

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, November 17, 2009** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Casimir, Mahon, Molesevich, Morris, and Strosser; Mayor Wagner; Chief Yost; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Absent: Councilmember Fluent. Also present: Steve Leauber, Amanda Alexander, Matt Cunningham, Melissa Burke, Tanner Clarke, Jennifer Rizzi, Tim Hoffman, Mary Jane Stoneburg, Ed Cox, Brittany Krygowski, Lynn Pierson, Abigail Atkinson, Eliza Massie, Steve Beattie, and Graham Showalter.

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 October 20, 2009. Motion was unanimously approved.

PUBLIC PARTICIPATION: Steve Leauber, Vice President and Captain of the William Cameron Engine Company (WCEC), updated Council on the fire company's activities, vehicles, training, and distributed and reviewed call information. Variances were obtained for the new station, and the design plan work continues. WCEC did not receive the Federal Grant applied for to aid with funding of the new station during Round One of the funding. There is a Round Two, so they remain hopeful. Applications were made for a Federal Grant for communications equipment, which would mean portable radios for all firefighters. Applications were also made for two State Grants, one for training materials for the ambulance, and one for the Fire Department to do some debt reduction. WCEC will be covering a larger area in West Chillisquaque Township, so there is a revised agreement that needs Council action this evening. Solicitor Lyons clarified Lewisburg Borough is part of this agreement because of the workers compensation issues, and that is the extent of the Borough's involvement. WCEC's open house was held a couple weeks ago, and was successful. He thanked Council for their continued support.

POLICE COMMITTEE: Councilmember Mahon reported there were no action items. The Regional Police Study Committee is holding a public meeting Tuesday the 24th at 7 PM in the Middle School to share and/or hear comments regarding a Regional Police Force.

PUBLIC WORKS COMMITTEE: Councilmember Baker made a motion, seconded by Councilmember Molesevich, to approve Resolution No. 09-10 to make application for a New Communities Funding Grant in the amount of \$250,000.00 for the reconstruction of South Fifth Street and residential façade improvements. Motion was unanimously approved.

FINANCE COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Baker, to approve payment of the bills from 10/17/09 through 11/13/09 in amount of \$143,001.24. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Baker, to approve J.H. Williams & Company, LLP, Certified Pubic Accountants, to conduct the annual audit for Fiscal Year 2009 in the amount of \$9,700.00, as well as prepare all quarterly taxing forms for the Fiscal Year 2010 in the amount of \$1,975.00. ON THE QUESTION: Councilmember Baker asked if this cost is more than last year. Manager Smith said approximately \$200 more. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Baker, to approve the proposed 2010 budget with millage rates as follows: General Fund 6.08; Street Light Fund 0.3; Fire Protection Fund 0.5; Shade Tree Fund 0.08; Recreation Fund 0.19, and direct the Solicitor to advertise proposed 2010 budget for final consideration and adoption of Council on Tuesday, December 15, 2009. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to direct the Solicitor to prepare and advertise the necessary tax ordinance (General Fund 6.08; Street Light Fund 0.3; Fire Protection Fund 0.5; Shade Tree Fund 0.08; Recreation Fund 0.19). Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Baker, to direct Solicitor to prepare tax resolution regarding the realty transfer tax, the earned income tax, the local services tax, the business privilege tax, and the per capita tax for 2010. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Baker, to approve the per capita tax exonerations for 2009 in the amount of \$190.00 as submitted by the Tax Collector. Motion was unanimously approved.

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION
STEVE LEAUBER

POLICE COMMITTEE

PUBLIC WORKS COMMITTEE
NEW COMMUNITIES GRANT (RESOLUTION NO. 09-10)

FINANCE COMMITTEE
PAYMENT OF BILLS

J.H. WILLIAMS APPROVED TO PERFORM 2009 ANNUAL AUDIT AND 2010 QUARTERLY TAXING FORMS

2010 PROPOSED BUDGET (7.15 TOTAL MILLAGE) APPROVED/ SOLICITOR TO ADVERTISE FOR CONSIDERATION/ ADOPTION IN DECEMBER

SOLICITOR TO PREAPRE/ADVERTISE NECESSARY TAX ORDINANCE

SOLICITOR TO PREPARE TAX RESOLUTION

2009 TAX EXONERATIONS APPROVED

Tuesday, November 17, 2009

Councilmember Morris explained the Lewisburg Arts Council sent a letter requesting the Borough fund half of the cost of Music in the Park, which amounts to \$5,000, and the Borough would be listed as a co-sponsor. The Finance Committee's recommendation is to continue with the \$2,000 contribution.

