

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held at 6:30 PM on **Tuesday, February 20, 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 Lowthert, Secretary Garrison and Junior Councilmember Ezra Buonopane. Absent: BVRPD Chief Yost. Also present: Peter J. Bergonia, Jr., Steven Beattie, Matt Becker, Penn Garvin, Michelle Dietrich, Matt Farrand and Eric Scicchitano.

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

APPROVAL OF MINUTES: Motion was made by Councilmember Derman, seconded by Councilmember Heayn, to approve the minutes of the January 16, 2018 regular monthly meeting. Motion was unanimously approved.

COUNCIL PRESENTATION(S): Penn Garvin, Board President for the Donald Heiter Community Center (DHCC), thanked Council for their support of the DHCC. She shared some of the new programming being offered by the DHCC, specifically a middle school leadership program, a modern parenting program, and the STEM (science based) program for children kindergarten through third grade.

Michelle Dietrich, Union County Emergency Management Coordinator (EMC), explained she is present this evening to recognize Steven Beattie, our local Emergency Management Coordinator, for obtaining the advanced certification (there are three levels of certification: basic, advanced and professional) through the Commonwealth of Pennsylvania. (Mr. Beattie was presented with a plaque.)

Steven Beattie thanked everyone for acknowledging his achievement. He was planning on coming before Council tonight to introduce himself as there are many new members. Not only does he serve as the EMC for the Borough, which means he will lead in an emergency, if necessary, and for this Borough that normally means a flooding event, but he also serves as the Zoning Hearing Board Chairman. He encouraged everyone to take the required NIMS training courses and learn their role should an emergency occur. Councilmember Comas asked who declares an emergency. Ms. Dietrich said at the local level the Mayor is responsible for signing the declaration. Union County assists as needed because it is all about teamwork. Manager Lowthert said if we know of an emergency coming, he would pull Council together for a special meeting to discuss and coordinate as necessary and then the Mayor would make the declaration. There was **much** discussion.

PUBLIC COMMENT(S) ON ANY AGENDA ITEM: No one wished to speak

PUBLIC WORKS/POLICE COMMITTEE: Manager Lowthert stated the Chief was unable to attend this evening; however, the Chief has reported his officers, as a result of the complaints received, have been providing speed enforcement on Market Street in the early morning hours and have found vehicles are not exceeding the speed limit. Council received the Buffalo Valley Regional Police Department's (BVRPD) monthly report, along with the 2017 Annual Report.

Councilmember Mahon made a motion, seconded by Councilmember Derman, to approve the release of the South Sixth Street Streetscape Project for bid. **ON THE QUESTION:** Manager Lowthert explained this is part of a multi-phase project going on in the South Sixth Street area, which includes sidewalks with storm drain improvements, tree improvements and handicapped ramps. Motion was unanimously approved.

Manager Lowthert reported the committee directed him to proceed with the 2018 Ash Tree Treatment Program. This is the third year of this program and hopefully this will be the last one for at least three years as it appears the emerald ash borer population is less now. We will receive more guidance/information on this from the State in the future.

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Derman made a motion, seconded by Councilmember Heayn, to approve the payment of bills from January 13, 2018 through February 16, 2018 in the amount of \$517,951.03. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to approve making Martin Luther King Jr. day an official Borough Holiday, closing all Borough operations on that day. **ON THE QUESTION:** Manager Lowthert indicated the Borough receives complaints every year from people for not celebrating this day and usually those complaints are associated with the fact they got a parking ticket on a day they thought the Borough was closed. This particular gentleman got a ticket, but his bigger issue was why this Borough is not recognizing this day as a Holiday. The union contract doesn't include this day as a Holiday, but he doubts the union members would complain about getting an additional official Holiday off with pay. After discussions, the committee felt this day should be a Holiday recognized by the Borough. Council President Morris said the committee felt recognizing this Holiday was worth whatever financial costs would be incurred. Councilmember Yohn said she is in favor of honoring Martin Luther King Jr., but she believes that can be done whether you are working or not working. She works in the private sector and doesn't get President's Day, Lincoln's Day, etc. Councilmember Comas asked if there are other Federal Holidays the Borough isn't closed for. Manager Lowthert said there are some, President's day being one, but he isn't sure of all of them. There was much discussion. Motion was approved with one dissenting vote, Councilmember Yohn voted no.

