

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held at 6:30 PM on **Tuesday, January 16, 2018** in the Council Chambers, 55 South Fifth Street, Lewisburg. Present: Council President Morris; Councilmembers Comas, Derman, Frederick, Heayn, Mahon, Medina and Yohn; Mayor Wagner, Solicitor Lyons, Manager Lowther, Secretary Garrison and Junior Councilmember Ezra Buonopane. Absent: BVRPD Chief Yost. Also present: Taylor Lightman, Matt Hoffman, Rick Dandes, Char Gray, Terrell Lehman, Jim Buck, Sam Pearson, Sandra Cook, Stacey Sommerfield, Hank Baylor and Mark Spiro.

ATTENDANCE

**CALL TO ORDER:** Council President Morris called the meeting to order at 6:30 PM, followed by the pledge of allegiance.

CALL TO ORDER

**APPROVAL OF MINUTES:** Motion was made by Councilmember Derman, seconded by Councilmember Medina, to approve the minutes of the December 19, 2017 regular monthly meeting. Motion was unanimously approved. Motion was made by Councilmember Derman, seconded by Councilmember Yohn, to approve the minutes of the January 02, 2018 reorganization meeting. Motion was unanimously approved.

APPROVAL OF MINUTES

**COUNCIL PRESENTATION(S):** Council President Morris stated John Del Vecchio is not present, so when he arrives she will then have Mr. Del Vecchio address Council.

COUNCIL PRESENTATION(S)

**PUBLIC PARTICIPATION:** Char Gray stated she is a delegate of the East Buffalo Township (EBT) Board of Supervisors. Although the EBT Board has not met to be able to talk about the three questions presented by Borough Council with regard to the Buffalo Valley Recreation Authority (BVRA), she would like to verbally answer these tonight, and she would hope she is in synch with the other members of the EBT Board although she cannot say that for sure. The questions were why EBT wanted to make changes to the IGA and the rationale of the changes. This IGA was a five year agreement that expired December 2017. It hasn't been reviewed in five years, so it would be prudent to review it and to determine: 1) that that purpose still reflects jointly what EBT and the Borough want; 2) that the membership number is right; 3) if it should remain a five year contract; and 4) what the funding formula should be. She also would like to see the establishment of an annual meeting between all parties. She had the opportunity to meet with Stacey Sommerfield last week to review the programs and hear about those that make money and those that do not. There are no metrics in this agreement, maybe they are needed and maybe BVRA already has them. She encouraged a meeting be held as soon as possible between the Borough, EBT and the BVRA because a review like this will take time and she doesn't want to lose the momentum that started at the January 2nd meeting. There was **much** discussion.

PUBLIC PARTICIPATION  
CHAR GRAY

Manager Lowther said there have been several requests to EBT for responses in writing. The Borough sent a letter dated December 20th. BVRA also sent a letter dated December 27th and this Council is interested in seeing an official response from EBT to that letter as well. He indicated Chairperson Schumacher read a fairly lengthy statement at the January 2nd EBT meeting and the Borough has requested a copy of that statement, as it seemed to layout the perspective of EBT, but our request for a copy was denied. Currently there is an appeal is before the Office of Open Records. Char Gray commented she hasn't seen the requests made, but there is a work session scheduled for January 22nd and the BVRA business is on that agenda. There was **much** discussion.

Councilmember Comas clarified this is the time for those in the public to speak if they wish to do so. He thanked Char Gray for attending this meeting. The current IGA indicates that it ends December 31, 2017 and the succeeding agreement is effective January 01, 2018 and that it shall be automatically renewed. This means this IGA is still legally binding? Solicitor Lyons said yes. Councilmember Comas said although it's important to understand the BVRA budget, the revenue positive and negative, it shouldn't be managed in terms of line items, but instead in terms of whether the entire package is a good deal. The BVRA is responsible to manage the line items.

SANDRA COOK

Sandra Cook, an EBT resident and the current President of the BVRA, said we want to know exactly what the questions are. Are you (EBT) questioning how the BVRA is managing recreation for the area or questioning the financial agreement (IGA) between the Borough and EBT, as one of those questions has nothing to do with the BVRA. The BVRA intends to be available to facilitate any type of moving forward with this IGA and has offered mediation because of the necessity of timeliness. The BVRA wants to be extremely transparent, but do not want to constantly have to defend each individual program. The definition of an Authority is that we have *authority* over what you have told us to do and that is to provide recreation. She believes everyone wants the IGA issues resolved.

Councilmember Comas said he was at the January 2nd meeting, has his notes and an audio file from that meeting, and Matt Schumacher talked about problems with misinformation. The best way to counter that is to make all the information available; he doesn't understand why Matt Schumacher won't share his comments/questions.

