

November 8th, 2023

## LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

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

### Roll call

Robert Hammond, Nelson Rieffannacht, Jim Steele (President), and Aaron Wilson (Vice-President), and Larry Searer were all present. Venus Shade and Bill Wilson were absent.

### Hearing of Person's Present:

Mr. A. Wilson read a prepared statement honoring the life of Tyson Searer, grandson to Council Member Larry Searer and his spouse Nina. Continued condolences to the family of Tyson Searer.

### 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: October 11th, 2023
- B. Approval of Treasurer's Report: End of October 2023
- C. Approval of Schedule of Bills:
- D. Facility Use Requests:
  - Weston Wedding (29 Dec thru 01 Jan 2024)
  - Kiwanis Christmas Parade (02 Dec)
- E. Acknowledge receipt of Fame Meeting Minutes
- F. Acknowledge receipt of Tax Collector's Report
- G. Acknowledge receipt of Codes Enforcement Report

Council voted 5-0 to approve the consent agenda. Mr. Searer voted against the consent agenda. Venus Shade and Bill Wilson were absent.

### Borough Manager:

Mr. Zimmerman offered his congratulations to the candidates who won on election night and welcomed them to Borough Council. He offered his thanks to those that lost their seats on Borough Council.

#### 1. Digester DCED ARPA Grant (November CFA Meeting)

The next Commonwealth Finance Authority (CFA) meeting is on November 21<sup>st</sup>. It is important to note that the last 2 meetings have been cancelled.

**2. DEP CAP Status**

Council has the draft of the CAP (Corrective Action Plan) that will be sent to DEP this evening. The CAP plan is needed to help mitigate the SSO (Sanitary Sewer Overflow) issues the Borough has.

**3. Streets-Parking Board//Parking Authority**

The possible dissolving of the Parking Authority and creation of the Streets-Parking Board is still being discussed with a timeline for January or February.

**4. Employee Christmas Party**

- a. December 22, 2023
- b. Borough Hall will close at noon.

**5. Town Hall Meeting**

- a. January 2, 2024
- b. Community Center at 6:00 PM

**6. Open Positions**

- a. Deputy Director of Public Works
  - i. A talented candidate has applied and an interview with the personnel committee will be scheduled for next week.
- b. Clerk/Secretary
  - i. Will be discussed in Executive session.

**7. Important Dates:**

- a. November 9<sup>th</sup> the new police RMS system will go live.
- b. November 10<sup>th</sup> Borough Employee.
- c. November 11<sup>th</sup> is Veteran's Day.
- d. November 23<sup>rd</sup> is Thanksgiving.
- e. November 24<sup>th</sup> Municipal Hall will be closed.
- f. November 30<sup>th</sup> and December 1<sup>st</sup> Festival of Ice.
- g. December 2<sup>nd</sup> Kiwanis Club Christmas Parade.
- h. Council Meetings scheduled for December 6<sup>th</sup>, 13<sup>th</sup>, and the 18<sup>th</sup>.
- i. December 25<sup>th</sup> Christmas Day.
- j. December 27<sup>th</sup> End of 2023 Council Meeting.

**8. WWTP Sludge Removal Contract increases by 39 to 50%.**

Two other companies were approached for this contract and neither company is taking on new customers at this time.

**9. CGI Military Banners**

CGI is having difficulty getting people to apply for a Military Banner. Information can be obtained on the Lewistown Borough website.

**10. Delinquent Taxes to date:**

- a. \$114,635.39 for Municipal Taxes
- b. \$9,172.54 for Fire Tax
- c. \$47.69 for Equipment P & E S Taxes
- d. \$6,084.79 for Light Tax
- e. \$961.01 for Borough EMS Tax
- f. Total: \$130,901.41
  - i. 21 accounts total over \$61,000
  - ii. Delinquent tax report is 36 pages.

