

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, February 21, 2012** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Casimir, Cox, Mahon, Morris, Robinson, and Strosser; Mayor Wagner; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Also present: BVRPD Chief Yost, Tammy Burke, Nichole Mendinsky, and James Hamill.

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 Mahon, seconded by Councilmember Strosser, to approve the minutes of the regular Council meeting held January 17, 2012. Motion was unanimously approved.

PUBLIC PARTICIPATION: Nichole Mendinsky indicated she was present on behalf of HRG, Inc. for the Buffalo Valley Skilled Care Replacement Facility Project and will answer any questions Council may have.

Manager Smith introduced Lucy Dean, a Bucknell University Junior, from Colorado; she is the Borough's intern for the spring. She has facilitated the Ward II Sidewalk Inventory Program and is learning all about the Borough and its recent flood grant.

POLICE COMMITTEE: There was no meeting.

PLANNING COMMITTEE: Councilmember Casimir made a motion, seconded by Councilmember Mahon, to approve HARB application a, b, and e, as submitted and recommended by HARB. **ON THE QUESTION:** Councilmember Casimir explained Mr. Harmon's quote indicates external grids cost almost twice as much; he will have to pay \$4,400 for exterior grids vs. \$2,600 for their 20 windows. He is still making this motion, as this is the price of having a HARB. Councilmember Strosser said this is not out of the ordinary; any change to a *stock* window will increase price. HARB recommends outside grids, but the contractor representing Mr. Harmon was told if he could show a significant increase in the cost and wanted to pursue something other than the outside grids, he could come back before HARB next month to see if the HARB would be open to no grids at all. Motion was unanimously approved.

a. Andrew Ciotola/227 North Third Street/Replacement Fence. An application was submitted to and reviewed by HARB for replacement of old wire fence with wooden privacy fence. A motion was made by Elaine Wintjen, seconded by Steve Snook, to recommend approval of the replacement fence, as submitted in the HARB application under project description and as shown in the pictures attached, with requirement that the wood be painted/sealed within one year. Motion was unanimously approved.

b. Thomas Harmon/17-19 North Seventh Street/Replacement Windows. An application was submitted to and reviewed by HARB for replacement windows. A motion was made by Steve Snook, seconded by Robert Cook, to recommend approval of replacement windows as submitted in the HARB application under project description, however, windows shall be two over two and shall be simulated divided light (grid on exterior), match existing windows in size, and aluminum wrap was found to be acceptable. Motion was unanimously approved.

c. William-Jacqueline Kelly/50 South Fourth Street/Re-side Existing Wall. No one was present; application will be reviewed next month.

d. Sean-Thomas Russavage/216 North Market Street/Signage. No one was present; application will be reviewed next month.

e. Marc Williams/213 Market Street/Replacement Sign. An application was submitted to and reviewed by HARB for replacement of a sign. A motion was made by Steve Snook, seconded by Mary Mastascusa, to recommend approval of this sign as submitted in the HARB application under project description, with actual detail of text possibly varying slightly from the submission. Motion was unanimously approved.

f. John Ryan (These Guys' Kayak)/216 Market Street/Signage. No one was present; application will be reviewed next month.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to approve the Final Land Development Plan for Diakon Lutheran Social Ministries' Replacement Skilled Care Facility with the following conditions: 1) all necessary signatures and seals be obtained; 2) applicant fully executes an improvements guaranty agreement; 3) applicant fully executes a stormwater facilities maintenance and monitoring agreement; and 4) all documentation must be approved by the Borough's Solicitor, Engineer, and Zoning Officer. **ON THE QUESTION:** Manager Smith asked Nichole Mendinsky of HRG, Inc. to briefly explain the land development plan. Ms. Mendinsky had a drawing of the facility, explained details of the location of the old building, its connection to the new building, the location of the loading dock, as well as the ingress and egress as a result of the changes. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Strosser, to approve an exception to Zoning Ordinance No. 928 of 2000, specifically Section 900.3 (b), thereby allowing Diakon Lutheran Social Ministries to have 24-hour security lighting. **ON THE QUESTION:** Manager Smith said this project started under the old zoning ordinance, thus the reason for the reference to Section 900.3(b). Under our new zoning

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION
NICHOLE MENDINSKY

LUCY DEAN

POLICE COMMITTEE

PLANNING COMMITTEE
HARB

A CIOTOLA

T HARMON

W KELLY

S RUSSAVAGE

M WILLIAMS

J RYAN

DIAKON FINAL
LAND
DEVELOPMENT
PLAN APPROVED

EXCEPTION TO
ZONING
APPROVED TO
ALLOW DIAKON
TO HAVE 24-HOUR
SECURITY
LIGHTING

Tuesday, February 21, 2012

ordinance, the Zoning Officer would have made this call. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to appoint Rachel Sussman to the Shade Tree Commission; term expiration 12/31/13. Motion was unanimously approved. Councilmember Casimir noted one vacancy remains on the Shade Tree Commission.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to direct the Solicitor to prepare and advertise an ordinance repealing the Police Department Ordinance, dissolving the Lewisburg Police Department and the Civil Service Commission, and include any necessary amendments as a result of regionalization. Motion was unanimously approved.