Jim Buck, an EBT resident, said he was an EBT Supervisor and a member of the BVRA Board. He agrees with what has been said and thanked Char Gray for being present. He wants to be on the record saying that the BVRA has an outstanding history. Financially, the amount of money the local municipalities have put into this Authority has been matched many times over by private and State grant monies. This Authority has attracted outside monies to create facilities that are excellent. He was shocked in December to see the number of people using the gym. There is tremendous value in this Authority. There was an angel donor that came forward to help with the ice rink. The municipalities have been the angels that helped the BVRA when they had problems.

JIM BUCK

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Now it appears the BVRA isn't having financial problems. This IGA was twice renegotiated and the process did not look like this; he hopes it gets on track. EBT is talking about wanting to develop some of their parks. When reading Borough minutes, he realized this Borough has six parks in the Borough that are not part of the BVRA, which means the Borough is funding these entirely out of their budget. He also read the LNC is now working on what will be called Derr Landing and in it would be interesting to know what is going on there.

Sam Pearson, a Borough resident, LNC Director and Elm Street Manager, said the Borough is working on a lot of projects with the open space not managed by the BVRA. A lot of money has been spent on recreation planning, match funding, etc. for the Borough parks, and she pointed out that our parks are also regional draws.

Hank Baylor, an EBT resident, thanked Char Gray for coming tonight and explained that the BVRA isn't mismanaged. In the past there were changes made to the IGA understanding the purpose of recreation and what it meant by recreation. Now, because of politics, we have gone to more of goods vs. services, and this organization *does not* provide goods. If you don't provide full service, people won't use it. Recreation is not profitable. Recreation is a service. It provides a place for children to go during the summer, it is a way to raise families in an environment that attracts other people. He said the Rail/Trail attracts a lot of people to live here, not just visit, and then they use our hotels and restaurants. We may sink monies into programs that are not profitable, but we get back *in years*. This Authority is well managed and it costs less than half of what Pennsylvania says is spent per capita on recreation.

Councilmember Heayn said he can't conceive of negotiations on any level without the Borough receiving answers to the questions that have been asked; these answers pose a stepping stone for the negotiation meeting. And Char Gray can't speak for the entire EBT Board. He would like to see answers to the Borough's questions, the BVRA's questions, and see the comments that were made by Matt Schumacher. Providing these things will go a long way to bring us together at the table and accelerate the process.

John Del Vecchio, an EBT resident, thanked Char Gray for being present tonight. He has two children that use the BVRA programs and he is pleased to see there is going to be a conversation.

**COUNCIL PRESENTATION(S):** John Del Vecchio, Union County Planner/Housing Facilitator representing the Office of Planning and Economic Development, apologized for his lateness due to the weather. He explained he was dispatched by Shawn McLaughlin, the Planning Director, in an effort to reacquaint ourselves with the townships and boroughs. He distributed informational materials. There is a program being developed on transportation funding and a workshop will be held March 29th hosted at the Union County Government Center. More information will be forthcoming. He also noted he is Administrator of the Union County Affordable Housing Fund, which helps first time home buyers purchase a home in Union County. There was discussion.

**PUBLIC COMMENT(S) ON ANY AGENDA ITEM:** Mark Spiro, a Borough resident and member of the Shade Tree Commission (STC), said a letter was sent by the STC to the Borough dated November and asked if that letter will be addressed tonight. Manager Lowthert said everyone should be aware of the STC letter, and Staff's letter, expressing concerns about Borough street trees. Upon receipt of this letter, Council made a decision, because of the upcoming change of Councilmembers, to address this at a future work session. Since then there have been numerous other things that have since come up requiring Council's attention such as the IGA that is being discussed tonight, as well as the sign ordinance and the refuse ordinance. My email to the STC, on behalf of Council, shared that the plan was to try to meet and discuss the STC issues at an upcoming work session, the date of which has not yet been determined.

**PUBLIC WORKS/POLICE COMMITTEE:** Council received the Buffalo Valley Regional Police Department's (BVRPD) monthly report.

**ADMINISTRATIVE/FINANCE COMMITTEE:** Councilmember Derman made a motion, seconded by Councilmember Heayn, to approve the payment of bills from December 16, 2017 through January 12, 2018 in the amount of \$265,336.16. Motion was unanimously approved.

**COMMUNITY DEVELOPMENT/PLANNING COMMITTEE:** Councilmember Yohn made a motion, seconded by Councilmember Heayn, to approve HARB item a, as submitted and recommended by HARB per their minutes dated January 09, 2018. Motion was unanimously approved.

**a. Gregory-Ellen Amarante/107 South Fourth Street/Roof Repair-Chimney.** An application was submitted to and reviewed by HARB for roof and chimney work. Motion was made by Ted Strosser, seconded by Steve Snook, to recommend approval of: removal of chimney, infill siding to match existing in profile and exposure, new metal roof to be raised seam with concealed fasteners, pitch as presented, and all as described in the project description of the HARB application and as shown in the drawing attached to the HARB application. Motion was unanimously approved.

