

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, February 17, 2015** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Cook, Cox, Faden, Mahon and Strosser; Mayor Wagner, Solicitor Lyons, Manager Smith, Secretary Garrison and BVRP Chief Yost. Absent: Councilmember Morris. Also present: Matt Farrand, Donald Edwards and Kevin Gardner.

**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 Faden, to approve the minutes of the January 20, 2015 regular meeting. Motion was unanimously approved.

**PUBLIC HEARING/CONDITIONAL USE:** Council President Bergonia adjourned the regular order of business to conduct a public hearing on the conditional use request for the property 606 St. Catherine Street. He called the public hearing to order at 7:05 PM.

Chad Smith, Manager, explained this hearing was continued from last month. He noted our Zoning Officer was unable to be present this evening. As you may recall, we had not received a parking plan required per our ordinance. With the absence of the Zoning Officer last month, it was decided during discussions that we would hold another hearing this month in hopes that a parking plan for 606 St. Catherine Street/Case #CU-15-04 would be submitted for Council review. Everyone should have a copy of a letter dated February 17, 2015 from our Zoning Officer. Action on this conditional use request can be found on our agenda under the Planning Commission. Councilmember Cook indicated our Zoning Officer's recommendation is for the denial of this conditional use due to insufficient off-street parking. Manager Smith stated no parking plan was submitted for this property as required.

Council President Bergonia asked if there is anyone present that would like to speak with regard to this conditional use request for 606 St. Catherine Street. No one wished to speak. Council President Bergonia declared the conditional use public hearing closed at 7:10 PM.

**PUBLIC PARTICIPATION:** Donald Edwards of 25 North Seventh Street was present regarding destruction of his property by the Borough. He explained his property is located along North Seventh Street and Cherry Alley, and he has railroad ties along the alley behind his property that have been there for many years. The last two years these railroad ties have been hit by the Borough during snow plowing. He was told last year by the Borough Foreman that they were in the Borough's right-of-way. He moved these railroad ties back a little and the same person hit them again this year. He provided pictures (on his camera) showing the railroad ties pushed back into his yard. He shared his background, knowledge, and his years of experience with regard to plowing snow with Council. Manager Smith had a picture from google earth showing the location of the railroad ties, explaining there is a 15 ft. right-of-way on Cherry Alley, which means 7 ½ ft. from the center of the roadway on both sides of the roadway. A good way to judge a right-of-way is the placement of utility poles. He explained with the amount of snowfall we had, and the forecast of more snow, the crew was going around town pushing the snow back in an effort to make room to plow new snow from the next predicted storm. Unfortunately damage to property occasionally happens, and when it does, the Borough returns in the spring and repairs the damages. He will to take a look at the property in question and the location of the railroad ties. Mr. Edwards said someone should have stopped to say they were sorry and to at least acknowledge they hit them. Manager Smith said the normal procedure, when there is a situation like this, is the Borough is notified and then he comes out to take a look at the property. He talks to the property owner, compromising as necessary, and we adjust things come springtime. This issue could have taken all of ten minutes to resolve, but he was never contacted by Mr. Edwards. Mr. Edwards stressed that he talked to a couple of people and no one responded to him. Manager Smith said you never contacted the Borough; you contacted the Mayor and the Council President and they contacted me about this and now you are before Borough Council. Unfortunately, there isn't anything that can be done right now because of the snow, but he would be happy to take a look at this. There was **very much** discussion. Councilmember Cook reminded everyone how many hours these guys been working. Manager Smith responded saying that tensions tend to run high when you have this much snow and you work the kind of hours these guys have been working. Councilmember Cook indicated no arguing needs to occur as to whether the railroad ties were in the right-of-way or were not in the right-of-way, we simply need to measure it off and mark the location of the right-of-way.

Kevin Gardner was present and said his employee was behind the Borough truck that hit these railroad ties, and they could have been in the Borough's right-of-way, but out of respect to the property owner, the driver should have stopped and said something. He agrees that plowing snow is hard and you hit things from time to time. He is surprised there are not more incidents like this. He pointed out the Borough Foreman and crew do a wonderful job in this Borough and have for many years.

