

**May 10, 2023**

**LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS**

**The Council meeting opened at 5:30 PM with Borough Council President Larry Searer presiding. The Pledge of Allegiance was recited by all present.**

Roll call Jim Steele (President), Nelson Rieffannacht, Robert Hammond, Venus Shade, and Aaron Wilson were all present. Larry Searer and William Wilson were absent.

**Hearing of Persons Present:**

An unnamed person asked who oversaw 911. He was informed that it is Mifflin County. He stated someone at 911 hung up on him.

**CDBG Public Hearing, Chastity Fultz** conducted the 1<sup>st</sup> public hearing for the 2023 CDBG Funds. Ms. Fultz stated that the program is funded through HUD (Department of Housing and Urban Development) and has been administered through the Pennsylvania Department of Community and Economic Development (DCED). The allocations have not been released yet for 2023. Ms. Fultz estimated that the Borough of Lewistown would receive \$145,400 in funds. \$21,800 would be spent on administrative costs Mifflin County would have, leaving \$123,600 for projects. Eligible projects would include blight elimination, urgent needs, single family rehabilitation, and ADA modifications. The County and Borough will work together to produce project ideas. The second public hearing, where we officially adopt the resolution, will take place at the September 13<sup>th</sup> Borough Council Meeting. These funds would be available for use in 2024.

**Mayor Bargo** made two proclamations, one to the USTA and the other to the Patriot Riders. She lauded both organizations for their volunteerism. Mayor Bargo proclaimed May 2023 to be National Tennis Month and National Motorcycle Safety Awareness Month.

**CONSENT AGENDA\*\***

The following are routine, procedural, and informational non-controversial items and do not appear to require discussion or explanation prior to the 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: Council Meeting of April 12, 2023
- B. Approval of Treasurer's Report: End of April 2023
- C. Approval of Schedule of Bills
- D. Facility Use Requests:
- E. Acknowledge receipt of Fame Meeting Minutes
- F. Acknowledge receipt of Tax Collector's Report
- G. Acknowledge receipt of Codes Enforcement Report

**On a motion by Mr. A. Wilson and seconded by Ms. Shade , Council voted 5-0 to approve the consent agenda.**

## Borough Manager

### 1. Rec. Park Pool

Mr. Kim Zimmerman stated we have about \$5,800.00 in advertising banner requests. We have 10 returning lifeguards and 4 new lifeguard applications. We also have 9 returning concession staff members and 3 new applicants. DCNR needs a white paper to show who was contacted for the Rec Park Pool Study, who responded, who did not respond, who was picked for the study, how they were picked and so on. An extension for the study also needs to be requested.

### 2. Lewistown Fire Department Chief Position

5 applications for the position have been received and the process will move forward when council wishes to do so.

### 3. Chicken Ordinance

The ordinance was discussed at the last Law and Ordinance meeting and was suggested to be discussed at this Council meeting. No decision was made for recommendation at the Law and Ordinance meeting. **Amber Hollifield-Lewis** spoke about the benefits of allowing chickens within the borough. Ms. Hollifield-Lewis stated that chickens are a natural pest repellent, could bring in additional income to the borough through the sale of permits for chickens, and raising chickens could help get children more involved in 4-H. She went through concerns as well. The concerns include appropriate size of yards to have chickens, roosters, staffing to enforce a Chicken Ordinance, general care of chickens and removal of waste. Ms. Hollifield-Lewis gave a list of Counties that allow chickens. She gave an idea of what she thought would be acceptable vs not acceptable conditions to keep chickens within the Borough of Lewistown. She stated they would need to be kept only at single-dwelling homes, no roosters would be allowed, chickens would need to be contained within the coop, coop runs may not be within 25 feet of residences, coops need to be enclosed in a manner to prevent chickens from escaping, a license would need to be purchased and permits would need to be obtained to place a coop and run on a property, no slaughtering of chickens, chicken feed would need to be in a sealed container to prevent rodents, and feces would need to be removed before it became a health hazard (can be composted, would need to be double bagged to dispose via the trash). **Borough Solicitor, Mark Remy**, gave a brief synopsis of the previous attempt to enact a Chicken Ordinance. Mr. Remy stated a copy of the ordinance from 2020 can be provided to anyone that wants one. The ordinance was not adopted at that time. **Nelson Rieffannacht, Council Member**, asked how many properties would qualify for permits for chickens based on the guidelines that Ms. Hollifield-Lewis described. Ms. Hollifield-Lewis stated it would depend on where houses are located on the property and what the final guidelines were. She stated that in her neighborhood on the West end of the borough, approximately 50 -75 might qualify. She also stated that most of the larger properties exist on the edges of the Borough and that most of the properties in town are smaller and they may not qualify. Mr. Remy stated that in the 2020 Ordinance it was 30 ft from any main building on an adjacent property.

