

REGULAR COUNCIL MEETING  
JULY 9, 2018 AT 5:00 PM  
COMMUNITY CENTER

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

**ROLL CALL**

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

**HEARING OF PERSONS PRESENT**

- A. Tim Yohn from the National Night Out Committee invited Borough Council and Mayor Bargo to participate in the upcoming event. Next meeting is scheduled for July 23, 2018 at 6:00 pm for anyone that wishes to attend.
  
- B. Justin Ross of Livic Civil Engineers presented an update on the Dollar General plans. The new store is to be located across from Sheetz on West 4<sup>th</sup> Street and is expected to be 10,600 square feet. The two existing houses will be torn down to help make access for 30 parking spaces.

Mr. Remy gave an overview of the Dollar General from the recent Planning Commission meeting. Upon review of the plans, the Planning Commission conditionally approved the plans contingent upon certain requirements being met. A traffic study was also completed and approved by Penn DOT.

Frank Berrier arrived at 5:07 pm.

Mr. Remy reviewed some of the conditions that need to be addressed:

- An HOP permit
- Sign height, dimensions and location
- Traffic impact assessment
- Building permit
- Directional arrows to the plans
- Safe grate in front of entrance
- Safety fence around the basin in the front of the property
- Developer agreement
- Storm water agreement
- CG-1 and CG-2 requirements
- Side letter agreement regarding 10-12 feet of pipe with the Borough for storm water pipe for maintenance and monitoring
- Initial escrow

- Three waivers: lot additions, curb radius and final plans.

Mr. Searer asked if anyone wanted to make a motion to approve the plans conditionally. Mr. Berrier stated that past practice was to wait until all things are completed before Council would vote. No motion was made.

Mr. Welham seeking Council's approval to sign the HOP for the storm water piping.

***On a motion by Mr. Felmlee and seconded by Ms. Shade, Council by unanimous vote, approved Mr. Welham to sign off on behalf of the Borough for the storm water piping. (Mr. Berrier excluded due to representation of the seller of the property.)***

Richard Stringfellow is requesting the alley behind Feeder Avenue be paved. Mr. Welham informed Council that there is \$26,000 available for paving. He will talk to the Streets Committee and see what alley's they are planning to pave this year.

Mr. Welham also informed Council that the signs requested from last meeting have been ordered for Feeder Avenue and South Main Street.

Dana Bubb from Mifflin County Children & Youth Outreach Committee is planning their annual Back to School Pool Party on July 31, 2018 from 5-7 pm, with a rain date of Aug 2. They give away backpacks filled with school supplies to help children get ready for school. The committee is requesting the pool party fees be waived.

***Motion was made by Ms. Shade to waive the pool party fees; however, motion dies to lack of second.***

## 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 11,2018
  2. Special Council Meeting-June 25, 2018
  3. Law & Ordinance Meeting- June 28, 2018
  4. Finance Meeting-June 28, 2018
- B. Approval of Treasurer's Report

- C. Approval of Schedule of Bills
  - 1. General Borough/Specialty Tax/Refuse/Wastewater Collection & Treatment/State Liquid Fuels
  - 2. Refuse Capital w/Requisition
  - 3. CDBG (2 invoices)
  - 4. DCNR-Juniata River Trail
- D. Acknowledge Receipt of Tax Collector Report & Commissions-June
- E. Approval of Facility Use Forms-Rec Board:
  - 1. \*\*MC Soccer Club Seasonal Rental of Babe Ruth Baseball Field and Soccer Field from 8-1-18 to 11-19-18
  - 2. \*\*Missie Britt Pavilion Rental Ratification for July 1<sup>st</sup>
  - 3. \*\*LPD & Block Watch Group Event for August 7<sup>th</sup> for National Night Out
- F. Acknowledge Receipt of FAME Meeting Minutes June & FAME Response Stats for May
- G. Acknowledge Receipt of ComCast Letters
- H. Acknowledge Receipt of Auditor General's Letter and Response
- I. Acknowledge Receipt of County Aid Allocation Letter
- J. Acknowledge Receipt of City Hook and Ladder 990 and Other Information
- K. Acknowledge Receipt of Sewage Compliance Inspection Report
- L. Acknowledge Receipt of DLI Info
- M. Acknowledge Receipt of MC Conservation District Letter regarding Dollar General
- N. Acknowledge Receipt of WWTP Lab Proficiency Testing Report
- O. Acknowledge Receipt of Ken Schucht Letter
- P. Acknowledge Receipt of Dollar General Land Development Plans Comment Letter from EADS and MC Planning & Development Department Review Comments of Dollar General
- Q. Acknowledge Receipt of PennDot Letter for Dollar General Traffic Impact Assessment
- R. Acknowledge Receipt of PennDot Letter of Notice of Intent for Traffic Signal Project
- S. Acknowledge Receipt of Zoning Hearing Notice related to Debra LaRosa Appeal