## 11. FAME EMS Committee Formation Request

FAME sent a letter requesting the allocation for 2024 be the same as 2023. They also requested a committee be formed to better understand the function and role of EMS in the Borough. Mr. Zimmerman didn't think a committee was needed. **Mayor Bargo** stated she thinks they wanted the committee formed so council can better understand the funding needs of FAME. Mayor Bargo stated FAME would like the \$45,000.00 to be an ongoing budget allocation instead of not knowing from year to year. Mr. Zimmerman stated that \$45,000.00 has been allocated in the 2024 Budget.

**On a motion by Mr. Searer and seconded by Mr. A. Wilson, Council voted 5-0 to approve the allocation of \$45,000.00 to FAME for 2024. Venus Shade and Bill Wilson were absent.**

## 12. Street Sweeper

The last night for the street sweeper is the night of November 16<sup>th</sup> to the 17<sup>th</sup>. It will pick up again on the first Sunday in April of 2024.

## Fire Chief

**Chief Barlett** stated that the fire department responded to 19 incidents in October; 2 building fires, 1 cooking fire that was contained to the kitchen, 2 medical assists, 1 vehicle accident without injury, 1 vehicle accident with injuries, 1 extraction from an elevator at Kish Apartments, 4 natural gas leaks, 1 police assist, 1 public service, 1 smoke/odor investigation, and 1 automatic alarm. The fire department has been assisting with various criminal investigations. Chief Barlett stated there was a fire on W. Charles Street in a 2-story apartment building with 4 apartments. Chief Barlett stated 13 people lived there. Red Cross assisted 11 people. The Fire Marshall came and investigated due to it being an apartment building and probably a high dollar value claim. Chief Barlett stated there was only 1 smoke detector in the building and it didn't work, according to the Fire Marshall.

## Mayor

**Mayor Bargo** talked about the thank you card she received from the individuals who organized the ceremony for the family of Trooper Rougeau and the Gray family, who donated the land for the memorial.

Mayor Bargo also highlighted several events in and around Lewistown. She stated the Veterans Service is November 10<sup>th</sup> at the Courthouse and starts at 6:00 PM. She also highlighted the Ice Festival on November 30<sup>th</sup> and December 1<sup>st</sup>.

## Police Chief

**Chief Clemens** stated the police department had 480 calls for service in October; 23 traffic citations, 31 non-traffic, 27 warnings issued, issued 155 parking tickets, 5 active drug investigations, 5 new investigations, 2 felony arrests, 2 misdemeanor arrests, 2 search warrant, 20 grams of marijuana seized, and 28 grams of methamphetamine seized for the month of October. The Borough was involved with a Saturation Detail that included 37 officers from state, local, sheriff, probation, and Attorney General's Office, Drug Task Force. They made 5 arrests, 3 on warrants, 27 traffic stops, 4 firearm investigations.

The new RMS system will be live on November 9<sup>th</sup>. The new system and the new laptops and printers in each vehicle will allow tickets to be printed out and e-file citations.

The police department received a grant for accreditation. It will help with the purchasing of some of the equipment needed for accreditation and pay for a company to come in and assist with the process. The grant is for \$91,659.

Chief Clemens also discussed a grant for starting a new K9 program. Chief Clemens stated the initial start up cost is close to \$100,000 and the grant would cover most of that cost. The cost would include the purchase of the K9, a new vehicle, first aid kits, a system for the vehicles to properly contain the K9 and release the K9 remotely if needed. The K9 would be for search and rescue and drug investigations. It would not be a bite dog. Chief Clemens was asking for Council support moving forward so that the police department can apply for the grant. Borough Manager Kim Zimmerman asked what the residual cost would be for a K9 unit. Chief Clemens stated it is about \$4,000 a year for the sustaining costs (food, vet, training).

**On a motion by Mr. Hammond and seconded by Mr. A. Wilson, Council voted 5-0 to approve applying for the K9 start up grant. Venus Shade and Bill Wilson were absent.**

Chief Clemens then spoke about community events the police were or are involved in. He mentioned the Trunk or Treat event, participation in the Halloween Parade, and scheduled the Fill a Cruiser event for The Lumina Center and Mother Hubbard's Cupboard. The event collects food donations and monetary donations. The event is scheduled for December 15<sup>th</sup> at 9:00 AM to 3:00 PM at the Giant parking lot on Dorcas Street.