**No motion was made to vote for a Chicken Ordinance.**

#### 4. Street Sweeper

Mr. Zimmerman stated that the street sweeper is still in for repairs. He stated it was sent to the company that it was purchased from and then moved to a facility that can make the repairs. No email was returned from the insurance company regarding the estimate on repairs. An update will be provided to council members when new information is obtained.

#### 5. Cemetery Trust.

Mr. Zimmerman stated that AME Cemetery has no specific owner to the property. However, there is a process where the Borough would be able to obtain Trusteeship of the Cemetery. The borough already maintains the property. Mr. Remy stated a trust owns the AME Cemetery, which is home to African American Civil War veterans, but it is defunct, and no one knows who the descendants are. Mr. Remy stated the best course of action would be to go to court and ask to be appointed as a trustee. Mr. Remy stated that Mr. Pete Searer volunteered to do some free legal work for the borough to be named as a trustee. Mr. Hammond asked what the advantage to the Borough would be since we are already maintaining the cemetery. Mr. Remy stated it was tying up a loose end. He stated the Borough already takes care of the land and since ownership is in limbo this would clear some of that up. Mr. Zimmerman stated there are disputes on where property lines are, and this would help in that instance as well. **Deb Peffer** asked how much it would cost the borough to become a trustee. Mr. Remy stated it would depend on how straightforward the situation was but that the range would be anywhere from \$2,500.00 to \$5,000.00 if he did the work. **Ms. Shade** stated that Mr. Searer is supposed to do be offering his services pro bono. **Jim Zubler** stated that there is a recent emphasis on African American cemeteries and heritage. Ownership would help if any grant funds became available.

**On a motion by Ms. Shade and seconded by Mr. A. Wilson, Council voted 3-2 to become an alternate trustee of the AME Cemetery contingent on Mr. Pete Searer providing free legal assistance. Mr. Hammond and Mr. Rieffannacht voted against.**

#### 6. Fire Convention

No new information. Ms. Shade asked if there were going to be any updates on the Fire Convention. Chief Barlett stated he would get the appropriate people to attend the next meeting to update council.

#### 7. Valley Street Emergency Laterals Repair (\$248,000)

Mr. Zimmerman stated there are 9 sewer lines on Valley Street that need to be repaired with the Valley Street PennDOT project. Four of those lines are a part of the utility responsibility for the PennDOT. Mr. Zimmerman spoke to PennDOT and 4 of those lines fall under the agreement that the Borough signed with them meaning PennDOT would be responsible for 75% of the cost to repair those lines and the Borough would be responsible for the other 25%. However, the other 5 sewer lines are not involved in that project and would need to be funded completely by the Borough. The estimate is the initial cost before PennDOT's portion was determined. This is being considered an emergency situation because of the timeline that PennDOT has Glenn O. Hawbaker on. Two other companies were contacted about providing their services on this project and they both declined because they were not available during that time.

## 8. 22 Ridge Road Demolition

Mr. Zimmerman stated the demolition is almost done. They are picking up loose rocks and things like that .

