

REGULAR COUNCIL MEETING
JULY 8, 2019 AT 5:30 PM
LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

The Council meeting opened at 5:32 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. Sievers, Mr. Wilson, Ms. Shade, and Mayor Bargo were present. Mr. Felmler was absent.

HEARING OF PERSONS PRESENT

Timothy Yohn, National Night Out Committee, presented Council with the date of August 6, 2019 for this year's event.

Bill Gomes presented the Easement Agreement with Juniata Concrete and the County for the Juniata River Trail. It will be assigned to the Borough for maintenance upon completion. The agreement is for a 25 year term that will automatically renew for five years unless one of the parties gives notice of its intent to terminate 90 days prior. The Borough also agrees to carry liability insurance for a minimum of \$1 million. Mr. Berrier wanted to know what the Borough's financial contribution is. Mr. Gomes informed him it was maintenance only.

Positive comments were received from the public by those who use it; it's a safe environment for walking and riding bike, it's clean and adds economic quality of life to those in the community.

On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by a 4-2 vote approved staff to execute the Easement Agreement for Phase II of the Juniata River Walking Trail.

Roll Call

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

Dana Bubb from Mifflin County Children & Youth is hosting their annual Back-To-School Pool Party on July 23, 2019 between 5:00 pm – 7:00 pm. All funds are donated, and she is asking Council for a reduction in the pool fee. Mayor Bargo is also asking for Council's support. It was suggested charging \$1 admission per person, which is still less than the pool rental fee.

On a motion by Mr. Campbell and seconded by Mr. Sievers, Council by a 3-3 vote, voted to charge \$1 admission fee for the Mifflin County Children & Youth Back-To-School Pool Party.

Roll Call

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

Mayor Bargo broke the tie with a "yea" vote.

Julian Peffer works for Mifflin County Children & Youth and addressed Council with her concern with the two-hour parking meters. A lot of the employees are getting fines because they are doing their job and not able to attend to the meters. She wants to know if meters with 8 or 12 hours could be replace the current two hour meters. Mr. Berrier wanted to know where the office was located and was informed it's beside the old Danks building. Ms. Shade informed them they could purchase parking permits. They have a fleet of 10 vehicles and are provided spaces for them. According to Mr. Berrier, there are 72 parking spots behind the Danks building that Jerry Hummel controls; however, staff doesn't want the extra monthly expense.

Rebecca Yohn of 319 South Main Street had a complaint about trees that fell over at 321 South Main Street and onto her yard. No one lives there and the owner of the property lives in California. She contacted Mr. Fink because there was damage to her car, fence and pavement. Mr. Fink contacted the property owner, but nothing is getting done. She wanted to know how long does she have to wait to get things done. Mr. Sievers suggested she report it to her insurance company. Mr. Remy reviewed the steps that Mr. Fink takes to get the property into compliance with the Borough ordinances, which takes about 30 days. If the work is not completed, the Borough can send workers in to bring the property into compliance and then bill the property owner for the work.

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-June 10, 2019
 - 2. Streets Meeting-June 13, 2019
 - 3. Law & Ordinance Meeting-June 20, 2019
 - 4. Finance Meeting-June 27, 2019
- B. Approval of Treasurer's Report
- C. Approval of Schedule of Bills
 - 1. General Borough/Specialty/Refuse/Wastewater Coll & Treatment/State Liquid Fuels
 - 2. Refuse Capital w/Requisitions
- D. Acknowledge Receipt of Tax Collector's Report & Commissions
- E. Facility Use Forms Approval:
 - 1. Approval of Lewistown Presbyterian Church for usage of grassy areas above the library on 7/14 to 7/19/19 for Krislund Traveling Day Camp
- F. Acknowledge receipt of ComCast Letter
- G. Acknowledge receipt of DLI Information
- H. Acknowledge receipt of Wastewater Collection and Treatment Bi-Annual Inspection Report July 2018 to December 2019
- I. Acknowledge receipt of DEP WWT Certificate of Accreditation
- J. Acknowledge receipt of Fame Meeting Minutes June & Fame Response Stats for May
- K. Acknowledge receipt of Brooklyn 990
- L. Acknowledge receipt of Storage Tank Certificate
- M. Acknowledge receipt of Letter from PA Department of Labor Office of Vocational Rehab
- N. Acknowledge receipt of MC Commissioners letter regarding County Aid Allocation
- O. Acknowledge receipt of MC Blight Remediation Program Letter from MC Commissioners
- P. Acknowledge receipt of Winter Maintenance Agreement
- Q. Acknowledge receipt of Codes Enforcement Office Monthly Report

