

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, September 15, 2009** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Casimir, Molesevich, Morris, and Strosser; Mayor Wagner; Chief Yost; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Absent: Councilmembers Fluent and Mahon. Also present: Diane Petryk 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 Morris, to approve the minutes of the regular Council meeting held August 18, 2009. Motion was unanimously approved.

PUBLIC PARTICIPATION: None.

POLICE COMMITTEE: No action.

PLANNING COMMITTEE: Councilmember Casimir made a motion, seconded by Councilmember Strosser, to approve the HARB applications, agenda items a through d, as submitted and recommended by HARB. Motion was unanimously approved.

a) Amy McCready. 208 North Third Street. Fence. An application was submitted to and reviewed by HARB for a fence. A motion was made by Mary Mastascusa, seconded by Elaine Wintjen, to recommend approval of the placement of a wooden fence as noted under the Project Description of the HARB Application, and as shown in the photograph attached. (Note: Fence to be painted or stained within one year.) Motion was unanimously approved.

b) Christopher Exner. 225 North Front Street. Siding/Windows. An application was submitted to and reviewed by HARB for siding and windows. A motion was made by Peter Hill, seconded by Michael Lucas, to recommend approval of the installation of siding and windows as specifically described under the Project Description of the HARB Application, with the condition mullions be on the exterior of the glass. Motion was unanimously approved.

c) Vonne Campbell. 223 North Second Street. Replace Roof. An application was submitted to and reviewed by HARB for a new roof. A motion was made by Michael Lucas, seconded by Ted Strosser, to recommend approval of a new roof, as specifically described under Project Description of the HARB Application. Motion was unanimously approved.

d) Martin Newton. 133/135 North Fourth Street. Storm Doors. An application was submitted to and reviewed by HARB for new storm doors. A motion was made by Mary Mastascusa, seconded by Peter Hill, to recommend approval of new storm doors, as specifically described under Project Description of the HARB Application and as shown in the photograph attached. Motion was unanimously approved.

Rebecca Mohr. 140 South Front Street. Fence. An application was submitted to and reviewed by HARB for placement of a fence. It was determined that this application should be withdrawn, as the fence is located in the backyard and is not visible from the street.

Bison Properties. 701 Market Street. Windows. Applicant requested application be reviewed at HARB's October meeting.

Eric/Raffaelina Ferrara. 60 South Second Street. Roofing/Garage Doors. Applicant was not present, no action taken by HARB. This application will be placed on agenda for the October meeting.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve the request for a 60-day extension by Benderson Development Company, LLC for the Bechtel Restaurant/Rite Aid Project Land Development review per letter dated September 10, 2009. ON THE QUESTION: Councilmember Molesevich asked why. Councilmember Casimir explained the issue holding up their proceeding has been resolved. Solicitor Lyons reported an agreement has been signed, so now Benderson Company can proceed to comply with the conditions established for final approval. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to approve the use of the three-globe light standard symbol on t-shirts and stationary for the Cooperative Preschool located on South Third Street. ON THE QUESTION: Councilmember Molesevich questioned the location of this preschool. Councilmember Casimir advised it is the preschool located at the Lutheran Church. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve Resolution No. 09-04, eliminating member contributions to the Borough of Lewisburg's Non-Uniformed Pension Plan for January 01, 2010 through December 31, 2010, as negotiated in the 2008-2011 contract. ON THE QUESTION: Councilmember Molesevich asked for an explanation. Manager Smith explained contracts are for multiple years and within the contracts it is stated the employees will make no contribution towards their pensions. The State requires that Council annually acknowledge that by resolution. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve Resolution No. 09-05, eliminating member contributions to the Borough of Lewisburg's

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION

POLICE COMMITTEE

PLANNING COMMITTEE HARB

A MCCREADY

C EXNER

V CAMPBELL

M NEWTON

R MOHR

BISON PROPERTIES

E FERRARA

APPROVAL OF 60-DAY EXTENSION BY BENDERSON DEVELOPMENT COMPANY/ BECHTEL/RITE AID PROJECT

USE OF THREE GLOBE LIGHT STANDARD BY COOPERATIVE PRESCHOOL APPROVED

ELIMINATION OF MEMBER CONTRIBUTIONS/ NON-UNIFORMED PENSION PLAN (RESOLUTION NO. 09-04)

ELIMINATION OF MEMBER CONTRIBUTIONS/ UNIFORMED PENSION PLAN (RESOLUTION NO. 09-05)

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Uniformed (Police) Pension Plan for January 01, 2010 through December 31, 2010, as negotiated in the 2008-2010 contract. Motion was unanimously approved.

