

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, June 16, 2009** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Casimir, Fluent, Mahon, Morris, and Strosser; Mayor Wagner; Chief Yost; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Solicitor Lyons arrived at 7:05 PM and Councilmember Molesevich arrived at 7:10 PM. Also present: Kevin Mertz and Ed Cox.

**CALL TO ORDER:** Council President Bergonia called the meeting to order at 7:00 PM, followed by the pledge of allegiance.

**APPROVAL OF MINUTES:** Motion was made by Councilmember Baker, seconded by Councilmember Mahon, to approve the minutes of the regular Council meeting held May 19, 2009. Motion was unanimously approved.

Council President Bergonia adjourned the regular order of business at 7:05 PM to conduct a public hearing on the conditional use for the William Cameron Engine Company renovation. (Note: Solicitor Lyons and Councilmember Molesevich arrived during this public hearing.)

Bill Baker, Zoning Officer, indicated the original zoning application came in on January 9<sup>th</sup>. The actual property location is 11 Buffalo Road and the Zoning District is Mixed Use. Everyone received a copy of the conditional use application filed and paid for May 19<sup>th</sup>. Hearing notices were mailed to the applicant and the adjoining property owners on May 27<sup>th</sup>. Notice was faxed to the Daily Item newspaper May 27<sup>th</sup> for publication June 2<sup>nd</sup> and June 9<sup>th</sup> (confirmed). Posting sighted by the Zoning Officer June 1<sup>st</sup>. The conditional use request is from the zoning ordinance for setback for clear sight triangle and screening.

Councilmember Casimir reported that the Planning Committee reviewed this at some length, and although there are various inconsistencies, the committee supports this conditional use application.

Larry Erdley, Chairman of the Fire Board, reported the Long Range Planning Committee had to make decisions on what the fire company needed to meet current needs, but more importantly, future needs. The current station was built in 1967, was expanded in 1976 for ambulance bays, and again in 1992 to extend the length of the apparatus bay. The fire company has transitioned. It is no longer a 100% volunteer company, and is staffed by female and male personnel 24/7. In 1967 we responded to 41 fire/rescue calls and 419 ambulance calls. In 2008 we had 280 fire/rescue calls and 2209 ambulance calls. The ambulance business continues to increase. This addition we are proposing is on the current lawn area along North Fifth Street and St. Anthony Street. It will provide two apparatus bays for ambulances, and storage for emergency medical equipment on the first floor. The second floor will be dormitory type facilities for our staff, and will include an upgrade to the shower/restroom facilities in order to accommodate both male and female personnel. We strongly feel our current site location is excellent; we simply need to improve our facility.

Council President Bergonia asked the public for comments. There were none.

Councilmember Bergonia declared the public hearing closed at 7:15 PM. He reconvened to the regular order of business and continued with the meeting.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve the conditional use request of the William Cameron Engine Company. Motion was unanimously approved.

**PUBLIC PARTICIPATION:** None.

**POLICE COMMITTEE:** Councilmember Mahon made a motion, seconded by Councilmember Baker, to direct the Solicitor to advertise an amendment to Chapter 345/Vehicles and Traffic for the purpose of erecting stop signs (north/south) on North Fifth Street at the intersection of St. Anthony Street, as recommended by the Traffic Committee. Motion was unanimously approved.

**PLANNING COMMITTEE:** Councilmember Casimir made a motion, seconded by Councilmember Mahon, to approve the HARB applications, as submitted and recommended by HARB. Motion was unanimously approved.

**Bucknell University. 28 University Avenue. Replace Roof.**

An application was submitted to and reviewed by HARB for replacement of existing slate roof. A motion was made by Steve Snook, seconded by Peter Hill, to recommend approval of replacement roof, specifically with type Camelot roofing. Motion was approved, with one dissenting vote, Mary Mastascusa voted no.

**Kimberly Ritter. 323 Market Street. Signage.**

An application was submitted to and reviewed by HARB for a sign. A motion was made by Mary Mastascusa, seconded by Steve Snook, to recommend approval of the existing sign to read "Ritter's Critters" as indicated on the attachment to HARB application. Motion was unanimously approved.