Mr. Campbell had a question about the Comcast letters. Is it our responsibility to make public announcements about the contents and changes? Mr. Remy indicated that Comcast has to follow a various federal rules and it's Comcast responsibility to give notices to changes, but it is not the Borough's responsibility to do so.

On a motion by Larry Searer and seconded by Mr. Sievers, Council by unanimous vote approved the Consent Agenda.

REGULAR AGENDA

REPORTS

A. Treasurer

Ms. Walter informed Council that the Bond savings came in at \$520,666.06 and the settlement is to be on July 18, 2019.

A sewer exoneration request was received for 223 East Fourth Street. The pipes burst and the water did not go down the sewer and it affected two billing quarters. Mr. Dippery and Mr. Fink confirmed it did not go down the sewer. The average consumption is 2,000 gallons per quarter and they were billed for a total of 343,000 gallons.

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved the sewer exoneration request for 223 East Fourth Street.

Per Capita exonerations were received from the County for the Borough for \$670 with the Borough's being half of that. Reasons stated were people being deceased, moved from the County, double assessed, and people placed in nursing homes. She is seeking Council's approval for exoneration.

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved the Per Capita exonerations.

B. Fire Chief

Chief Barlett reported 30 alarms plus medical assists for June: one fire, five building fires, three medical assists, seven vehicle accidents, five gas leaks, one public service and eight alarm system activations with no fire.

Ms. Shade thanked Chief Barlett and the firemen for their help in cleaning up after the fireworks at Rec Park this year.

C. Mayor

Mayor Bargo presented her 2nd quarter wedding report for 2019. She had four weddings in each month.

D. Police Chief

Chief Clemens reported the statistics for June. The Lewistown Police Department had 552 calls for service, 94 traffic citations, 13 non-traffic citations and 11 written warnings. There were also 1,032 parking tickets issued.

A tentative agreement has been reached with the Mifflin County Housing Authority contract. Mr. Remy indicated the negotiations have been rather difficult and a one-year agreement is all the Housing Authority is willing to do. He is hoping to have something to present for Council's approval next month.

Chief Clemens reported the firework event went very well. The coordination between the Borough, the fire departments and the fire police went well, and he was pleased.

Again, National Night Out is scheduled for August 6 and he hopes to see everyone there.

E. Recreation Board

Ms. Hendricks did send in the application for United Way's Day of Caring for minor cleaning at the Community Center.

Members in attendance at the last Rec Board meeting, brought up the issue of members not showing up for the meetings. Again, there were not enough members for a quorum, and this has happened the last three months. Ms. Hendricks sends out reminders by email, texts and phone calls. There is an opening on the board, and something was posted on Facebook.

F. Borough Solicitor

Mr. Remy is seeking Council's approval to advertise for adoption the Fire Company's Recovery Cost Ordinance. A revision that was made included the Borough requiring an annual report on the revenue received from this ordinance.

On a motion by Larry Searer and seconded by Mr. Campbell, Council by a 5-1 vote (Sievers) approved to advertise the Recovery Cost Ordinance for discussion.

Mr. Campbell wanted to make sure everyone was on the same page with the ordinance. Mr. Berrier wanted to make sure that everyone on Council was aware that, if this did not pass after advertisement, they just lost \$1000 in advertising fees.