Mr. Berrier questioned City Hook and Ladder's 990 date of receipt since it was to be received before May 15, 2018. During discussion, Mr. Barlett stated that the information was submitted since it was needed for the consolidation study. Without a date stamp, it cannot be confirmed when the 990 came into the building. Mr. Berrier wants this issue addressed with the clerk/secretary. Ms. Walter said she would take care of it.

***On a motion by Mr. Felmlee and seconded by Mr. Wilson, Council by unanimous vote, approved the Consent Agenda. Mr. Berrier abstained due to some items with the Dollar General.***

## REGULAR AGENDA

### REPORTS

#### A. Treasurer

*On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by unanimous vote, approved the exoneration sewer request for Kyle Rankin at 334 Bratton Ave, Apt A.*

*On a motion by Mr. Felmlee and seconded by Mr. Campbell, Council by unanimous vote, approved to apply for County Aid.*

*On a motion by Mr. Sievers and seconded by Ms. Shade, Council by unanimous vote, approved to dispose of records with Resolution 2018-38.*

#### Roll Call

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

*On a motion by Mr. Felmlee and seconded by Ms. Shade, Council by unanimous vote, approved to release the 2016 CDBG funds of \$6702.24 for the Monument Square Streetscape project.*

Jim Lettiere gave an overview of modifications for the 2015 and 2017 CDBG funds. The 2015 CDBG funds need reallocated and the 2017 CDBG funds for Grand Parkway North were denied to a higher income level for residents living in that area, so it does not qualify. The money will now be used for ADA ramps.

*On a motion by Mr. Felmlee and seconded by Mr. Wilson, Council by unanimous vote, approved to modify 2015 and 2017 CDBG funds with Resolution 2018-41.*

## Roll Call

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

### B. Code Enforcement Officer

Mr. Fink reported there were 122 violations in May and June. 81 of those violations were issued for high grass and/or weeds. There were 114 permits issued for \$40,702.36 in zoning fees. There was \$1,920.00 collected in sidewalk permits. Improvements totaled \$4,877,993 in May and \$85,081 in June with a year-to-date of \$6,669,560. The inspection fees for May and June were \$890; totaling \$2,155 for the year. There were also two LOMA letters issued in the last two months.

Mr. Felmlee asked Mr. Fink how difficult it would be to get last year's figures versus this year's figures for comparison on building permits. Mr. Fink will prepare a comparison with numbers and fees.

### C. Fire Chief

Chief Barlett reported 28 alarms and medical assists for June. No major fires within the Borough; however, they did assist on a barn fire and a couple residential fires outside the Borough. This past week, they were involved with four river rescues.

### D. Mayor

Mayor Bargo presented Council with her second quarter wedding report.

Mayor Bargo announced that the second quarter Police Advisory meeting was held on June 21, 2018. Ms. Bargo stated that the Board is pleased with the direction of the way of Police Department is going.

### E. Police Chief

Chief Clemens stated that the Lewistown Police Department had 319 calls to service in May and 317 in June. 65 traffic citations, 28 non-traffic citations and 871 parking tickets were issued in May. 65 traffic citations, 21 non-traffic citations and 1262 parking tickets were issued in June.

