

REGULAR COUNCIL MEETING  
September 14, 2020 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**

Mr. Campbell, Mr. Terry, Larry Searer, Mr. A. Wilson, Mr. B. Wilson, and Ms. Shade were present. Mr. DeArment was absent.

**Proclamation of Mayor**

Mayor Bargo read a proclamation. Whereas direct support professionals are key to providing publicly funded long term support and services to local individuals living with intellectual and development disabilities, and autism. Whereas they build close, respectful, and trusting relationships with individuals with disabilities, helping them to learn to make person center choices that lead to meaningful and productive lives, also to thrive in their everyday lives. Forming connections with their families, friends, and communities, thereby avoiding institutional care. Whereas direct support professionals provide a broad range of support, including assisting with personal care, meal preparation, medical management and other aspects of daily living, assisting with accessing the community and securing gainful employment, providing transportation to school, work, religious, and recreational activities, helping with general daily affairs such as financial matters, medical appointments, and personal interests. Whereas they work intuitively through the Coronavirus to ensure the health and safety of their clients. Therefore I, Debora Bargo, Mayor of the Borough of Lewistown, and on behalf of Lewistown Borough Council and staff do hereby proclaim the week of September 13<sup>th</sup> through September 19<sup>th</sup> 2020 Direct Support Professional Recognition Week, recognizing the dedication and role they lovingly provide those with disabilities and autism.

**HEARING OF PERSONS PRESENT**

*A motion was made by Mr. A. Wilson and seconded by Mr. Campbell, Council by 5-1 vote (Searer) approved the resolution of the CDBG-CV, for the purchase of laptops.*

*A motion was made by Mr. Campbell and seconded by Mr. Terry, Council by unanimous vote approved the CDBG Resolution utilizing the 2020 funds for street improvements for the 200-500 block of West 5<sup>th</sup> Street.*

## **\*\*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. CDBG Public Hearing-August 10, 2020
  - 2. Council-August 10, 2020
  - 3. Streets-August 13, 2020 & September 10, 2020
  - 4. Finance – August 27, 2020
  - 5. Special Council Meeting-August 27, 2020 & September 3, 2020
- B. **\*\*Approval of Treasurer's Report**
- C. Acknowledge Receipt of Tax Coll Report
- D. **\*\*Approval of Schedule of Bills**
  - 1. General Borough/Speciality/Refuse/Wastewater Coll & Treatment/State Liquid Fuels
  - 2. Wastewater Facilities Capital Construction w/Requisitions
  - 3. Dollar General Escrow Account
- E. **\*\*Facility Use Forms: None**
- F. Acknowledge receipt of Fame Meeting Minutes August & July Stats
- G. Acknowledge receipt of Codes Enforcement Office Monthly Report
- H. Acknowledge receipt of Progress Meeting Minutes for W 4<sup>th</sup> St Project from Water Co.
- I. Acknowledge receipt of City Hook and Ladder 990
- J. Acknowledge receipt of Safety Committee Minutes
- K. Acknowledge receipt of DLI letter of appreciation and pledge information
- L. Acknowledge receipt of PA Dept of Transportation Update
- M. Acknowledge receipt of Burkett Documents

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

## **REGULAR AGENDA**

### **BOROUGH MANAGER/SECRETARY/TREASURER/FINANCE MGR REPORT**

Ms. Walter stated that Act 205 requires that the chief administrator officer notify the governing body of the municipality of the financial obligation for the upcoming year regarding the minimum municipal obligation regarding the pension plan. There are two different plans, one for the police, and one for non-uniform employees. The non-uniform plan next year represents an amount of \$130,298, and the police plan obligation represents \$36,515. In the past, state aid was received to offset these costs in October. Last year the aid received amounted to 95% of the costs.

***On a motion by Larry Searer and seconded by Mr. B. Wilson, the council unanimously voted to approve the MMO and their calculations.***

Ms. Walter stated that Fame reached out to notify them that because of COVID restrictions, they are unable to put on the Halloween parade this year and are no longer going to sponsor the Halloween parade. If anyone is interested in holding/sponsoring the parade in the future, they may reach out to Ms. Walter.

Ms. Walter stated that a letter has been received from the Board of Assessment Appeals for 221 E 4<sup>th</sup> Street. An acreage error has been corrected.