G. Borough Manager/Secretary

Ms. Walter indicated the North Shore Railroad Company was ready to do the next phase of paving on Chestnut Street and they would like to coordinate with us when paving starts. She

received three quotes: Mike Cleck Paving & Sealcoating for \$18,900; Cramer Paving for \$19,892; and Hawbakers for \$40,522. The railroad company is having Mike Cleck do the paving and she is seeking Council's approval to use them for paving in coordination with the railroad company. The railroad company paves the middle and the Borough paves each side of that.

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved the coordination of paving with Mike Cleck Paving & Sealcoating for the Chestnut Street Railroad Tracks Project.

Ms. Walter received the five-year Winter Maintenance Agreement with PennDOT. PennDOT pays the Borough to maintain Market Street, South Main Street, Valley Street, Chestnut Street and Logan Street during the winter months. The first year it is \$6852; second year is \$7,057.61; third year is \$7,269.34; fourth year is \$7,487.42; and the fifth year is \$7,712.04. The agreement is from October through April. She is seeking Council's approval for the agreement and their authorization to allow the authorized to execute the agreement. Discussion ensued on how the money was calculated, whether or not the Borough gets the money if the costs are less than projected and what would happen if we didn't sign the agreement.

After discussion, it was agreed to present it at the next Council meeting, allowing Mr. Remy additional time to review the agreement.

UNFINISHED AND NEW BUSINESS

Ms. Walter is seeking Council's approval to release the 2016 CDBG funds in the amount of \$503.91 to Big Brothers/Big Sisters.

On a motion by Mr. Campbell and seconded by Mr. Sievers, Council by a 5-1 vote (Searer) approved to release the 2016 CDBG funds to Big Brothers/Big Sisters in the amount of \$503.91.

Ms. Shade indicated that a representative for the Tax Collection Committee was needed. Mr. Welham held that position while he was employed by the Borough. The Tax Collection Committee contacted the Borough to see if we were allowing him to continue being on the committee or did we want to appoint someone new.

What asked what the Tax Collection Committee does, both Mr. Remy and Mr. Berrier explained that the committee is required to appoint a tax collector to collect earned income and possibly other taxes on a county-wide basis, and to oversee tax collection within the Tax Collection District. Presently, we use Keystone Collections.

After discussion, it was determined that Ms. Walter would contact Mr. Welham to see if he wants to remain on the committee. If he does not, then it will be brought back to Council.

STREETS

Ms. Walter explained that the 2018 CDBG funds could not be used to pave South Brown Street because the LMI did not meet the guidelines. She is seeking Council's approval to use SLF for the South Brown Street paving project next year and utilize 2018 CDBG funding for the 500 and 600 blocks of South Grand Street, West Wilson Avenue, Susquehanna Avenue, 500 block of South Juniata Street, and the 500 and 600 blocks of South Wayne Street.

After discussion, Council would like to know the cost involved for the paving before deciding. Ms. Walter will contact Mr. Lettierre for that information and bring it back to the Street Committee.

Mr. Wilson is seeking Council's approval to pave Rosewood Avenue. Half of it was paved when 5th Street was done because there was material left over. Ms. Walter received an estimate of \$1,950 to finish it.

On a motion by Mr. Campbell and seconded by Mr. Sievers, Council by a 5-1 vote (Searer) approved the paving of Rosewood Avenue for \$1,950 from SLF.

Mr. Wilson wants approval to move the large rocks at the boat launch and the Juniata River Walking Trail from the grass area to the bank on the other side of the parking lot. People are still having difficulty moving around them and the Streets Department must mow/trim the grass around each of the rocks. He would also like to replace the rocks at each end of the trail with poles.

On a motion by Mr. Campbell and seconded by Mr. Sievers, Council by unanimous vote approved to move the rocks at the boat launch and the Juniata River Walking Trail, and insert bollards at the entry way of the Trail.