PUBLIC WORKS COMMITTEE: There were no action items.

FINANCE COMMITTEE: Councilmember Cox made a motion, seconded by Councilmember Casimir, to approve payment of bills from 01/14/12 through 02/17/12 in the amount of \$718,502.28. ON THE QUESTION: Manager Smith said the expenditures this month were roughly \$320,000. Council approved a loan from the Highway Equipment Fund to General Fund for operating expenses and we had to pay for our new street sweeper, and our software system tracks *all* transactions. Motion was unanimously approved.

Manager Smith said a cost not to exceed \$10,000 was received for the update/reconfiguration of the sirens. These sirens were established when the County Emergency Services Department was located in the courthouse. When operational, they worked off a tone system; unfortunately our tone was similar to Allentown's, so when Allentown's sirens went off, so did ours. The County solved this problem by making the sirens operate manually. Then the County Emergency Services Department moved to Fifteenth Street, so when the sirens are needed, someone at the Courthouse must be contacted and must manually activate. Keystone Communications can put this system in-house, giving the Borough the ability to access and sound these sirens, which the County is ok with. No one is sure how much labor will be required until they get started, which is why we have a cost not to exceed price of \$10,000. There was **much** discussion. It was the sense of Council this issue be forwarded to the Police Committee for further discussion and consideration.

MAYOR: Mayor Wagner said she will defer to the Chief. Chief Yost said they have moved into their new building, most everything is out of this building, and they are fully operational. The men are starting to mesh together as one organization and he is very pleased with the progress. All changes made were basically seamless to the public. He will continue having a BVRPD presence at the Borough's meetings, as that is extremely important. Mayor Wagner stated the BVRPD is a big part of this Borough in terms of services and budget, so open communication is essential to the success of this department. It will be our understanding of their processes and their understanding of our processes that will make this regionalization effort work. There was a wonderful soft opening February 6th and a bigger grand opening will follow. Councilmember Casimir said during informal discussions about the extra space in the Borough building there was a suggestion of a satellite office. Chief Yost indicated there is no need for that; we should be self-contained in our building. Councilmember Casimir said there is interest in having an ongoing presence in the Borough, so if you want a desk and chair, just let us know. Chief Yost said as far as the space here, there is a need for it as there were always conflicts with meetings as a result of lack of space, and the Manager has ideas on what he would like to do with this space. One room here will continue to be used for storage of Police documents until he can obtain additional storage space at his new facility. Manager Smith said this was a daunting task. He hears what Councilmember Casimir is saying, but it would be nice to have a distinguishable break as a result of this move.

COUNCIL PRESIDENT: Councilmember Strosser made a motion, seconded by Councilmember Baker, to authorize the Council President to sign a letter of support to the Buffalo Valley Regional Police Department for the PLCB Underage Drinking and Dangerous Drinking Behavior Grant. Motion was unanimously approved.

Council President Bergonia said as a result of some requests by Councilmembers, per the By-Laws, he is placing Councilmember Baker on the Finance Committee and placing Councilmember Morris on the Police Committee. With regard to the Ad Hoc Committees, he is replacing Councilmember Mahon with Councilmember Morris on the Town and Gown Committee.

SOLICITOR: Solicitor Lyons said he was authorized to prepare and advertise an ordinance regarding a handicapped parking space on the east side of South Fifth Street north of Pine Alley; it is before you for action.

**APPOINTMENT OF
R SUSSMAN TO
STC**

**SOLICITOR TO
PREPARE/
ADVERTISE
ORDINANCE
REPEALING
POLICE
DEPARTMENT**

**PUBLIC WORKS
COMMITTEE**

**FINANCE
COMMITTEE
PAYMENT OF
BILLS**

SIRENS

**MAYOR
BVRPD UPDATE**

**COUNCIL
PRESIDENT
LETTER OF
SUPPORT TO
BVRPD'S PLCB
GRANT**

**COUNCILMEMBER
BAKER/FINANCE
COUNCILMEMBER
MORRIS/POLICE
AND TOWN AND
GOWN**

SOLICITOR

Tuesday, February 21, 2012

Councilmember Casmir made a motion, seconded by Councilmember Mahon, to adopt Ordinance No. 1011, amendment to Section 245-31 of Article IV of Chapter 345 by eliminating the first space north of Pine Alley on the east side of South Fifth Street as a handicapped parking space. Motion was unanimously approved.

