

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, December 15, 2009** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Casimir, Fluent, Mahon, Molesevich, Morris, and Strosser; Mayor Wagner; Chief Yost; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Absent: None. Also present: Ed Cox, Tedd Biernstein, Marty Wilson, and Kevin Drewencki.

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 November 17, 2009. Motion was unanimously approved.

PUBLIC PARTICIPATION: Mr. Marty Wilson, attorney, introduced Tedd Biernstein, explaining that Mr. Biernstein is President of TAB, Inc., the licensee of a Liquor Control Board (LCB) license currently located on Route 15 at Buffalo Bills. TAB, Inc. is party to a contract for the purchase of the Hallmark Store on Market Street. At one time that was a restaurant, and Mr. Biernstein would like to renovate the first floor to make it into a pub type atmosphere. Under the circumstances, the LCB license needs to be transferred from East Buffalo Township to Lewisburg Borough. In order for Mr. Biernstein to even make the application, he must first have the Borough's approval to receive this transfer for the LCB license for this restaurant/pub on Market Street. If the LCB approves the transfer, the property could be licensed. It is understood that Mr. Biernstein will have to be in compliance with ALL Borough ordinances relative to this business use. Discussions with Bill Baker have occurred and it doesn't appear as though there will be problems. Mr. Biernstein handed out a drawing of his proposed renovations to the existing Market Street property, as well as a photo of what the finished interior would look like. He explained his intentions are to use locally grown produce, local beef, promote Pennsylvania micro-beers, all of which should increase foot traffic downtown by simply providing another type of business. Seating should accommodate approximately 40 people, and he plans on hiring between 10 and 20 people. If everything goes smoothly, purchase of the property could occur in April, with three months worth of renovation work. The opening would occur sometime in July or August. The second floor will be an apartment for family members. The third floor currently has an efficiency apartment, and two (2) one bedroom apartments that are rented out and that will continue. There will not be bands, as his intent is to have a piano and/or acoustics. There was **much** discussion. Solicitor Lyons read a Municipal Consent form for the transfer of PLCB liquor license No. R-19801 to Lewisburg Borough (provided by Marty Wilson) as follows: "Now, this 15th day of December, 2009, upon consideration of the request of TAB, Inc. for municipal approval for the transfer of PLCB Liquor License No. R-19801 to the Lewisburg Borough from East Buffalo Township and upon review of the presentation of TAB, Inc. before Borough Council December 15, 2009, the Borough of Lewisburg grants or approves the transfer of Liquor License No. R-19801 with TAB, Inc. as the licensee provided as follows: 1) The licensee establishes its proposed business at Parcel 158 on Sheet 13 of the Union County Tax Atlas in compliance with all municipal ordinances, zoning regulations, and other requirements of law."

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to approve the Municipal Consent form, as read by Solicitor Lyons. Motion was unanimously approved.

Councilmember Casimir introduced Kevin Drewencki, Executive Director of LARA. Mr. Drewencki thanked the Manager for the help he has provided with the maintenance crews at the parks, and thanked the Chief for working with him on various issues. He is glad to be in Lewisburg, coming here after being with PPL for 30 years as a Superintendent of Environmental Preserves.

POLICE COMMITTEE: No meeting in December.

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 January meeting.

b. Dean Girton. 210 South Third Street. Windows. An application was submitted to and reviewed by HARB for windows. A motion was made by Phoebe Faden, seconded by Steve Snook, to recommend approval of new windows, provided the windows match those on the south side in material (wood), original size opening, and that the grill for divided light is on the outside. Motion was unanimously approved.

c. Robert A. Lack. 232 Market Street. Signage. An application was submitted to and reviewed by HARB for signage. A motion was made by Peter Hill, seconded by Mary Mastascusa, to recommend approval of the installation of a new sign, provided it is not lighted and is within the zoning size specifications. Motion was unanimously approved.

d. Area Agency on Aging. 116 North Second Street. New Porch. An application was submitted to and reviewed by HARB for a new porch. A motion was made by Steve Snook, seconded by Mary Mastascusa, to recommend approval of the installation of a new porch, as noted on the drawings attached to the HARB Application. Motion was approved with one abstention, Ted Strosser.

