

REGULAR COUNCIL MEETING  
JULY 10, 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**

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

**REGULAR MEETING**

Mr. (John) Panninzo with Mr. (Bill) Eversole and Mr. (Jason) Hunter from Mifflin County Youth Baseball would like to see lights at the little league fields at Rec Park. They are working hard to make this happen in the next year or year and a half. They have Musco Lighting and Mr. (Bob) Lepley on board to do the work, since Mr. Hunter works for Mr. Lepley. He mentioned all the different out of area teams that have come to play baseball at these fields this summer. MC Youth Baseball is seeking permission to find out what it will take to light the ballfields. Mr. Moore questioned who was going to maintain the upkeep of the light after they are installed. Mr. Welham stated that MC Youth Baseball will maintain the lighting with upkeep and electric. At this time it was mentioned that the restrooms down there really could use some attention if MCYB is looking to take on another project.

**On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by unanimous vote agreed to let Mifflin County Youth Baseball move forward with finding out what it will take to light the ball fields.**

Ms. (Dana) Aurand from MC Children and Youth stated that last year they hosted a back to school party at the pool where school supplies were provided for 450 families. They would like to do it again this year and they are seeking either a full donation for use of the pool or to receive a reduced rate. Mr. Moore mentioned that last year it was a big success and there was a more than adequate amount of staff to host the event. The fee for the pool rental is \$300. Bob Barlett, Larry Eddinger and Chief Lusk for Police Department Community will each donate \$100 to cover the event.

Ms. (Deanna) Hassinger from MABL gave an overview from Mr. Seth Loht from RCAP on applying for the \$250,000 grant administered over 3 years. MABL is looking to map out the fire hydrants in order to help the fire companies. They have 20% of their lines that currently aren't GIS mapped. In this agreement MABL has hydrants and water lines in the Borough of Lewistown, so they are looking for Council's approval for support of the Assurance Agreement. There will be no exchange of funds from MABL or the Borough of Lewistown for this service. Mr. Welham also had been approached by the same group interested in remapping our complete storm water system. Since we have hand drawn maps from the 1970's, the timing is right for this to happen. The cost to the Borough is zero. RCAP does all the work for securing the USDA grants.

**On a motion by Larry Searer and seconded by Mr. Moore, Council by unanimous vote agreed to sign the Assurance Agreement for MABL and Lewistown Borough and authorize RCAP into entering in to a grant process with the USDA for the mapping of the Boroughs storm water system.**

#### **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-June 12, 2017
    - 2. CDBG Public Hearing Meeting-June 12, 2017
    - 3. Recreation Board Meeting --July 5, 2017
  - B. Approval of Treasurer's Report
  - C. Acceptance of Tax Collector's Report
  - D. Approval of Schedule of Bills
    - 1. General Borough/Specialty Tax/Refuse/Wastewater Collection & Treatment/State Liquid Fuels
  - E. Approval of Facility Use Forms:
    - 1. South Hills Goose Day Fun Fest for September 23, 2017
    - 2. Pavilion for David DuBois for Birthday Party July 8, 2017
- Additional Facility Use Forms needing approval
- 3. Mifflin County Soccer Club use of Soccer and Babe Ruth Field at Rec Park for August thru November\*\*Form submitted on July 7, 2017
  - 4. Lewistown Presbyterian Church Krislund Traveling Day Camp on July 16 to July 20, 2017
  - 5. Grace Covenant Church for United Day of Caring opening ceremony on July 30, 2017 contingent upon receiving Certificate of Liability Insurance naming the Borough as an additional insured
- F. Acknowledge receipt of K-9 Unit Report for May & June
  - G. Acknowledge receipt of Fame Meeting Minutes 6/14/17 & Response Stats for May
  - H. Acknowledge receipt of Preconstruction Conference for SR 3002 on June 6, 2017 from PennDot
  - I. Acknowledge receipt of Bridge replacement project over Kish Creek from PennDot
  - J. Acknowledge receipt of 717 Area Code Overlay
  - K. Acknowledge receipt of DLI Work Plan Highlights & Cash flow Worksheet
  - L. Acknowledge receipt of DLI Meeting Minutes May 16, 2017
  - M. Acknowledge receipt of Bags without Tags report
  - N. Acknowledge receipt of State Liquid Fuels Audit for 2015 & 2016
  - O. Acknowledge receipt of Boyer and Ritter Independent Audit for 2016
  - P. Acknowledge receipt of Upset Sale for 2015 and 2016 from Tax Claim Bureau
  - Q. Acknowledge receipt of Final Report Submission for Ohesson Property from Converse Consultants

Mr. Berrier added they will address committee assignments.

Mr. Moore commented on Item J from the consent agenda. He said that they are adding more area codes to the 717 area and that some of the phone systems will need revamped for the autodial numbers. That all numbers dialed will now need to include the area code.