Solicitor Lyons said it was recently brought to his attention by the Manager that technical amendments are needed to the new zoning ordinance. Any amendments to the zoning ordinance must be referred to the Borough's Planning Commission and the County's Planning Commission for a thirty day review, then a public hearing is required to be held prior to enactment. Council can make a motion to refer the technical amendments to the two Planning Commissions for their review, and then at the next meeting of Council, Council could authorize the public hearing and necessary advertisements. Remember, there may be comments by the Planning Commission for additional things to be done, so we don't want to waste an advertisement. Manager Smith said the four items were discussed at the work session were: 1) removal of the illustration from 360-23 (B) as it does not accurately reflect the current definition of "building height"; 2) rewriting of definition of "building height", Section 360-6, to state: "The vertical distance measured from the finished grade level of the land at the front setback to the top of the highest roof point, not including chimneys, cupolas and other accessory structures such as weather vanes"; 3) removal of (e), (i), (j) and (l) from Section 360-37 (F); 4) rewriting of 360-25 (B)(5) to read, "Off-premises signs, including advertisements for garage, yard or other neighborhood sales, except for permanently affixed directional signs or commercial center signs in the Highway Commercial and Bucknell districts". There was **much** discussion.

Councilmember Casmir made a motion, seconded by Councilmember Strosser, to refer the suggested technical amendments: 1) removal of the illustration from 360-23 (B) as it does not accurately reflect the current definition of "building height"; 2) rewriting of definition of "building height", Section 360-6, to state: "The vertical distance measured from the finished grade level of the land at the front setback to the top of the highest roof point, not including chimneys, cupolas and other accessory structures such as weather vanes"; 3) removal of (e), (i), (j) and (l) from Section 360-37 (F); 4) rewriting of 360-25 (B)(5) to read, "Off-premises signs, including advertisements for garage, yard or other neighborhood sales, except for permanently affixed directional signs or commercial center signs in the Highway Commercial and Bucknell districts" to the Lewisburg Planning Commission and the County Planning Commission for a thirty day review, and then Council will consider the enactment and public hearing process at the March meeting. Motion was unanimously approved.

Solicitor Lyons stated another item recently brought to his attention by the Manager is the need for the drafting of an ordinance to allow the Borough to recapture Code Enforcement costs upon necessity of a second notice by the Code Enforcement Officer. Code Enforcement sends a notice that someone is in violation and if they don't comply, they send a second and third notice, but there is no ordinance that allows the Borough to collect those costs independent of a municipal claim being filed or bringing an action under the ordinance to penalize them for violating the ordinance; both processes cost money. Our Manager is looking for an interim procedure that allows the Borough to bill the owner for the code costs if they do not comply and should they fail to pay that, authorization for the Borough to pursue the collection of these monies, i.e. sue for money (which we rarely do), file civil claim which creates a lien (which is what we do most of the time). Filing a lien allows the Borough to eventually recover the money when a property gets sold. So, to clarify, right now there is no process allowing the Borough to recover these costs, but the Borough must pay the CK-COG pursuant to the contract. Manager Smith said each individual violation takes the Code Enforcement Officer roughly an hour, which is \$58. The Code Enforcement Officer gives a property owner an appropriate amount of time depending upon the incident, i.e. mowing grass, clean up debris, etc. and then he follows up if they do not comply. The first time is a service the Borough provides. If a second notice must be sent due to non-compliance, now you are a burden to the taxpayers as it is costing additional monies to this Borough and that would be the costs he would like to be able to capture. There are habitual violators out there, so once this potential program is started, he would think compliance will occur quicker. There was **much** discussion. Solicitor Lyons indicated he can create an ordinance for this if directed to do so. Councilmember Casimir indicated this was discussed in Planning Committee, and we are dependent upon the Code Enforcement Officer's interpretation of *reasonable* amount of time. He was trying to sell his stove, which was on his front porch, and the letter was received on Monday giving him three days to remove it. He didn't have time to remove it until the following weekend, so technically he was in violation. If he would have gotten another letter and been billed \$58, he would have been very angry as he doesn't agree that three days was a *reasonable* amount of time. He totally agrees we should be able to recoup our costs, but we are giving more of our power to the CK-COG. Solicitor Lyons suggested this be referred to a committee for the determination of a timeframe. There was **much** discussion.