The mural in the lobby of the Police Department was completed by a local art teacher and her students. Chief Clemens encouraged the public to take a look at it.

The new server has been ordered. It will take 2-3 weeks to get here; possibly another week will be needed for installation.

Mr. Wilson asked both Mayor Bargo and Chief Clemens why people aren't being arrested or ticketed for a tractor trailer located on the side street at Reeder's garage. Mayor Bargo informed Council that the owner of the tractor trailer in question rents the garage. Chief Clemens is aware of the situation and it has been addressed by officers. There are signs on the street that say no trucks except for local deliveries. Chief Clemens said it will be addressed again if they return there.

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

***On a motion by Mr. Felmlee and seconded by Ms. Shade, Council by a 6-1 (Searer) vote, approved the Honstine/Molek Community Center Rental for October 20, 2018 with alcohol.***

***On a motion by Mr. Felmlee and seconded by Ms. Shade, Council by a 6-1 (Searer) vote, approved the Taylor Community Center Rental for September 22, 2018 with alcohol.***

Mr. Campbell addressed better marketing strategies for the Community Center through social media. Ms. Shade confirmed that it was brought up at the last Rec Board meeting with Mrs. Barr. She is aware that she is to utilize social media more. Mr. Sievers said the subject was brought up in February and having an insert in the local paper was discussed, but never done. He reminded Council that the Community Center is a beautiful building that should have something like a banner on the front of the building that states "banquets, wedding receptions, etc" to attract the public to use the facility.

#### **G. Borough Solicitor**

***On a motion by Ms. Shade and seconded by Mr. Campbell, Council by a 6-1 (Searer) vote, approved an ordinance for change in citation fines.***

#### **Roll Call**

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

***On a motion by Ms. Shade and seconded by Mr. Sievers, Council by a 4-3 vote, approved the ordinance to enter into an agreement with Mifflin County to handle our CDBG allocations.***

**Roll Call**

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

Mr. Remy presented Council a modification to the commercial district sign ordinance. The Law and Ordinance committee feels the existing limitations are too small and looked into ways to make changes to it under Subsection E. The modification states that signs in the commercial district shall not exceed a total area of two square feet per lineal front foot of the main building on the premises, except that no premises shall be limited to less than 32 square feet on the one side and a total area of such sign shall not exceed 64 square feet. In no case shall the total sign area of all signs on one premise in Commercial Districts exceed 200 square feet.

This ordinance was last updated in the 70s or 80s. Mr. Campbell feels that we should be reducing the regulations, allowing more businesses to come into the area without having to worry about how much they will spend on meeting the requirements for a sign.

Mr. Berrier wanted to know if these signs are approved through the Planning Commission as part of the final plans. If so, do we have to have a special exemption for signs at the Borough level or does that take care of it? Mr. Remy states that the sign ordinance is part of the zoning ordinance and that is something that the Planning Commission doesn't technically deal with, although they work around it. When people submit development plans, the County as our agent reviews them all, then changes (signs) go through the zoning hearing board. Some of the existing signs have been grandfathered in, such as Sheetz. Mr. Berrier also feels that the new ordinance is taking control away from Borough Council. Ms. Shade stated that it looks like the Planning Commission has already been taking away the control from Council. When asked about the digital signs, Mr. Fink confirmed that they are controlled.

Mr. Searer would like to send this back to Law and Ordinance; more discussion ensued.

***A motion was made by Ms. Shade and seconded by Mr. Campbell, to advertise the modified sign ordinance.***

Mr. Fink feels the ordinance should have separate dimensions for free standing signs.

Mr. Campbell rescinded his second motion and Ms. Shade withdrew her motion to advertise the modified sign ordinance. This topic will be returned to Law and Ordinance.

