

REGULAR COUNCIL MEETING  
SEPTEMBER 10, 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. Campbell, Mr. Berrier, Mr. Wilson, and Larry Searer were present. Mr. Felmlee and Mayor Bargo were absent.

**HEARING OF PERSONS PRESENT**

- A. Mr. Welham presented the Jim Tunall Award for the best planter to Andrew and David Vdov for the three planters located in the mall between Bon-Ton and Caparella Furniture. David thanked Sarah Buffington from Adopt-A-Planter, and the four sponsors that helped make it happen for them.
  
- B. Kari Coble, President of One Dog at a Time, presented Council with the overwhelming cat population in Lewistown. She also addressed the concern for animals after a house has been condemned. She is requesting some sort of assistance/notification from the Borough for this situation. Can a plan be made? Lastly, she addressed humane calls. She is happy to assist police departments; however, there seems to be resistance to their offers of kennels, dog treats, chip scanners, etc. When a tenant leaves a residence, animals are being left behind. She is suggesting an ordinance be made that would make landlords more responsible. She is trying to be pro-active and, in doing so, needs more cooperation from the public and well as public services.
  
- C. Two bids were received for the CDBG paving project of 300-400 blocks of South Wayne Street and Spring Street. A bid was received from Hawbaker's for \$178,678 and another was received from Jay Fulkroad & Sons for \$163,361.64.

***On a motion by Mr. Wilson and seconded by Ms. Shade, Council by unanimous vote awarded the CDBG project to Jay Fulkroad & Sons, Inc in the amount of \$163,361.64.***

## 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-August 13,2018
  - 2. Law & Ordinance Meeting- August 23, 2018
  - 3. Finance Meeting-August 23, 2018
- B. Approval of Treasurer's Report
- C. Approval of Schedule of Bills
  - 1. General Borough/Specialty/Refuse/Wastewater Coll & Treatment/State Liquid Fuels
  - 2. Wastewater Capital w/Requisitions
  - 3. Wastewater Facilities Construction Capital w/Requisitions
  - 4. Dollar General Escrow Account
  - 5. DCNR Account
- D. Acknowledge Receipt of Tax Collector Report & Commissions-August
- E. Approval of Facility Use Forms-Streets:
  - 1. AAA Central Penn use of upper level of BonTon Parking Lot for Member Appreciation Day (retroactively for 8/24/18 received application on 8/21/18)
  - 2. Scott Falkner for Juniata Valley Striders on 11/30/18 Street Closure for 4k Race
- F. Acknowledge Receipt of FAME Meeting Minutes August & FAME Response Stats for July
- G. Acknowledge Receipt of FEMA letter
- H. Acknowledge Receipt of letter from PennDot for extended date for bridge
- I. Acknowledge Receipt of EADS letter regarding MC Youth Park Request for CDBG funds
- J. Acknowledge Receipt of Comcast Channel Programming Agreement Changes
- K. Acknowledge Receipt of MC Library Letter
- L. Acknowledge Receipt of Advanced GeoServices Letter Regarding Drinking Water
- M. Acknowledge Receipt of Zoning Hearing Board Request for Special Exception for Debra LaRosa

Mr. Berrier questioned the Facility Use Request by AAA for their use of the upper level Bon-Ton Parking lot and why it was retroactive. Mr. Welham explained that the application was received a few days prior to the event and that he spoke with Mr. Searer in regards to the application and Mr. Searer gave his approval.

***On a motion by Ms. Shade and seconded by Mr. Sievers, Council by unanimous vote, approved the Consent Agenda. (Mr. Berrier abstained due to representation of the Dollar General's financial interest.)***

## REGULAR AGENDA

### REPORTS

#### A. Treasurer

Ms. Walter presented Council with the MMO (Minimum Municipal Obligation) calculation. The MMO is the Borough's expected financial obligation for the upcoming year for our pension plan. The law requires that the "governing body" of the municipality of the pension plans is informed of their obligation by the last business day in September. The calculation of the 2019 plan cost, or the MMO, requires an estimate of the 2018 W-2 wages of the employees covered by the plan. The MMO is the municipality's 2019 bill for the pension plan. The calculated obligation must be paid by December 31, 2019. The obligation must be met with general fund monies or with any General State Aid to Municipal Pensions to which we may be entitled under Act 205.