Councilmember Casmir reported we received comments from Gannett-Fleming on our proposed zoning ordinance. Half the comments were reasonable corrections of discrepancies and/or inconsistencies, while the rest was stylistic or philosophical in nature. But, it appears this was worthwhile. The Zoning Ordinance Rewrite Committee will meet the next two Wednesdays to discuss comments. Hopefully, after these meetings we will distribute the proposed zoning ordinance to Council for review. Manager Smith said yes, provided we accomplish the review during those two meetings. In October we would ask Council to direct this to the professionals for their review. Solicitor Lyons clarified the formal review is a thirty-day review by both Planning Commissions. Once they have reviewed it, there must be a public hearing.

PUBLIC WORKS COMMITTEE: Councilmember Baker made a motion to approve Confirmation of Assignment to HRG, Inc. in the amount of \$8,900 for professional surveying and preliminary design of North Eighth Street and North Seventh Street Railroad Crossing. ON THE QUESTION: Manager Smith said this is in conjunction with the LARA Rail/Trail Project. LARA's intent was to reclaim the intersection and go a foot on either side of the track to basically remove the railroad ties/cross ties and resurface. Working with the PUC, LARA, PennDOT, and the West Shore Railroad, we decided to bring our Borough Engineer in to do more design work because of our Seventh and Eighth Street concerns. The cost is higher than we normally see because the Engineer is proposing to do extremely thorough surveying and identification for future projects. Councilmember Morris questioned if the items brought before Council tonight are items that were budgeted in this year's budget, or are we adding expenses to this year's budget. Manager Smith explained we do not have these budgeted, but only the St. Paul Street Reconstruction Project will likely impact the 2009 budget, which we can accommodate; the other two projects will likely not be billed until 2010. Councilmember Strosser pointed out the parking lot renovation costs come from the Parking Fund not the General Fund. Motion was unanimously approved.

Councilmember Baker made a motion, seconded by Councilmember Strosser, to approve Confirmation of Assignment to HRG, Inc. in the amount of \$3,985 for preliminary design and budget estimate of parking lot renovation at MPL #5 (located off of North Fifth Street and Cherry Alley). ON THE QUESTION: Councilmember Baker said we want to determine the cost to establish a paved parking lot at this location. Manager Smith said we have two unpaved lots, MPL #5, and MPL #4, which is located behind the Town Tavern. Zartman Construction has been using the area for parking, in an effort to keep parking open for other residents and businesses. There has been a tie in with the Master Planning Committee of Elm Street, as well as the Rail/Trail Project, and we are looking to improve what is already there. If nothing else, this is an inexpensive plan for the future. Councilmember Strosser commented this definitely ties in to the timing of the bookstore. Should this bookstore bring a lot to downtown, we will be ahead of the game by knowing what we have to do to accommodate parking. Manager Smith commented he already had communication with Jim Hostettler of Bucknell University and Mr. Hostettler has agreed to sit at the table during our future discussions pertaining to cost. Motion was unanimously approved.

Councilmember Baker made a motion, seconded by Councilmember Strosser, to approve Confirmation of Assignment to HRG, Inc. in the amount of \$26,350 for design and bid preparation of St. Paul Street Reconstruction Project from North Twelfth Street to North Fifteenth Street. ON THE QUESTION: Manager Smith said this is the full engineering, design, etc. The market is very good for costs of materials now, so we would like to be ready to go once construction season starts. Motion was unanimously approved.

FINANCE COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Baker, to approve payment of the bills from 08/15/09 through 09/11/09 in amount of \$179,859.93. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Casmir, to approve Resolution No. 09-06, appointing Peter J. Bergonia, Jr. the voting delegate, and Susan P. Mahon, the alternate voting delegate to the Tax Collection Committee, which is a mandatory requirement of Act 32.

