

February 14, 2024

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

Mr. Moore, Steve Knudson, Jim Steele, Bob Barlett, Scott Gutshall, Lisa Knudson, and Larry Searer were present.

Hearing of Person's Present:

Brittany Hall came and spoke about the Spring Fling Sip & Shop on May 4th at Rec Park in Lewistown. She stated samples would be in a 1 oz container and can be limited. No drinks would be served, and bottles of wine would be available for purchase. Mr. Steele said his concern is that doing this event for one person will open it up to others wanting to have alcohol at the park. Mr. Moore stated the reason for having the event at the park instead of the Community Center is because of her need to have more space. Ms. Hall confirmed that the event has outgrown the Community Center. Ms. Hall stated she has 65 vendors that are interested at this point. After a spirited debate between council members, Mayor Bargo and Ms. Hall discussing all the pros and cons, Mr. Moore made a motion to approve her event.

On a motion by Mr. Moore and seconded by Mr. Gutshall, a roll call vote was taken, and Council voted 5-2 to approve the Spring Fling Sip & Shop Event on May 4th, 2024, at Rec Park as it was discussed and planned by Brittany Hall to include samples and sales of alcohol. Mr. Steele and Mr. Searer voted against.

Bob Barlett	Yes
Steve Knudson	Yes
Mr. Moore	Yes
Larry Searer	No
Jim Steele	No
Scott Gutshall	Yes
Lisa Knudson	Yes

Steve, a resident of Lewistown, stated that he felt a prayer was illegal and opened it up to where all religions would need or want to have a prayer said before the meeting. Lisa Knudson stated council was instructing the Borough Solicitor, Mark Remy, to investigate the matter before proceeding.

Executive Session Started: 5:38 PM

Executive Session Ended: 6:03 PM

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. 10 and 17 January 2024
- B. Approval of Treasurer's Report. As of 31 January 2024
- C. Approval of Schedule of Bills.
- D. Facility Use Requests:
 - Mifflin County Soccer Club
 - Mifflin County Babe Ruth
 - Mifflin County Youth Baseball
 - Lewistown Girls Little League Softball (Green Acres)
 - Mifflin County Veteran's Affairs (May 24th)
 - Mifflin County School District (May 10th)
 - Junction Fire Company (March 2nd) [alcohol]
 - Mifflin County Soccer Club Spring Use
- E. Acknowledge receipt of Fame Meeting Minutes: Dec 2023 & Jan 2024 Stats
- F. Acknowledge receipt of Tax Collector's Report. N/A
- G. Acknowledge receipt of Codes Enforcement Report.

Mr. Moore asked about the Junction Fire Company event at the Community Center. Mr. Zimmerman stated it is their annual Cash Bash and confirmed that the event was at the Community Center. Mr. Moore then asked why there were not any tax reports. He was advised that end of the year reports was received and placed in their group file through Microsoft.

On a motion by Mr. Moore and seconded by Mr. Searer, Council voted 7-0 to approve the consent agenda.

Borough Manager:

1. Digester #1 Repair Status

The only new update will be discussed in the Unfinished business section of the meeting.

2. Important Dates:

- a. February 14: Valentine's Day/Ash Wednesday
- b. February 15: Law and Ordinance Meeting
- c. February 19: President's Day (Borough Employee Holiday)
- d. February 22: Finance Meeting
- e. March 5: Rec Board Meeting
- f. March 6: Planning Commission Meeting
- g. March 10: Daylight Savings begins/Ramadan begins.
- h. March 12: Fire Committee Meeting
- i. March 13: Council Meeting
- j. March 16: Recycling Yard Open
- k. March 20: 2nd Annual Town Hall Meeting at 6:00 PM

Council needs to approve opening the recycle yard on March 16th. The yard is open 1 Saturday every quarter.

On a motion by Mr. Moore and seconded by Mrs. Knudson, Council voted 6-1 to approve opening the Recycle Yard on March 16th from 8:00 AM to 12:00 PM. Mr. Searer voted against the motion.