***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 reported that they received a letter from the Board of Assessment Appeals for Mrs. Notestine requesting a refund of \$734.60 for the 2017 real estate taxes due to the exempt status given to her from Veterans Affairs.

***On a motion by Larry Searer and seconded by Mr. Moore, Council by unanimous vote approved the refund for tax exemption of \$734.60 for 2017 taxes for Mrs. Notestine.***

Ms. Walter stated she received the financial audit from our independent auditors for the fiscal year of 2016; and in addition she has sent out the Wastewater Treatment Plant Final Report to Derry and Granville Township.

#### B. Code Enforcement Office

1. Mr. Fink reported there were 91 Violations in June. He stated that the biggest one was 66 violations for grass/weeds. Mr. Fink stated that the Codes Department issued 101 permits for \$5,887.72 and 56 Sidewalk Permits at \$2,135. He said that for year to date he has collected \$14,108.29 vs the \$28,456.14 (which includes CVS Permits) for last year. The Year to date estimated improvement amount is \$1,073.825.60.

2. Mr. Fink gave an update on where the Borough stands with the required sidewalk and curb replacements. Grand Parkway North had 17 notices with 5 that still need done  
Sunset Drive / Grant Street had 26 notices with 2 that still need done  
Center Street no curbs

The completion date was July 1. Does Council want to make a drop done date? Council decided on August 1, but only if they aren't under contract or don't have a commitment.

***On a motion by Larry Searer and seconded by Mr. Rager, Council by 6-1 (Moore) vote approved Mr. Fink notifying the people with no commitments that that it must be done by August 1 or the Borough will do the sidewalk / curb and lien the property.***

3. Mr. Fink reported that Deb LaRose asked to have the Zoning Hearing process fees of \$900 waived or reduced to have a business (Dog Grooming) in her home. It was brought up that the fee of \$900 is less than half of the whole cost of the hearing. No action was taken.

Larry Searer asked Mr. Fink about the high grass and weeds and if any of them were fines. Mr. Fink said that 3 were fines. They actually wrote the first ticket last week. Mr. Remy felt that he needs to show due process with the notice if it goes to the magistrate. It must be shown there was an effort made to get the notice to them. Larry Searer feels it is ridiculous to spend \$500 every month to tell people to mow their grass. Chief Lusk asked about tacking a notice to the door. He stated that taking a picture of it would be your evidence.

**On a motion by Larry Searer and seconded by Mr. Rager, Council by *unanimous vote* approved Law and Ordinance take a look at the process for grass and weeds to see if there is some way to streamline it.**

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

1. Chief Barlett reported that for the month of June the fire department had 23 alarms plus medical assists. There were some fires in June. There was a fire at 155 Pannebaker Ave that was dispatched at 1:18 AM on June 21, 2017. There was some major fire damage to one side of the 1/2 a double and the other 1/2 suffered smoke and water damage. He requested a state fire marshal because it might be a crime scene.
2. Chief Barlett reported that there was a fire on 205 Spring Street with a dryer that malfunctioned. It was contained to a laundry room and had moderate fire damage.
3. Chief Barlett reported that they had a grill fire at Sacred Heart Parsonage. There was a malfunction with the propane tank that caused fire damage to the porch roof.
4. Chief Barlett stated the on August 1, 2017 all three Fire Departments will be participating in the National Night Out.

#### **D. Mayor**

1. Mayor Bargo said she had the 2<sup>nd</sup> quarter report on Weddings. (There were 7 weddings.)
2. Mayor Bargo received correspondence from Judy and Olivia Tunall thanking everyone for the Street dedication with the renaming of Library Drive to Jim Tunall Drive. The Mayor commented that the ceremony was a very nice event.

3. Mayor Bargo had correspondence from Dave Campbell regarding the Embassy 4<sup>th</sup> of July Event. It extended appreciation and thanks to everyone that made the event possible. It also mentioned the cleanliness of the area, the patriotism in the decorations with the flags on the square, and the Police with their positive presence.

Mr. (Bill) Wilson addressed the Mayor and questioned the vehicle on 181 W 4<sup>th</sup> Street that doesn't have tags, and why it's still there after the police came out. He said no tag and no inspection, and yet the police go by the vehicle every day and it's still there, why? They also have 3 people working on cars on the street, and along with that other car there just isn't enough parking for all the residents. They tow cars in and work on them on the weekends. He stated these people have parking in the back, but they still park on the street to work on them. He stated that they have watched the people do the drugs and they are sick and tired of it and he wants something done. The Mayor did mention that with drug issues there is a lot of time that must be taken to do the investigations. She said they would look at it and see what can be done.