Councilmember Morris made a motion, seconded by Councilmember Baker, to approve Resolution No. 09-07, establishing Subdivision and Land Development Application and Review Fees. ON THE QUESTION: Councilmember Morris asked the Manager to explain. Manager Smith reported all fees are established by resolution. We have had the same application fee of \$75 for seven or more years; it is the lowest in the entire region and/or county. Our Engineer is recommending we increase those fees to \$150 for subdivisions and \$300 for preliminary and final land development. Solicitor Lyons explained this is extremely important, as it will allow for specialized consultant reviews, i.e. traffic impact studies, final inspection of improvements, etc. which normally is an

UPDATE ON
PROPOSED
ZONING
ORDINANCE

**PUBLIC WORKS
COMMITTEE**
HRG/
PROFESSIONAL
SURVEYING/
PRELIMINARY
DESIGN OF NORTH
EIGHTH AND
SEVENTH
STREETS

HRG/
PRELIMINARY
DESIGN/BUDGET
ESTIMATE OF
PARKING LOT
RENOVATION AT
MPL #5

HRG/DESIGN AND
BID PREPARATION
OF ST PAUL
STREET FROM N
TWELFTH TO N
FIFTEENTH STS

**FINANCE
COMMITTEE**
PAYMENT OF
BILLS

P BERGONIA/S
MAHON-VOTING
DELEGATES/TAX
COLLECTION
COMMITTEE
(RESOLUTION NO.
09-06)

SUBDIVISION/
LAND
DEVELOPMENT
APPLICATION AND
REVIEW FEES
(RESOLUTION NO.
09-07)

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expense to the Borough, to be able to be charged to the applicant. Councilmember Molesevich commented wouldn't this would be more appropriately discussed and attached with the zoning review. Solicitor Lyons clarified this has nothing to do with the zoning ordinance. Although there may be issues that may be related, this is a stand-alone ordinance. Motion was unanimously approved.

MAYOR: Mayor Wagner reminded everyone the hours for trick or treating in the Borough will be 6 PM to 9 PM Saturday, October 31st.

POLICE CHIEF: No report.

COUNCIL PRESIDENT: No report.

SOLICITOR: No report.

MANAGER: Councilmember Morris made a motion, seconded by Councilmember Casimir, to approve the Minimum Municipal Obligation (MMO) of \$86,203 for Non-Uniformed Employee Pension Plan, and \$106,148 for Uniformed Employee Pension Plan, for the year 2010 as detailed in letter submitted to the Council President dated August 27, 2009. ON THE QUESTION: Manager Smith said the Non-Uniformed amount is approximately \$10,000 less than last year, and the Uniformed amount is approximately \$6,000 less than last year. The State allowed two options for calculating MMO Obligations for the upcoming year, one you take the hit from the market and account for it immediately, the other you delay the calculation to your actuarial, therein missing the State imposed deadline with no penalty and you are able to use prior years' actuarial for assessment. We opted in February to do the second, and it has proven beneficial. The market has rebounded, and although amounts are still lower than they were, they are catching up quickly. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to waive enforcement of the side yard setback requirement for the construction of the barn on property at 211 South Second Street consistent with Council's prior action in June 2008 and the historic preservations recommendations set forth in Section 104C of the zoning ordinance, so that upon its reconstruction at 211 South Second Street the barn will thereafter be considered a non-conforming structure, conditional upon the adjoining property owners concurring with this decision. ON THE QUESTION: Councilmember Baker stated we have had two of these type situations. He asks that our procedure be changed so Council has all information prior to action, specifically the measurements, so we don't find ourselves in this situation again. Councilmember Molesevich asked if we have letters on file from the adjoining property owners indicating they concur with this decision. Manager Smith said no, but it could be a condition of the motion. Councilmember Casimir stated he would accept that as part of his motion. Motion was unanimously approved.

OTHER COMMITTEES: Councilmember Casimir stated this year the Halloween Parade would be bigger due to more participation this year. He apologized for not having the actual date. Within the next few weeks we will be kicking off the private fundraising campaign for the Rail/Trail Project. After an extensive search, we have a new gymnastics coach that will also manage the gymnastics center, John Roe. Chief Yost reported the 5K Race under the lights is scheduled for October 2nd.

Council President Bergonia stated there is no report for the Downtown Partnership.

Mayor Wagner stated the Town and Gown Committee had their reorganizational meeting last week, which opened the lines of communication. Councilmember Morris stated Chief Yost and the Chief of Security for Bucknell University both commented this was one of the worst openings in a long time. Chief Yost stressed they have been very busy, and are still trying to figure out why. Mayor Wagner stressed similar activities are being seen both on campus and off. Conversely to that, the Ice Cream Social hosted by the LNC was very good. Councilmember Morris indicated about 90 students showed up and they were very friendly. Mayor Wagner complimented the Police Officers for their patience and the good job they do. Manager Smith commented he sees the balance the Chief attempts to bring to the Borough, as he can see both sides. The Chief has brought many grants to the Borough, meaning an increase in officers. That is good as it curtails the negative activity, but at the same time, there are now additional eyes out there, which means more can be seen.