## 9. 216 E 3<sup>rd</sup> Street (Use of Remaining Grant Funds)

Mr. Zimmerman stated the Borough needs two Council members to sign off on the extension paperwork. We are waiting to here back from them whether they want the original 2 signees or the current President and Vice President to sign.

## Fire Chief

**Chief Barlett** stated the fire department responded to 24 incidents in April consisting of 5 building fires, an offroad vehicle fire, a grass fire, brush and rubbish fire, 3 medical assists, 3 motor vehicle accidents with injuries and one without injuries, 3 carbon monoxide incidents, 3 lockouts, and 1 animal rescue, 1 standby assignment for mutual aid, 1 call cancelled enroute, and 2 automatic alarms. On April 25<sup>th</sup>, the fire department was dispatched to a working house fire at 42 N. Walnut Street. The building has been condemned. The Fire Marshall investigated. The house had working smoke detectors and the family was able to escape because of it. Chief Barlett emphasized the importance of working detectors. Mr. Zimmerman informed Chief Barlett that the quote for their new boiler system needs to be redone with their Costars contract number on it. He stated they are currently 18 months out from the order date.

## Mayor

**Mayor Bargo** wanted to thank Chief Clemens, President Jim Steele, and Borough Manager Kim Zimmerman for attending the Mifflin/Juniata County Boroughs Association dinner. Mayor Bargo stated Jenny Landis from the Juniata River Visitors Bureau, Rhonda Kelley from the Chamber of Commerce, and John Breneman and Lori Comp from Senator Judy Ward's office attended the dinner.

**Police Chief Clemens** stated the police had 530 calls for service in the month of April. 37 traffic citations, 26 non-traffic citations, 60 written warnings, and 221 parking tickets. The Narcotics investigator report had 5 active investigations, 5 new investigations, 1 felony arrests, 4 search warrants were conducted, and various amounts of drugs were confiscated. Law Enforcement Support Grant for a little over \$300,000 to help purchase a new RMS system, new computers for the cars, and license plate readers was just awarded. Items are purchased upfront and then reimbursed through the grant on a quarterly basis. **Borough Treasurer Somer Weiss** asked if Council wanted the purchases for this grant to be approved by Council first or if the purchases could be made and then submitted for reimbursement via the grant. Council agrees that any purchase over \$5,000 needs to continue to go through Council for approval.

## Recreation Board

Mr. Zimmerman stated they did not have a meeting.

## Borough Solicitor

**Mr. Remy** brought up two proposed Ordinances for adoption. The first one was the Fire Tax Ordinance to increase the millage from 1.117 mills to 2.617 mills starting on January 1, 2023. The ordinance has been properly advertised. The second ordinance that Mr. Remy brought to Council was the Sewage Rate increase ordinance that was also properly advertised. The sewage rate increases would take effect from July 1, 2023.

A roll call vote was taken on a motion by Ms. Shade, seconded by Mr. A. Wilson to approve the advertised Fire Tax Ordinance. Council voted 4-1 to approve the Fire Tax Ordinance. Mr. Rieffannacht voted against the purchase order.

Bobby Hammond	Yes
Nelson Rieffannacht	No
Larry Searer	Absent
Venus Shade	Yes
Jim Steele	Yes
Aaron Wilson	Yes
Bill Wilson	Absent

A roll call vote was taken on a motion by Mr. Hammond, seconded by Mr. A. Wilson to approve the Sewer Rate Ordinance as advertised. Council voted unanimously to approve the ordinance.

Bobby Hammond	Yes
Nelson Rieffannacht	Yes
Larry Searer	Absent
Venus Shade	Yes
Jim Steele	Yes
Aaron Wilson	Yes
Bill Wilson	Absent

Mr. Remy brought forth a resolution to allow the quote to repair the damaged laterals on Valley Street without sending the project out to bid due to the emergency nature of the project. The damaged laterals were reported to DEP and they advised us that we need stop the unauthorized, unpermitted discharge of sewage to waters of the Commonwealth of PA. The PennDOT Valley Street paving project would not be able to proceed until the laterals are repaired/replaced.

