

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, February 19, 2013** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Casimir, Cox, Mahon, and Morris; Mayor Wagner; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Absent: Councilmembers Baker, Robinson and Strosser. Also present: Matt Farrand, Mark Spiro, Martha Barrick and Stephen M. Bolinsky.

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 Morris, seconded by Councilmember Mahon, to approve the minutes of the regular Council meeting held January 15, 2013. Motion was unanimously approved.

PUBLIC PARTICIPATION: Stephen Bolinsky, newly appointed Fire Chief for the William Cameron Engine Company, introduced himself. He updated Council on the combination fire department, its reorganization, recent chief officers, recent hires, and updated Council on the current activities and training programs.

Stacey Sommerfield, representing the Community Garden, introduced Mark Spiro, Associate Professor of Biology at Bucknell University. There are trees on the site they would like to remove, specifically two Norway Maples, which would allow for an approximate 75 ft. expansion of the garden toward the Street of Shops. This expansion will allow more plots for people to rent and would allow expansion of the community plot which provides food to the Union County Food Bank, Milton Community Harvest Dinner and the First Presbyterian Dinner by the river. Professor Spiro explained why they chose the removal of those two trees and provided handouts showing a before and after depiction of the garden. Ms. Sommerfield explained removal of the stumps would not happen due to cost, but shared ideas on what they will do with the stumps until they rot. Professor Spiro reported the Black Walnut trees along the side of the garden are an invasive species, and they need trimmed back so they do not shade the garden. Ms. Sommerfield said they are looking to create a park-like area for people to relax while at the garden and propose planting several sugar maple trees, not only for shade, but for tapping in approximately ten years for maple syrup demonstrations. Professor Spiro reported he hopes to have a fraternity or two hold fundraisers for facilities in this park area, i.e. picnic benches, etc. Ms. Sommerfield said we have someone willing to remove the trees at no cost, if they can have the wood. Councilmember Casimir said he has no problem with expansion of the garden, but the tree requests must come before the Shade Tree Commission and they meet the second Thursday of each month at 7 PM; the actual application is available in the Borough Office. There was **much** discussion.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to conceptually approve the expansion of the community garden as presented, conditional upon the Shade Tree Commission's review and approval with regard to the tree requests. Motion was unanimously approved.

Katie Davis, Director of LARA, provided a handout to Council dated February 19th, updating Council on various issues: the financial results for 2012, the Rail/Trail conceptual designs for Fifth Street to the Railroad Bridge funded in part by a Susquehanna Greenway Grant of \$5,000, as well as the proposed name change to Buffalo Valley Recreation Authority (BVRA), Million Penny Project, etc. Most importantly, she addressed the Rail/Trail from Eighth Street to Fifth Street explaining there is \$14,000 of leftover grant money from the Design Grant of the whole Rail/Trail Project that they would like to use, along with the \$5,000 given by the Borough and the \$5,000 given by East Buffalo Township in support of the project. Unfortunately, LARA needs someone to front the \$14,000 prior to April. That money is there and LARA will get it back sometime in September once the project is closed out. She pointed out East Buffalo Township fronted money to LARA for the first half of the Rail/Trail Project.

Councilmember Casimir asked to see the documentation from DCNR guaranteeing this, because we were told we could not use any leftover monies, and then we were told we could, and now we are being told money has to be fronted and then paid back. He explained closeouts are complicated and have unexpected hurdles. Ms. Davis said when you apply for a DCNR Grant, you get 90% up front and once the project is complete, you get paid the last 10%. She doesn't know the specific percentages of this grant, but will send the information to the Manager for his review.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to provide LARA with the \$14,000 needed to help cover the costs to fund the preliminary design work for the Rail/Trail's Eighth Street to Fifth Street Extension Project, pending the Manager's review of the DCNR Grant confirming that these monies are refundable, with this money to be paid back by LARA upon project closeout sometime in September. **ON THE QUESTION:** Councilmember Casimir asked where this money will come from. Manager Smith said we still have LARA in the General Fund, which is where we have given monies from in the past. Motion was unanimously approved.