***On a motion by Mr. Sievers and seconded by Ms. Shade, Council by unanimous vote, approved the 2019 Minimum Municipal Obligation for the Borough's non-uniformed and Police pension.***

A letter was received from the Mifflin County Tax Claim Bureau informing us of an offer received on 8 Feeder Avenue in the amount of \$438.00.

***On a motion by Ms. Shade and seconded by Mr. Campbell, Council by unanimous vote, accepted the offer made on 8 Feeder Avenue in the amount of \$438.00.***

The Borough received a letter from the Board of Assessments Appeals regarding a list of per capita exonerations submitted by our tax collector. The initial letter from Erin Anewalt stated that the per capita tax bills are "undeliverable" and returned to her by the post office every year. The letter stated she had been recording every per capita bill returned to her since she began collecting taxes in 2014. None of the per capita bills have been collected for a minimum of 3 and half years, and Ms. Anewalt would like to have them exonerated and removed from tax rolls. Mr. Berrier and Mr. Sievers think this request should be coming from Keystone Collections. Ms. Anewalt explained that the exonerations would be for the current year only. Mr. Remy will look into the exonerations more thoroughly and bring this information to the next council meeting.

#### B. Code Enforcement Officer

Mr. Fink reported there were 72 violations in August. 54 of those violations were issued for high grass and/or weeds, 6 for bushes/trees. Five properties were condemned. There were 25 zoning permits issued, totaling \$1,962.96. There were 17 sidewalk permits issued, totaling \$2,126.64. Improvements totaled \$85,315 in August, with a year-to-date of \$6,888,261. The inspection fees for August were \$60; totaling \$2,885 for the year. There was one LOMA letter received.

A letter was received from FEMA. Our rating stayed the same, giving a 10% discount to residents for the work that is done mailing information on flood plains and insurance.

### **C. Fire Chief**

Chief Barlett reported 26 alarms and medical assists for August, no significant damage reported. One major car accident, involving four patients, took 28 minutes to cut them out of the vehicle with serious injuries.

Chief Barlett has been preparing for the possible rains and flooding expected from Hurricane Florence later this week. All stations have their pumps ready.

Mr. Welham thanked Tim Plank, Chief Barlett and approximately 25 firefighters as they helped remove the boat launch at Victory Park before it floated away earlier this week from the high waters.

### **D. Police Chief**

Chief Clemens reported August statistics. The Lewistown Police Department had 292 calls to service, 42 citations and 37 non-citations, totaling \$6,683. There were 186 tickets issued, totaling \$2,400.

The new server has been installed and data is in the process of being transferred, hoping to have the transition completed within one week.

Chief Clemens thanked the Pennsylvania State Police for their assistance with a recent shooting on West 4<sup>th</sup> Street, involving an investigation with a local rooming house that resulted in three arrests. There was also a recent shooting involving one of our officer's as the victim. He was not injured and the suspect was arrested later with the help of Regional Police Department.

Kari Coble wanted to know how incident reports were created and sent to the media. Chief Clemens stated that it is a requirement that a public information release be completed; however, not all information can be made public depending on circumstances. Not every report is released to the media.

### **E. Borough Solicitor**

Mr. Remy presented Council with the completed rooming house ordinance and is seeking approval from Council for adoption.

***On a motion by Mr. Berrier and seconded by Mr. Wilson, Council by unanimous vote, approved to adopt the rooming house ordinance.***

## Roll Call

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

### H. Borough Manager/Secretary

Mr. Welham is seeking approval from Council to enter into an agreement with Industrial Appraisals for our five year appraisals on land, buildings, and equipment. The appraisal fee is \$7,760. They currently have all of the Borough's information on property, land and equipment values for insurance purposes due to their prior appraisal.

