. Terry and seconded by Larry Searer, Council unanimously agrees to advertise for the Clerk Secretary position.

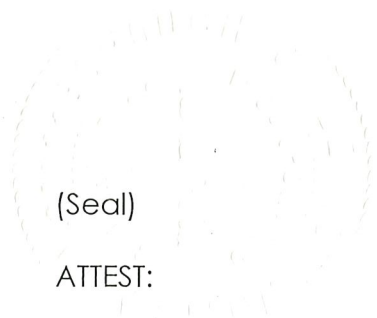
On a motion by Mr. Terry and seconded by Larry Searer, Council unanimously agrees to hire 6 front desk employees and 4 lifeguards.

On a motion by Mr. Terry and seconded by Larry Searer, Council unanimously agrees to end the relationship with the current IT provider and hire Scott Faulkner.

On a motion by Mr. Terry and seconded by Larry Searer, Council unanimously agrees to hire the CC Coordinator.

On a motion by Ms. Goss and seconded by Larry Searer, Council unanimously agrees to advertise for the streetsweeper position if the position cannot be filled internally.

On a motion by Larry Searer and seconded by Mr. Terry, Council adjourned at 8:20pm.



(Seal)

ATTEST:



(Asst.) Borough Secretary



(Vice) President, Lewistown Borough Council