Councilmember Yohn made a motion, seconded by Councilmember Comas, to appoint Sarajane Snyder to serve on the Shade Tree Commission (STC) with a term expiration of December 31, 2020. Motion was unanimously approved.

SAM PEARSON

HANK BAYLOR

JOHN DEL  
VECCHIO

**COUNCIL  
PRESENTATION(S)**  
JOHN DEL  
VECCHIO

**PUBLIC COMMENT  
ON ANY AGENDA  
ITEM**  
MARK SPIRO

**PUBLIC WORKS/  
POLICE  
COMMITTEE**  
BVRPD

**ADMINISTRATIVE/  
FINANCE  
COMMITTEE**  
PAYMENT OF  
BILLS

**COMMUNITY  
DEVELOPMENT/  
PLANNING  
COMMITTEE**  
HARB

G-E AMARANTE

S SNYDER  
APPOINTED TO  
STC

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Councilmember Yohn made a motion, seconded by Councilmember Derman, to adopt Resolution No. 18-02, a resolution creating the position of alternate on the Lewisburg Zoning Hearing Board (ZHB) and the appointment of Alan Zeigler as the alternate member of the ZHB for a term of three years; term expiration December 31, 2020. ON THE QUESTION: Manager Lowthert indicated the ZHB consists of three members. It was strongly recommended by the ZHB Chairperson that there be an alternate position created. The ZHB Chairperson has recommended Alan Zeigler. Councilmember Comas asked if an alternate attends all meetings. Solicitor Lyons said they can, but they can't vote unless a member is absent or a member has a conflict, and then they would participate in that matter until concluded. Councilmember Comas asked if one alternate is sufficient. Manager Lowthert said two would be better, but there hasn't been anyone else found to serve. The ZHB is a quasi-judicial board, so the person must be willing to strictly follow zoning rules. Councilmember Heayn asked if anyone knows Alan Zeigler or can speak on his behalf. Councilmember Derman commented he knows Mr. Zeigler and he is a very organized and responsible individual. Motion was unanimously approved.

Councilmember Yohn said next is discussion of the white lights in the trees downtown remaining on year-round vs. just during the Holiday season. She has been approached by many people who feel the downtown area is closed as it is so dark. There was *much* discussion regarding the look of the white lights in the trees as they are now, the cost of maintaining the existing lights, the cost of removing all existing lights and replacing with all new lights, putting this work out for bid because the Borough doesn't have the manpower or equipment to undertake a total replacement of these lights, etc. It was suggested the LDP be involved in these discussions, that improving these lights should be a budget discussion for next year, and that this discussion go back to the committee to be reviewed/discussed in terms of a long-term plan for the tree lights downtown. Manager Lowthert pointed out there needs to be a consensus of Council on the matter of the white lights remaining on in the downtown area.

Councilmember Yohn made a motion, seconded by Councilmember Comas, to direct the Manager to have all the tree lights downtown plugged in for the next four months. Motion was unanimously approved.

Councilmember Yohn said an appointment of a Borough Councilmember to fill the HARB vacancy, term expiration of December 31, 2018, is needed. Manager Lowthert indicated we have had a Councilmember on HARB and it proves to be valuable when there are questions. Councilmember Heayn indicated he would look at his teaching schedule to see if he could possibly fill this vacancy. Mayor Wagner commented she would be willing to attend HARB meetings occasionally.

Manager Lowthert said we have been having discussions about EBT's decision to withdraw from the IGA which formed the BVRA. We've asked for information and a copy of a statement, BVRA has asked for information, and all this has been talked about at length. What everyone wants to know is the next step in the process. Is Council comfortable committing to a meeting with EBT when they have been non-responsive? Does Council want to wait until EBT has their work session to see if a response is sent that answers the questions posed? Traditionally we refer things back to committee when they are not ready for Council. Should this item be placed on the Community Development/Planning Committee agenda? If so, then the EBT representatives could come to this committee for discussion and when this committee feels ready, it could then be put on the agenda of Council. The committee meetings are advertised meetings for the Borough. Whether EBT would have to advertise for this meeting with the Borough committee would be a question for their Solicitor. Council President Morris said she would like to hear the comments from each Councilmember on this subject, and if anyone chooses to not respond, that is fine.

Councilmember Comas said his goal is to have a new IGA that works for the BVRA. This committee might make a better environment for discussion vs. eight Borough Councilmembers and three EBT Supervisors. It is worth a conversation to honor Char Gray's coming here, but a clear agenda is needed. When it comes to costs he has heard Matt Schumacher talk about a split of 50/50 which is a swing of about \$25,000. Now EBT pays \$117,000 and the Borough pays \$65,000 and that isn't a lot of money. So from a negotiating perspective, there must be something else.