Councilmember Morris explained the Finance Committee has recommended the Borough waive the banner fee for this year's Lewisburg Downtown Partnership (LDP) Holiday Token Program. Councilmember Mahon commented the LDP did not ask the Borough's permission to bag meters this year, but decided to offer free parking by the use of tokens, which will have to be picked up from the stores downtown. It was felt that people abused parking when the meters were bagged, and hopefully, the use of tokens will mean there will always be a parking space for people to be able to park and shop. Manager Smith said since the LDP is working with the Borough toward the cost of the tokens this year, waiving the fee is appropriate; however, next year the normal banner fee would be charged. Councilmember Mahon stated in previous years, there were no parking meter monies coming into the Borough in December. This year, there will be free parking as a result of token use, money coming into the Borough for those that do not use tokens, and there will be ticketing. There was **much** discussion.

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

a) **Bison Properties. 701 Market Street. Windows.** Applicant requested postponement; no action taken by HARB. This application will be placed on agenda for the December meeting.

b) **Martin Newton. 133/135 North Fourth Street. Windows/Doors.** An application was submitted to and reviewed by HARB for windows and doors. A motion was made by Steve Snook, seconded by Mary Mastascusa, to recommend approval of new windows and doors as noted under the Project Materials of the HARB Application, specifically one over one windows appropriate to house for all windows. Motion was unanimously approved.

c) **Kenneth Tucker Smith. 222/224 North Second Street. Siding/Windows.** An application was submitted to and reviewed by HARB for siding and windows. A motion was made by Steve Snook, seconded by Mary Mastascusa, to recommend approval of the installation of new siding and windows, specifically Pella or Simonton windows, vinyl siding must be smooth or brushed finish, exposure of 4 or triple 3 acceptable (narrower profile), and caps and soffits acceptable as submitted. Motion was unanimously approved.

d) **First Presbyterian Church. 18 Market Street. Signage.** An application was submitted to and reviewed by HARB for signage. A motion was made by Michael Lucas, seconded by Steve Snook, to recommend approval of the installation of a new sign, as noted under Project Description of the HARB Application, conditional that new sign not have a back light within the light/sign. (Clarification: new sign lighting can be like the present sign lighting, on letters below.) Motion was unanimously approved.

Courtesy Review:

HARB reviewed the North Ward School Porch Addition plans as submitted by the Union/Snyder Area Agency on Aging. No action was taken.

Councilmember Casimir indicated he would like an executive session at the end of this meeting to discuss the 2010 at-will employee contracts.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to award a one year towing contract to Catherman's for the 2010 towing season to include all non-police incident calls, vehicular accidents and other police related calls will remain at the discretion of the motorist or the assisting officer. **ON THE QUESTION:** Councilmember Casimir commented this motion was painful, but a procedure was set-up as a test for 2009, and the results were clear. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve Resolution No. 09-11 for placement of the 2010 banners across State highway (Market Street) and the submittal of same to PennDOT. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to accept proposed changes to the Emergency Services Agreement between West Chillisquaque Township and the WCEC. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to reappoint Trey Casimir to the Lewisburg Area Recreation Authority (LARA) to serve a five year term 01/01/10 through 12/31/14. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to reappoint Judith T. Wagner to the Lewisburg CATV Advisory Committee to serve a five year term 01/01/10 through 12/31/14. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Molesevich, to reappoint Russell E. Richard, Jr. to the Lewisburg Area Joint Sewer Authority (LAJSA) to serve a five year term 01/01/10 through 12/31/14. Motion was unanimously approved.