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

**PUBLIC PARTICIPATION
MARTY WILSON**

TEDD BIERNSTEIN

REQUEST FOR TRANSFER OF PLCB LICENSE FROM EAST BUFFALO TOWNSHIP TO LEWISBURG BOROUGH

(APPROVED)

KEVIN DREWENCKI

POLICE COMMITTEE

**PLANNING COMMITTEE
HARB**

BISON PROPERTIES

D. GIRTON

R. LACK

AREA AGENCY ON AGING

Tuesday, December 15, 2009

Councilmember Molesevich questioned windows at 720 Market Street that were downsized. Councilmember Strosser indicated HARB's recommendation was not as clear as it should have been, and as a result there was nothing in the motion that would allow HARB to go back to the owner.

Councilmember Casimir indicated he never had the opportunity to do this before, but it is his pleasure to present Certificates of Appreciation to Council President Peter J. Bergonia, Jr., and Councilmember Nora Fluent, for their invaluable service to the residents of the Borough of Lewisburg.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to reappoint Phoebe Faden 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 indicated feedback is needed on the Susquehanna Greenway Orientation Panel from all Councilmembers. The Planning Committee noted a couple of things, i.e. there are not nine photographs as previously indicated, but six, and the photographs chosen are not ones we would have chosen. There was **much** discussion. Manager Smith said this panel would be the finished product if Council were satisfied with it; however, it appears based on the comments this evening, it is a draft. It is important the Planning Committee receive all comments to review, and ultimately share with the Susquehanna Greenway group.

Councilmember Casimir commented the William Cameron Engine Company is seeking two representatives to serve on a newly formed William Cameron Community Support Team. The Planning Committee discussed recommending someone from the Police Committee serve, in an attempt to create a formal relationship with Council. There was **much** discussion. Councilmember Baker explained the State is promoting more involvement between the fire companies and the municipalities through Act 8, and he would be interested in serving on that team. Councilmember Molesevich indicated he spoke with Phil Reedy, a Ward IV resident, who indicated his interest.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to appoint John Baker, as the Borough Council representative, and Phil Reedy, as a member at-large, to serve on the newly formed William Cameron Community Support Team. Motion was unanimously approved.

PUBLIC WORKS COMMITTEE: No meeting in December.

FINANCE COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Baker, to approve payment of the bills from 11/14/09 through 12/11/09 in amount of \$173,219.55. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to adopt the 2010 final budget as presented to Council dated November 17, 2009, and authorize the Solicitor to advertise same. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve the expenditure of \$17,636.00 to LARA from line item number 01.472.13. **ON THE QUESTION:** Councilmember Molesevich asked for some background on this. Councilmember Casimir explained this is LARA's yearend shortfall. It's larger this year because LARA fronted money to the Rail/Trail Project and hasn't been reimbursed. LARA continues to grow, but continue to operate at a slight deficit. We will likely be back next year asking for a smaller end of year grant, and earlier in the year next year we will be coming to Council to see about changing the millage formula, or perhaps, the Borough taking on one of the long term liabilities of LARA. This amount represents what has been paid so far on the principal of the PennVest Loan, which the Borough and East Buffalo Township cosigned for. East Buffalo Township made the same contribution, and Bucknell University provided \$15,000.00 to LARA as well. There has been a member of the LARA Board that has been very concerned about finances, and he would like to state for the record that LARA's finances are the same as they have always been. LARA is an ambitious organization. Fortunately we have Kevin Drewencki, and the assistance of Ed Loftus, Bucknell University representative, who will continue to help us get our financial house in order. The bank LARA has a line of credit with has decided they no longer want to be in the small town/non-profit business. Therefore, LARA has had to look for another bank, and he will provide more information on this subject a little later. Mr. Drewencki shared steps LARA has taken, including new programs, in an effort to save money. There has been a lot of dedication and loyalty from the LARA staff over the last six months, and he commends them. Councilmember Casimir noted the more work that can be done in advance to deal with the issues at hand is a benefit to everyone, as LARA's liabilities become the member's liabilities. He explained a meeting was held today with the County Commissioners, and LARA proposed having the County take on the Rail/Trail Program. There are several issues that need to be worked out, but LARA did a good job bringing the project this far. The County has its own timetable, so it was recommended

720 MARKET STREET/
WINDOWS

PRESENTATION/
CERTIFICATES OF
APPRECIATION
FOR N. FLUENT
AND P.
BERGONIA, JR.