**ATTENDANCE**

**CALL TO ORDER**

**APPROVAL OF MINUTES**

**(PUBLIC HEARING)  
CONDITIONAL USE  
REQUEST FOR  
606 ST CATHERINE  
STREET**

**PUBLIC HEARING  
CLOSED**

**PUBLIC  
PARTICIPATION  
DONALD EDWARDS**

**KEVIN GARDNER**

February 17, 2015

**POLICE COMMITTEE:** Council President Bergonia said there was no meeting in February and everyone should have received the Chief's monthly report. Chief Yost announced that Corporal Malcom Herman, with 27 years of service, recently retired; due to his accrued vacation and personal time, Corporal Herman's last official day with the department will be April 23, 2015.

**PLANNING COMMITTEE:** Councilmember Strosser made a motion, seconded by Councilmember Faden, to approve HARB letters a, b and c, as submitted and recommended by HARB. Motion was unanimously approved.

**a. 535, Inc. (Kevin Gardner)/208 South Fourth Street/Windows.** An application was submitted to and reviewed by HARB for window replacements. A motion was made by Rob Cook, seconded by Ted Strosser, to recommend approval of the replacement windows, as indicated in the HARB application project description, each 48" x 65" panel of what is now four horizontal panels will be replaced with one large pane (total of 38 windows). Motion was unanimously approved.

**b. Bucknell University/420 South Seventh Street/Renovations.** An application was submitted to and reviewed by HARB for renovations. A motion was made by Ted Strosser, seconded by Elaine Wintjen, to recommend approval of the renovations, as indicated in the HARB application project description and as shown in the drawings provided, noting that neither removal of second floor carpet or the addition of new steps will impact the street scape, and it should be noted that there is additional paperwork that must be adhered to regarding two new steps. Motion was unanimously approved.

**Project Updates:**

**a. Laura Prosseda/512 Market Street/Sign.** Tenant of 512 Market Street came in with an additional sign for review. The placement of this sign is to be on the side entryway (along the railroad tracks) of the new café at this location. HARB felt this sign was appropriate; however, since this sign is internally illuminated and there was a question of whether our zoning allows illuminated signs, a motion was made which also incorporates a back-up plan, in an effort to cover all bases. A motion was made by Rob Cook, seconded by Phoebe Faden, to recommend approval of the placement of this illuminated sign as presented, *if it is approved by the zoning regulations*, and if it is not approved by the zoning regulations, HARB's recommendation is that a bell light replace the existing motion light in this sign presented, and also noted the replacement of the existing lattice along the patio with new wood paneling was acceptable. Motion was unanimously approved.

Councilmember Strosser made a motion, seconded by Councilmember Cox, to untable Case #CU-15-04, 606 St. Catherine Street, conditional use request to convert into a rooming/lodging house currently tabled as a result of no submittal of off-street parking plan for five parking spaces per ordinance. Motion was unanimously approved

Councilmember Strosser made a motion, seconded by Councilmember Cook to deny Case #CU-15-04, 606 St. Catherine Street, conditional use request to convert into a rooming/lodging house as a result of no submittal of off-street parking plan for five parking spaces per ordinance. Motion was unanimously approved.

Councilmember Strosser made a motion, seconded by Councilmember Faden, to accept the resignation of Paul Mauger from the Zoning Hearing Board effective February 10, 2015 with deep regret. Motion was unanimously approved.

Councilmember Strosser made a motion, seconded by Councilmember Cook, to appoint Elizabeth Durden to serve on the Zoning Hearing Board, filling an unexpired term with a term expiration date of 12/31/2016. Motion was unanimously approved.

Councilmember Strosser made a motion, seconded by Councilmember Baker, to approve Resolution No. 15-01, a resolution endorsing a feasibility study into any/all opportunities for a consolidation of Lewisburg Borough and East Buffalo Township. ON THE QUESTION: Manager Smith stated this resolution was reviewed by the Solicitor and this is the formalized version of the letter already sent to East Buffalo Township last month. Motion was unanimously approved.

Councilmember Strosser said the committee received the 2014 annual report from the Zoning Hearing Board. The committee supports the Manager working with Rebekah Smith, a girl Scout seeking the Gold Award by developing a "my little library" program in Soldiers and Hufnagle Parks. He explained Ms. Smith plans on using old newspaper dispensers from the Standard-Journal. Manager Smith said her intent is to use a Dr. Seuss theme for Kidsburg and a nature theme for Soldiers Park. Councilmember Strosser said the Girl Scout Troop will continue with the library program and the stocking of these dispensers. Also, WVIA will be developing/featuring Lewisburg in an upcoming "Our Town" feature likely to air this fall, at no cost to the Borough. Mayor Wagner said last year they wanted money to do this. Manager Smith said they have changed their procedure and it is at no cost to the Borough. There was **much** discussion.