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION
STEPHEN BOLINSKY/WCEC

STACEY SOMMERFIELD AND MARK SPIRO/BUCKNELL UNIVERSITY (COMMUNITY GARDEN)

APPROVAL OF EXPANSION OF COMMUNITY GARDEN CONDITIONAL UPON STC APPROVAL OF TREE REQUESTS

KATIE DAVIS/LARA

APPROVAL TO LOAN LARA \$14,000 FOR PRELIMINARY DESIGN WORK ON RAIL/TRAIL'S EIGHTH STREET TO FIFTH STREET EXTENSION PROJECT

Manager Smith explained there are a number of phases going on at the same time. First, there is a conceptual design, which is a pretty picture; there is preliminary design, where we get enough engineering and background information that we can provide estimates of cost, etc.; then there is final design. The section we are referring to as Eighth Street to Fifth Street, which is really Route 15 to Fifth Street, is currently under preliminary design. So a drawing/plan will be available to take to final and bid. The Fifth Street to the Railroad Bridge section is conceptual. Ms. Davis said the committee scheduled to meet next week consists of: Bucknell University, Larson Design, the Borough, and LARA. Manager Smith said we met once; there are students doing survey work, i.e. traffic counts, pedestrian counts, etc., and there were discussions of focus groups and potential town meetings, how to handle businesses, as well as residents, and then he received from Sam Pearson, the BVRT Committee Chairwoman, a request to see if Council was comfortable with the group going out and conducting surveys. He forwarded this request to Council, and to make this brief, Council has indicated their desire to have LARA, specifically Katie Davis, channel and control all these participating groups so we don't have people going in different directions. Mayor Wagner said her concern is that Council know and approve of exactly what is going on and what is being said before we have a situation where there are rumors and/or misunderstandings. Ms. Davis said the idea is to go door to door and handout a one page sheet that specifically says what is going on. There is also to be a public presentation at Barnes and Noble sometime in May, as it is important to start communications sooner than later. Councilmember Casimir stressed again, the concern is that there are many groups saying they are going to hold public meetings, door to door surveys, etc., and it is this Council's expectation that LARA, who runs the BVRT, be the responsible party controlling *all* of this and be the party in direct contact with Council. It is always nice to have input, but it is very bad to have disorganization, so we expect leadership from LARA.

POLICE COMMITTEE: No meeting in February. Chief Yost distributed his January 2013 monthly activity report. He pointed out additions on the Time Report Summary sheet, specifically Zone E/LASD/IS, Zone E/LASD/MS and Zone L/LASD/HS were added for tracking time spent in the school district. Manager Smith reported he is thankful the Chief remains readily available to the Borough. He recently met with the Chief and East Buffalo Township to develop a protocol for winter maintenance. He has also been working closely with the Chief regarding the Police Pension Plan, which is quite complicated. Chief Yost announced as of February 6th he has one year of regionalization behind him, and he thanked everyone for their support.

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

a. Nisarath Premjai (Siam Café)/518 Market Street/Signage-Handrail. An application was submitted to and reviewed by HARB for signage and a handrail. A motion as made by Ted Strosser, seconded by Mary Mastascusa, to approve the signs as presented, with primary sign to be located on the single story roof (as was the florist's sign), the perpendicular sign will hang above the railing to the left of the door, and the main sign will be illuminated by spot lights; and design option #1 for the railing as presented was approved. Motion was unanimously approved.

b. William Hodrick/34-36 South Fifth Street/Exterior Alterations. An application was submitted to and reviewed by HARB for exterior alterations. A motion was made by Steve Snook, seconded by Ted Strosser, to approve an architectural shingle roof in lieu of an exposed fastener metal roof as well as removal of integral gutter replacement of aluminum half inch round gutter and repair and replacement of porch railings with painted wood, as described in the HARB application under project description. Motion was unanimously approved.

c. David/Kristen Koconis/140 South Second Street/Addition. An application was submitted to and reviewed by HARB for an addition. A motion was made by Phoebe Faden, seconded by Robert Cook, to approve the addition as shown in the drawings presented today; windows are all to be exterior simulated divided light; exterior finish will be smooth finish cement board lap finish; architectural shingles for the house and metal or single for the garage; metal on garage can be exposed fastener; stone on chimney will be made to match the existing stone foundation. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to approve Resolution No. 13-01, authorizing the name change of the Lewisburg Area Recreation Authority (LARA) to the Buffalo Valley Recreation Authority (BVRA), with the change of the word "to" to "in" in the first line of the second paragraph. ON THE QUESTION: Councilmember Casimir said we feel the second paragraph should read, "the Authority provides services *in* other areas of Pennsylvania and surrounding states, not *to* other areas of Pennsylvania and surrounding states" as presented. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to allow the First Baptist Church to use the depiction of the Borough's three globe light standard in their t-shirt design. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to approve the change of the structure of the Traffic Advisory Committee to consist of one (1) Councilmember, the Mayor, and six (6) at-large members, with the requirement that the majority of the six (6) at-large members must be Borough residents. ON THE QUESTION: Mayor Wagner asked why? Councilmember Casimir said there are two qualified people that are not residents. One we previously took action to address, and now this one. Motion was unanimously approved.