**ATTENDANCE**

**CALL TO ORDER**

**APPROVAL OF MINUTES**

**PUBLIC HEARING  
CONDITIONAL USE  
REQUEST FOR  
WILLIAM  
CAMERON ENGINE  
COMPANY**

**BILL BAKER**

**LARRY ERDLEY**

**PUBLIC  
COMMENTS**

**PUBLIC HEARING  
CLOSED/RECON-  
VENE REGULAR  
MEETING**

**CONDITIONAL USE  
APPROVED**

**PUBLIC  
PARTICIPATION**

**POLICE  
COMMITTEE  
SOLICITOR TO  
ADVERTISE FOR  
STOP SIGNS ON N  
FIFTH ST AT  
INTERSECTION OF  
ST ANTHONY ST**

**PLANNING  
COMMITTEE  
HARB**

**BUCKNELL  
UNIVERSITY**

**K RITTER**

Tuesday, June 16, 2009

**Mark Heid. 210 North Fifth Street. Fence.**

An application was submitted to and reviewed by HARB for placement of a wooden fence. A motion was made by Peter Hill, seconded by Mary Mastascusa, to recommend placement of a wooden fence, as shown in the photograph attached the HARB application and as noted in the project description, with the stipulation this fence is not to exceed 6 feet, and is to be painted or stained within one year. Motion was approved, with one dissenting vote. Michael Lucas voted no.

**Linda Weller. 120 Market Street. Windows.**

An application was submitted to and reviewed by HARB for replacement windows. A motion was made by Mary Mastascusa, seconded by Steve Snook, to recommend replacement of windows, specifically with windows found in the attic, as noted in the project description of the HARB application. Motion was unanimously approved.

**Jeff Llewellyn. 218/220 North Second Street. Siding/Windows/Shutters.**

An application was submitted to and reviewed by HARB for replacement siding/windows/shutters. A motion was made by Peter Hill, seconded by Mary Mastascusa, to recommend approval of replacement windows, specifically 2 over 2 (HARB's recommendation is for Paradigm Windows), wrap windows with aluminum cap, replace two storm doors, and repair and paint existing clapboard on front (no vinyl siding or shutters were approved by HARB). Motion was unanimously approved.

Councilmember Casmir made a motion, seconded by Councilmember Mahon, to approve placement of a Susquehanna Greenway Orientation Panel in Soldiers Park, with design and content to be approved by Council at their July 2009 meeting. ON THE QUESTION: Councilmember Casimir explained that SEDA-COG presented sample signs, "live/learn/explore the Susquehanna Greenway" that they are placing at various locations along the Susquehanna River. These signs are 3' x 4' and the cost of the sign would be paid by SEDA-COG. They are asking the Borough to install. Councilmember Strosser stated there should be a landscape plan for Soldiers Park; his intent is to review that plan and respect it with regard to placement of this sign. Motion was unanimously approved.

Councilmember Casmir made a motion, seconded by Councilmember Mahon, to approve the President and Mayor executing an Intergovernmental Agreement with PennDOT for the purpose of accessing the State's electronic filing program for liquid fuels reporting. Motion was unanimously approved.

Councilmember Casmir made a motion, seconded by Councilmember Mahon, to approve the expenditure of \$3,538.55 from the Regional Recreation Fund to LARA for community pool work required in order to be in compliance with the Virginia Graham Baker Act. ON THE QUESTION: Councilmember Morris asked if LARA expects to do any outside fundraising to put toward this expense, and if so, she would request that the Borough be considered for possible reimbursement. Councilmember Casimir stated LARA would be pursuing other avenues through local service clubs and he will share that request. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to authorize the Manager to direct Capital Blue Cross to add a "domestic partnership" clause to the Borough's health insurance plan, with the understanding that any qualified applicant will be responsible for 100% of the cost. ON THE QUESTION: Councilmember Fluent asked if spouses are currently covered. Manager Smith said yes. Councilmember Mahon explained that spouses are covered, unmarried partners are not. Councilmember Fluent asked the reason. Councilmember Casimir said it is really expensive, and clarified it is not gender specific. Manager Smith said provided Council approves this language, he has a draft document containing the specifics prepared to bring to the Planning Committee for review and consideration. Motion was approved with one dissenting vote, Councilmember Fluent voted no.