**On a motion by Ms. Shade and seconded by Mr. A. Wilson, Council votes unanimously to add the Valley Street Emergency Lateral Repair Resolution to the agenda.**

**On a motion by Ms. Shade and seconded by Mr. Hammond, Council votes unanimously to approve the emergency Lateral Repair Resolution.**

## **UNFINISHED AND NEW BUSINESS**

### **1. Cost and Fees Schedule**

No new updates. Changes need to be made to the original document.

### **2. Fire Department and FAME Annual Funds Allocation**

Somer Weiss needed approval for the quarterly allocations to the Fire Department and FAME. The fire department allocations are \$7,500.00 for City Hook and Ladder and United. FAME's allocation is \$6,000.00.

**On a motion by Mr. Rieffannacht and seconded by Ms. Shade, Council votes unanimously to approve the quarterly allocation of \$7,500.00 to the fire department.**

**On a motion by Ms. Shade and seconded by Mr. Hammond, Council votes unanimously to approve the quarterly allocation of \$6,000.00 to FAME.**

### **3. Fire Department ARPA Funds Quote**

The fire department brought a Costars quote for PPE firefighter gear of \$49,000 to council for approval.

**On a motion by Mr. Rieffannacht and seconded by Ms. Shade, Council votes unanimously to approve the purchase of PPE gear for the Lewistown Fire Department in the amount of \$49,000.00 with those funds coming from the Borough ARPA fund.**

### **4. Police Department Grant Spending**

**On a motion by Mr. Hammond and seconded by Ms. Shade, Council votes unanimously to approve the purchase of an RMS (Records Management System) and computers for in the cars for a total of \$102,000 with the purchases being reimbursed quarterly via the Law Enforcement Support Grant.**

### **5. CDBG 2022 Funds Resolution**

Ms. Fultz stated we need a resolution to reallocate the 2022 CDBG funds from a slip lining project to the South Side Paving project.

**On a motion by Ms. Shade and seconded by Mr. Rieffannacht, Council votes unanimously to approve reallocating the 2022 CDBG funds to the South Side Paving Project.**

### **6. West End Slip Lining Project Revaluation**

Mr. Zimmerman stated we need to either postpone the project to complete it completely or we can do about \$200,000 worth of slip lining. Mr. Zimmerman stated he will work with Don Dippery to find the worst section of the project and then that project will be brought back to council for approval.

### **7. County 2023 CDBG Resolution**

Not needed until September of 2023.

**8. Southside Paving Project- discussion of bids and alternates**

The bid included alternates for the project. The request is to approve the whole contract plus alternates. The total cost of the project with all the alternates would be \$545,952.00. The project would be paid for with the reallocated 2022 CDBG funds of \$352,096.00 and \$193,856.00 from the Borough's State Liquid Fuels Fund.

**On a motion by Ms. Shade and seconded by Mr. A. Wilson, Council votes unanimously to approve the Southside Paving Project with all alternates for a total of \$545,952.00.**

**9. Mechanic Position**

Executive Session

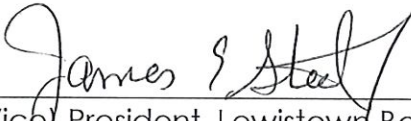
**10. Pool Manager Position**

Council entered executive session at 7:11 PM

Council exited executive session at 7:25 PM

**On a motion by Ms. Shade and seconded by Mr. Rieffannacht , Council votes unanimously to approve the hiring of the mechanic and pool supervisor candidates based on Personnel approval after a 2<sup>nd</sup> interview with both applicants.**

Council ended at 7:27 PM

  
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(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

  
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(Asst.) Borough Secretary