RAIL/TRAIL
DISCUSSIONS

**POLICE
COMMITTEE**

**PLANNING
COMMITTEE
HARB**

N PREMJAI

W HODRICK

D KOCONIS

**LARA CHANGING
NAME TO BUFFALO
VALLEY
RECREATION
AUTHORITY (BVRA)
(RESOLUTION NO.
13-01)**

**USE OF THREE
GLOBE LIGHT
STANDARD BY
FIRST BAPTIST
CHURCH
APPROVED**

**TRAFFIC
ADVISORY
COMMITTEE
STRUCTURE
CHANGE**

Councilmember Casimir made a motion, seconded by Councilmember Cox, to appoint Vicky Caudullo (non-resident/BU student) to the Traffic Advisory Committee; term expiration 12/31/15. Motion was unanimously approved.

TRAFFIC ADVISORY
COMMITTEE
APPOINTMENT (V.
CAUDULLO)

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to prepare a right-of-way (ROW) agreement with Saul and Larry Putterman to allow access across their property located at 27 South Fifth Street. ON THE QUESTION: Solicitor Lyons said the Puttermans are granting the Borough the right to use their right-of-way, in perpetuity, across their property to Market Street, and clarified that their ROW consists of the ROW across what used to be the Creswell property, so it is clearly a double ROW. The Puttermans are granting the Borough a deed and easement ROW and that is it. Manager Smith said in lieu of the cost of five of the eleven parking spaces and they can be located wherever the Manager would choose. Councilmember Morris said we are giving the Puttermans five free parking spaces in the Borough's parking lot vs. MPL #2. Manager Smith said yes, at this point that is where he is locating them, but he could locate them in MPL #2. Solicitor Lyons said in consideration of their granting the right of way, we are granting them the use of five spaces within our parking lot at the Manager's discretion pursuant to the conditional use permit granted by the Borough. Councilmember Casimir said no; last month's motion gave the Manager the authority to decide where the eleven parking spaces would be located. Our Solicitor is on the right track to leave this as open as possible as to what type of remuneration might be in return for this ROW. Solicitor Lyons said he would rather leave it without specificity. If we were approached with, we agree if you give us "x", that is fine, but that was off the table last month. Manager Smith said fine. Councilmember Morris said she did not understand it that way; we were giving the Manager that discretion so he could negotiate five within this parking lot for the ROW. Manager Smith said or five over in MPL #2. Councilmember Casimir said no, we clearly separated this out just as the Solicitor has pointed out. Solicitor Lyons stated that is not the way Mr. Putterman understands it either. Manager Smith said Mr. Putterman understands he owes six permits, of the eleven, in MPL #2, and he understands he is granting the Borough the ROW for five other parking spaces located wherever it is decided. There was **much** discussion. Councilmember Casimir said at the last meeting Mr. Putterman suggested he would pay for eleven parking spaces in order to get his conditional use permit. Solicitor Lyons said if it came to that, yes. Councilmember Casimir said the ROW is a whole separate issue and as our Solicitor has said, if we can get an agreement for \$1 or some other consideration, it should stay totally separate from the parking spaces. If we right this into the ROW, then we are agreeing to the very thing that most of Council objected to, which is giving up Borough property in perpetuity that we are not convinced is worth that. Solicitor Lyons said he is optimistic Mr. Putterman will sign this for \$1 because that is what they now understand, but if they come back and say they will not, we will deal with that at that time. Solicitor Lyons clarified if this ROW agreement isn't agreed to for \$1, then he will bring it back before Council; otherwise, it will not come back to Council. Motion was unanimously approved.