Mr. Zimmerman stated that the Recycle yard was open on June 24th and 11 residents came to recycle items. The yard was then open on September 16th and 4 residents came to the yard and then on December 16th, 5 residents came to the yard. It is Mr. Zimmerman's opinion that this Saturday option will continue to be voted on due to low numbers.

3. Streets Committee Abolishment

The Streets committee abolishment, parking authority board abolishment, streets-parking board establishment and the Property Standards Board Establishment were all lumped together and will be brought up at the Law and Ordinance meeting.

- 4. Parking Authority Board Abolishment**
- 5. Streets-Parking Board Establishment**
- 6. Property Standards Board Establishment**
- 7. Teamster Contract Negotiations for CY 2024**

The negotiations will begin in March.

- 8. 1982 Agreement/ I&I Engagement Letter**
- 9. Community Center Sale**

Mr. Zimmerman stated that if the Borough decides to sell the Community Center the property will need to be consolidated into one lot and will need to be surveyed. The last time a survey was discussed the estimate was \$10,000. Mr. Gutshall stated there is interest in selling and renting the center.

10. County Library Streetscape Plan

The county would like to know if the Borough is interested in renovating the area around the library so that it looks like the area around the courthouse. The county is willing to help the Borough with the grant paperwork needed for the project. Mr. Griffith also brought up the option to acquire the property from the Borough.

11. Specialty Tax Account

Mr. Zimmerman stated the fire department inquired about releasing some of the funds that are in the Specialty Tax Account (and earmarked for the fire department) to the department at some point this year.

12. Tax Collector Wage Increase

The tax collector asked to have this put on the agenda because she would like to have a wage increase. Mr. Zimmerman stated that legally a wage increase cannot be done during the middle of the election term. It would need to be discussed before the election process for the next term.

13. FD Allocations for CY2024

The fire department is allocated \$90,000 per year from the Specialty Tax account. The fire department meeting last night requested that \$50,000 be allocated to Heritage Fire Department and \$40,000 for City Hook and Ladder.

14. Military Banner Pictures

We are collecting pictures for military banners. This is a part of the contract the borough has with CGI banners. The contract runs through the end of 2024.

15. Spring Fling Sip and Shop in the Park Event

- a. April 27th or May 4th at Rec Park

Already discussed and approved.

16. Paver Maintenance

Was not discussed.

17. PSAB Junior Council Program

Mr. Searer stated the Borough tried that before and it did not work out well. Mayor Bargo stated that the students were not the reason it did not work out the last time. Council stated that it was a worthwhile program to explore.

On a motion by Mr. Moore and seconded by Mr. Gutshall, Council voted 7-0 to approve moving forward with establishing the PSAB Junior Council Program

18. PSAB Annual Conference (June 2-5)

Mr. Zimmerman discussed the June PSAB Annual conference and how important networking can be. Mr. Gutshall asked if he could attend the conference.

On a motion by Mrs. Knudson and seconded by Mr. Moore, Council voted 7-0 to approve Scott Gutshall attending the PSAB Annual Conference in June.

19. EMS Legislative Breakfast (March 7)

20. Monthly Work Session

Mr. Moore discussed how a work session would work and how it would replace some of the individual committee meetings. Mr. Moore stated that Mr. Remy is gathering information on how it can be done.

Fire Chief

Fire Chief Bob Douglas stated the fire department responded to 26 alarms in January. He stated City Hook and Ladder responded to 22 in-town calls and 4 out of town calls, 8 medical assists, 4 fires, 4 vehicle accidents, 4 automatic fire alarms, 3 local alarms, 1 furnace malfunction, 1 gas leak and 1 public service. Heritage Volunteer responded to 23 in town calls, 3 out of town calls, 5 fires, 3 vehicle accidents, 8 medical assists, 4 automatic fire alarms, 3 local alarms, 1 furnace malfunction, 1 gas leak, and 1 public service.

Fire Chief Douglas stated he would like to move Sean Markley to Deputy Chief, Pat Shoop Jr. to Chief 32 at Heritage. Chief Barlett is Chief 14. Chief Douglas stated he would have Chief Markley and Chief Shoop contact the mayor so that they can be officially sworn in.

Chief Douglas stated that on the 21st of February they will be having a department training at the Heritage fire station. The training session is to allow all fire department members to get familiar with where equipment is located due to new items being purchased. The next session will be on accountability.

Chief Douglas stated that since 911 was introduced, the county assigned designations for chief officers and apparatus. Chief Douglas stated he would like to have the Chief designated as 36 and the Deputy Chief 36-1. Chief Douglas is requesting a letter from Council to support these changes.

On a motion by Mr. Barlett and seconded by Mr. Searer, Council voted 7-0 to approve sending a letter in support of the proposed designations to 911.

Chief Douglas stated the Borough would be responsible for electric vehicle fires (removing the vehicle) and that he will get more information on that issue.

Mayor

Mayor Bargo read the letter she penned for Mayor John Wagner of Juniata Terrace in recognition of their designation as a historic district. They will be placed on the National Register of Historic Places. This designation was approved at the state level and will now be sent to the National Park Service for federal historical recognition.

Mayor Bargo stated the deadline to submit resolutions to the PSAB Resolution and Policy Committee is March. The committee meets in April. If approved by the committee, the resolution is then given to lobbyists to be presented to Senators and Representatives for action at the state level.

Police Chief

Chief Clemens stated the police had 394 calls for service in January. He stated they had 28 traffic citations, 21 non traffic citations, 45 warnings. Chief Clemens stated the drug investigator had 14 active investigations, 9 new investigations, 4 under cover buys, 10 felony arrests, 3 misdemeanor arrests, 8 search warrants, seized approximately 44 grams of fentanyl and heroin, 15 grams of methamphetamine, 18 grams of crack cocaine, 1 pound of marijuana, and seized 3 firearms from a person who is prohibited from possessing firearms. \$2,666.00 was also seized.

Mr. Searer asked about a vehicle that has been turned in for various violations. Chief Clemens stated he needs to ask for officer contact from the officer handling the complaint.

Mr. Knudson asked if the department needed any training or equipment to safely handle the drugs they are encountering. Chief Clemens stated that is always a concern, especially with fentanyl, but officers are trained, and they have protective equipment available to them. When discussing a new police station or renovating the one they are renting, establishing a safe place where drugs can be tested and handled is needed.

Chief Clemens stated TRAX is up and running. TRAX is the software used for e-citations. It also auto populates information into the reporting system. They are still waiting on the vendor to install the license plate readers. The accreditation process is still on track.

Chief Clemens stated they will be conducting Civil Service Testing on Saturday, February 17th at 9:00 AM at the Community Center. He stated they have 14 applicants.

Recreation Board

Mr. Zimmerman stated the Rec Board met and the notes have been sent out. Mr. Zimmerman stated a decision needs to be made on the pool and whether it will be open this summer. Mr. Searer made a motion to close the pool for the year. Mrs. Knudson asked about the feasibility study and whether you can close it while having the study done. Mr. Zimmerman stated he received an email about the next two phases of the pool study. One is a pool study group questionnaire, and the other is a public survey to post. Mr. Searer stated the pool loses money and averaged less than 30 people every day it was open. Mr. Moore stated the reason for poor pool attendance was the rates. He also stated the pool was not built to make money but was built as a community service. Mr. Gutshall agreed with Mr. Moore's view on why we have the pool. Mrs. Knudson stated the pool has been neglected for so many years. She stated there is a leak and it needs to be fixed. Mr. Zimmerman stated the leak is being investigated but they are having trouble finding equipment that can work on plastic pipes. He stated the sewer camera truck is going to attempt to scope the pipes to see if they can detect the leak.

On a motion by Mr. Gutshall and seconded by Mr. Moore, Council voted 6-1 to approve opening the pool for 2024. Mr. Searer voted against the motion.

Mr. Moore made a motion to have Wendy Smith, the Community Center Coordinator, be the pool manager. The motion was rescinded so that Wendy could be contacted about the position.

Mr. Zimmerman brought up shade options for the pool. The rec board recommended funding from ARPA to purchase shade options. They recommended tables and umbrellas. Mr. Steele stated he thought the money left in ARPA (approximately \$103,000) was for the fire department. Mr. Zimmerman stated it can be used for the fire department but Council controls where those funds are used.

The next pool study group meeting is February 20th at 5:00 PM in the Borough Council chambers.

Borough Solicitor

Mr. Remy stated there is a resolution to appoint two members to the Civil Service Commission. He stated the two proposed members are Jerome and Virginia Matthey and it would be for 6-year terms.

On a motion by Mr. Gutshall and seconded by Mrs. Knudson, Council voted 7-0 to approve appointing Jerome and Virginia Matthey to the Civil Service Commission for 6-year terms.

UNFINISHED & NEW BUSINESS

1. CY 2024 Budget Approval

The mayor raised concerns about reducing FAME's allocation. Mr. Gutshall stated the millage allocation does not cover the full \$45,000 and adjusting the millage would have to wait until 2025.

On a motion by Mr. Barlett and seconded by Mr. Gutshall, a roll call vote was taken, and Council voted 5-2 to approve funding FAME the difference between their allocation and the new CY2024 Budget amount of \$12,100 or \$32,900 from ARPA for 2024. Mr. Moore and Mr. Searer voted against.

Bob Barlett	Yes
Steve Knudson	Yes
Mr. Moore	No
Larry Searer	No
Jim Steele	Yes
Scott Gutshall	Yes
Lisa Knudson	Yes

On a motion by Mr. Gutshall and seconded by Mr. Moore, Council voted 6-1 to approve the CY 2024 Budget with reductions to the Community Center Roof allocation to \$5,000.00 for miscellaneous repairs to the Community Center, removing the purchase of the new refuse pick up truck at \$50,000, removing the wood chipper purchase at \$40,000, salary adjustments that will result in \$8,000 in reductions, reducing the FAME allocation to \$12,100 due to the specialty tax not covering the full cost of the allocation. Mr. Searer voted against the motion.

2. EADS Task Order #1 Estimate for DEP Consent Order & Agreement Coordination

3. EADS Task Order #2 Estimate for Clean and Evaluation of Digester #1

These tasks are tied to the master document to hire EADS for this project. The document is 71 pages long. Mr. Remy came back with items that needed to be addressed regarding proper insurance for the projects and proper legal wording.

Mr. Moore asked for a status update on Digester #1 repairs. Mr. Parkes stated the Borough did not get awarded the grant for the project. The digester has sat for almost 2 years with 500,000 gallons of sludge and waste in it. The first task is to empty the digester and remove the roof. Removing the sludge will cost \$3.00 to \$4.00 per gallon. Mr. Parkes went through all the different options regarding replacing the digester and what can be done with the sludge. Mr. Parkes stated once a plan and permits are in place then we can sit down with PENNVEST to discuss grant and loan options. This would be for the digester only. Mr. Parkes stated this could be a two- or three-year process to get this all-in place. The cost for this digester rehab would be shared with Derry Twp and Granville Twp.

On a motion by Mr. Moore and seconded by Mr. Gutshall, Council voted 7-0 to approve EADS Task Order #1 Estimate for DEP Consent Order & Agreement Coordination and Task Order #2 Estimate for Clean and Evaluation of Digester #1.

4. Portnoff Law Associates, Ltd. Tax Collection Services
 - a. Contract
 - b. Resolution
 - c. Ordinance

This is the firm that could collect delinquent taxes for the borough. This would be at no expense to the borough. The ordinance assigns fees for the tax service to collect.

On a motion by Mr. Gutshall and seconded by Mrs. Knudson, Council voted 7-0 to approve moving forward with Portnoff Law Associates, LTD as the delinquent tax collector for the borough.

5. Borough Young Oakes Brown Auditor Engagement Letter (\$23,195)

On a motion by Mr. Gutshall and seconded by Mrs. Knudson, Council voted 7-0 to approve Young, Oakes and Brown's engagement letter to audit the Borough at a cost of \$23,195.

6. Police Department Funding
 - a. Weapons, Tasers, and Police Car

On a motion by Mr. Gutshall and seconded by Mr. Moore, Council voted 7-0 to approve the police funding for weapons and tasers.

7. Paver Maintenance

No action taken.

8. Life Insurance Increase for Salaried Employees

On a motion by Mr. Searer and seconded by Mrs. Knudson, Council voted 7-0 to approve the life insurance increase for salaried employees.

9. Wage Increase for Specific Salary Employees

On a motion by Mr. Moore and seconded by Mr. Gutshall, Council voted 6-1 to approve the wage increases to the Treasurer 3% plus 7% market adjustment, Building Codes Superintendent 3 %, Building Codes Enforcement Officer 3%, Director of Public Works 3%, Street Superintendent 3%. Mr. Searer voted against the motion.

10. Planning Commission Applications (Griffith and Knudson)

On a motion by Mr. Gutshall and seconded by Mrs. Knudson, Council voted 7-0 to appoint Lad Griffith to the Planning Commission.

11. February 7th Planning Commission Plan Approval (x2)

On a motion by Mr. Moore and seconded by Mr. Gutshall, Council voted 7-0 to approve both sets of plans that were approved by the Planning Commission.

12. Streets/Workman Vacant Positions (x2)

On a motion by Mr. Gutshall and seconded by Mr. Knudson, Council voted 7-0 to approve Candidate #1 and Candidate #2 to the vacant streets/workmen positions.

13. 2024 Sewer Rate Adjustment Proposal

Mr. Zimmerman asked if Council wanted to vote on 2024 Sewer rates. He stated there are some issues and he would recommend waiting another month before moving forward with this action. Council agreed.

14. Remove Handicapped Parking Spaces

On a motion by Mr. Searer and seconded by Mrs. Knudson, Council voted 7-0 to approve the removing of handicap parking spaces without council approval.

15. Employee Clothing Allowance

On a motion by Mr. Gutshall and seconded by Mr. Moore, Council voted 7-0 to approve the payment of the employee clothing allowance in the amount of \$9,250.00.

16. Fire Department Quarterly Allocations

Mr. Moore stated his reasoning behind the 50/50 split is because Heritage did not follow the consolidation. He stated they have more rolling stock because they did not get rid of the two pieces of equipment like they were supposed to do. He stated he thinks the audit needs to be completed on both fire departments and then this allocation can be reconsidered.

On a motion by Mr. Moore and seconded by Mr. Barlett, a roll call vote was taken, and Council voted 5-2 to approve a 50/50 split of Fire Department quarterly payments in the amount of \$11,250 for Heritage and City Hook and Ladder. Mr. Steele and Mr. Searer voted against.

Bob Barlett	Yes
Steve Knudson	Yes
Mr. Moore	Yes
Larry Searer	No
Jim Steele	No
Scott Gutshall	Yes
Lisa Knudson	Yes

17. Legal Notice for DEP COA

On a motion by Mr. Gutshall and seconded by Mr. Moore, Council voted 7-0 to approve sending the legal notice to Derry Twp and Granville Twp to let them know that we are looking into the 1982 Agreement.

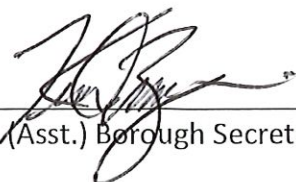
Council Ended: 7:43 PM



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:



(Asst.) Borough Secretary