HARB
REAPPOINTMENT
(PHOEBE FADEN)

ORIENTATION
PANEL

WCEC NEWLY
FORMED
COMMUNITY
SUPPORT TEAM

APPOINTED/
JOHN BAKER
AND PHIL REEDY

PUBLIC WORKS
COMMITTEE

FINANCE
COMMITTEE
PAYMENT OF
BILLS

ADOPTION OF
2010 FINAL
BUDGET AS
PRESENTED TO
BC 11/17/09 -
SOLICITOR TO
ADVERTISE

APPROVAL OF
EXPENDITURE OF
\$17,636 TO LARA

Tuesday, December 15, 2009

that LARA start the process now. There will not be any immediate infusion of funds from the County, or any immediate takeover of any of LARA's financial obligations. Councilmember Baker asked if the comments reported in the paper represent the decision of the County. Councilmember Casimir said no. At the time the article was written, LARA discussed this matter in executive session, and no public action could be taken. LARA couldn't comment, so the reporters assumed the worst and received a lot of information from someone antagonistic toward the project. Motion was unanimously approved.

Councilmember Casimir explained the bank LARA has their line of credit with has demanded changes to the account. This is not because LARA has been late with payments, or defaulted, but simply because this bank is under new ownership. The local officers have been wonderful providing LARA with free advice. However, the changes were changes handed down by the corporate offices. They want to triple the interest rate and lower the ceiling. Mr. Drewencki found a local bank willing to take on LARA's line of credit at a much lower percentage rate, but the one condition is that the Borough and East Buffalo Township would have to sign a letter guaranteeing this loan. LARA asked this of the Township and the Borough for the PennVest Loan, and now asks Council consider this again. He clarified that in the case LARA would run into problems, the Borough and East Buffalo Township would end up being responsible anyway. This local bank is giving LARA an opportunity to save a lot of money.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to authorize the Council President to sign a letter, on behalf of the Borough, guaranteeing a line of credit for LARA in the amount of \$250,000.00 through Mifflinburg Bank and Trust, pending approval of East Buffalo Township's also providing a letter guaranteeing this line of credit. ON THE QUESTION: Councilmember Morris stated she will second for the purpose of discussion. Councilmember Casimir stressed LARA has been looking for a local bank for three or four weeks. Councilmember Morris asked if the Borough had to cosign for LARA's line of credit with Sovereign Bank. Councilmember Casimir said no, but the Borough did cosign for the PennVest Loan. If LARA defaulted on the PennVest Loan, the Borough and East Buffalo Township is responsible for that debt. Councilmember Molesevich asked that Council receive financial statements from LARA. Councilmember Casimir indicated financial information could be provided quarterly, as it is quarterly that LARA receives their monies. In the four years he has been on LARA, the only assistance from the Borough was for the pool drain, which was a unique situation. LARA has tried very hard to move forward and exist on the monies funded. Councilmember Baker asked if the Rail/Trail Project did not happen, would LARA still be asking for money. Councilmember Casimir said the analysis of the last several years shows LARA has been running with a slight operational deficit. He hoped to have a business plan for presentation, but it isn't ready yet. There was **much** discussion. Councilmember Strosser stated the Planning Committee supports this motion because of the confidence they have in the new Executive Director, Kevin Drewencki. Motion was unanimously approved.

MAYOR: Mayor Wagner stressed we have an amazingly dedicated Council. She noted many of the Councilmembers and their individual involvement with so many different committees, groups and organizations. It is no wonder Lewisburg is the envy of the Central Susquehanna Valley. She acknowledged Lewisburg High School's girls soccer team, football team, girls cross country team, and girls' basketball team, indicating Lewisburg has some truly talented athletics.