Councilmember Medina said he would like to see a copy of the statements made by Matt Schumacher. He questioned if a withdrawal from the IGA was necessary to renegotiate this IGA. Solicitor Lyons said no; they could amend, agree to terminate or enter into a new agreement. There are all kinds of ways to do it. Councilmember Comas commented if EBT wanted to withdraw, they had to a year ago. Solicitor Lyons said that is correct. Councilmember Medina said in that case, we need answers to our questions. It was the mention of a withdrawal from the IGA by EBT that turned everything into chaos. Manager Lowthert clarified that EBT did send a letter in November indicating they wanted to meet with Council to renegotiate the IGA. However, at that point the then seated Council, realizing they were a lame duck Council, responded to EBT indicating it should be the newly seated Council that discusses the IGA. EBT then at their December meeting voted to withdraw and didn't mention meeting with the new Council.

Councilmember Frederick said we need to meet and negotiate, but first we need the answers to the questions we have asked. This is a big issue that is important to all of us.

Councilmember Mahon thanked Char Gray for coming. She loves what the BVRA has done; it's amazing. She wants something from EBT in writing as there have been so many conflicting comments. This is not about the BVRA, it is about EBT and the Borough getting together so we

RESOLUTION  
CREATING  
ALTERNATE ON  
ZHB/  
A ZEIGLER  
APPOINTED

WHITE LIGHTS IN  
TREES  
DOWNTOWN

WHITE LIGHTS IN  
TREES  
DOWNTOWN TO  
BE PLUGGED IN  
FOR NEXT FOUR  
MONTHS

MISCELLANEOUS  
UPDATES

DISCUSSIONS  
REGARDING EBT'S  
DECISION TO  
WITHDRAW FROM  
IGA FOR BVRA

COUNCIL  
PRESIDENT ASKS  
FOR COMMENTS  
FROM EACH  
COUNCILMEMBER

J COMAS

L MEDINA

G FREDERICK

S MAHON

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do not have to worry about the future of the BVRA. This must be done at a public meeting and the Community Development/Planning Committee might be a good place to start. Manager Lowthert indicated the next meeting of this committee is February 15th at 5 PM. Councilmember Mahon said she wants the BVRA to be present at that meeting.

Councilmember Derman said he feels the committee is better because a meeting of eight plus three will create mayhem. We need EBT's response to our questions prior to sitting down to meet with them. He questions if they know what they want in the IGA yet. There is a public perception that EBT wants out of the IGA and recreation. He isn't sure that is true, but that is the public perception. He stressed that it appears EBT doesn't have collaborative skills or intentions with regard to other municipalities, as EBT didn't collaborate well with regard to the BVRPD.

Councilmember Yohn agreed with what the majority has said. We need the three pieces of information requested so we understand EBT's concerns and so we are able to talk about them together. The Borough wants to make this work as we believe in recreation. She is conflicted of whether we do this at the committee level, noting we don't have a lot of space for people and this has generated a lot of interest. She thanked Char Gray for coming.

Councilmember Heayn said the timeframe for the committee meeting works as it is after EBT's work session. We do need the information from EBT as we can't move forward without it. He thinks the committee meeting is a good first place to hash out the details, but it has to be an informed meeting so we go in prepared.

Council President Morris indicated that Ezra Buonopane is a Lewisburg High School student serving as a Junior Councilperson, which is a program started through the Pennsylvania State Association of Boroughs. Junior Councilperson Buonopane agreed with the majority of the Councilmembers. We do not have a clear idea of what EBT is dissatisfied with in the IGA and there has been a lot of confusion on what the disagreement is. As Councilmember Derman said, people in this community are getting the impression EBT is against the BVRA, which he doesn't believe. A clear statement in writing from EBT, not just Char Gray, would certainly help negotiations.

Mayor Wagner said we have a rare opportunity to talk about a gem in our community. Everyone remembers the playgrounds and the recreation opportunities in the summer and the growth that has been seen over the years. Whenever we joined together we got better in offering valuable recreational activities to our community. We have something nobody around here has. As Councilmember Comas put it earlier, the whole is so much more important than the pieces. The BVRA offers something to our community that is so very important and we need to cherish this. She reminded everyone we are in the middle of an opioid crisis and these recreation activities are things families can do together.

Sam Pearson, a Borough resident, said she wasn't part of the renegotiations last time, but she was on the BVRA when those renegotiations took place. This was a really long process and it would be worthwhile to talk to the people who were previously involved to find out if our expectations are reasonable.

Sandra Cook, President of the BVRA, said if EBT wanted to send two or more members they could simply advertise for this meeting on February 15th as there will be time to advertise. The BVRA would be happy to host the meeting at their facility.