**PUBLIC WORKS COMMITTEE:** Councilmember Baker made a motion, seconded by Councilmember Mahon, to approve the traffic sign agreement between Bucknell University and Lewisburg Borough for signalized pedestrian crossing sign on River Road near Bucknell University's Physical Plant. ON THE QUESTION: Solicitor Lyons said this was coordinated between Bucknell University and East Buffalo Township. However, one of the signs is actually going to be located within the Borough, so an agreement was necessary with the Borough. Bucknell University is assuming all responsibility of costs and liability. Motion was unanimously approved.

**FINANCE COMMITTEE:** There was no meeting in February. Councilmember Cox made a motion, seconded by Councilmember Faden, to approve the payment of bills from 01/17/15 through 02/13/15 in the amount of \$391,624.05. Motion was unanimously approved.

**POLICE COMMITTEE**  
RETIREMENT OF  
CORPORAL HERMAN

**PLANNING**  
**COMMITTEE**  
HARB

K GARDNER

BUCKNELL  
UNIVERSITY

L PROSSEDA

UNTABLING OF  
CONDITIONAL USE  
REQUEST FOR  
606 ST CATHERINE  
STREET

DENIAL OF  
CONDITIONAL USE  
REQUEST FOR 606  
ST CATHERINE  
STREET

RESIGNATION OF P  
MAUGER FROM ZHB

APPOINTMENT OF E  
DURDEN TO ZHB

ENDORSEMENT OF  
FEASIBILITY STUDY  
FOR  
CONSOLIDATION OF  
LEWISBURG  
BOROUGH AND EBT  
(RESOLUTION NO.  
15-01)

UPDATES

**PUBLIC WORKS**  
**COMMITTEE**  
TRAFFIC SIGN  
AGREEMENT  
APPROVED FOR  
SIGNALIZED  
PEDESTRIAN  
CROSSING SIGN  
PLACEMENT  
REQUESTED BY  
BUCKNELL  
UNIVERSITY

**FINANCE**  
**COMMITTEE**  
PAYMENT OF BILLS

February 17, 2015

**MAYOR:** Mayor Wagner thanked everyone that had something to do with the Ice Festival; it was an absolutely fabulous event and weekend; there were so many positive comments made about Lewisburg. Last month we talked about the KINBER Project and since then she found out there are some initiatives through the FCC to let municipalities compete with internet service providers. She firmly feels that competition is needed here. A U.S. Senator is pushing to see a change in the laws that would allow a municipality to do this, as currently you cannot. Let's all keep our eyes and ears open to this, as it would be a tremendous opportunity for this Borough. She reminded everyone that Mifflinburg Borough provides their electricity and as a result they have no property taxes, and that Watsonstown Borough provides water and they have low property taxes. So maybe there could be an opportunity here for Lewisburg Borough. Kevin Gardner shared he has been in discussions with a private regional outfit that may be coming into the Borough in the spring, as he hears complaints about the current service providers all the time. Councilmember Cook questioned what the municipality gets from our service providers. Manager Smith explained there is a franchise fee that the Borough receives on cable only. Solicitor Lyons said the FCC allowed this franchise fee because cable companies ran their cables on telephone lines in *our* right-of-ways; this is so antiquated with the technology of today. Councilmember Cook asked if the law needs to change before Council could really consider this. Solicitor Lyons said absolutely. Councilmember Faden stated it is the FCC that is pushing for broadband to be looked at like a utility. Solicitor Lyons said if that happens, we can regulate utilities and to a certain degree we may be able to get into this business; it definitely could be interesting if changes are made. There was **much** discussion.

**COUNCIL PRESIDENT:** No report.

**SOLICITOR:** Solicitor Lyons indicated an ordinance was advertised to allow the Manager to have the power to approve all purchase orders in amounts of less than \$10,500.00 for any/all departments, and it is before you tonight for consideration.

Councilmember Mahon made a motion, seconded by Councilmember Cook, to adopt Ordinance No. 1034, an ordinance amendment which would allow the Manager to have the power to approve all purchase orders in amounts of less than \$10,500.00 for any/all departments of the Borough which the Manager has supervision. Motion was unanimously approved.