Manager Smith reported that Dan Greene has been doing a wonderful job with the LNC. He's been meeting with PEMA regarding the potential for cleaning up Sixth Street, and things look positive. Meetings were held last Thursday with the owners along Sixth Street, and all seem comfortable with the appraisals. If we continue to move forward, we are looking at a \$2.5 million project.

MAYOR

POLICE CHIEF

COUNCIL PRESIDENT

SOLICITOR

MANAGER
2010 MMO FOR
NON-UNIFORMED
AND UNIFORMED
EMPLOYEE
PENSION PLAN
APPROVED

ENFORCEMENT
OF SIDE YARD
SETBACKS AT 211
SOUTH SECOND
STREET WAIVED
CONDITIONALLY/K
ALIN BARN
RECONSTRUC-
TION

OTHER COMMITTEES
LARA

DOWNTOWN
PARTNERSHIP

TOWN AND GOWN
COMMITTEE

LNC

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Councilmember Casimir reported the Shade Tree Commission continues to work on improving processes. We are looking to follow the example of the Borough with the street lighting, i.e. when there is a big street project, we plan to plant missing shade trees. We will take advantage of the time the streets and sidewalks are already disrupted. Manager Smith said communications continue to improve. Seventh Street is scheduled to get three new trees under warranty, two trees at the Borough's expense, due to vandalism, and one tree is being watched to see if it bounces back next year. Councilmember Casimir announced the Witness Tree, an ancient oak, is due to be pruned to preserve its health.

Councilmember Baker commented the Central Keystone-COG meeting was a meeting to update the Commissioners from Snyder, Union and Northumberland Counties. It appears as though business is definitely improving.

Councilmember Casimir indicated there was a report in the newspaper about the healthcare rally held in Hufnagle Park. It read that LARA was present; he believes there were over enthusiastic Rail/Trail Project volunteers present, and since this event could be seen as a partisan political event, the LARA Board wants it known that LARA never considered participating, and whoever was there was not representing LARA.

Councilmember Strosser reported he had nothing to report with regard to the Union County Multi-Municipal Comprehensive Plan Committee.

OLD BUSINESS: None.

NEW BUSINESS: Councilmember Casimir asked the Manager if he was going to address the tiered fee system suggested for zoning violations. Councilmember Mahon suggested charging repeat offenders. The Zoning Officer's time has to be paid for and currently it is the Borough that pays. However, when the Zoning Officer has to go out for the second, third or fourth time, the violator would be billed for the Zoning Officer's time. Manager Smith explained this would be a potential process, provided the Borough enacts a separate ordinance. Solicitor Lyons asked if we are talking about a graduated increase in fees. Councilmember Casimir said no; the Borough would pay for the first visit made by the Zoning Officer, however, the Borough would NOT pay the second or third or fourth time. Solicitor Lyons commented this could be incorporated into a fee schedule, similar to what we just did with respect to the outside consultant expenses. We simply state a second offense will cost a fee to the violator. Manager Smith gave an example of what we are referring to, i.e. contractor signs, yard sale signs, etc. Property owners put signs in their yards, they are told by the Zoning Officer to remove the sign, and they do, but then two or three weeks later the sign is back. There was **much** discussion.

COUNCILMEMBER COMMENTS: Councilmember Molesevich announced the Enlightener is going out with the next refuse billing so he would like ideas or suggestions. Manager Smith commended Debbie Depew for taking the many ideas last time around and formatting the newsletter. Councilmember Molesevich commented this newsletter is a work in progress. Councilmember Baker stressed we need an educational section, i.e. don't open your door into moving traffic, etc.

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

WORK SESSION: Council President Bergonia announced there would be a work session on October 13th, as we will begin our budget discussions.

There being no further business, Councilmember Baker made a motion, seconded by Councilmember Casimir, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 7:55 PM.

Respectfully submitted,

Patricia M. Garrison, Borough Secretary

SHADE TREE COMMISSION

CENTRAL KEYSTONE COG

LARA

U/C MUNICIPAL COMPREHENSIVE PLAN

OLD BUSINESS

NEW BUSINESS FEES FOR ZONING ORDINANCE VIOLATIONS DISCUSSED

COUNCILMEMBER COMMENTS

WRITTEN REPORTS

WORK SESSION

ADJOURNMENT