Char Gray, EBT Supervisor, asked if the meeting will be for contract negotiations because if we are going to have a lot of community we might get mired down and not get a lot done. A smaller group would be better to move things forward and contract negotiations do not need to be public meetings. Manager Lowthert explained the Community Development/Planning Committee is just one of the three committees of Council where all lengthy discussions are held prior to coming before Council. Once the committee has enough information on an item, they make a recommendation to Council. Solicitor Lyons said Ms. Gray is reading too much into the name of the committee; it's not meant to be a community committee. Manager Lowthert said if you want to have these discussions privately, outside of a public meeting, that is probably a question for our Solicitor. Does this Council want these meetings to be private? Solicitor Lyons said initially you could include the public, then you may reach a point where you want to have the committee negotiate privately. Councilmember Comas said this committee could draft a whole new IGA, which would then have to come to Council for review. Couldn't Council then discuss it in executive session? Manager Lowthert said there are only certain items that can be discussed in executive sessions. Solicitor Lyons explained you can appoint a committee of non-elected officials to negotiate in private and that is what happened the past. Manager Lowthert said he hears the consensus of Council is to hold the meeting at the Community Development/Planning Committee with the public present.

Jim Buck, an EBT resident, said Char Gray is right in terms of a practical statement that it will be difficult to negotiate in front of a large public audience. Unfortunately that is on EBT. If they didn't proceed in the manner they did, there could have been meetings no one was interested in and then had something the two governing bodies would have voted on. There is a lot of public interest and it will be difficult to do this in front of a live audience if this is how it unfolds.

M DERMAN

S YOHN

D HEAYN

E BUONOPANE

MAYOR WAGNER

SAM PEARSON

SANDRA COOK

CHAR GRAY

JIM BUCK

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Manager Lowthert explained the public can be present, but they don't have to be recognized or involved in the conversation. Councilmember Heayn said the transparency issue is essential to this in the beginning because everyone needs to know where we are coming from so we get rid of all the misinformation.

Councilmember Heayn made a motion, seconded by Councilmember Mahon, to extend an invitation to the EBT Supervisors, for a quorum (from EBT) to meet with the Community Development/Planning Committee meeting on February 15th to discuss the BVRA IGA, contingent upon the Borough receiving a written response to the Borough's letter.

Councilmember Derman said he would like to see the motion amended to also include a written response from EBT for the BVRA letter and for a copy of the written statement of Matt Schumacher. Solicitor Lyons said if the person that made the motion and the person that seconded the motion agrees, this simply is made part of the motion. Councilmember Heayn and Councilmember Mahon agreed. So the motion before Council, as amended is:

Councilmember Heayn made a motion, seconded by Councilmember Mahon, to extend an invitation to the EBT Supervisors, for a quorum (from EBT) to meet with the Community Development/Planning Committee meeting on February 15th to discuss the BVRA IGA, contingent upon the Borough receiving a response in writing to the Borough's letter, to the BVRA letter, and receipt of the written statement by EBT Board Chairman Matt Schumacher." ON THE QUESTION: Councilmember Comas said asking for a quorum and then they show up without the information? I guess our committee could make a decision at that point whether to meet, but this seems messy. A cleaner motion would have been that we move to invite a quorum to our meeting period. We all know what we want and if we don't get the answers, then what, we withdraw the invitation? He will not vote for this motion as it is. Councilmember Heayn said the committee has the ability to decide whether to meet depending upon whether we have received the information. Councilmember Mahon said if everyone feels this motion contains too much, we can change it or soften it. Councilmember Heayn withdrew his motion; Councilmember Mahon withdrew her second.

Councilmember Comas made a motion, seconded by Councilmember Medina, that we invite a quorum of the EBT Supervisors to the Community Development/Planning Committee on February 15th contingent on them responding to the three questions contained in our letter dated December 20th. Motion was unanimously approved.

Char Gray said hopefully the answers she verbalized earlier this evening will be what ends up in writing; she wouldn't think there will be new information in terms of what is going to be discussed. She also indicated she will be out of the country on that date. There was **much** discussion.

**PUBLIC COMMENT(S) ON ANY NON-AGENDA ITEMS:** No one from the public wished to speak.

**MAYOR:** Mayor Wagner stated she asked PennDOT to ban all oversized loads on Market Street and they turned this down based upon engineering information; she intends to invite PennDOT representatives to meet with her to explain. PennDOT also turned down Representative Keller's suggestions/options to assist with the truck traffic problems. She pointed out problems with the extreme brightness of the LED lights downtown, specifically at the old CVS building and the M&T building. These lights are not in accordance with the ambiance of our street lights downtown and the Code Enforcement Department is aware of this.