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

COUNCIL PRESENTATION(S)

PENN GARVIN

MICHELLE DIETRICH

STEVEN BEATTIE

PUBLIC COMMENT ON ANY AGENDA ITEM

PUBLIC WORKS/POLICE COMMITTEE BVRPD

SOUTH SIXTH STREET STREETScape PROJECT TO BE RELEASED FOR BID

2018 ASH TREE TREATMENT PROGRAM TO PROCEED

ADMINISTRATIVE/FINANCE COMMITTEE PAYMENT OF BILLS

MARTIN LUTHER KING JR. DAY/ OFFICIAL BOROUGH HOLIDAY

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Councilmember Derman made a motion, seconded by Councilmember Heayn, to appoint the following elected and appointed officials to be the official signatories for the Borough's checking accounts with M&T Bank and Mifflinburg Bank and Trust: Kathryn Morris, Council President; Susan P. Mahon, Council Vice-President; William Lowthert, Borough Manager/Treasurer; Patricia M. Garrison, Borough Secretary. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Heayn, to enact Resolution No. 18-03, a resolution amending the Borough of Lewisburg's Non-Uniformed Employees' Retirement Plan requiring contributions by participants hired on or after January 1, 2018, and eliminating cost of living adjustments for participants hired on or after January 1, 2018. ON THE QUESTION: Manager Lowthert indicated this action will match the Non-Uniformed AFSCME contract, as negotiated and approved, dated January 1, 2018 through December 31, 2021. Motion was unanimously approved.

Manager Lowthert reported 18 of the parking spaces in the parking lot located behind the post office building are not owned by the Borough, but are owned by St. Paul United Methodist Church. There has been a long-term lease agreement between the Borough and the Church which expires February 28th. We've been negotiating with the Church and the Church is willing to allow us to continue as follows: lease the 18 spots for public use, continue to maintain/improve them as we have always done, pay the Church \$900.00 per year to lease these spaces (previously the cost was \$883.51), allow the Church the right to bag those meters 12 times a year for their various Church events (previously they could do this four times a year), and these bags will probably be placed on the meters on weekends and in the evenings when the meter spaces are free for anyone to park in anyway. The Church isn't interested in having a 20 year agreement, but would like a five year agreement instead. Solicitor Lyons asked if there will be an automatic renewal. Manager Lowthert said that wasn't discussed. They also didn't want us to put snow in their spaces, but it was explained that wasn't realistic, and if they really needed to bag spaces and there was snow in their spaces, they could simply bag spaces further down. He did explain with a five year agreement, should the Borough plan on a renovation project to that lot, we may not be willing to renovate those 18 spaces if we only have a potential five year return. Solicitor Lyons asked if there is an annual increase in this lease agreement. Manager Lowthert said no. Solicitor Lyons commented he doesn't understand a five year lease agreement. Manager Lowthert said they apparently have an attorney in their congregation that is advising them on this. If Council finds these terms to be acceptable, he would ask for a motion to direct the Solicitor to prepare an appropriate lease agreement for review by the Church and for approval by Council at an upcoming meeting. There was **much** discussion. Manager Lowthert commented he can go back to the Church and ask them if they would consider an automatic renewal clause in this agreement. Solicitor Lyons clarified either party would have to indicate their desire to renegotiate thirty days in advance of the expiration date or the lease agreement would automatically renew for another five year term. Again, there was **much** discussion. Manager Lowthert said he would contact the Church tomorrow.

Councilmember Derman made a motion, seconded by Councilmember Heayn, to direct the Solicitor to draft a five year lease agreement with the St. Paul United Methodist Church for the 18 parking spaces, the fee will be \$900.00 per year for five years, the Church will be allowed to bag the parking meters in these 18 spaces 12 times a year for their events, and that there be a clause that will allow a thirty day period for renegotiation prior to the end of the agreement or the agreement will automatically renew for another five year period. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to approve per capita tax exonerations for 2017 (2017-2) in the amount of \$45.00, as submitted by the Tax Collector. ON THE QUESTION: Junior Councilmember Buonopane asked why people are exonerated from the per capita tax. Manager Lowthert said they either move, die or they reach the age of 80 and then they do not have to pay that tax any longer. He reminded Council the per capita tax was eliminated this year. Motion was unanimously approved.

Manager Lowthert indicated the Early Intervention Program (EIP) proposals were received and reviewed. This is an extension of what was originally the Consolidation Grant that the Department of Community and Economic Development (DCED) offered to East Buffalo Township (EBT) several years ago and with EBT pulling out, DCED offered the Borough an EIP for a five year financial plan and a review of the Borough resources. An interview with one firm has been scheduled for Thursday, March 8th at 1:30 PM in the board room at SEDA-COG; he hopes to have a recommendation for Council in March.