***On a motion by Mr. Sievers and seconded by Ms. Shade, Council by unanimous vote, approved the agreement with Industrial Appraisals for \$7,760 for our five year update for insurance purposes.***

Mr. Welham presented Council with UGI gas rates if locked in right now. We are currently paying \$3.27 per dth and the new rate is \$3.22 per dth through October 2020.

***On a motion by Mr. Sievers and seconded by Mr. Wilson, Council by unanimous vote, approved to lock in our UGI gas rate for the next two years.***

Mr. Welham also presented Council with the opportunity to lock in energy savings now that would begin when our current contract with Next Era energy expires on October 31<sup>st</sup> 2020. Our current rate for electricity is .0578. We have the opportunity to lock in at .05186 for 37 months with IDS energy, a savings of \$41,000, that would begin on November 1<sup>st</sup>, 2020 and run through November 30<sup>th</sup>, 2023.

***On a motion by Mr. Sievers and seconded by Mr. Campbell, Council by unanimous vote, approved to lock in the new electric rate of .05186 through November 2023 after the existing contract expires on October 31, 2020.***

Mr. Welham reviewed year-to-date financials by department:

- General Borough – revenue increased 5.0%, expenses decreased 14.2%
- Refuse – revenue increased 6.6%, expenses increased 8.5%
- WWC – revenue increased 3.8%, expenses increased 9.2%
- WWT – revenue increased 8.1%, expenses decreased 5.4%
- Total – revenue increased 5.6%, expenses decreased 3.6%

A letter was received from Jenny Barron from the Chamber of Commerce concerning Dave Knox, owner of the Locust Campground, and his passion for the community. She would like to include his name somehow with the river walk, possibly having his name placed on one of the benches. All Council members agreed it would be a nice idea as long as they would pay for their own benches.

Mr. Welham received a report from Wilt's Vending indicating they had sales of \$6,952 this summer at the pool. Per the 10% agreement, they will be sending us a check for \$695.

Announcement was made that the Charles Street Bridge opened earlier today. Also, the Chestnut Street and South Pine Road intersection railroad track project looks very nice. It will take approximately three years to complete all phases of the project.

Mr. Welham announced the walking trail is expected to be completed in mid-October 2018.

## **UNFINISHED AND NEW BUSINESS**

Jim Lettiere presented Council budget revisions to the 2015/2016 CDBG program per Resolution 10-2018 by the Mifflin County Commissioners. The South Wayne Street reconstruction projects and the Spring Street project have been bid and the bid was awarded to Fulkroad & Sons. The low bid of \$163,361.64 was over project budgeted funds in the amount of \$6,571.54.

The revision includes the following actions:

- Decrease the FFY 2015 ADA ramps with truncated domes project in the amount of \$19,188.93
- Increase the FFY 2015 South Wayne Street project in the amount of \$19,188.93
- Decrease the FFY 2016 South Wayne Street project in the amount of \$23,809.55
- Add the FFY 2016 Spring Street project and fund it in the amount of \$23,809.55

***On a motion by Mr. Berrier and seconded by Mr. Wilson, Council by unanimous vote approved the budget revisions to the Borough's 2015/2016 CDBG for ADA ramps with truncated domes and South Wayne Street reconstruction and Spring Street reconstruction per County's Resolution.***

***On a motion by Mr. Campbell and seconded by Ms. Shade, Council by unanimous vote approved to reappoint Lisa Knudson to Civil Service Commission by Resolution.***

### **Roll Call**

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

***On a motion by Mr. Berrier and seconded by Mr. Wilson, Council by unanimous vote approved to release 2015/2016 CDBG funds in the amount of \$796.08 for advertising invitation for bids for South Wayne Street.***

***On a motion by Mr. Berrier and seconded by Mr. Wilson, Council by unanimous vote approved to release 2015/2016 CDBG funds in the amount of \$7,157.73 for phase five engineering services of the Monument Square Streetscape Project.***

**LAW AND ORDINANCE**

Mr. Berrier would like Council to table the proposed sign ordinance for another month since he has not had adequate time to review it. Mr. Sievers didn't want to wait another month since it has been an ongoing issue for two months.