**PUBLIC COMMENT(S):** Mark Spiro said he previously addressed the Police Chief about speeding trucks on Market Street early in the morning. Although we may not be able to ban trucks from Market Street, we can enforce the laws on the books. This truck traffic is going to affect the structural integrity of the houses on Market Street. Another ordinance not being enforced is the pedestrian right of way in the crosswalks. Mayor Wagner said the Police Chief has been monitoring the speeds on Market Street and we do not have anyone going over the speed limit; monitoring will continue. There was **much** discussion.

**COUNCIL PRESIDENT:** No report.

**MANAGER:** Manager Lowthert indicated one quote was received from Timberwolf Tree Company for the 2018 Tree Removal Project in the amount of \$3,500 for the removal of two dead and dying trees on Borough owned property in St. Mary Park. These trees are believed to be Ash trees infested with the Emerald Ash Borer. He reviewed this quote and found it to be satisfactory, so he will execute the contract.

Manager Lowthert said he is looking for Council authorization to advertise the 2018 Streets Project for bid. As happened before, UGI reached out and indicated they would like to expand natural gas service into other streets on the western side of Route 15, specifically down St. Paul Street from North Fifteenth Street down to North Eleventh Street, and also expand gas service up North Eleventh Street and up North Twelfth Street. All these are older roads with minimal cutting along the edge of the roadways. UGI has also indicated they want to put gas on St. Lawrence and St. Anthony Streets, which this Borough just paved last year. When reminded of the degradation fees that would be involved, UGI withdrew the request for St. Lawrence and St.

INVITATION TO EBT SUPERVISORS (QUORUM) TO MEET WITH CD/PLANNING COMMITTEE

AMENDMENT TO MOTION SUGGESTED

AMENDMENT TO MOTION ACCEPTED

REVISED MOTION: INVITATION TO EBT SUPERVISORS (QUORUM) TO MEET WITH CD/PLANNING COMMITTEE CONTINGENT UPON RESPONSE IN WRITING TO BOROUGH LETTER/EBT LETTER/WRITTEN STATEMENT FROM M SCHUMACHER

REVISED MOTION WITHDRAWN

INVITATION TO EBT SUPERVISORS (QUORUM) TO MEET CONTINGENT ON EBT'S RESPONDING TO BOROUGH LETTER DATED DECEMBER 20TH

**PUBLIC COMMENT(S) ON ANY NON-AGENDA ITEMS**

**MAYOR**

**PUBLIC COMMENT(S) MARK SPIRO**

**COUNCIL PRESIDENT**

**MANAGER**  
2018 TREE REMOVAL PROJECT CONTRACT WITH TIMBERWOLF TREE COMPANY AWARDED

2018 STREETS PROJECT

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Anthony Streets. UGI has also indicated they want to put gas service on Terrace Drive as well as Meadowview Court and have asked Council to withdraw these two streets from the 2018 Streets Project bid. UGI claims they can do this work quickly and will have gas service in within the next few months. This means these two streets would have to go out with the second round of street projects later this year. He pointed out that the condition of Meadowview Court is very bad. Council needs to make a decision on how to proceed with these two streets. There was **much** discussion. Manager Lowthert explained the risk to delay would be that the prices come in higher and we don't have enough money to do the work or UGI runs into issues that cause a problem. If we pave these streets, residents will not get gas for at least five years because of the degradation fees. Councilmember Yohn reminded Council we just went through this last year and were led to believe we were doing the right thing for the residents and then some of the residents came in and complained they would rather have had the streets paved vs. get gas. Manager Lowthert explained the Borough has to issue a street excavation permit and because the Borough got tired of the utilities coming in right after a paving project to cut the street, the Borough established higher degradation fees, e.g. one year costs \$5,000 plus the cost of the excavation permit, and then it gets less each year thereafter. Councilmember Comas asked for the Manager's professional recommendation. Manager Lowthert stated he believes we should follow the current plan that has been talked about since last year. Last year he provided **all** utilities with the streets being proposed for 2018. Councilmember Derman said he is inclined to not encourage this behavior from UGI, pointing out that someone is always going to be unhappy about the decision made. Councilmember Frederick said there are serious drainage issues on Meadowview Court and the roadway is literally deteriorating. This work definitely needs done this year. Again, there was **much** discussion.

Mark Spiro, a Borough resident and member of the STC, pointed out street projects are not being monitored/inspected to make sure there are proper tree planting wells with lots of soil. He cited St. Louis Street as an example of this problem and said the Borough engineer didn't want the STC onsite to see what was happening. Manager Lowthert said the former STC Chairperson had shared that information early on and he has addressed these issues with the Borough engineer.

Sam Pearson, a Borough resident, said she has worked with the Borough's engineer and whatever he says is useless; this comment is for the Borough record as she is tired of it.

Manager Lowthert said there is always a balance in a municipality with regard to roads, sidewalks and trees. If Council isn't happy with our Borough Engineer, we can put out a Request for Proposals and look for a new one. With this project there is only one tree that has to come down for a handicapped ramp, and it will be replaced. There are no other trees that have to be planted. There was **much** discussion.