LEWISBURG
ARTS
COUNCIL/MUSIC
IN THE PARK

BANNER FEE
WAIVED FOR
LEWISBURG
DOWNTOWN
PARTNERSHIP
TOKEN PROGRAM

PLANNING
COMMITTEE
HARB

BISON
PROPERTIES

M NEWTON

K SMITH

FIRST
PRESBYTERIAN
CHURCH

REQUEST FOR
EXECUTIVE
SESSION FOR
2010 AT-WILL
EMPLOYEE
CONTRACTS

2010 TOWING
CONTRACT
AWARDED TO
CATHERMAN'S
TOWING

2010 BANNER
PLACEMENT
(RESOLUTION NO.
09-11)

EMERGENCY
SERVICES
AGREEMENT/ W.
CHILLISQUAQUE
TOWNSHIP AND
WCEC APPROVED

T CASIMIR
REAPPOINTED
(LARA)

J WAGNER
REAPPOINTED
(CATV ADVISORY
COMMITTEE)

R RICHARD, JR.
REAPPOINTED
(LAJSA)

Tuesday, November 17, 2009

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to reappoint Ted Strosser to the Historic Architectural Review Board (HARB) to serve a three year term 01/01/10 through 12/31/12. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to reappoint Elaine Wintjen to the Historic Architectural Review Board (HARB) to serve a three year term 01/01/10 through 12/31/12. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to reappoint Trey Casimir to the Shade Tree Commission to serve a five year term 01/01/10 through 12/31/14. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to reappoint Ray Campbell to the Zoning Hearing Board to serve a three year term 01/01/10 through 12/31/12. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to reappoint Christopher Mussoline to the Lewisburg Planning Commission to serve a four year term 01/01/10 through 12/31/13. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve a waiver from the Borough's Subdivision and Land Development Ordinance, Section 419.1, Stormwater Management Facilities, for the proposed Rite Aid development by the Benderson Development Company, LLC. ON THE QUESTION: Councilmember Molesevich asked for background on this. Councilmember Casimir indicated this is the ongoing project at the former Bechtal's property. They previously had approximately 1% impervious surface and significant drainage problems. They increased the impervious surface with some rain gardens and greenery to approximately 10%, which is less than the 25% requirement on highway commercial, but they are also going to be improving the stormwater system that carries water down to Bull Run. They are installing a snout, which separates oil from fluids that drip out of vehicles in an effort to keep the stormwater clean, which is a precedent they are setting. This was already approved by the Zoning Hearing Board. Councilmember Molesevich commented this is an existing developed lot, wouldn't this be a moot point. Solicitor Lyons said no; they are redeveloping this lot, it has new property lines, so it is a new development. They are required to comply with the ordinance, as opposed to just a use coming in and continuing with the non-conforming use. Mr. Beattie commented it's as if it a Greenfield site again. Manager Smith indicated a representative of Benderson Development, along with Graham Showalter, planned to be here around 8 PM this evening. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Strosser, to conditionally approve the Final Land Development Plan, revised date November 3, 2009, of Benderson Development Company, LLC for a proposed Rite Aid, and enter into required agreements with the applicant, with the following conditions: 1) applicant will submit a minimum of eight (8) copies of fully executed final plans, properly dated signed, notarized and professional sealed; 2) applicant will provide fully executed Standard Stormwater Facilities Maintenance and Monitoring Agreement; 3) applicant will provide fully executed improvement guarantee agreement with appropriate security in the amount of \$470,032.75; and 4) applicant will submit proof of recording of fully executed Grant of Access Easement between Benderson Development Company, LLC and 535, Inc. ON THE QUESTION: Councilmember Molesevich said the previous motion indicates we are exempting them from the stormwater issue, and now we are asking them to provide a stormwater monitoring agreement. Solicitor Lyons indicated they are two different things. Mr. Beattie explained the Borough is giving them a waiver for a portion of the stormwater management facility, i.e. waiving the stormwater quantity requirements. This project still has requirements regarding conveyance and stormwater quality. The maintenance agreement requires Benderson Development to maintain those facilities, forever, as they are building piping, inlets, etc. Councilmember Molesevich asked who follows up on the monitoring agreement. Mr. Beattie indicated the agreement speaks of the Borough in general, and also allows the Borough to designate the engineer to do this. Monitoring is done once a year and a report would be sent to the Borough which is then sent to the property owner, so should there be any outstanding issues, they could be addressed. The agreement also indicates his bill can be forwarded to the property owner. Solicitor Lyons indicated it doesn't preclude other agencies of the Borough having concurrent enforcement powers, but typically it is the Borough's engineer that would be the one responsible and qualified for this. Mr. Beattie reported the Borough passed the stormwater management ordinance two years ago, and this is the first land development to go completely through the process. Motion was unanimously approved.