***On a motion by Larry Searer and seconded by Mr. Terry, the council unanimously voted to exonerate the amount of \$37.23.***

Ms. Walter stated that the Tax Claim Borough of Mifflin County sent out a notice for 305 S Pine Rd trailer #3. The trailer is in the repository for unsold property. Courtney Hesketh has placed a bid for \$150. The property was placed in the 1960s.

***On a motion by Larry Searer and seconded by Mr. Campbell, the council unanimously voted to accept the bid of \$150.***

Ms. Walter states that as budget season is approaching, a budget calendar is be prepared and meetings are every Thursday in October. All council members are invited to attend.

Ms. Walter states that she wishes to reach out to the Miller Cinema 6 owners in an attempt to host a movie night outside of the community center in conjunction with the 225<sup>th</sup> Anniversary of Lewistown; the event would likely take place the first weekend of October. The intention is to spur the further growth of the Community Center.

***On a motion by Mr. Terry and seconded by Mr. Campbell, the council unanimously voted to pursue this joint event between the community center and Millers Cinema 6.***

## **FIRE CHIEF**

Chief Barlett reported 30 alarms for August: boiler fires, passenger vehicle fires, brush & grass fires, medical assists, 8 motor vehicle accidents with injuries, 1 elevator rescue, several gas leaks including natural gas leaks, fallen power lines, lockouts, police assist, covering assignments for an out-of-town company, and reports of odors or smoke in house.

Chief Barlett urges that those who smell an odor or gas in their home call the fire department, as each company in the fire department possess gas meters in order to ascertain the presence of a leak. As there have been an increase in reported odors with gas leaks present.

Chief Barlett states that as next month is fire prevention month, the fire department will continue to provide fire safety programs for those interested, COVID safety guidelines will be followed.

## **MAYOR BARGO**

Mayor Bargo wishes to remind everyone of the upcoming Goose Day celebrations along with the 225<sup>th</sup> anniversary celebration that will take place on Monday, September 28<sup>th</sup>.

Mayor Bargo states that she has contacted the townships and municipalities in the county regarding trick or treat night. Trick or treat night is scheduled to take place on October 31<sup>st</sup>, from 6pm-8pm. Council is in agreement that the children need an event to look forward to, and precautions regarding safe distancing and facial coverings are easily accomplished in this case.

***On a motion by Mr. Terry and seconded by Mr. Campbell, Council by 5-1 vote (Searer) agree to maintain the planned trick or treat night on the 31<sup>st</sup> of October.***

## **POLICE CHIEF**

Chief Clemens reported the statistics for August. The Lewistown Police Department had 428 calls for service, 17 traffic citations, 12 non-traffic citations and 648 parking tickets, with most of them being street sweeper tickets.

Chief Clemens discussed that starting September 15<sup>th</sup>, a trial will be run involving the use of body cameras. There have been discussions about purchasing cameras and we were able to secure a trial run from one of the manufacturers. The trial will run for 2-3 weeks and a county wide grant is being pursued in order to fund the purchasing of the cameras.

Chief Clemens states that a grant was received for the mental health code responder program. A mental health professional will not work under the police department but will work closely with them in order to support those in need of guidance regarding mental health situations. If an officer determines that it is safe for the professional to respond to a scene, the professional will also report to scenes in order to support those that may need their services.

## **Recreation Board**

No motions needed

## BOROUGH SOLICITOR

Mr. Remy brings to attention a potential ordinance that would allow the keeping of chickens in the Borough. There would be multiple stipulations to keep chickens under this ordinance, such as sanitary and composting requirements. Chickens could not be slaughtered in the borough and there would be penalties for those found violating these stipulations.

Mr. Campbell states that 21 people contacted him regarding this ordinance, and only one of those who contacted him were in favor of the ordinance. There have been few times where this volume of people personally contacted him as vocally as they have in this case. There are concerns for declining property value, assuming the keeping of fowl go awry, which is a possibility. He then questions where the line is drawn regarding the freedom of people to do what they please on their personal property.

Mr. A. Wilson and Mr. Terry are in agreeance that it is the council member's duty to serve their constituents and, in this case, the vocal consensus seems to be against the passing of the ordinance. No motion was made to progress this ordinance.

Mr. Remy updates the council regarding the Water Authority Litigation. The hearings in the Court of Common Pleas and Commonwealth Court have both been continued because of settlement negotiations.