Councilmember Comas made a motion, seconded by Councilmember Derman, to authorize the bid advertisement and release of the Borough's 2018 Streets Project consisting of the following streets: Terrace Drive from St. Paul Street to west of Meadowview Court; Meadowview Court; Second Street from St. Louis Street to St. George Street; White Pine Alley from South Third Street to South Second Street and portions on Apple Tree Alley in this vicinity; Ogren Alley; North Third Street from Beck Street to Market Street; Cherry Alley from North Fourth Street to North Third Street; and Cherry Alley from North Seventh Street to Linn Alley. Motion was unanimously approved.

Manager Lowthert said next is a planting of about 25 trees along South Sixth Street on the creek side of the sidewalk from Market Street all the way down to the Bucknell University property. There will be the removal of some straggly trees that are entangled with wires, but the end result of this project will be a tree line along South Sixth Street. He pointed out that Bucknell University has contributed to this planting.

Councilmember Derman made a motion, seconded by Councilmember Heayn, to authorize the bid advertisement and release for the South Sixth Street Tree Planting Project. Motion was unanimously approved.

**BOROUGH SOLICITOR:** Solicitor Lyons said he was directed to advertise an ordinance prohibiting truck traffic along Bison Alley; this has been advertised for Council consideration and enactment.

Councilmember Comas made a motion, seconded by Councilmember Derman, to enact Ordinance No. 1050, an ordinance prohibiting truck traffic along Bison Alley between Buffalo Road and North Fourth Street. Motion was unanimously approved.

Solicitor Lyons said a modification is needed to our easement agreement with Mr. Putterman, the owner of the property north and adjoining of this property. This easement allows traffic to go around his property and in turn his tenants can go through the Borough's parking lot. A provision of the existing easement required additional liability insurance, an increased cost to the Borough. This was probably warranted when the Police were here due to more liability exposure, but it makes no sense now and everyone is in agreement to eliminate this provision.

Councilmember Yohn made a motion, seconded by Councilmember Mahon, to approve the Easement Modification Agreement of the Grant of Easement from Saul Putterman and Lawrence E. Putterman Partnership to the Borough by eliminating the requirement that the Borough provide excess liability insurance coverage and to authorize its execution. Motion was unanimously approved.

MARK SPIRO

SAM PEARSON

2018 STREETS  
PROJECT BID  
ADVERTISEMENT  
AND BID RELEASE  
APPROVED

SOUTH SIXTH  
STREET TREE  
PLANTING  
PROJECT

SOUTH SIXTH  
STREET TREE  
PLANTING BID  
ADVERTISEMENT  
AND BID RELEASE  
APPROVED

**BOROUGH  
SOLICITOR**  
ORDINANCE  
PROHIBITING TRUCK  
TRAFFIC ALONG  
BISON ALLEY  
BETWEEN BUFFALO  
ROAD AND NORTH  
FRONT STREET  
(ORDINANCE NO.  
1050)

EASEMENT  
MODIFICATION TO  
GRANT OF  
EASEMENT WITH S  
PUTTERMAN AND L  
PUTTERMAN  
APPROVED

Tuesday, January 16, 2018

Solicitor Lyons indicated the proposed assessment appeal settlement with GSLHS Development, Inc. vs. Union County Board of Assessment Appeals, et al is a matter that needs to be deferred for discussion in an executive session as it involves a legal issue.

**OTHER COMMITTEES:** Councilmember Frederick reported the ice rink was opened up thanks to a donation that was received. He reported all is going well within the BVRA.

Council President Morris said the LDP is working on the Ice Festival and there are lots of events being held so be sure to come out.

Sam Pearson updated Council of the award of a small grant by the Lindig Foundation for some improvements to the gas property. There is interest in this property. The adjacent property owners got the County to vacate the easement on their property and they would like the trail to be open to the public, so there is an opportunity to continue discussions there.

Mark Spiro reported the Shade Tree Commission has had a lot of resignations and a lot of frustrations. There is still a vacancy on the STC. Manager Lowthert said we haven't received a resignation letter, but we did know that one was coming. Mr. Spiro said Jamie Piperberg resigned after attending the last meeting. Manager Lowthert said we need a letter of resignation in writing for the Borough record. Mr. Spiro said the STC needs to learn how the budget is determined, how we are to communicate with Council effectively, and how we can be sure our decisions are being enforced. Manager Lowthert stated a Councilmember can serve on the STC, which would help with the lines of communications. Councilmember Comas commented he would be willing to attend STC meetings.

Manager Lowthert said there is nothing new to report for the Central Keystone-COG.

Manager Lowthert said the Community Garden Committee is not active right now.