#### **Recreation Board**

No meeting.

#### **Borough Solicitor**

Mr. Remy stated he had one item for executive session.

### **UNFINISHED & NEW BUSINESS**

#### **1. Healthcare**

Mr. Hammond asked about the run-in and run-out costs associated with moving from Benecon to Roundstone. Mr. Zimmerman stated it is a wash because both companies include those items in their premiums already.

**On a motion by Mr. Searer and seconded by Mr. A. Wilson, Council voted 5-0 to approve changing from Benecon to Roundstone for healthcare benefits for 2024. Venus Shade and Bill Wilson were absent.**

#### **2. Local Cost Share Grant (Heritage) Station Renovation**

Mr. Zimmerman stated the Local Cost Share Grant is from the Gaming Commission, for up to \$1 million and has no matching costs. Mr. Zimmerman stated EADS and Heritage are going to assist in preparing the \$600,000 grant application by the November 30<sup>th</sup> deadline to help fund the rehabilitation/renovation of the fire station.

**On a motion by Mr. Rieffannacht and seconded by Mr. A. Wilson, Council voted 5-0 to approve applying for a Local Cost Share Grant for the Heritage Fire Department station renovations. Venus Shade and Bill Wilson were absent.**

### **3. Local Cost Share Grant (DEP CAP Stormwater System GIS Mapping) Resolution**

Mr. Zimmerman stated one of the requirements from DEP moving forward is to map the stormwater system. The estimated cost is between \$500,00 and \$600,000. The camera system is mapping the sanitary lines, but we don't have the staff or equipment to do both. The same Local Cost Share Grant for Heritage can be applied for to help with the cost of the Stormwater System GIS Mapping. Mr. Zimmerman is asking for council approval to apply for this grant. Mr. Rieffannacht asked if we would subcontract out the work to map the stormwater system. Mr. Zimmerman stated that the work would be contracted out.

**On a motion by Mr. Rieffannacht and seconded by Mr. A. Wilson, Council voted 5-0 to approve applying for a Local Cost Share Grant for the DEP CAP Stormwater System GIS Mapping. Venus Shade and Bill Wilson were absent.**

### **4. Temporary Handicapped Parking Space Request for 7 Chestnut Street Ext.**

Mr. Zimmerman gave the specifics for the parking space. Council asked to have just a handicap parking sign placed on the pole that already exists at the address.

### **5. 1982 Agreement/ DEP Analysis Legal Support**

We received two contracts from two legal firms to help us with the 1982 agreement and to assist us with the DEP CAP (Corrective Action Plan). The Eckert Seamans retainer is \$380.00 per hour and the Spence Custer retainer is \$150.00 per hour. EADS uses Spence Custer for all their environmental needs.

**On a motion by Mr. Hammond and seconded by Mr. A. Wilson, Council voted 5-0 to approve using Spence Custer for legal support with the 1982 Agreement/DEP Analysis . Venus Shade and Bill Wilson were absent.**

### **6. DEP Corrective Action Plan (CAP) Approval**

A copy of the CAP plan was given to all members of Council. Mr. Zimmerman, Lucas Parkes with EADS, and Don Dippery all worked on formulating the CAP plan to meet DEP requirements. The plan is a tentative approach to correcting the issues with the mapping of the stormwater and sanitary systems, mediate the SSO's (Sanitary Sewer Overflows), fix all the sewer laterals. The plan needs to be approved by Borough Council so that it can be sent to DEP. DEP will review it and then respond with their recommendations and then DEP will come out with a Written Consent Order which is a written directive to the Borough informing us when all the work will need to be completed by.