Councilmember Cook said during our Planning Committee meeting our discussions turned to people who owe the Borough thousands of dollars for refuse collection; how we can collect this money. Manager Smith explained there are two refuse accounts that are large and the Borough isn't allowed to stop refuse service because of non-payment. The process is that we lien properties, but when you are talking about a renter, you cannot lien, and the other situation is an owner that will probably never sell, therefore, the liens will not be satisfied. In these two situations, the Borough is out all that money. Solicitor Lyons said this is difficult without knowing specifically who is being talked about here. But, in most cases after filing a lien, 90% or more get paid voluntarily, the rest we collect upon the sale of a property. To try to collect by executing a judgment on a municipal lien, is complicated, but you end up going after other real estate owned, personal property owned, and eventually a sheriff sale. This can be costly, so you need to make sure this procedure is worth pursuing. Councilmember Cook asked if we can recoup our costs. Solicitor Lyons said yes you can. We just recently took action to address businesses that were not paying by changing the ordinance and putting the onus of the refuse payment on the property owners. There was **much** discussion. Council President Bergonia suggesting the list of the delinquents be brought to the next Planning Committee meeting for review and discussion, to be followed up on during an executive session of Council at the March meeting.

**MANAGER:** Councilmember Faden made a motion, seconded by Councilmember Cook, to approve the appointment of Neil Hess as Deputy Tax Collector for Lewisburg Borough. ON THE QUESTION: Manager Smith said because of the change in the State's tax collection laws, to be compliant, our Tax Collector has recommended the appointment of Mr. Hess. Solicitor Lyons explained it has become problematic when a Tax Collector cannot perform his/her duties; therefore, a qualified individual must be appointed as a back-up and Mr. Hess had collected taxes in Union Township for many, many years and has offered his services should they be needed. Councilmember Cook said would Mr. Hess then be paid only if his services were required. Solicitor Lyons stated he would collect the commission (percentage of the taxes set by Council) for the taxes he actually collects. Motion was unanimously approved.

Councilmember Baker made a motion, seconded by Councilmember Mahon, to approve submission of the recommended list of qualified consultants to PennDOT for their consideration for the U.S. Route 15 Adaptive Signal Installation Project. ON THE QUESTION: Manager Smith indicated we are working with PennDOT to put new brains into our signals along Route 15, specifically at Route 45 (Market Street), St. Mary, and Route 192 (Buffalo Road). The requirement is to get a consultant onboard to review the

**MAYOR**

**COUNCIL  
PRESIDENT**

**SOLICITOR**

**MANAGER  
AUTHORIZED TO  
APPROVE ALL  
PURCHASE ORDERS  
IN AMOUNTS LESS  
THAN \$10,500  
(ORDINANCE NO.  
1034)**

**DELINQUENT  
REFUSE PAYMENT  
DISCUSSION**

**MANAGER  
APPOINTMENT OF N  
HESS AS DEPUTY  
TAX COLLECTOR**

**SUBMISSION OF  
LISTING TO  
PENNDOT OF  
QUALIFIED  
CONSULTANTS FOR  
ROUTE 15 ADAPTIVE  
SIGNAL  
INSTALLATION  
PROJECT**

February 17, 2015

various systems, and PennDOT must review the list of consultants and approve it on our behalf. Because we are talking about shared signals, a meeting was held last Friday with the Selection Committee comprised of East Buffalo Township, Union County and SEDA-COG. The Selection Committee created a list of consultants, which he received this afternoon, and he will forward a copy of this to Council. He noted the top two consultants on the list were: Pennoni Associates and Michael Baker International. Motion was unanimously approved.

**OTHER COMMITTEES:** Council President Bergonia said the Buffalo Valley Recreation Authority (BVRA) has hired Stacey Sommerfield as the next Executive Director and she starts on March .

Mayor Wagner stated again, the LDP should be commended for the great job they did with the Ice Festival.

Mayor Wagner said the Town and Gown Committee met in February. Chief Yost said things are going well. There were discussions about the students moving back onto campus and the amount of rentals off campus that will be empty as a result of this. Kevin Gardner commented there are going to be about 90 units dumped back into the market overnight and this market cannot handle that as there isn't an influx of people. Three of his buildings are going to become Section 8 Housing. He feels it was wrong of Bucknell University to do this overnight. Councilmember Strosser said the timing of the flood insurance issues certainly didn't help this situation either. There was **much** discussion.

Councilmember Cook indicated he has no report for the LNC.