Councilmember Derman stated there was a meeting of the MACAC. One topic of discussion centered on what a new municipality/organization would pay if they wanted to join and whether that should this be built into the IGA or whether that should be for the Board to decide. Hopefully the IGA will be drafted for review soon. Solicitor Lyons said he is waiting for the outstanding issues to be resolved before he proceeds any further.

**ANY ADDITIONAL BUSINESS FROM COUNCIL:** Councilmember Comas asked how it should be handled if he has an idea about something he would like to bring up at an upcoming meeting. Manager Lowthert said you can distribute information to a quorum, but there can't be discussions that would lead to a decision. Solicitor Lyons clarified information and education is ok. Councilmember Comas asked if he could say he would like Council to consider a motion, but we don't talk about it any further then. Solicitor Lyons said that is fine. Manager Lowthert explained when a Councilmember has something they want brought before Council it is placed on one of our three Council committees for review and discussion. Councilmember Comas said even if it isn't a good fit. Manager Lowthert commented we find the best committee to take it through for review. Councilmember Comas said what if he wanted ideas from business owners within the Borough, as long as it is less than a quorum of Council, he can meet with them? Manager Lowthert said yes and you could also, as an individual Councilmember, meet with them. Councilmember Comas said he knows there is an LDP, but that doesn't include all the businesses in the Borough. Manager Lowthert cautioned that Councilmembers don't want to short circuit the LDP because this Borough provides a substantial amount of funding to the LDP to operate. Councilmember Comas asked if every business in the Borough can participate in the LDP. Council President Morris said yes. Sam Pearson stressed not businesses that are not within the district. Councilmember Mahon said LDP covers all businesses within the Borough. Ms. Pearson said Catherman's Candy is not. Council President Morris said Catherman's Candy and Champion Shoe is included in the LDP. Ms. Pearson stated they are not within the LDP footprint. Council President Morris explained that the businesses off of Market Street have been provided with the same information. Ms. Pearson said they are given the same information, but they do not get the same support. Council President Morris indicated they can. Ms. Pearson said they don't. Solicitor Lyons interjected that his office is considered to be downtown. Ms. Pearson said the footprint only goes from alley to alley. Councilmember Comas stated he will go to the LDP first. Council President Morris suggested that Councilmember Comas meet with her and she will be happy to share information with him. Manager Lowthert said to summarize an answer to Councilmember Comas' question/concern, a Councilmember can certainly do anything or say anything as a Councilmember, but you can't indicate you are representing all of Council or have a quorum of Councilmembers with you.

Ms. Pearson stated she would like to encourage Councilmembers, old and new, to have more outreach with their neighbors. So when these things like the gas issue comes before Council, Councilmembers have an idea of what is wanted since you are the conduit for your neighbors. She commented the light issue is another example. She explained that when she does outreach for the LNC she is asked by residents who their Council representative is, because they do not know; they don't even know they are in a Ward. Mayor Wagner stated they do if they are in Ward III. Ms. Pearson applauded Councilmember Yohn as she has gone door to door in her Ward with flood information and that kind of outreach is really productive.

**EXECUTIVE SESSION NEEDED/ LEGAL ISSUE**

**OTHER COMMITTEES BVRA**

**LDP**

**LNC**

**STC**

**CK-COG**

**COMMUNITY GARDEN COMMITTEE**

**MACAC**

**ANY ADDITIONAL BUSINESS FROM COUNCIL**

**SAM PEARSON**

Tuesday, January 16, 2018

**WRITTEN REPORTS:** Councilmember Derman made a motion, seconded by Councilmember Yohn, to acknowledge receipt of the Budget Index, Parking Report, Code Enforcement Officer's report and Zoning Officer's report. Motion was unanimously approved.

**WORK SESSION:** Manager Lowthert said there are a lot of topics for our upcoming work session. We have the sign ordinance, the refuse ordinance, and the request of the Shade Tree Commission to meet to discuss their concerns. The next work session is Tuesday, February 13th. Councilmember Derman suggested the Shade Tree Commission for the next work session discussion. Manager Lowthert asked Mr. Spiro to reach out to the STC members to see if they are available February 13th. Mr. Spiro said he would do so. Manager Lowthert stated he will let Council know when he hears back from Mr. Spiro.

Councilmember Mahon made a motion, seconded by Councilmember Frederick, to hold an executive session on several legal matters. Motion was unanimously approved.

Council entered executive session at 8:35 PM. Council returned at 9:35 PM.

There being no further business, Councilmember Mahon made a motion, seconded by Councilmember Comas, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 9:35 PM.

Respectfully submitted,

Patricia M. Garrison  
Borough Secretary

**WRITTEN REPORTS**

**WORK SESSION**

**LEGAL MATTERS**

**(EXECUTIVE SESSION)**

**ADJOURNMENT**