POLICE CHIEF: Chief Yost commended the Borough crew for the great work they did clearing the Borough streets. Our Officers were listening to many calls of accidents in the surrounding areas while there were none in the Borough.

COUNCIL PRESIDENT: Council President Bergonia thanked Council, the Mayor, the Manager, and the Solicitor for the opportunity to work together with them on the many projects accomplished during this tenure on Council.

SOLICITOR: Solicitor Lyons indicated the tax ordinance enacting the taxes for 2010, totaling 7.15 mills, has been duly advertised and is ready for Council action.

Councilmember Baker made a motion, seconded by Councilmember Casimir, to adopt Ordinance No. 995, levying a total real estate tax on real estate assessment within the Borough for fiscal year 2010 at the rate of 7.15 mills (General Fund 6.08; Street Light Fund 0.30; Fire Protection Fund 0.50; Shade Tree Fund 0.08; Recreation Fund 0.19). Motion was unanimously approved.

Solicitor Lyons indicated the tax resolution enacting the same taxes for 2010 is ready for Council action.

Councilmember Baker made a motion, seconded by Councilmember Casimir, to adopt Resolution No. 09-12, for realty transfer tax, earned income tax, local services tax,

LARA ASKED BOROUGH (AND EAST BUFFALO TOWNSHIP) TO SIGN LETTER GUARANTEEING LARA'S LOAN/LINE OF CREDIT

APPROVAL GRANTED CONTINGENT UPON EAST BUFFALO TOWNSHIP PROVIDING LETTER OF GUARANTEE

MAYOR

POLICE CHIEF

COUNCIL PRESIDENT

SOLICITOR TAX ORDINANCE FOR 2010

(ORDINANCE NO. 995)

TAX RESOLUTION FOR 2010

(RESOLUTION NO. 09-12)

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business privilege tax, and per person/per capita tax for fiscal year 2010. Motion was unanimously approved.

MANAGER: Manager Smith indicated he was successful at obtaining a grant through Union County with the Department of Environmental Protection for our recycling efforts. As a result, we are expanding our Recycling Center to include two additional roll-offs for cardboard, as well as reconstructing some fencing, etc. Numerous fencing companies were requested to submit proposals for this work and the lowest responsible proposal came from Apollo Fence Company.

Councilmember Morris made a motion, seconded by Councilmember Baker, to award a contract to Apollo Fence Company in the amount of \$6,397.46 for relocation of existing slide gate, installation of new slide gate, and installation of new 6 ft. high chain link fencing (work detailed in proposal dated October 13, 2009).

Councilmember Morris made a motion, seconded by Councilmember Baker, to retain HRG, Inc. as the Borough Engineer for 2010, recognizing that HRG, Inc. is maintaining the current 2009 fee structure for 2010, as documented in their letter dated December 8, 2009. Motion was unanimously approved.

Councilmember Baker made a motion, seconded by Councilmember Fluent, to approve Resolution No. 09-13, outlining sewage permit fees charged to the public, and authorizing the Council President to sign the agreement between Borough and CK-COG for sewage enforcement services for 2010. ON THE QUESTION: Manager Smith explained the Borough must have someone on record. Solicitor Lyons commented he never remembers the Borough requiring the services of a Sewage Enforcement Officer. Motion was unanimously approved.

OTHER COMMITTEES: Councilmember Casimir stated he covered LARA earlier this evening.

Councilmember Mahon reported Friday night is men's night out for last minute shoppers. She thanked the Manager for all his cooperation regarding the parking tokens. A wrap up meeting is scheduled for January, at which time there will be feedback about the tokens. Meetings have been held with the Manager of the Bucknell Bookstore in an attempt to set up communications between the bookstore and downtown businesses. Councilmember Baker asked for feedback on the use of tokens. Manager Smith said there were a number of issues. The Borough purchased new tokens, tried them out in the Duncan meters, and they worked. However, the tokens did not work in the POM meters. We had to quickly remove the POM meters from Market Street and replace them with Duncan meters. Councilmember Mahon explained every time there was a problem, the Borough was right there providing assistance. She indicated that her customers provided positive feedback on the tokens. Manager Smith indicated he would like to have a meeting held where all aspects of the tokens could be thoroughly discussed. Councilmember Casimir suggested the Planning Committee. Manager Smith said he will attend the wrap up meeting with the LDP in January, and report to the Planning Committee, and then to Council.