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

1. Chief Lusk stated that in the month of June, the Lewistown Police had 305 calls for assistance, 23 criminal arrests, 50 traffic tickets, 22 non traffic tickets, and 9 warnings. The interns gave out 239 street sweeper tickets and 514 parking meter tickets.
2. Chief Lusk said that later today the Mayor will be swearing in the second intern, he will be starting his parking enforcement job. He will do his ride along tonight and he will start issuing tickets tomorrow.

Mr. (Matt) Moore asked Chief Lusk about the incident at Shaw Ave, near the Twin Kiss, where there was a fellow just checked out from the Meadows welding a knife. He said the officers came in and took the knife from him, but he is still there and they want to know why. The Chief stated you can't just take someone when they are lawfully allowed to be there. Mr. Moore wanted to know why support staff wasn't called in. Chief Lusk stated they have to make decisions on what they see or witness. Mr. Moore is concerned that with all the single parents at that end that someone may take matters into their own hands.

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

1. Mr. Moore said Rec Board met, and the first item was the Back to School Pool Party with MC Children and Youth. (This was addressed at the beginning of the Council meeting.)
2. Mr. Moore reported there are 10 events for July and 14 events for August.
3. Mr. Moore stated there will be no Rec Board meeting for August, since it's the same night as National Night Out.

## G. Borough Solicitor

1. Mr. Remy stated that Law and Ordinance met on Thursday and there was a discussion on EDU's and vacant properties. He said that some people have contacted staff after receiving the bills for the empty properties and they want to be taken offline so they don't have to pay the sewer bill. The Law and Ordinance committee recommended drafting an ordinance to have to pay a tap on fee if a property is taken offline to avoid the sewer bill. Some discussion ensued on EDU's, why they are charged, the amount charged and what to do if they want to avoid the charge.

Mr. Berrier explained how the Borough is charged \$70 per quarter by the intermunicipal Authority to run the treatment plant for every empty EDU. This empty EDU must then be paid for by all the other paying sewer customers and it's not fair. Even now with the empty EDU's paying the minimum, the Borough is still losing \$8.00 an EDU. Larry Searer thinks we should just charge them and not let them cut and cap. Other members of Council don't think it's fair to charge them to tap on again. Mr. Moore asked if this would lower the sewer rates and the answer was that Gannett Fleming is in the middle of a rate study so they will know more when the study/ report is given back to the Borough.

***On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved drafting an ordinance for review.***

2. Mr. Remy has a request from Mr. (Colby) Guyer to have access to proposed ordinances (Not adopted) to post on Facebook. Mr. Welham stated he could put them on the Borough's website since a large portion of the population doesn't subscribe to the newspaper. Council would prefer that Mr. Welham post them on the Borough's website and then Mr. Guyer can move them on to his site for mass distribution.
3. Mr. Remy stated he has a couple more items for Executive Session.

## H. Borough Manager/Secretary

1. Mr. Welham stated that at the last meeting someone brought it up about the 5 Points traffic light and the timing being off. Mr. Welham and Mr. (Tim) Plank went down and checked it and found it was off. Dorcas St had a 13 second green, Market St had a 24 second green and Chestnut St had a 28 second green. The next week there was a meeting with PennDot about the new bridge so he questioned the gentlemen in charge of traffic signals and they fixed the light. Penn Dot took 8 seconds off of the Chestnut Street green and added it to the Dorcas Street Green. Many of the Council members mentioned that it is much better now.
2. Mr. Welham stated that he was going to talk about movie night but since Mr. Moore already covered it he wouldn't. He did say the concession stand has (reasonably priced) excellent food and you don't need to be a pool attendee to take advantage of the concession stand.

3. Mr. Welham said that Ms. (Jenny) Barron Landis did the adopt-a-planter map, and it has the locations and the names of the individuals that sponsored the planters on it.
4. Mr. Welham said they had an individual that wanted to contribute \$43,000 which was the Borough's portion of the walking trail. Mr. (Don) Rothermel was sponsoring it in honor of his father Stanley Harry Rothermel and would like it named after him. It would be the SH Rothermel Walking Trail. Larry Searer did not agree with taking the money and naming the trail after someone. He felt it would be fine for the taxpayers to make up this \$43,000 short fall.

**On a motion by Mr. Rager and seconded by Mr. Eddinger, Council by 5-2(Searer, Wilson) vote approved acceptance of the contract for \$43,000 with Don Rothermel.**

**Roll call**

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

**UNFINISHED AND NEW BUSINESS**

**Russ Rager – Finance Chairman**

Mr. Rager went over the conditions of the wastewater mains that need to be fixed on Sunset Road and Manor Drive. He said there are holes, root penetration and shifting among other things wrong with the lines. They need to be slip lined or dug up and replaced and the 5 worst manholes on Sunset Drive need to be replaced. They are looking to have Mr. Rehab do the slip lining work and they are CoStars approved so no bidding is necessary. The cost for the slip lining is \$181,836. The cost from Mike's for the new manhole on Sunset Road is between \$3,000 and \$5,000 and it needs dug up because it goes from 6 inches to 8 inches. This work all needs to be done before the paving starts on Sunset Road, so a motion is needed tonight. He stated there is money in wastewater collection to fund this.