Councilmember Molesevich made a motion, seconded by Councilmember Strosser, to officially go on record endorsing and supporting the Rails to Trails Program 100%. ON THE QUESTION: Councilmember Molesevich explained in light of the recent criticisms and negativity surrounding the Rails to Trails Program, he felt this motion was needed. Motion was unanimously approved.

**PUBLIC WORKS COMMITTEE:** Councilmember Baker reported there were no action items.

Mayor Wagner questioned the paving needed to Third Street as a result of Pennsylvania American Water Company's work. Manager Smith said the contractor is done, they are simply letting the ground settle, and they will be back within the month to do the final paving.

**FINANCE COMMITTEE:** Councilmember Morris made a motion, seconded by Councilmember Baker, to approve payment of the bills from 05/16/09 through 06/12/09 in amount of \$222,737.56. Motion was unanimously approved.

**MAYOR:** Mayor Wagner directed the Manager to erect temporary stop signs (north/south) on North Fifth Street at the intersection of St. Anthony Street, in accordance with the Police Committee's recommendation. She reminded everyone of the Fourth of July Parade June 27<sup>th</sup>, and noted there are still seats available for the USO Fourth of July

M HEID

L WELLER

J LLEWELLYN

PLACEMENT OF  
SUSQUEHANNA  
GREENWAY  
ORIENTATION  
PANEL IN  
SOLDIERS PARK

AGREEMENT  
WITH PENNDOT  
FOR  
ELECTRONIC  
FILING OF  
LIQUID FUELS

PAYMENT TO  
LARA/  
MANDATORY  
POOL WORK

DOMESTIC  
PARTNERSHIP  
CLAUSE ADDED  
TO HEALTH  
INSURANCE  
PLAN

ENDORSEMENT/  
SUPPORT FOR  
THE RAILS TO  
TRAILS  
PROGRAM

**PUBLIC WORKS  
COMMITTEE**

THIRD STREET

**FINANCE  
COMMITTEE  
PAYMENT OF  
BILLS**

**MAYOR  
TEMPORARY  
STOP SIGNS ON  
N FIFTH ST AT  
ST ANTHONY ST**

Tuesday, June 16, 2009

Gala. She reported that Kim Ritter, Kim Wheeler, and a few others, are working on the pocket park across from the Cherry Alley Café; there are to be cherry tree plantings, etc. in the very near future. The next Regional Police Committee meeting will be July 1<sup>st</sup> with Ron Stern from DCED, and all officers have been invited. Solicitor Lyons reported a draft agreement has been submitted for review. Councilmember Casmir commented he had mentioned LARA possibly purchasing a PPU in order for the Police to patrol the Rail/Trail. No action is necessary today, but he wanted to make sure everyone was aware.

**POLICE CHIEF:** Chief Yost reminded everyone of the parking restrictions that go along with the Fourth of July Parade.

**COUNCIL PRESIDENT:** No report.

**SOLICITOR:** Councilmember Morris made a motion, seconded by Councilmember Baker, to reauthorize the Solicitor to advertise a public hearing for the purpose of public input on the proposed amendment to the Subdivision and Land Development Ordinance (SALDO), and following that public hearing present an ordinance to Council for action. ON THE QUESTION: Solicitor Lyons indicated this was discussed at the last Council meeting, but the Planning Commission needed thirty days to review, and we did not have thirty days between the last meeting and this meeting. As a result, this was delayed for consideration until next month's meeting. Motion was unanimously approved.