Manager Lowthert indicated there was a complaint raised about one recycling container placed on the northeast corner of Market and Fourth Streets in front of Brushstrokes; the committee reached out to AMP for their input on a new location. He was just informed someone moved it, but because Council approved the locations of these containers, a new location would have to be approved by Council. Hopefully AMP will suggest a new location soon. Junior Councilmember Buonopane indicated several AMP students moved this bin to a better location, in front of the Sweet Frog where it is now beside a trash can. Manager Lowthert said Council would have to approve this new location. Councilmember Mahon said another bin was moved to the area of Robinson's office from the M&T Bank location. Junior Councilmember Buonopane said that was also moved by AMP students because it was determined that was an awkward location.

OFFICIAL SIGNATORIES ASSIGNED FOR CHECKING ACCOUNTS WITH M & T BANK AND MIFFLINBURG BANK & TRUST

AMENDMENT TO NON-UNIFORMED EMPLOYEES' RETIREMENT PLAN (RESOLUTION NO. 18-03)

DISCUSSIONS ON LEASE AGREEMENT WITH ST. PAUL UNITED METHODIST CHURCH FOR 18 PARKING SPACES IN MPL #1

SOLICITOR DIRECTED TO DRAFT LEASE AGREEMENT

APPROVAL OF PER CAPITA TAX EXONERATIONS FOR 2017

EARLY INTERVENTION PROGRAM (EIP) PROPOSALS

RECYCLING BIN PLACEMENT LOCATIONS DISCUSSED

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Councilmember Mahon said she understood that even though Council voted on this, AMP would be providing suggestions for the necessary relocation. Manager Lowthert said yes, but not actually physically moving the bin. It was a Council motion that set the location of these recycling bins based on AMP's plan, so to relocate the bins would have to be by Council motion. Certainly Council could abdicate the decision and allow Staff put them in locations that they feel are appropriate and that would not be a problem. There was **much** discussion. Mayor Wagner said this was a group of young folks making a decision they felt was valid and we need to endorse this and move on. Manager Lowthert said he would like to see a motion of Council for the new locations; however, he is also perfectly fine if you say Council doesn't want to be involved in this and Staff will make the decision. Councilmember Comas said no; he doesn't like that. Manager Lowthert explained Council doesn't direct Staff where to place the trash cans on Market Street. Councilmember Comas asked the criteria for the placement of the recycling bins. Manager Lowthert said AMP's presentation was for placement at locations that had good visibility, high pedestrian traffic and where there was enough width on the sidewalk that pedestrians could get through without a problem. Again, there was **much** discussion.

Councilmember Comas made a motion, seconded by Councilmember Heayn, to direct Borough Staff to place the recycling bins in the best possible locations, consulting with relevant stakeholders when necessary. Motion was unanimously approved.

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE: Councilmember Yohn made a motion, seconded by Councilmember Mahon, to approve HARB item a, as submitted and recommended by HARB per their minutes dated February 13, 2018. Motion was unanimously approved.

a. James-Elizabeth Mauch/135 South Third Street/Fence. An application was submitted to and reviewed by HARB for a replacement fence. Motion was made by Steve Snook, seconded by Elaine Wintjen, to recommend approval of this fence as described in the project description of the HARB application, and as shown in the drawing and photos attached to the HARB application; said fence must be painted and/or stained within one year. Motion was unanimously approved.

Councilmember Yohn made a motion, seconded by Councilmember Comas, to accept the resignation of Jamie Piperberg from the Shade Tree Commission effective immediately, with regret. Motion was unanimously approved.

Manager Lowthert said we have a vacancy on the Shade Tree Commission (STC) and the committee felt it would be good to have a Councilmember on the STC. There isn't a problem with a Councilmember serving; however, two Councilmembers have expressed an interest, Councilmember Medina and Councilmember Comas.

Councilmember Derman made a motion, seconded by Councilmember Medina, to appoint Councilmember Comas to serve on the Shade Tree Commission, term expiration date of December 31, 2021. Motion was unanimously approved.

Councilmember Yohn made a motion, seconded by Councilmember Comas, to appoint Councilmember David Heayn to serve on the Historic Architectural Review Board (HARB), term expiration date of December 31, 2018. Motion was unanimously approved.

Councilmember Yohn made a motion, seconded by Councilmember Heayn, to enact Resolution No. 18-04, a resolution for placement of two banners over Market Street (Route 45), one for the Susquehanna Valley CASA Superhero 5K Run/Walk, and the other for the Merrill Linn Conservancy Celebration of 30 Years Linking Landscapes and Promoting Sustainability. Motion was unanimously approved.