MAYOR: Mayor Wagner asked Matt Cunningham, our BSG representative, to give his report. Matt Cunningham updated Council on the various upcoming Bucknell events. The BSG executive board elections will occur soon, so there will be new officers as these are calendar year positions. The Board of Trustees on-campus meeting was this past weekend. President Mitchell shares the official summary of that meeting, but it hasn't

T STOSSER
REAPPOINTED
(HARB)

E WINTJEN
REAPPOINTED
(HARB)

T CASIMIR
REAPPOINTED
(SHADE TREE
COMMISSION)

R CAMPBELL
REAPPOINTED
(ZHB)

C MUSSOLINE
REAPPOINTED
(PLANNING
COMMISSION)

WAIVER FROM
SALDO/STORM
WATER
MANAGEMENT
FOR PORPOSED
RITE AID
APPROVED

FINAL LAND
DEVELOPMENT
PLAN FOR
PROPOSED RITE
AID
CONDITIONALLY
APPROVED AND
REQUIRED
AGREEMENT TO
BE EXECUTED

MAYOR

Tuesday, November 17, 2009

been released yet. The Bucknell Bookstore should be completed on schedule and opened officially in August of 2010. Mayor Wagner thanked Matt for his coordination of the BSG participation in the Victorian Parade, which is December 5th. The tree lighting ceremony is December 4th. There have been five trees planted in the Cherry Alley pocket park located across from the Cherry Alley Café. This is a phased project, and everything is being donated. Manager Smith commented the Trustees were all placed in Bed and Breakfast establishments downtown, and their meetings were held downtown, so it is obvious Bucknell University was really attempting to get the Trustees to interact with the downtown. Mayor Wagner said she, along with the Chief, attends the Student Downtown Living Advisory Board and they meet next week. She thanked the Bucknell students for coming out tonight.

POLICE CHIEF: Chief Yost reported the seatbelt wave is scheduled for the Holiday season, so you will see additional patrols out. Manager Smith indicated towing is scheduled to end this week relative to leaf collection. Borough crews will still be collecting leaves. Towing will be in full force for snow removal season.

COUNCIL PRESIDENT: No report.

SOLICITOR: Councilmember Morris made a motion, seconded by Councilmember Baker, to direct the Solicitor to advertise the 2010 reorganization meeting of Council for Monday, January 4, 2010 at 7 PM, as well as the following meeting dates and times: Work Session of Council: 2nd Tuesday of each month – 7:00 PM; Council Meeting: 3rd Tuesday of each month – 7:00 PM; Traffic Advisory Committee: 4th Tuesday of each month – 4:00 PM; Lewisburg Planning Commission: 1st Wednesday of each month – 7:15 PM; Shade Tree Commission: 2nd Thursday of each month – 7:00 PM; HARB: 2nd Tuesday of each month – 4:30 PM; Zoning Hearing Board: 3rd Monday of each month – 7:00 PM; Finance Committee: 1st Monday of each month – 3:00 PM (except July 5th, meeting will be held the following week on July 12th; except September 6th, meeting will be held the following week on September 13th); Police Committee: 1st Tuesday of each month – 4:30 PM; Public Works Committee: 1st Monday of each month – 4:30 PM (except July 5th, meeting will be held the following week on July 12th; except September 6th, meeting will be held the following week on September 13th); Planning Committee: 2nd Thursday of each month – 12 noon. Motion was unanimously approved.

MANAGER: Councilmember Casimir made a motion, seconded by Councilmember Baker, to accept Dr. Mauricio Figueroa's resignation from LARA per his letter dated November 10th. Motion was unanimously approved.

Manager Smith thanked the Borough crew, along with D&E Communications, CATV, Bucknell University, and Citizens Electric for all their work over the past two days getting our Holiday lights up.