Mayor Wagner indicated the Town and Gown Committee did not meet.

Councilmember Strosser reported the Lewisburg Neighborhood Committee met. Grace Mahon is now the Chairperson of the LNC.

Councilmember Casimir reported the Shade Tree Commission continues replanting efforts on Third Street. An inventory of trees removed but not replaced is underway, and letters should be sent to those property owners shortly.

Councilmember Baker commented the Central Keystone-COG is having a special meeting this coming week, and he hopes to have an annual report in January.

Councilmember Strosser suggested the Union County Multi-Municipal Comprehensive Plan Committee be removed from the agenda, as the comment period is now over.

OLD BUSINESS: Councilmember Molesevich asked the status of the zoning ordinance update. Councilmember Casimir reported after much discussion, we decided upon a two meeting process. In January we will meet again, and at the Council meeting in January we should be able to present a draft of the zoning ordinance.

Councilmember Morris reported the Bull Run Neighborhood's ice cream social at Bucknell was attended by over 200 students. Mayor Wagner said it was a wonderful event.

**MANAGER
GRANT OBTAINED
THROUGH COUNTY
WITH DEP FOR
RECYCLING CENTER
WORK**

**AWARD OF
CONTRACT TO
APOLLO FENCE
COMPANY FOR
FENCING WORK AT
RECYCLING CENTER**

**HRG, INC. RETAINED
AS BOROUGH
ENGINEER FOR 2010**

**SEWAGE PERMIT
FEES/AGREEMENT
WITH CK-COG FOR
SEWAGE
ENFORCEMENT
SERVICE 2010
(RESOLUTION NO.
09-13)**

**OTHER
COMMITTEES
LARA**

**DOWNTOWN
PARTNERSHIP**

**TOWN AND GOWN
COMMITTEE**

LNC

**SHADE TREE
COMMISSION**

**CENTRAL
KEYSTONE-COG**

**U/C MULTI-
MUNICIPAL
COMPREHENSIVE
PLAN COMMITTEE**

**OLD BUSINESS
ZONING ORDINANCE
UPDATE**

**BULL RUN
NEIGHBORHOOD**

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Councilmember Molesevich stated the crosswalk signs for the mid-block crosswalk get plowed and/or moved, and then they do not get put back. He suggested a policy for this. There was **some** discussion.

Councilmember Molesevich asked the Manager to send a letter to Linda Treese at Prudential Hodrick Realty to remind them of what the term "curb appeal" means. The condition of the property right across the street from the Borough building has broken banisters, trash, etc. Mayor Wagner agreed, and noted this condition exists with many of the properties listed by Prudential Hodrick Realty.

NEW BUSINESS: None.

COUNCILMEMBER COMMENTS: Councilmember Fluent thanked Council for choosing her a few years ago to fill the unexpired term of Patrick Fallon, as she enjoyed being on Council. She did not run because her husband will retire in June and they will be relocating to St. Louis, her hometown. Council thanked Councilmember Fluent and wished her well.

Councilmember Molesevich reported there are several individuals working to make sure the Lewisburg Area School District is reminded of the advantages of keeping a school in downtown Lewisburg. He provided a brochure to Council noting success stories of old historic schools in various communities across Pennsylvania that were considered to be abandoned, but were renovated and are serving quite well.

WRITTEN REPORTS: Councilmember Baker made a motion, seconded by Councilmember Fluent, 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 questioned whether a work session is needed in January. Councilmember Morris indicated there will be a reorganization meeting Monday, January 4th. Councilmember Molesevich suggested we schedule the work session, as we could always cancel if necessary.

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

**CROSSWALK
SIGNS**

**LISTINGS BY
PRUDENTIAL
HODRICK REALTY**

NEW BUSINESS

**COUNCILMEMBER
COMMENTS**

**LEWISBURG
AREA HIGH
SCHOOL**

**WRITTEN
REPORTS**

WORK SESSION

ADJOURNMENT