A handicap parking space was requested at 509 Valley Street. It was recently removed; however, the applicant's physician approved the renewal of her handicap placard. The paint is still there, but the handicap sign needs put back in.

On a motion by Mr. Sievers and seconded by Larry Searer, Council by unanimous vote approved to reinstall the handicap parking space at 509 Valley Street.

Mr. Wilson handed out images from 2012 and 2019 of the street and sidewalk at 500 South Juniata Street. The street was put in prior to the 1972 flood. The curb and sidewalk are falling in from a water line that was installed and never filled in properly. The water gathers in there and freezes every year. Jim Bender, the owner, doesn't feel it's his responsibility to fix it since it was someone else's negligence. Mr. Fink was not able to determine who did the work since the time involved is so far back. Mr. Bender indicated he replaced some of the slabs of concrete; however, the same issue presents itself.

After discussion, it was determined to have the camera truck go down and examine the line to make sure there is no sewer leak. The results will be presented at the next Council meeting.

FINANCE

Mr. Sievers is seeking Council's approval of the change order to the Kish Street Project and Supplemental Agreement. Mr. Parkes explained the scratch level cost was not included in the original bid amount. An estimate is \$135 per ton and, approximately, 420 tons will be needed, totaling \$56,700. Also, construction observation/inspection was not included in the contract. Approximately 4 -8 hours per week would be for inspection with the anticipated completion date of August 22, 2019. Mr. Parkes presented a supplemental agreement to the master agreement to cover that at an estimate of \$5,000, which would come from the Multi-Model grant.

On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by unanimous vote approved the change order to the Kish Street Project and the supplemental agreement at a cost of \$5,000 to the EADS Group for engineering fees.

Mr. Sievers is seeking approval to bid out a 1994 Chevy truck that will not pass inspection.

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved to bid out a 1994 Chevy truck.

Mr. Sievers is looking for approval of the MOU for the radio project for the Police Department. The equipment is provided by Mifflin County to LPD for the use on the VHF radio system. The purpose of providing encrypted communications of the County and State-wide radio systems. LPD is responsible for all future maintenance and replacement of equipment in compliance with all operational guidelines for their use. The total cost is

\$79,500 with the LPD obligation of \$2,815. After research, it was also determined that it is not GPS activated, and the Borough would have to look into carrying it onto their insurance.

On a motion by Mr. Campbell and seconded by Mr. Sievers, Council by unanimous vote approved the MOU for the radio project for the Police Department.

Mr. Berrier wanted to know why the GPS would not be activated. Chief Clemens indicated it was due to additional software needed. Mr. Berrier wanted to make sure it wasn't more cost effective to add it and get rid of our current GPS program.

Three quotes were received for the Vegetation Management at the Wastewater Treatment Plant: TruGreen at \$595, Ehrlich at \$800 (with a warranty) and Premier at \$955. Mr. Sievers is seeking Council's approval to utilize Ehrlich since they offer a warranty with their service.

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved the Vegetation Management Agreement with Ehrlich for \$800.

Mr. Berrier thought we had an employee that was certified for application; however, Ms. Walter informed him that his certification expired.

\$13,000 was budgeted for new dumpsters this year. Mr. Sievers is looking for approval to purchase 18 new dumpsters from Duracan for \$12,968.

On a motion by Larry Searer and seconded by Mr. Campbell, Council by unanimous vote approved the purchase of 18 new dumpster from Duracan for \$12,968.

Mr. Berrier wanted to make Council aware that he was approached by a National Chain Store and they are showing interest in the former CVS location. They were asking about parking and they would like 20 dedicated parking spaces for their business. He went there today and looked at the Dank's situation and they have 72 spaces they control, leaving an additional 85 spaces available. The Parking Authority meets next Monday, and he will discuss it with them at that time. Mr. Berrier stated that Dank's is paying roughly \$12,500 annually for their parking spots. He did say this business was looking at another location where the parking is free. He just wanted Council to be aware and will let them know the results of his findings after the Parking Authority meeting.