Manager Lowthert reported the Community Development/Planning Committee meeting with East Buffalo Township (EBT) is scheduled for 5:30 PM on February 27, 2018 at the EBT building. This is the second joint meeting. Councilmember Mahon reminded Council that EBT will be holding their meeting for the BVRA to present their services to them on Monday, February at 5:30 PM.

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

MAYOR: Mayor Wagner stated our new Councilmembers are extraordinarily enthusiastic, wanting to serve on committees, doing their homework and going to additional meetings. It is heartwarming to see this level of interest. Having a junior Councilperson that is so committed is also wonderful. She reminded everyone about the lighting on Market Street and asked Peter Bergonia, who serves on the CK-COG Board, if he could inquire about the acquisition of a light meter. Sam Pearson interjected there is a phone app for that. Mayor Wagner said she was not aware of that. She is pleased to have the support of HARB on this lighting issue, which will be before the Community Development/Planning Committee soon.

COUNCIL PRESIDENT: No report.

MANAGER: Manager Lowthert indicated there are two change orders that were not anticipated associated with the Borough Renovation Project, which require Council action.

BOROUGH STAFF RESPONSIBLE FOR RECYCLING BIN PLACEMENTS

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE HARB

J MAUCH

J PIPERBERG RESIGNATION FROM STC ACCEPTED

COUNCILMEMBER COMAS APPOINTED TO THE STC

COUNCILMEMBER HEAYN APPOINTED TO HARB

BANNER PLACEMENT OVER MARKET STREET/ SV CASA AND M LINN CONSERVANCY (RESOLUTION NO. 18-04)

SECOND CD/PLANNING COMMITTEE MEETING WITH EBT TO DISCUSS BVRA

PUBLIC COMMENT(S) ON ANY NON-AGENDA ITEMS

MAYOR

COUNCIL PRESIDENT

MANAGER

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BOROUGH BUILDING PROJECT CHANGE ORDER NO. 01 APPROVED

Councilmember Derman made a motion, seconded by Councilmember Heayn, to approve Change Order No. 01 in the amount of \$784.76, which falls under removal of architectural barriers for the Borough Hall Renovation Project, specifically for the addition of a steel plate for aluminum entrance opening per request of architect due to unforeseen conditions within the existing construction. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Medina, to approve Change Order No. 02 in the amount of \$446.19, which falls under standard renovations for the Borough Hall Renovation Project, specifically the addition of a wing wall for load bearing purposes. Motion was unanimously approved.

Manager Lowthert reminded Council that the renovation work to the Council Chambers will begin tomorrow and we hope to have it back in operation for the next Council meeting, Tuesday, March . Any meetings that are scheduled during this timeframe will not be held in the Council Chambers, but will be held at the fire department building.

BOROUGH SOLICITOR: Solicitor Lyons said he needs a motion to be directed to prepare and advertise an ordinance authorizing the Borough to enter into the Intergovernmental Cooperation Agreement (IGA) with the Townships of East Buffalo, Kelly and Buffalo for the purpose of creating a Regional Fire Department that will provide fire protection and emergency services to said municipalities.

Councilmember Derman made a motion, seconded by Councilmember Heayn, to direct the Borough Solicitor to prepare and advertise for enactment, at the regular monthly meeting of Council, Tuesday, March 20, 2018, an ordinance authorizing the Borough to enter into an Intergovernmental Cooperation Agreement (IGA) with the Townships of East Buffalo, Kelly and Buffalo for the purpose of creating a Regional Fire Department to provide fire protection and emergency services to said municipalities. **ON THE QUESTION:** Manager Lowthert reported there was an extensive discussion held on this at the work session last week, and a recent version was emailed to everyone. Councilmember Comas asked if there is a tie breaking mechanism in this. Councilmember Derman said there are four right now. Solicitor Lyons said there is. Motion was unanimously approved.

JUNIOR COUNCILMEMBER: Junior Councilmember Buonopane reported the recycling bins are out and they are being used. Unfortunately a lot of trash is being put in them; he displayed a stick that was actually found in one. He shared a poster he designed of what is and is not acceptable in the recycling bins and suggested these posters be laminated and placed on the tops of each recycling bin. Manager Lowthert said a sticker would be better. There was **much** discussion. It was the sense of Council that this idea and poster design was good and that stickers should be purchased for placement on the tops of the recycling bins as proposed. Sam Pearson indicated she is holding the AMP money, which can be used for this.