SOLICITOR
DIRECTED TO
PREPARE ROW
AGREEMENT WITH
PUTTERMANS FOR
27 SOUTH FIFTH
STREET

Manager Smith said within the Code of Ordinances there is the Uniform Construction Code, which referred to BOCA, and BOCA was subsequently changed to the International Property Code about three years ago. The Borough's ordinance stated BOCA, and/or as amended, so our Solicitor indicated at that point we needed to do nothing. However, the International Property *Maintenance* Code contains an ordinance that establishes the height of weeds and other blanks that need to be filled in. The general feeling is that we should have an Ad Hoc Committee, similar to what we formed for zoning, to review these documents and fill in the blanks as appropriate on the various topics of electric, heating, property maintenance, etc. Solicitor Lyons said there are several pages of amendments which we may still want to keep and/or change, but they reference the old code and not the new code, so the proper language has to be created. This is not an easy process and he would like to do one ordinance in an effort to keep things as smooth as possible. Manager Smith said to keep the nuisance vegetation ordinance separate would allow anyone to address it with a property owner as a weed issue, but if it were in the ordinance under Codes, then only the Code Officer could address it. Councilmember Morris asked what committee would be appropriate for this. Manager Smith said this is too much for a Council committee; he suggests a couple of Councilmembers working directly with him. Council President Bergonia said he would be willing to serve on this Ad Hoc Committee. Councilmember Casimir said he would also. Manager Smith said he really doesn't see it being labor intensive, just a few meetings, and he will schedule the meetings. Council President Bergonia said the Ad Hoc Committee for the IPC will consist of: Manager Smith, Mayor Wagner, Councilmember Casimir, himself, and he will select one other Councilmember to serve. He will report who the other Councilmember is, as soon as he knows.

AD HOC
COMMITTEE
CREATED FOR
REVIEW OF
INTERNATIONAL
PROPERTY CODE

Councilmember Casimir indicated the LARA IGA discussions are going well; there is only one final thing that needs to be addressed.

LARA IGA
DISCUSSION
UPDATE

PUBLIC WORKS COMMITTEE: No action items.

**PUBLIC WORKS
COMMITTEE**

FINANCE COMMITTEE: Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve payment of bills from 01/12/13 through 02/15/13 in the amount of \$436,489.78. Motion was unanimously approved.

**FINANCE
COMMITTEE
PAYMENT OF
BILLS**

MAYOR: Mayor Wagner said the Ice Festival was a great success and she thanked the Downtown Partnership, the merchants, and all the organizations that participated. She apologized for the cancellation of the Polar Plunge, but the river's water level was extremely dangerous. She reported all is well with the Regional Police. Mayor Wagner commented how nice it would be if we are the home area for the Patriot League, which would bring a ton of people into town. She suggested everyone go to the Bucknell website and vote for Michael Muscala for the Senior Class Award.

Manager Smith said the Town Clock has been ordered, paid for, delivery should be the first week of March, and installation will be shortly thereafter near Betty Cook's house.

COUNCIL PRESIDENT: Council President Bergonia commented some of the ice sculptures are still out there.

SOLICITOR: Solicitor Lyons presented an ordinance amending regulation of parks, playgrounds and recreation areas of the Borough by prohibiting the use or operation of any skateboards and bicycles therein, except in designated areas, to Council for consideration.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to adopt Ordinance No. 1018, an ordinance amending regulation of parks, playgrounds and recreation areas of the Borough by prohibiting the use or operation of any skateboards and bicycles therein, except in designated areas. Motion was unanimously approved.

MANAGER: Councilmember Morris made a motion, seconded by Councilmember Mahon, to direct the Solicitor to advertise an amendment to the current ordinance to include placement of stop signs on North Water Street at the intersection of St. John Street for traffic traveling north and south on North Water Street. ON THE QUESTION: Manager Smith indicated these stop signs were placed last month at the direction of the Mayor. He has only heard positive comments on these signs. Motion was approved with two dissenting votes, Councilmembers Casimir and Cox voted no.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to direct the Solicitor to advertise an ordinance relative to the establishment and maintenance of police employees' pension, annuity, insurance and benefit fund or funds, to amend the plan to comply with changes necessary under the Internal Revenue Code (IRC). ON THE QUESTION: Solicitor Lyons indicated in order to get us to the point required by the Intergovernmental Agreement and the contract with the Regional Police and the Police Officers, East Buffalo Township and the Borough have to transfer their pension funds. To accomplish this, the Borough's pension attorney has shared the necessary steps that need to be taken. This ordinance change is the first thing we need to do; second, we have to adopt a resolution transferring the funds to the new Regional Police fund; and last, we need to enact an ordinance terminating our pension plan. So action on this ordinance is required tonight, and next month we will have before us the resolution for the transfer of the pension funds, as well as the pension termination ordinance. Mayor Wagner indicated East Buffalo Township already enacted a resolution for the transfer of their pension monies to the Regional Police Pension account. Manager Smith reported, in an attempt to give Council an idea of how complicated this is, our pension attorney, who is a professional that deals with pensions on a daily basis, had to make three calls to the Public Employee Retirement Commission and two calls to the Auditor General to figure out how to do this. Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Cox, to approve a thirty day extension for submission and Borough approval of the Stormwater Facilities Maintenance Agreement and Improvements Guaranty Agreement, as well as recording of Final Land Development Plans for Sunoco, Inc., as requested by Bergmann Associates in their letter dated February 15, 2013. ON THE QUESTION: Solicitor Lyons indicated he has been working with Steve Beattie and Sunoco's attorneys and consultants to draft the above agreements. We are very close to finalizing them, but because of the deadline for recording of the final plans, a thirty day extension was needed. Motion was unanimously approved.