A Memorandum of Understanding was brought in to be looked over, containing changes from the previous draft. Under the memorandum there would be a nine-member board including 3 borough members. In order to select the 3 borough members, the borough would nominate a slate of candidates and the commissioners would choose to appoint or reject the nominations. If a member is not appointed, the Borough would nominate another candidate, this would continue until the three positions are filled. The final purchase price would be \$1,000,000 at closing and \$300,000 a year for 30 years with an annual 2% compounding inflation factor. Combining these values would lead to a total price of \$13,170,444.

Mr. Campbell brings to attention that animosity was purposely bred between municipalities to change a neutral business transaction into a toxic political scenario. The first topic being that a \$300,000 yearly payment would increase the amount charged to rate payers. The second topic being that Lewistown Borough members had the minority share regarding rate payers. Mr. Campbell then brings to attention that the executive director has been quoted in the Sentinel stating that the bond that would need to be consumed in order to pay the Borough would be revenue neutral and would thus not affect the water rates.

Mr. Campbell then states that of the options originally discussed, the two options that were brought to attention were equal say among municipalities, and a lease back agreement. As the option currently being discussed is a sale of the asset in its entirety, Mr. Campbell questions the fairness of selling the asset while other municipalities are not receiving revenue from the transaction. Mr. Campbell believes that negotiations need to be slowed down to assure the fairness of the agreement. Mr. Terry believes that more time should be taken in order to properly analyze the new MOU that was presented as he is unsure that the council has had enough time to digest and properly understand the newest MOU. There may be better options that have yet to be thought of.

Mr. Terry and Ms. Shade state that the decision being made involving the Water Authority Litigation has extended to the responsibility of the Council from what is best for their constituents to what is best for the county. Ms. Shade would like for more time in order to hear from other municipalities regarding their opinion on the currently presented Memorandum, as that would be the fairest scenario. Mr. Terry and Ms. Shade agree that the MOU seems to be a great deal for the Borough, but ultimately believe that more time for consideration is needed.

***Roll call vote was taken:***

<i>Dave Campbell</i>	<i>Nay</i>
<i>Marc Terry</i>	<i>Nay</i>
<i>Larry Searer</i>	<i>Yea</i>
<i>Aaron Wilson</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>
<i>Venus Shade</i>	<i>Nay</i>
<i>Debora Bargo</i>	<i>Yea</i>

***On a motion created by Larry Searer and seconded by Mr. A. Wilson, Council tied with a 3-3 Vote. With Mayor Bargo voting yea and breaking the tie, Council moved to authorize the signing and completion of terms contained within the MoU regarding the Water Authority Litigation.***

**UNFINISHED & NEW BUSINESS**

Ms. Walter brings to attention that the Green Gables contacted the codes officer regarding exonerating the tapping fees of 10 apartments. As motel units were changed into apartment complexes in 2014, there were originally 20 units, but this was downsized to 10 during the change. The owner cites that he was told he would be forgiven the tapping fee of these 10 units were they to expand and re-add 10 units.

***On a motion by Larry Searer and seconded by Mr. Terry, the Council unanimously agrees that if proof of this agreement can be provided, they approve the EDU exoneration of tap fees.***

***On a motion by Larry Searer and seconded by Mr. Terry, Council unanimously agrees to accept the resignation of Mr. Benjamin Rager from the Library Board.***

***On a motion by Larry Searer and seconded by Mr. Campbell, Council unanimously agrees to appoint Mr. Russel Rager to fulfill the vacancy left by Mr. Benjamin Rager until January 1<sup>st</sup>, 2021.***

***On a motion by Mr. A. Wilson and seconded by Mr. Campbell, Council unanimously agrees to accept the resignation of Mr. Steven DeArment from Council.***

The Council has 30 days to appoint a new member, with the next regular meeting occurring 28 days from the present, the decision of whom is being appointed must be made at the next meeting.

## **Streets**

Mr. A. Wilson introduces Mr. Colussy in order to discuss phase 6 of the Monument Square Project.