**MANAGER:** No report.

**OTHER COMMITTEES:** Councilmember Casimir indicated LARA hired a new Director, Kevin Drewencki, and he believes Mr. Drewencki will be a huge asset to LARA. He thanked Council for their support of the Rails to Trails Program. In light of recent articles in the newspaper, it appears Police services will be needed for our proposed trails, and he hopes to discuss this in more detail in the very near future. He explained that he was asked to find out how Council would feel about LARA selling individual and family memberships to people that are not residents of East Buffalo Township or the Borough in order to allow them to receive reduced rate pool passes and program fees. The actual cost is \$50 for an individual and \$100 for a family, and again, by making this payment you would get the reduced rates. Currently, if you are a resident of the Borough or East Buffalo Township, you receive a preferred rate for pool passes and all other programs, and non-residents pay a higher fee. Unfortunately, it is unclear whether this would generate more revenue, but it is an ongoing hassle for the LARA staff to deal with people who have a Lewisburg address, but live in Kelly Township or some other township that doesn't contribute to LARA. Councilmember Molesevich said conceptually it makes sense for the individual membership. Councilmember Morris explained that if these people lived in a township that belonged to LARA, they would have that benefit. She would guess it would cost them less in taxes than what they would be paying for the annual fee. Councilmember Casimir stated doing this would remove some of the pressure of the surrounding municipalities to join LARA, and he didn't support this at the LARA Board meeting. Mayor Wagner indicated East Buffalo Township and the Borough value LARA to the extent we fund LARA; it would be wonderful if others would value it as well. There was **much** discussion. It was the sense of Council that it would be better if LARA did not change things, but continue as they always have, working harder to cultivate additional relationships. Councilmember Casimir indicated he believes the employees of LARA need to fully understand this situation and explain to the people calling in or stopping in the importance of contacting their respective township. Mayor Wagner suggested the LARA employees have a script ready or a handout ready for these people. Councilmember Casimir indicated he would take this information back to LARA.

Councilmember Casimir indicated everyone should have a copy of the Intergovernmental Agreement of Cooperation between the Borough of Lewisburg and East Buffalo Township. The current language says for the at-large member: "The municipalities will choose, in turn, one (1) at large member from a three person panel comprised of residents of the choosing municipality and recommended by LARA. . .East Buffalo will choose the first at-large member ." The new language says: "The municipalities will choose, in turn, one (1) at large member from a panel recommended by Bucknell University. . .East Buffalo will choose the first at large member. The person selected shall meet the requirements set forth in the Pennsylvania Municipality Authority Act." Councilmember Casimir explained this Act says the person either has to be a resident of the municipality, have a business in the municipality, or must reside in a municipality where the Authority's activities occur. In this area that would include all local municipalities, i.e. Mifflinburg Borough, Buffalo Township, and Kelly Township.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve the Intergovernmental Agreement of Cooperation between the Borough of Lewisburg and East Buffalo Township, which reflects the new language regarding the at-large member. Motion was unanimously approved.

**POLICE CHIEF**

**COUNCIL PRESIDENT**

**SOLICITOR ADVERTISE PUBLIC HEARING ON PROPOSED AMENDMENT TO SALDO AND THEN COUNCIL ENACTMENT**

**MANAGER**

**OTHER COMMITTEES LARA**

**INTERGOVERNMENTAL AGREEMENT OF COOPERATION LANGUAGE CHANGE**

**INTERGOVERNMENTAL AGREEMENT OF COOPERATION APPROVED**

Tuesday, June 16, 2009

Councilmember Mahon reported the Downtown Partnership just appointed a part-time bookkeeper, which will be a big help to Linda Sterling. She reported that Linda Sterling met with Senator Yaw to discuss concerns about the funding for our Main Street and Elm Street Programs. There are several new businesses coming to town. Pronto, is a deli establishment, going in where Premier used to be; Kim Ritter bought the pet shop and its new name is Ritter's Critters; and Hot Diggity Dogs was bought and is under new ownership. This Friday is the Summer Solstice Party, and all stores will be open from 6 to 9 PM offering hors d'oeuvres, drinks, music, discounts, etc.

Councilmember Morris stated the Town and Gown Committee did not meet.