PUBLIC COMMENTS

None.

EXECUTIVE SESSION

Council went into executive session at 7:05 pm for personnel reasons.
Council came out of executive session at 7:48 pm.

Discussion on replacing the two workman positions began. Mr. Campbell stated that if we would not fill those positions, we would be saving over \$120,000 a year. Mr. Campbell received some pricing around \$57,500 from outside contractors. Mr. Berrier questioned who is doing the mowing now? At this time, we have three additional interns working for us at \$8.75 an hour. Do we need to fill the vacancies? This is the opportunity to see if the jobs are needed. Larry Searer was concerned about the wintertime when it would snow, would we have enough of men to plow? Vacation time would also have to be taken into consideration. Ms. Walter informed Council, per the Union contract, they have 30 days to post the position and these two positions became vacant July 1. The jobs need to be posted internally by July 31, 2019. Mr. Campbell stated that the Borough could get more information and bring it back to Council at the next meeting. Mr. Sievers and Ms. Shade agreed.

On a motion by Mr. Campbell and seconded by Mr. Berrier, Council by unanimous vote approved to post job vacancies internally on July 31, 2019.

On a motion by Mr. Campbell and seconded by Mr. Sievers, Council by a 5-1 vote (Searer) approved Ms. Walter into the Borough Manager/Secretary position as it stands currently.

Roll Call

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

On a motion by Mr. Campbell and seconded by Mr. Sievers, Council by 5-1 vote (Searer) approved to waive the residency qualifications, Section 30-3 of the Borough's Code of Ordinances, and authorize the Solicitor to advertise the amendment to the ordinance removing the residency requirement from the ordinance.

The Personnel Committee will review the job description for Assistant Borough Secretary/ Assistant Treasurer/Administrative Assistant, amend accordingly and then advertise.

On a motion by Mr. Campbell and seconded by Mr. Sievers, Council by a 4-2 vote (Berrier and Searer), approved to review and amend the Assistant Borough Secretary/Assistant Treasurer /Administrative Assistant position accordingly and advertise.


Ms. Walter wanted to make sure Council was aware that the applicants for Waste Water Treatment Plant position have until July 10, 2019 to submit. So far, she has received 42 applicants through Indeed.

Larry Searer wanted to know how we can require them to have a CDL and allow some employees have six months to get it. Mr. Campbell stated he reviewed the contract and cannot find anything. Ms. Shade said it's not in the job description and seems to have been at the whim of whoever was advertising the position at the time. Mr. Berrier stated that you can put any criteria on hiring somebody you want. You can also hire somebody and tell them they will get a CDL within six months because they are not in the Union yet.

Larry Searer wanted to know about an employee that wanted to apply for a job but did not have their CDL, that means they cannot apply for that job. Mr. Berrier said they can get the CDL on their own time and apply for the job later. Mr. Searer wanted to know why, then, would you have that as a requirement for hiring. He wanted to know how you can advertise one way for a new employee another for a current employee. Both Ms. Shade and Mr. Campbell stated it's not written down for a current employee. Mr. Berrier said it's good to keep it that way and hire somebody that does have their CDL. Ms. Shade agreed. Ms. Shade said it's something the Union can bring to the table if they want it that bad next time. Larry Searer said we can't have two different requirements. Mr. Berrier stated the job requires it, not them.

Mr. Campbell said Liberty Fest and the fireworks had a nice atmosphere with all the events done that weekend. It says a lot about our downtown community. He complimented Chief Clemens and the LPD on a job well done, Chief Barlett and the fire departments with the fireworks, and Ms. Walter with her direction to the management team and our employees. He appreciated all the people it took to make the event successful.

The meeting adjourned at 8:13 pm.



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST: 
(Asst.) Borough Secretary