OTHER COMMITTEES: Councilmember Frederick reported there was a meeting on January 24th and at that meeting it was reported six new classes have been added, the foam pit is now complete, restrooms are still being worked on and swimming pool tile repair will be next. He commented St. Mary Park was filled today and it was good to see. All is going well within the BVRA, and the next meeting is February 28th at 5 PM.

Council President Morris said she was out of town for the last LDP meeting, but she understands the Ice Festival was one of the best they ever had and they made a profit. She indicated they will be getting their second disbursement which will help with their short-term financial difficulties.

Councilmember Derman said since he wasn't at the last meeting, he asked Sam Pearson for an update on LNC. Sam Pearson updated Council on the many activities underway. She reported meetings continue for the Flood Impact group, the Rivertown Team, and the Walk It/Bike It group. The LNC Board has requested we reconvene our Housing Committee, so she will be going to the Hayward Center at Penn State to talk about housing issues in more detail. She said Bruce Quigley has always been a member of the Housing Committee, and based on the last Public Works/Police Committee meeting it appears Teri Provost of SEDA-COG will also be part of that. She stated work will continue on the River Road Holiday.

Manager Lowthert reported there is no report from the Shade Tree Commission (STC). Councilmember Heayn indicated he has a meeting scheduled with Mark Spiro, a member of the STC and a member of his ward, on Wednesday.

Peter Bergonia reported things at the Central Keystone-COG are starting to get very busy. They are looking to provide emergency management personnel to represent any local communities that do not have emergency management personnel.

Peter Bergonia indicated the Community Garden Committee had their first meeting last Tuesday. Applications will go out March and are due March . There is a course at Susquehanna University he will be attending this week, and they will be reviewing recruiting, managing and maintaining volunteers. There were also discussions about planting a tree in memory of Stacy Hinck and he will keep Council informed.

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MACAC

**ANY ADDITIONAL
BUSINESS FROM
COUNCIL**

Councilmember Derman stated the last meeting of MACAC was cancelled and the MACAC will no longer exist as there will now be a Central Susquehanna Fire and EMS Services Board. He asked that MACAC be removed from the Council agenda.

ANY ADDITIONAL BUSINESS FROM COUNCIL: Councilmember Comas said during his one or two months on Council he has found email is not be the most effective way to share documents. School boards use a web page where you log in and everything is there in folders. He will be researching this. Council President Morris said the LDP uses its website for everything that is board related and it is password protected. Councilmember Comas said he is interested in having an every two week or once a month breakfast so people know he is available to talk about Borough Council things. Manager Lowthert said that is fine, as long as you do not have a quorum of Council. It was suggested there be ward days, where Councilmembers could get together with their fellow ward member and constituents. Councilmember Heayn thanked Councilmember Comas for having us now be the PA 12th District instead of the PA 10th District. Councilmember Medina stated we are killing a lot of trees with all this paperwork and suggested we move more toward the use of electronics. Manager Lowthert said when he first came here he talked about going paperless and buying all elected officials a computer tablet. There wasn't interest at that time, but he is willing to revisit that. He hopes to put information on the TV now located in the Council Chambers, which will allow the public to see it as well. He also talked about getting elected officials a lewisburgborough.org email address, but that wasn't received well; people have work emails, personal emails, etc. and the thought of another one to check wasn't appealing. Council President Morris indicated that years ago the amount of paperwork received was much, much more than now. Council worked very hard to decrease the use of paper and were successful in doing so. Junior Councilmember Buonopane said he is not an elected official and would advocate for a paper agenda. There was **much** discussion.

WRITTEN REPORTS: Councilmember Derman made a motion, seconded by Councilmember Mahon, to acknowledge receipt of the Budget Index, the monthly parking report, the monthly Code Enforcement Officer's report, and the Zoning Officer's monthly and annual report. Motion was unanimously approved.

WORK SESSION: Manager Lowthert reminded Council that the Shade Tree Commission will be at the work session on March 13th. The April 10th work session could be to discuss the potential for a non-discrimination ordinance in the Borough, the proposed sign ordinance, or the refuse ordinance. He asked that Council think about those topics, prioritize them, and let him know how you feel and he will schedule accordingly.

Council President Morris called for a five minute recess at 8:10 PM.

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

Council entered executive session at 8:15 PM. Council returned at 9:30 PM.

There being no further business, Councilmember Derman made a motion, seconded by Councilmember Comas, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 9:30 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary