

**April 10, 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.

### **Prayer**

### **Roll Call**

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

### **Hearing of Person's Present:**

Steve Arentz stated the crosswalk sign across from the post office is not working, asked that the Borough enforce parking restrictions due to County prison employees taking up all the parking spots at the post office and in front of all the businesses in that area, he also stated there were stickers on the Sheriff's cars that he stated were "fascist", and asked about the condemned houses asking why they weren't being torn down. Mr. Zimmerman stated that just because a house or a building is condemned does not mean it gets torn down. Property owners are given the opportunity to make repairs to the building and the borough cannot tear down buildings it does not own. Mr. Moore stated the Sheriff's car issue needs to be directed to the County, they do not work for the Borough. Mr. Arentz then asked why the tax collector was not in the building anymore. He was advised that she chose to leave the Borough building. Council informed Mr. Arentz that she was not evicted and was not a borough employee.

### **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. 13 March 2024**
- B. Approval of Treasurer's Report. As 31 March 2024**
- C. Approval of Schedule of Bills.**
- D. Facility Use Requests**
  - Friends of Embassy Theater, 29 June Street Closure**
- 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. Searer and seconded by Mrs. Knudson, Council voted 7-0 to approve the consent agenda.

**Borough Manager:**

**1. Digester #1 Repair Status**

Bids were due April 8<sup>th</sup> at 4:30 PM at Municipal Hall.

- a. USG for \$597,500.00 for the removal of roof and sludge removal.
- b. Snyder Environmental for \$532,750.00 for the removal of roof and sludge removal.

Mr. Zimmerman stated bid requests were sent out for the initial stage of the digester repair. One was received before the deadline and the other was received a day after the deadline. The second bid was late due to difficulties getting quotes from their subcontractors on the project. They coordinated with EADS to alert them of the late bid. Mr. Zimmerman stated that does not prevent Borough Council from acting. Mr. Zimmerman asked if Council wanted to add the Snyder Environmental quote to the agenda for discussion.

**On a motion by Mr. Moore and seconded by Mr. Gutshall, Council voted 7-0 to approve adding the Snyder Environmental quote to the agenda.**

Mr. Zimmerman stated the bids are for the same items. Mr. Zimmerman stated that EADS would recommend USG due to quality of work and stated that the payment would probably be made from the \$1 million dollar loan from the County. **Tom Kakabar**, with EADS, confirmed that the Snyder Environmental bid was late, but it was coordinated and confirmed Mr. Zimmerman's remark that they recommended USG as well. Mr. Kakabar stated that USG was required to submit references also. Mr. Remy said that Council may want to first take action to reject the late bid so that only the one bid was left to accept or deny. Mr. Zimmerman did ask if it mattered that they were Costar quotes and that the late bid was coordinated ahead of time. **Mr. Gutshall** asked what the timeline for the repairs would be and Mr. Kakabar stated neither bid was given any timeline, but they do want to get this done this summer and get it done this construction season.

**On a motion by Mr. Searer and seconded by Mr. Barlett, Council voted 7-0 to approve the USG Costar bid for the Digester #1 Roof removal and sludge removal project at a cost of \$597,500.**

**2. Monthly Work Session Discussion**

April 25<sup>th</sup> at 5:30 PM

May is TBD

Mr. Zimmerman asked Council if they wanted to discuss a date for the May meeting. Mr. Moore stated to wait until May.

**3. City Fire DLI DCED Grant Request**

Mr. Zimmerman stated that City Hook and Ladder was seeking a letter of support from Council for the DLI DCED grant request that they are submitting with the assistance of Jim Zubler. Jim Zubler stated the grant would be used to upgrade the HVAC, electrical, exterior improvements, and sight details. Mr. Barlett was in favor of the grant. Mr. Zubler stated there are no matching funds needed. Mr. Zimmerman asked if there would be any cost to the Borough and Mr. Zubler stated he was not aware of any costs to the Borough.



**On a motion by Mr. Gutshall and seconded by Mr. Barlett, Council voted 7-0 to approve issuing a letter of support for the City Hook and Ladder DLI DCED Grant request.**

**4. Recycling Stats**

Mr. Zimmerman stated the recycling yard was open on a Saturday a couple of weeks ago and 8 people took advantage of the Saturday for a cost of about \$300.00 in labor.

**5. DCNR Pool Study Survey Results/Study Completed**

Mr. Zimmerman stated the study is complete and the \$31,000 payment has been made and it has been submitted to DCNR so that they can reimburse the Borough for their half of the invoice.

**6. Teamster Negotiations Ongoing**

Mr. Zimmerman stated there was a meeting today (April 10, 2024) with the Teamsters and the next meeting is scheduled for May 15<sup>th</sup>.

**7. Fire Department Safety Inspections Starting this Summer**

Mr. Zimmerman stated safety inspections were set to start this summer, but it has been pushed back to January 1<sup>st</sup>, 2025. Mr. Barlett asked if this was to take the place of the Occupancy permit inspection. Mr. Zimmerman stated it was just the occupancy permit. Mr. Moore asked why this is not handled through the Codes Department. Mr. Remy stated it is because of the borough ordinance. Mr. Barlett stated they used to go out and look for fire hazards like blocked doors, lighting, and occupancy limits. Mr. Barlett stated they tried to start this about a year ago, but occupancy information could not be found for the establishments, and he wanted to know who was going to get that information. Mr. Barlett was concerned about liability.

**8. Military Banners**

Mr. Zimmerman stated we have 30 applicants for 25 spots. The company is going to make some double-sided banners so that everyone has a spot, and no one gets turned away. Mr. Zimmerman stated the Streets department will hang the banners when they arrive.

**9. EADS Wastewater Collections/ Commercial EDU Recommendations**

Mr. Zimmerman stated he went to see John Breneman to help garner support from Senator Ward's office. Mr. Breneman suggested that future grants are coordinated with Mr. Breneman and Senator Ward so that political support can be given. Mr. Breneman stated his flat rate fee in Granville Twp is \$140.00 per quarter and the flat rate fee in Derry Twp is \$135.00 per quarter per Mr. Zimmerman. Lucas Parkes, with EADS, stated they did not have any recommendations at this time, but they are working with Borough staff on billing and budget projections. Mr. Gutshall asked if EADS would have that report ready for the May Council meeting and Mr. Parkes said that is the plan. He stated the Digester cost is a big part of the report.

**10. Town Hall Meeting**

Mr. Zimmerman asked Council if they were interested in having a town hall meeting. Mr. Gutshall and members of Council stated they were in favor of having one later in the year.

**On a motion by Mr. Moore and seconded by Mrs. Knudson, Council voted 7-0 to approve adding items Proposed new EMS Building possibility and Fire Department Vehicle Maintenance Plan to the agenda.**

### **11. Proposed new EMS Building Possibility**

Mr. Zimmerman said there was a briefing at the Fire Committee meeting about a new EMS building for the Borough that could be a combination of a police and fire station or just a police station. Mayor Bargo said the Police Advisory Board is investigating the options.

### **12. Fire Department Vehicle Maintenance Plan**

The quote for the plan is \$13,137.41 but there was a question of whether Engine 11-323 should be included in that plan. The cost for the engine coverage is \$2,147.38. Sean Markley stated the engine is only in service to transport people at this time. Mr. Zimmerman asked how the plan would be paid for (ARPA, Specialty Tax). Mr. Gutshall stated we have an obligation to a new fire truck but do not know what the payments for that new vehicle will be. Mr. Gutshall thinks the decision on the Vehicle Maintenance Plan should be tabled until the finances for the new truck are decided.

### **Fire Chief**

**Chief Douglas** was absent from the April Council meeting, but **Deputy Chief Sean Markley** was in attendance. No statistics were read for the month of March, but they were provided to Council:

City Hook and Ladder responded to 20 calls for service, 13 in town calls and 7 out of town calls. They responded to 7 fires, 3 motor vehicle accidents, 1 carbon monoxide, 2 local alarms, 1 water rescue, 3 medical assists, 2 gas leaks and 1 automatic fire alarm.

Heritage responded to 16 calls for service, 10 in town calls and 6 out of town calls. They responded to 7 fires, 3 motor vehicle accidents, 1 carbon monoxide, 2 local alarms, 1 medical assist, and 2 gas leaks.

### **Mayor**

**Mayor Bargo** passed out her 1<sup>st</sup> quarter marriage sheet. Mayor Bargo gave a brief summary on the care and services at the Summit Early Learning Center in Lewistown. Mayor Bargo said the Police Advisory Board will be meeting next week on Tuesday the 16<sup>th</sup> and the Property Management meeting is Wednesday the 17<sup>th</sup>.

### **Police Chief**

**Chief Clemens** stated the police department had 500 calls for service in February. Officers issued 96 traffic citations, 36 non traffic citations, 129 warnings were issued, and 16 parking tickets. Chief Clemens did not have a drug report due to the officer participating in training.

The K9 grant was originally submitted for \$121,336.00. They did an initial review of the application and removed some of the smaller items from the grant and adjusted the grant to \$103,853.00. The grant has not been awarded but Chief Clemens spoke with Lisa Stalnaker, who helped in the grant process, and said it is normally a good sign that it was reviewed and discussed the grant with us. The grant would be enough to cover the new vehicle and the animal. Chief Clemens would like permission to seek donations or fundraising for the new K9.

**On a motion by Mr. Searer and seconded by Mr. Moore, Council voted 7-0 to give permission to Chief Clemens to seek donations towards the K9 unit.**

Mr. Zimmerman stated the K9 grant is a LSA (Local Shares Account) grant. He stated there were 3 grants submitted for that same grant fund. He stated the Wastewater Treatment submitted one to help with storm



water I & I for \$600,000 and the 3<sup>rd</sup> grant was for Heritage Fire Department to do the same thing City Hook and Ladder is doing to help with building improvements for \$600,000.

#### **Recreation Board**

Mr. Zimmerman stated there is \$9,300 in donations for the pool. Katelyn Rauch, Codes Department, confirmed the amount. The pool will open on June 5 from 3pm to 7pm. The video cameras have arrived, and the Streets department will work to get them installed. Mrs. Knudson stated City Hook and Ladder is donating a deep freeze for use at the pool, Overhead door has donated 4 doors and installation, the streets department is going to remove the pool toys and take them to the academy, and they are going to paint them for the Borough. Katelyn Rauch stated there are other donations that have been pledged but not received that are not included in that \$9,300 total.

#### **Borough Solicitor**

Mr. Remy stated that Chapter 192 Septic Ordinance has been properly advertised and is ready for Council approval. The ordinance is to help regulate the Septic systems that have been grandfathered into the Borough. Mr. Zimmerman stated, and Mrs. Rauch confirmed there are only 4 septic systems in the Borough.

#### **On a motion by Mr. Searer and seconded by Mr. Moore, Council voted 7-0 to approve the Chapter 192 Septic Ordinance.**

Mr. Remy stated the Portnoff Ordinance is next on the agenda. He stated the Portnoff law firm would be the delinquent tax collector for the Borough starting in 2025. The Ordinance would establish fees that can be collected. Mrs. Knudson asked if there were any hidden fees and Mr. Zimmerman stated there were no fees unless the number of delinquent properties is below 50. Mr. Knudson asked if there was any background on the law firm. Mr. Remy stated they had a phone call with them, and this is what they do. They collect delinquent taxes for municipalities. Mr. Zimmerman stated they represent between 20 and 30 municipalities. Mr. Knudson was concerned with how they would deal with our citizens. Mr. Remy said they are subject to following collection laws just like any other collection agency. Mr. Moore stated he was contacted by Commissioner Kodish and asked that the Borough meet with them to discuss it before a decision is made and he recommended that we table this until after the meeting with the County. Mr. Knudson asked if there was a time constraint and Mr. Remy said there was not.

Mr. Remy brought up the Yard Sale Ordinance that was talked about in 2015. It was never adopted. The ordinance would establish a fee and limit the number of yard sales a resident could have each year. Mr. Zimmerman stated it needs to be brought to the Law and Ordinance Committee first.

Mr. Moore would like a break down of all the fees associated with putting in a Handicap Parking space.

#### **UNFINISHED & NEW BUSINESS**

##### **1. DEP I & I Fine (\$46,838)**

The DEP I & I fine for not following the original order was \$46,838.

##### **2. DEP Consent Agenda**

EADS and our attorney helping us with this matter recommend Council approve the DEP Consent Agenda. Mr. Zimmerman stated we can then go back to Derry Twp and Granville and bill them accordingly for the fees.

**On a motion by Mr. Searer and seconded by Mr. Gutshall, Council voted 7-0 to approve paying the DEP I & I Fine of \$46,838 and the DEP Consent Agenda.**

**3. Sanitary Main Line/ Interceptor Cleaning (\$7,215)**

Mr. Zimmerman stated our equipment cannot get in and clean this out. He stated that this would be partially billed to Derry Twp. as well.

**On a motion by Mr. Searer and seconded by Mrs. Knudson, Council voted 7-0 to approve the Sanitary Main Line/Interceptor Cleaning project for \$7,215.**

**4. DEP I & I Pump Station IT Upgrade (\$127,816)**

Mr. Zimmerman stated the pump was not working to full capacity. He stated there are 2 pumps at the station and they have not been serviced since they were installed in 2009. Tom Kakabar, with EADS, said the IT upgrade would upgrade the flow meters to allow for internet connectivity so that alerts can be sent immediately instead of waiting until someone manually checks them. This upgrade would give us accurate information so that we can determine how much discharge is from Derry Twp vs what is from Lewistown. The cost to purchase the 4 flow meters and the modem is \$127,816. Mr. Kakabar recommended the Borough consider renting the equipment at a cost of \$2,000 per month (\$24,000 per year). He also stated this would help mitigate any potential maintenance costs should any of the equipment fail. Mr. Kakabar stated that a part of the DEP Consent order is the obligation to report overflows to DEP within 4 hours and these upgraded flow meters would send alerts immediately when that happens which would allow for a faster response. Mr. Moore asked if Derry Twp. has been notified of all this information. Lucas Parkes stated they have been notified. The draft consent order has been sent. There has not been a formal meeting yet. They will address this at the quarterly Municipal meeting. Mr. Remy asked if this is a COSTARS quote or if this has to be sent out for bid and Mr. Kakabar stated this is a COSTARS quote. After a lengthy conversation between Council and EADS to further explain the importance of this pump station, Mr. Moore made a motion to approve the rental of the upgraded flow meters.

**On a motion by Mr. Moore and seconded by Mr. Gutshall, Council voted 7-0 to approve the DEP I & I Pump Station IT Upgrade for the rental price of \$24,000 (\$2,000) per year for 5 years.**

**5. 11 W 4<sup>th</sup> Street Handicapped Parking Space Request**

**6. 64 Logan Handicapped Parking Space Request**

**7. 118 W 4<sup>th</sup> Street Handicapped Parking Space Request**

Items 5, 6 and 7 were handled in one motion.

**On a motion by Mr. Moore and seconded by Mr. Gutshall, Council voted 7-0 to approve the Handicap Parking Space requests for 11 W. 4<sup>th</sup> Street, 64 Logan Street, and 118 W. 4<sup>th</sup> Street.**



**8. 114 N Grand Handicapped Parking Space Request and Exception to Policy Request for Street Sweeper**

Mr. Zimmerman stated this person is requesting a handicap parking space and an exception to the policy requiring her to move her car for the street sweeper due to the physical limitations after a major medical procedure.

**On a motion by Mr. Moore and seconded by Mr. Gutshall, Council voted 7-0 to approve the Handicap Parking Space requests for 11 W. 4<sup>th</sup> Street, 64 Logan Street, and 118 W. 4<sup>th</sup> Street.**

**9. EMS (FAME) Specialty Tax Increase (.121 mills to .436 mills)**

**On a motion by Mr. Moore and seconded by Mr. Gutshall, Council voted 7-0 to approve the raising the EMS Specialty Tax to .436 mills for 2025.**

**10. Mifflin County Kids Connection (May 11<sup>th</sup> from 7:00 AM to 2:00 PM)**

**On a motion by Mr. Searer and seconded by Mr. Moore, Council voted 7-0 to approve the Facility Use Request for Mifflin County Kids Connection on May 11<sup>th</sup> from 7:00 AM to 2:00 PM pending PennDOT approval.**

**11. Summer Help Hire**

Held for Executive session.

**12. Lifeguards/Concession Staff Hire**

Held for Executive session.

**13. Meter Enforcement Hire**

Held for Executive session.

**14. Street Sweeper Enforcement Hire**

Held for Executive session.

**Executive Session Started: 7:00 PM**

**Executive Session Ended: 7:21 PM**

**On a motion by Mrs. Knudson and seconded by Mr. Gutshall, Council voted 7-0 to approve the hiring of the discussed pool staff.**


**On a motion by Mrs. Knudson and seconded by Mr. Gutshall, Council voted 7-0 to approve hiring the person for summer help as recommended by Ben Rager, DPW.**

**Council Ended: 7:23 PM**

  
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(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

  
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(Asst.) Borough Secretary