Manager Smith reported the removal of the ash trees is underway; it looks very empty out there, but we have a \$10,000.00 grant and we are already in the process of placing orders for more trees. The plan is to get upwards of 100 trees and a variety of trees. There have been discussions of volunteers handling the planting of these trees.

Council President Bergonia reported it is basically business as usual for the CK-COG. However, with the retirement of Tom Sauers, there is now an administrative team managing this organization.

Council President Bergonia indicated there is no report on the Community Garden.

Mayor Wagner indicated the Lewisburg Area High School Repurposing Committee's walk-through/tour occurred this past week. Those interested in submitting an RFP were present and there were two distinctive groups represented; however, there still could be more out there.

Councilmember Cook indicated the Flood Task Force's baby steps have successfully taken us to the public outreach and organizing of information phase. The website person should be returning soon, so the information will be available soon. The goal is to provide information in a way that doesn't overwhelm the public. Tomorrow at 8 AM there is a Flood Impact Task Force meeting dealing with finance and insurance being held at the Street of Shops. At 12:15 PM there is a Buffalo Valley Rail/Trail meeting being held at the Cherry Alley Café.

Councilmember Cook indicated there is no formal report from the River Town Committee but they will meet tomorrow evening at 7:00 PM here.

Councilmember Cox said he asked the Manager to distribute the minutes from the Municipal and Community Advisory Committee (MACAC) meeting. They were quite informative.

**OLD BUSINESS:** None.

**NEW BUSINESS:** Councilmember Cook asked for feedback on his suggestion for a potluck meal or something for the Police and Borough crew. There was **much** discussion. Manager Smith stated he could provide a pizza lunch to the crew and be sure they know they are being provided as a result of Council's appreciation for their hard work. He stressed he does forward the positive emails to the Borough Foreman, who actually posts them for the guys to read; they do appreciate seeing them.

Mayor Wagner said some people in her neighborhood feel they are not well informed and they do not know their neighbors, so a suggestion was made to hold a neighborhood meeting here at the Borough building sometime late in March; she thinks it is a great idea.

Council President Bergonia commented we need to figure out who will be serving on the Refuse Review Committee so we can get started. Manager Smith explained this is too big of a project to be included as part of an already existing committee like we decided to do with parking. He knows that the following individuals have volunteered to serve: Councilmember Mahon, Linda Sterling and Kevin Gardner.

OTHER  
COMMITTEES  
BVRA

LDP

TOWN AND GOWN  
COMMITTEE

LNC

STC

CK-COG

COMMUNITY  
GARDEN

REPURPOSING  
COMMITTEE

FLOOD TASK  
FORCE

RIVER TOWN  
COMMITTEE

MACAC

OLD BUSINESS

NEW BUSINESS  
RECOGNITION OF  
BOROUGH CREW  
FOR SNOW  
PLOWING  
EFFORTS

NEIGHBORHOOD  
MEETINGS  
DISCUSSED

DISCUSSION OF  
MEMBERSHIP OF  
REFUSE REVIEW  
COMMITTEE

February 17, 2015

Councilmember Baker commented he read in the paper that East Buffalo Township is going to single stream recycling. Manager Smith explained they are looking to contract out for recycling pick-ups, which is what we did, only we allowed it to be open. He said municipalities cannot go to single stream recycling yet per the Lycoming County Landfill. Solicitor Lyons said he read the article and it indicated their center will allow single stream recycling. Chief Yost said he was at a township meeting and they were talking about putting a single stream container in their recycling area. Councilmember Faden commented that it better be a very big container, because if you have the option of dumping your recyclables all in one container or sorting them, we all know what will happen. Manager Smith explained that there are other entities other than Lycoming County that will take recyclables unsorted. Unfortunately, Lycoming County Landfill requires municipal recyclables be sorted. There was **much** discussion.

**WRITTEN REPORTS:** Councilmember Strosser made a motion, seconded by Councilmember Cook, to acknowledge receipt of the Budget Index; Parking Report, Zoning Officer Reports (December and January) and Code Enforcement Officer Report. Motion was unanimously approved.

**WORK SESSION:** Council President Bergonia questioned if a work session will be needed March . Manager Smith said he thinks not, but he will let everyone know if that changes.

There being no further business, Councilmember Cook made a motion, seconded by Councilmember Baker, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 9:25 PM.

Respectfully submitted,

Patricia M. Garrison  
Borough Secretary

**EBT SINGLE  
STREAM  
RECYCLING**

**WRITTEN REPORTS**

**WORK SESSION**

**ADJOURNMENT**