**On a motion by Mr. Rieffannacht and seconded by Mr. A. Wilson, Council voted 5-0 to approve the presented DEP Corrective Action Plan . Venus Shade and Bill Wilson were absent.**

### **7. Red Cross Community Center Agreement**

Mr. Zimmerman stated there was an agreement in the past to give the community center to the Red Cross in the event of an emergency. Mr. Zimmerman stated his recommendation to council is to not do that moving forward. He stated if there was an emergency, the Borough would want/need that space for their use. Mr. Zimmerman also stated there are many issues at the Community Center that would need correcting to accommodate the Red Cross. Mayor Bargo stated the only time it was used was in response to a fire in the Borough.

**On a motion by Mr. Searer and seconded by Mr. Hammond, Council voted 5-0 to cancel the agreement with the Red Cross regarding the use of the Community Center in the event of an emergency . Venus Shade and Bill Wilson were absent.**

**8. Clerk/Secretary Position**

To be discussed in executive session.

**9. WWTP Superintendent Position**

To be discussed in executive session.

**10. Deputy WWTP Superintendent Position**

To be discussed in executive session.

**11. County Planning Advisory Committee Appointee**

The county has asked us to appoint someone to the Planning Advisory Committee. Katelyn Rauch has volunteered for this appointment.

**On a motion by Mr. Hammond and seconded by Mr. A. Wilson, Council voted 5-0 to appoint Katelyn Rauch to the County Planning Advisory Committee. Venus Shade and Bill Wilson were absent.**

**12. WWTP Sludge Removal Contract**

The Borough reached out to 2 other contractors who accept sludge, and both stated they are not accepting new customers. The contract we currently have is the only one we have. A motion was made by Mr. A. Wilson and seconded by Mr. Hammond. Mr. Hammond then asked what happens moving forward. If no one is taking on new customers, what is to stop the company from asking for even more next year? Mr. Hammond asked if we could compare this contract with other municipalities to see if our rates are comparable. Lucas Parkes stated one possible way around the cost is to land apply it. The waste would be stripped of liquid and then land applied to local farmers. EADS will work on the appropriate permits. No votes were taken. The motion was tabled until December.

**13. FAME 2024 Budget Request**

Already approved.

**14. 4<sup>th</sup> Quarter Allocation Distribution Request**

- a. City Hook and Ladder \$7,500.00
- b. Heritage Volunteers \$15,000.00
- c. FAME \$27,000.00 (Totaling \$45,000 for 2023)

**On a motion by Mr. A. Wilson and seconded by Mr. Rieffannacht, Council voted 5-0 to approve the 4<sup>th</sup> quarter allocation of \$7,500.00 to City Hook and Ladder and \$15,000.00 to Heritage Volunteers and \$27,000.00 to FAME. Venus Shade and Bill Wilson were absent.**

**15. Police Advisory Board Resolutions (x2)**

Mr. Zimmerman recommended Aaron Wilson and Charles Zanino be appointed to the Police Advisory Board.

On a motion by Mr. Hammond and seconded by Mr. Searer, Council voted 4-0 to approve appointing Aaron Wilson and Charles Zanino to the Police Advisory Board. Mr. Aaron Wilson abstained. Venus Shade and Bill Wilson were absent.

**Public Comments**

No comments

Executive Session Started: 6:32 PM

Executive Session Ended: 6:57 PM

On a motion by Mr. A. Wilson and seconded by Mr. Hammond, Council voted 5-0 to approve the promotion of the candidate that was discussed in executive session to the WWTP Superintendent position upon the current Superintendent's retirement. Venus Shade and Bill Wilson were absent.

On a motion by Mr. A. Wilson and seconded by Mr. Hammond, Council voted 5-0 to approve the promotion of the candidate that was discussed in executive session to the Deputy WWTP Superintendent position upon the current Superintendent's retirement. Venus Shade and Bill Wilson were absent.

On a motion by Mr. Searer and seconded by Mr. Hammond, Council voted 4-1 to approve the hiring of Candidate B to the vacant Clerk/Secretary position. Mr. Steele voted against the hiring. Venus Shade and Bill Wilson were absent.

Council ended at 6:59 PM

  
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(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

  
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(Asst.) Borough Secretary