Mr. Remy presented Council with a modified rooming house ordinance. The proposed ordinance addresses the general responsibilities the designated local manager, a new permit application, inspections done by the Borough, and having a designated local manager living within 15 miles of the Borough.

Mr. Felmlee stated that he just received a copy of the proposed ordinance and would like to review it prior to any motions for advertisement. Mr. Campbell would like to know the penalty of not following the ordinance. Mr. Remy indicated it's a \$300 maximum fine for failure to comply with the ordinance.

#### **H. Borough Manager/Secretary**

Mr. Welham is seeking approval from Council to advertise an open Streets Workman position. A position became available in the Recycling Department after an employee retired and was filled by John Workman from the Streets Department. Mr. Workman's position was filled by Craig Leidy, the Streets mechanic. Mr. Leidy's position was then filled by Zane Frey, Street Sweeper. Mr. Frey's position was then filled by Donald Stover, Streets Department. No bids were received for Mr. Stover's position.

***On a motion by Mr. Felmlee and seconded by Ms. Shade, Council by unanimous vote, approved to advertise the open Street Workmen position.***

The Water Authority is having their annual convention in Erie from September 9 through September 12. A bus will be used for transportation with pickup being in the library parking lot. The Water Authority is requesting the permit fees for 10-15 parking spaces in the upper tier of the Library/Woodlawn parking lot be waived, totaling \$50-\$75. No motion was made.

Mr. Welham gave an update on the Charles Street bridge replacement. There is an issue with the beams. They have to be shipped back and rebuilt. The completion date is now projected for September 7 instead of August 23. The school board has been informed because this will cause an issue with school buses.

### **UNFINISHED AND NEW BUSINESS**

#### **STREETS COMMITTEE**

Mr. Wilson presented the removal of a handicap parking space at 50 Logan Street. When asked by Mr. Felmlee if there was a Streets Committee meeting, Mr. Wilson said everything on the agenda can go to the next Streets Committee meeting.

Mr. Searer did address a letter received from John Harwood, requesting six parking spaces be reserved for Mother Hubbard's Cupboard on Water Street. They would be needed on Tues,



Wed and Thurs from 9:00 am to 12:00 pm and Friday from 2:00 pm to 5:00 pm. A sign is requested to be placed a ½ hour prior to opening and then taken down when they close. No motion made.

Suggestions were made to place bags over the meters, or to allow them to put signs out, and for the Borough to insert a handicap space. It will be returned to the Streets Committee for further discussion.

***On a motion by Mr. Felmlee and seconded by Mr. Berrier, Council by unanimous vote approved to reappoint Howard Foss to the Parking Authority by Resolution 2018-40.***

**Roll Call**

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

**PUBLIC COMMENTS**

On June 29 and June 30, Friends of the Embassy Theatre had their annual community band concert, Liberty Fest, and fireworks were presented by the Chamber of Commerce and Visitor's Bureau. Mr. Campbell wanted to thank the Borough Manager and other Borough Departments for all they did. Downtown was clean and beautiful.

On June 2, a memorial service was held at Victory Park for three firefighters who lost their lives 50 years ago. Mr. Barlett wanted to thank everyone involved.

**EXECUTIVE SESSION**

Council went into an executive session at 6:37 PM for personnel matters.  
Council came out of executive session at 7:02 PM.

***On a motion by Mr. Berrier and seconded by Ms. Shade, Council by a 4-3 vote, approved advertising a part-time parking enforcement officer.***

**Roll Call**

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

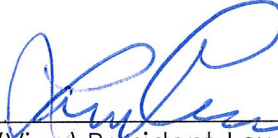
***On a motion by Mr. Berrier and seconded by Mr. Felmlee, Council by 6-1 (Campbell) vote, approved to advertise internally the job position open at the Waste Water Treatment facility.***

**Roll Call**

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

Ms. Shade wanted to know where things stand with the Police Ad Hoc Committee Meetings.  
Mr. Wilson said no meeting was scheduled.

***Meeting was adjourned at 7:05 PM.***

  
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(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

  
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(Asst.) Borough Secretary