***On a motion by Mr. Sievers and seconded by Ms. Shade, Council by a 3-3 vote, did not approve to advertise the proposed sign ordinance.***

**Roll Call**

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

There will be special meeting scheduled for the sign ordinance due to the tie vote.

Mr. Berrier addressed John Conley's request to have part of his sidewalk removed and replaced with grass. After doing some research, Mr. Remy concluded that the Borough does not have any requirements for a property owner to have a sidewalk in front of their property. Section 212-25(A) of the Ordinance, *Notice and Order to Repair*, "Upon written notice and order by the Department, the owner of a property which abuts a Borough street or which abuts a state highway in the Borough where sidewalks or curbs are required or permitted by the Pennsylvania Department of Transportation shall construct such sidewalks and curbs within the right-of-way lines of the street or highway and along the property as are directed by the notice and order to be constructed, or shall repair such sidewalks and curbs as are located within the right-of-way lines of the street or highway and along the property and as are directed by the notice and order to be repaired."

Mr. Remy suggests sending it back to Law and Ordinance to determine what improvements can be made to the ordinance to make it clear to everyone as to what is and is not required by the Borough. Mr. Berrier stated that Law and Ordinance chose to bring it to Council for their recommendation. Larry Searer feels that existing sidewalks need to be maintained and kept in good repair. Discussion ensued.

Lucas Parkes from EADS Group reminded Council that it is a requirement of our Subdivision and Land Development Ordinance.

After further discussion, it was decided to send the topic back to Law and Ordinance; however due to a prior roll call motion with a tie vote the topics would need to be reconsidered in order to not call a special council meeting. Mr. Campbell felt that if the council could recess this would give adequate time for Mr. Remy to review Roberts Rules of Order; and could save costs for advertising a special council meeting.

***On a motion by Mr. Campbell and seconded by Mr. Berrier, Council by unanimous vote approved a ten minute recess.***

Meeting went into recess at 6:15 pm and was back in session at 6:21 pm.

Mr. Campbell asked Council to reconsider the motion that was made for the sign ordinance and send it back to Law and Ordinance, hoping to save money in advertising for another meeting.

***On a motion by Mr. Berrier and seconded by Mr. Campbell, Council by unanimous vote approved to reconsider the previous motion to advertise the sign ordinance for adoption.***

#### **Roll Call**

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

#### **EXECUTIVE SESSION**

On a motion made by Mr. Berrier, Council went into executive session at 6:28 pm for issues regarding personnel matters.

Council came out of executive session at 6:56 pm.

***On a motion by Ms. Shade and seconded by Mr. Berrier, Council by unanimous vote, approved to hire Adam Stout for the Workman's position in the Streets Department.***



***On a motion by Mr. Berrier and seconded by Ms. Shade, Council by a 5-1 vote (Sievers), approved to hire Tobias Hartsock for the Refuse position in the Refuse Department.***

***On a motion by Mr. Campbell and seconded by Mr. Berrier, Council by unanimous vote, approved to hire George Pastore as the part-time Parking Enforcement Officer.***

***On a motion by Mr. Berrier and seconded by Ms. Shade, Council by unanimous vote approved to hire Philip Callahan as a part-time police officer, contingent on passing his background checks.***

Larry Searer announced that as budget time approaches, in order for convenience and time, he is removing Mr. Sievers and Mr. Campbell from the Finance Committee, replacing them with Mr. Berrier and himself. Larry Searer announced he was removing Mr. Campbell from the Personnel Committee also, replacing him with Mr. Berrier. Mr. Sievers questioned Larry Searer as to the reason of why he was being removed from the Finance Committee. Larry Searer stated that timewise for the benefit of when the budget meetings were to be held. Mr. Sievers stated that Larry Searer never questioned him by email or contacted him as to when he would be available for any of the budget meetings. Mr. Campbell felt that the issue is with the two people who confront situations in this community, and that is why they are receiving backlash from the president of council. Mr. Campbell is in favor of new leadership, and feels that it would benefit the Borough.

***On a motion by Mr. Berrier and seconded by Mr. Wilson, the meeting was adjourned at 7:00 pm.***

  
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(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

  
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(Asst.) Borough Secretary