OTHER COMMITTEES: Councilmember Casimir indicated the Buffalo Valley Rail/Trail Capital Campaign is underway; between \$10,000.00 and \$20,000.00 has been received to date. LARA members are presently conducting their annual drive by phone, and he thanks the Bowen Agency for donating space for this to occur. These are two separate campaigns. He recognized four young men from the Bucknell Track and Cross Country teams lead by Dan Dillon.

Councilmember Mahon reported, for the Lewisburg Downtown Partnership, that late shoppers' night is December 4th, with shops open until midnight. She distributed coupons for use on Black Friday. Last minute shoppers' night is December 18th. The LDP now has a face book page. She reported gift certificates are now available online, and donations are able to be received online too. She thanked the Manager for his work with the Holiday Parking Committee on the issue of meters and tokens. Manager Smith said the tokens are offered for sale at the office, and he hopes this becomes a revolving effort among businesses all year long.

Councilmember Morris reported the next Town and Gown Committee meeting was held, and again, there were good communications.

Councilmember Strosser reported the Lewisburg Neighborhood Corporation (LNC) committee meetings were held, and the application for the New Communities/Elm Street Grant is being submitted.

Councilmember Casimir reported the Shade Tree Commission continues to work on the planting of oak trees on North Third Street. He thanked the Borough for doubling the Shade Tree Commission's budget.

Councilmember Baker commented the Central Keystone-COG's business meeting was held, but there were no items that affected this Borough. Discussions were on: personnel issues, new hires, salaries, sewage administration, finance matters, and miscellaneous other business. Councilmember Molesevich suggested when a property

POLICE CHIEF

COUNCIL PRESIDENT

**SOLICITOR ADVERTISE-
MENT OF MEETINGS FOR
2010**

**MANAGER
DR. FIGUEROA
RESIGNATION
FROM LARA**

**HOLIDAY
DECORATIONS**

**OTHER
COMMITTEES
LARA**

LDP

**TOWN AND
GOWN
COMMITTEE**

LNC

**SHADE TREE
COMMISSION**

CK-COG

Tuesday, November 17, 2009

Owner's name is listed three or four times on the code complaint report, they should be invited to the Public Works Committee.

Councilmember Strosser indicated he had nothing to report from the Union County Multi-Municipal Comprehensive Plan Committee.

Graham Showalter indicated he was present this evening to help the Benderson Development Company with the proposed Rite Aid, however, he understands this has been taken care of. He thanked Council. He commented the Lewisburg High School has sports teams in the District and State Finals; he suggests the Borough send a letter to these students so they know how proud their community is of them.

OLD BUSINESS: Councilmember Morris indicated the Bull Run Neighborhood group is planning another ice cream social on December 1st from 5:30 to 6:30 PM in the Walls Lounge, second floor, in the Langone Center.

NEW BUSINESS: None.

COUNCILMEMBER COMMENTS: Councilmember Morris stressed how very nice the Dunkin Donuts looks, i.e. the landscaping, wall, etc. Councilmember Casimir reported the lunch sponsored by the Pennsylvania American Water Company on Monday was very informative. They are looking for more regulations to protect their water resources. Mayor Wagner acknowledged the Arts Council for the wonderful Stroll through the Arts held two Fridays ago.

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

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

Councilmember Morris made a motion, seconded by Councilmember Baker, to hold an executive session to discuss the 2010 at-will employee contracts. Motion was unanimously approved.

Council entered an executive session at 8:20 PM. Council returned at 8:25 PM.

WORK SESSION: Council President Bergonia announced there will not be a work session in December.

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 8:25 PM.

Respectfully submitted,

Patricia M. Garrison, Borough Secretary

U/C MULTI-MUNICIPAL COMPREHENSIVE PLAN COMMITTEE

GRAHAM SHOWALTER

OLD BUSINESS

NEW BUSINESS

COUNCILMEMBER COMMENTS

WRITTEN REPORTS

(RECESS)

2010 AT WILL EMPLOYEE CONTRACTS

(EXECUTIVE SESSION)

WORK SESSION

ADJOURNMENT