**On a motion by Mr. Felmlee and seconded by Mr. Moore, Council by unanimous vote approved having Mr. Rehab slip line Sunset Road and Manor Drive and replace the 5 worst manholes at the cost of \$181, 836, and to replace the manhole that goes from 6" to 8" at a cost between \$3000 and \$5000 by Mike's.**

Mr. Rager reported on the Kish Street Project since they didn't get the buy in from the partners like they had hoped. In order to access the Multimodal Grant it was streamlined from 1.4 million to 1.2 million. The bus pull up was eliminated and a pocket park was cut back. There is a need for an extra \$60,000 and one possibility would be a PIB loan at 2.15%

interest. The allotment could possibly be taken out of CDBG, but they want to have the loan available just in case. The borough has until 2019 before the funding is needed.

**On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by 4-3(Searer, Wilson, Berrier) vote approved a resolution to proceed with the application for July 31, and to guarantee the funds.**

**Roll call**

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

Mr. Rager stated that the Wayne Township Disposal Agreement for the solid waste from the treatment plant is up for renewal for the next three years. The Finance Committee is recommending Council to renew the contract especially since it has no rate change.

**On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by unanimous vote approved renewing the Wayne Township Disposal Agreement.**

**Russ Rager Law and Ordinance**

Mr. Rager wanted to again address the tax collector and her hours. He said that he was looking for her when she had posted working hours and he couldn't find her. He stated that there are disgruntled taxpayers that aren't finding the tax collector available when she is scheduled per her sign. Then they go over to the refuse office and hassle them thinking she is a Borough employee like they are. They are trying to find a solution to her and her hours. If it is causing this much trouble maybe it would be better for her not to be at Borough Hall. She has two deputies to cover for her and that isn't working either. Mr. Berrier pointed out that if you work during the day you can't pay the tax bill in person. Last year our collections were down 1%. Some of the Council members thought they should have her at Law and Ordinance. This would let her explain what is going on with her hours and then draw a line in the sand to address it with her.

**Larry Searer –Streets Chairman**

Larry Searer stated that the proposed paving project for 2018 is Lombardy Circle to Buena Vista Circle, West Charles to APR Supply Co, Winding Way from Grand Parkway North to Lombardy Circle, South Brown Street from Charles Street To Fleming Avenue, South Grand Street from Fleming Avenue to Washington Ave the small portion of Grand Parkway North that wasn't paved in 2016 or 2017, and Spring Street. This is the portion of home owners that will get the notices to have their sidewalks/curbs prepared for paving.



**On a motion by Larry Searer and seconded by Mr. Moore, Council by unanimous vote approved the proposal for the paving project for next year and to send the notices informing owners of the paving project.**

Mr. Welham explained the issue that may put the current paving project of the CDBG streets on hold. He said that with the CDBG allocations this year now being administered by the County, it becomes a county wide problem when a project runs into over expenditures like a bridge in Granville did. Until it is figured out on how to make up the difference, it puts all the allocations for 2016 on hold. This means that the bidding can't go on for Ridge Road, Marble Avenue and South Wayne Street 300, 400 and 500 blocks until the entire County is cleared up. So there is a possibility that these streets may not get paved until spring of 2018.

Larry Searer mentioned that at 6 South Grand Street the curb needs to be repainted and the sign needs to be replaced because it is unreadable. Mr. (Tim) Plank said it will be painted tomorrow and the sign replaced as soon as the new one arrives.

Mr. Moore said that Mr. Renninger at the top of Valley Street would like to do his sidewalk and curb, but there are five cars that keep parking on the curb so he can't fix it. They have been ticketed but it is an ongoing problem. It was discussed that it would be signed or barricaded somehow. Mr. Welham and Mr. Plank will look into it.

Mr. Berrier brought up the committee assignments. He said that with the reelection and the fact that Mr. Eddinger and Mr. Rager will not be returning there needs to be some reassignments with budgeting time coming up. He assigned Larry Searer, Mr. Wilson and Mr. Felmlee to the Finance Committee, and they will need to pick a chairman. As it stands, that meeting was advertised for the 1<sup>st</sup> Thursday of the month at 2:00PM. If this doesn't suit everyone they can change it and let Mr. Welham know so he can advertise it. It is effective September 1, 2017.

#### **EXECUTIVE SESSION**

Council went into an executive session at 7:10 P.M. for legal personnel matters.  
Council came out of executive session at 7:57 P.M.

***On a motion by Mr. Moore and seconded by Larry Searer, Council unanimously voted to adjourn at 7:57 P.M.***

  
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(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

  
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(Asst) Borough Secretary