Manager Smith indicated Karl Purnell, owner of the Thai Food trailer that has operated on Fridays during the summer months, requested permission to provide/conduct horse and carriage rides in the Borough. Our ordinances do not address this, so he will be reviewing this request with the Chief relative to certifications required for taxi services, as he thinks these may apply. Solicitor Lyons stated Mr. Purnell may have to get permission from the Pennsylvania Public Utility Commission (PUC). Council President Bergonia indicated there is a horse and carriage that currently operates through the Lewisburg Hotel. Manager Smith explained there is nothing for Council to approve or disapprove, but we can share our concerns with Mr. Purnell. Councilmember Morris stressed as long as the clean-up from the horse is arranged, she wouldn't think there would be any issues.

OTHER COMMITTEES: Councilmember Bergonia indicated we already covered LARA.

MAYOR

TOWN CLOCK UPDATE

COUNCIL PRESIDENT

SOLICITOR ORDINANCE AMENDING REGULATION OF PARKS, ETC. BY PROHIBITING USE OF SKATEBOARDS/ BICYCLES (ORDINANCE NO. 1018)

MANAGER SOLICITOR DIRECTED TO ADVERTISE ORDINANCE FOR STOP SIGNS ON NORTH WATER STREET AT ST. JOHN STREET

SOLICITOR DIRECTED TO ADVERTISE AN ORDINANCE RELATIVE TO ESTABLISHMENT/ MAINTENANCE OF POLICE EMPLOYEES' PENSION TO AMEND THE PLAN TO COMPLY WITH IRC

COUNCIL GRANTED THIRTY DAY EXTENSION FOR SUBMISSION OF AGREEMENTS FOR SUNOCO, INC.

K PURNELL ASKING TO PROVIDE HORSE AND CARRIAGE RIDES

OTHER COMMITTEES LARA

Councilmember Morris reported she missed the last few meetings, but obviously the Downtown Partnership's Ice Festival was a huge success.

Mayor Wagner stated the next Town and Gown Committee meeting is scheduled for tomorrow evening.

Mayor Wagner reported the Master Planning Committee of the LNC is continuing their work on a new community to migrate from Elm Street to the north side of town and it is being referred to as Ward I Plus.

Councilmember Casimir reported the Shade Tree Commission is moving forward with the Fourth Street Project and the Arbor Day Project.

Council President Bergonia indicated the CK-COG continues to do a great job; they are now responsible for all the rentals in Jersey Shore. And, it is worth mentioning that one member of the CK-COG passed every code certification test, making him one of only ten or twenty throughout the entire State of Pennsylvania to accomplish that.

Councilmember Morris reported there are a lot of AmeriCorps people, as well as Bucknell University interns, coming forward to help with the community garden.

OLD BUSINESS: None.

NEW BUSINESS: Councilmember Morris stated she is so happy to see the renovation work to the property at 34-36 South Fifth Street. Mayor Wagner said she is also happy to see the work taking place at the 725-727 St. Louis Street property.

WRITTEN REPORTS: Councilmember Casimir made a motion, seconded by Councilmember Mahon, to acknowledge receipt of the Budget Index; Parking Report, Zoning Officer Report, and Code Enforcement Officer Report. Motion was unanimously approved.

WORK SESSION: Council President Bergonia reported there will not be a work session in March.

There being no further business, Councilmember Casimir made a motion, seconded by Councilmember Mahon, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 8:45 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

LDP

TOWN AND GOWN

LNC

STC

CK-COG

COMMUNITY
GARDEN

OLD BUSINESS

NEW BUSINESS

WRITTEN
REPORTS

WORK SESSION

ADJOURNMENT