Councilmember Strosser reported the Lewisburg Neighborhoods Corporation didn't have a quorum last month. Manager Smith reported he, along with Dan Greene and John Fernsler, met with PEMA. They have conducted preliminary benefit cost analyses on the South Sixth Street properties and encourage the Borough to submit applications for potential funding for hazard mitigation. This potential grant funding would be for voluntary landowner cooperation.

Councilmember Casimir indicated the Shade Tree Commission has had a very active month due to the work on North Third Street. The STC is getting clearer on our relationship with the Borough, has been improving communications with the Manager and Secretary, and is better understanding our funding and our authority. There should be five new oak trees going in on North Third Street, to an area that has been without trees for a long time.

Councilmember Baker reported most of the Central Keystone-COG work is business as usual. Revenues have come alive, and things look good. He stated a meeting is going to be scheduled between our Manager and Tom Sauers to discuss inspection evaluations of accessory structures and garages that appear to be unsafe along many of our alleys, etc.

Councilmember Strosser indicated comments on the Comprehensive Plan are due next Monday. Mayor Wagner asked what the enforcement of the Comprehensive Plan would look like. Councilmember Strosser stated he doesn't know that there will be enforcement, as this simply gives municipalities' new tools to work with.

**OLD BUSINESS:** None.

**NEW BUSINESS:** Councilmember Molesevich said he would like a brief executive session on a legal matter.

**COUNCILMEMBER COMMENTS:** Councilmember Casimir indicated he was hoping to have the draft Zoning Ordinance to present to Council tonight. However, at 4 PM today he received an email from a colleague indicating they had problems with one of the last things worked on, and that they also felt a professional was needed to review this document that we spent the last three years working on. He shared that he, along with Nada Gray, Stacy Hinck, Bob Kauffman, Susan Warner-Mills, and Chad Smith, have been faithfully working on this since September of 2006. A couple other people have come and gone, but these six people have been with us continuously. We met a minimum of 710 hours and at \$25.00/hour that is \$17,750 of volunteer effort. As a result of all this work, we have an improved zoning ordinance that he is proud of. Councilmember Molesevich suggested, in the effort of saving time, that Council be permitted to look at this concurrently with the others that will be reviewing the document. Mayor Wager stressed those individuals involved in this proposed draft know just as much as any professionals. Councilmember Casimir agreed, and ultimately Council will have to approve of this document. Councilmember Strosser said the professionals that are part of this review process would be the CK-COG, our Borough Engineer, and the County Planning Department; why would we hire someone else in addition to these professionals? Councilmember Casimir said he would be happy to entertain a proposal of how to go forward with this at next month's Council meeting.

**WRITTEN REPORTS:** Councilmember Baker made a motion, seconded by Councilmember Casimir, to acknowledge receipt of the Budget Index, Police/Parking Reports, Zoning Officer Report, and Code Enforcement Officer Report. Motion was unanimously approved.

**WORK SESSION:** Council President Bergonia indicated there will be a work session on July 14<sup>th</sup>, as D. Robert Brady, II, Local Government Policy Specialist will be present with an update on Fire Companies and State sponsored programming.

Council President Bergonia called for a recess at 8:10 PM. Council returned at 8:15 PM.

Councilmember Molesevich made a motion, seconded by Councilmember Baker, to hold an executive session on a pending legal matter. Motion was unanimously approved.

LDP

TOWN AND GOWN  
COMMITTEE

LNC

SHADE TREE  
COMMISSION

CK-COG

U/C MULTI-  
MUNICIPAL  
COMPREHENSIVE  
PLAN

OLD BUSINESS

NEW BUSINESS

COUNCILMEMBER  
COMMENTS  
DRAFT ZONING  
ORDINANCE  
DISCUSSION

WRITTEN  
REPORTS

WORK SESSION

RECESS

PENDING LEGAL  
MATTER

**Tuesday, June 16, 2009**

Council entered an executive session at 8:15 PM. Council returned at 8:30 PM.

There being no further business, Councilmember Baker made a motion, seconded by Councilmember Morris, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 8:30 PM.

Respectfully submitted,

Patricia M. Garrison  
Borough Secretary

**(EXECUTIVE  
SESSION)**

**ADJOURNMENT**