Mr. Colussy states that the county is currently in the process of improving the streetscape directly across from the County Courthouse. The County Commissioners would like to mimic the renovation design from the streetscape improvements to Monument square. Mr. Colussy is seeking Council's consideration for support to renovate a portion of N Wayne Street, connecting the terminus of the Western most boundary of the streetscape improvements along Market Street north, towards the library property. Mr. Colussy states that the county is looking to apply to the Department of Community Development to receive a multimodal transportation fund grant to potentially finance 100% of the construction and engineering cost. This opportunity is unique as it is the third of three years that the state will allow a waiver to be applied for by local municipality or county governments that would waive the local match requirements.

Mr. Colussy states that, as is the case with the rest of the monument square renovation, that he is requesting that the Borough maintains and pays the electric bill for the ornamental lighting. He also requests assistance from the Borough to reach out to property owners in the specified area, as to apply for the grant, a proof of ownership must be shown. Mr. Colussy reminds the council of the unlikeliness of the state offering another opportunity for funding without a local match. The deadline to apply for the grant is Wednesday September 30<sup>th</sup>. Ms. Walter inquired about including the library lot on the grant application. Mr. Colussy said he is unsure of if it would be an allowable expense; however, Ms. Walter will discuss with him later.

***On a motion by Larry Searer and seconded by Mr. Campbell, Council unanimously approves a Resolution of Support for a grant application in order to complete phase 6 of the Monument Square Project.***

Mr. A. Wilson brings to attention that the way that cars are parked on Warren Alley, it is difficult to see oncoming traffic. This poses a threat to people exiting Warren Alley, as well as people driving up Walnut Street. Mr. A. Wilson proposes making Warren Alley one-way. Mr. Campbell

does not believe that making Warren a one-way alley would solve the issue and suggests that a better solution would be turning the area of S. Walnut street between Shaw and Pannebaker into a yellow zone. Ms. Shade has concerns with turning that location into a yellow zone as there are homes present and a lack of off-street parking. Mr. Terry inquires how heavily the area is travelled. Larry Searer states that he would be more likely to support this change if there were frequent accidents on location.

***Council decides that this issue should be taken back to Streets Committee for further discussion.***

Ms. Shade states that the County Annex Building currently sits on three lots and would like to consolidate into one lot.

***On a motion by Mr. Campbell and seconded by Mr. Terry, Council unanimously agrees to support the waiving of land development review and approving of lot consolidation.***

Ms. Shade brings to the Council's attention a request to create a handicap parking space at 122 Pannebaker Ave; the current resident has health issues that makes the next nearest handicapped space, located at 138 Pannebaker, too far of a distance to travel.

Larry Searer mentions that Pannebaker seems to already have a surplus of handicapped spaces and the council is unsure how many of those spaces are still valid. Mr. Campbell states that he believes one issue in this situation is that even though the handicapped signs are removed once the spot is no longer valid, the paint on the street remains, so most residents still regard the parking spot as a handicapped space.

*Council agrees to check out the distance between any potential parking behind the residence, and to further discuss at the next meeting.*

## **FINANCE**

Mr. Terry brings to Council's attention that a change needs to be made to the Valley Street project order as the previously planned locations for manhole placement needs to be altered. In addition, a storm inlet was added. The new estimated cost totals \$131,000.

***On a motion by Larry Searer and seconded by Mr. Campbell, Council unanimously approves the change order regarding the Valley Street Project.***

## **PUBLIC COMMENT**

Larry Searer inquires as to whether Chestnut Street is to be finished this year. Ms. Walter states that due to the COVID and possibly some other unknown reasons the project was halted and will be broken into phases, with other phases to be completed in the coming years.



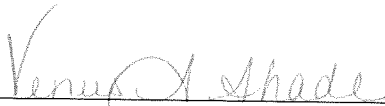
Council went into executive session at 7:08 pm to discuss personnel issues and the hiring of personnel.

Council came out of executive session at 7:45 pm.

Larry Searer left the meeting at 8:47 pm during executive session.

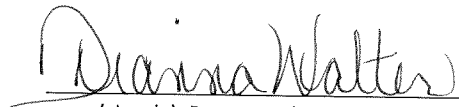
***On a motion by Mr. Campbell and seconded by Mr. A. Wilson, Council unanimously agrees to hire candidate A for the Mechanic position, Candidate B for the Streetsweeper/Workman position, and Candidate C for the Secretary to the Borough Manager position.***

***The meeting adjourned at 7:47pm.***

  
\_\_\_\_\_  
(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

  
\_\_\_\_\_  
(Asst.) Borough Secretary