REMOVAL OF
HANDICAPPED
PARKING SPACE
EAST SIDE OF
FIFTH STREET
(ORDINANCE NO.
1011)

NEW ZONING
ORDINANCE

TECHNICAL
AMENDMENTS TO
ZONING
ORDINANCE
FORWARDED TO
PLANNING
COMMISSIONS
FOR THIRTY DAY
REVIEW/COUNCIL
TO CONSIDER
ENACTMENT AND
PUBLIC HEARING
PROCESS AT
MARCH MEETING

BILLING FOR
CODE
ENFORCEMENT
VIOLATIONS

Tuesday, February 21, 2012

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to have the Solicitor work with the Manager to develop/draft an ordinance to allow the Borough to recapture Code Enforcement costs upon necessity of a second notice by Code Enforcement Officer, taking into account the length of time that would be involved before such second notice would be sent out. Motion was unanimously approved.

Solicitor Lyons indicated the Manager has shared a potential parking issue. As you know, Bucknell University is the owner of the Post Office building where several new offices are going to be housed. Because of that there have been discussions/requests of reserved parking spaces for use by those working in that building. The Borough is being asked to reserve spaces in our lots for a business and owner. Does Council really want to open this door and what would be the charge for this? He feels this should be studied at length by a Council committee. Councilmember Strosser commented this is already done. Manager Smith said we provide permits; you can buy a permit for \$35/month that allows you parking in MPL #1 (behind the post office) or MPL #2 (next to Hufnagle Park), but it doesn't *guarantee* you a space as these lots are metered lots. You can buy a permit for \$35 a month that allows you parking in MPL #6, which is not a metered lot, and you are guaranteed a space in that lot as we do not sell more than we have spaces for. Solicitor Lyons said what is being requested in this case is specific space and signage. Technically this can be done, but he doesn't know that he would want to defend why we are doing this for one and not another. Manager Smith said Bucknell University has indicated they will pay for the spaces, enter into an annual agreement, and will pay for the signage to identify "faculty parking only." Councilmember Strosser said in urban parking garages they allow permit type A and permit type B parking, so it wouldn't have to say Bucknell University or Lewisburg Hotel. There was **much** discussion. It was the sense of Council that this be referred to the Planning Committee for further discussion and consideration.

MANAGER: Council President Bergonia explained LARA has indicated there is \$24,900 left from the original funding, and since Larson Design Group submitted a bid for the design phase at approximately \$27,000, LARA is thinking the design phase here in town could be completed with that \$24,900, meaning there would be a need for approximately \$3,000. Councilmember Casimir commented the number changed, because at the Planning Committee we were told the cost was \$3,800 and the Borough's share would be \$1,900. Councilmember Cox asked if East Buffalo Township will cover the other \$1,900. Councilmember Strosser stated this is for work in the Borough. Councilmember Casimir said he understands that, but this is a LARA Project, and the Borough and EBT work together. Manager Smith explained he talked with Shawn McLaughlin today, approximately \$23,000 is left; the tentative cost to design is \$25,000, so there is a shortfall of \$2,000. \$2,000 is what is needed, but \$3,000 would provide extra money for unseen factors with Traffic Committee, Planning Commission, etc. This work is from Route 15 east into the Borough at Fifth Street. Mayor Wagner commented we helped finance the Rail/Trail. Councilmember Strosser said the Borough hasn't spent anything on the Rail/Trail. Councilmember Casimir said not directly, but the Borough contributed when there were overruns or LARA needed advances. Mayor Wagner said she doesn't believe the Borough should be on our own for our piece. Councilmember Casimir concurred, and feels EBT would chip in.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to issue a letter of support to DCNR, through Union County, for use of excess funding for the Design Phase of Rail/Trail from Route 15 to North Fifth Street/Borough Parking Lot along Cherry Alley, with a not to exceed \$3,000 local match, with the understanding that as with all other LARA activities, this cost will be split between EBT and the Borough. Motion was unanimously approved.

Councilmember Strosser made a motion, seconded by Councilmember Casimir, to authorize the Council President and Manager to execute all documentation and administer the Hazard Mitigation Grant in amount of approximately \$1.4 million awarded by FEMA/PEMA. ON THE QUESTION: Manager Smith indicated we have been working with Dan Greene through the LNC on this, and there are ownership questions. He wants Council input on who will ultimately be responsible for the administration of this grant. He knows the LNC is currently developing a press release, and he is very sensitive to other Boards/Commissions/Committees doing press releases for the Borough. Mayor Wagner affirmed this grant includes the purchase of the properties, the demolition, and the reconstitution as a greenway. Since the Borough is the applicant, although Dan Greene, our Elm Street Manager, was instrumental in filling out the paperwork for this, she feels any press release prepared should not be released until shown to the Manager for his approval; this project should move forward with oversight and administration of the Borough. Councilmember Casimir clarified that it will be the Borough holding the legal and fiscal responsibility on this project. Manager Smith stated this isn't an Elm Street Project, it simply falls within the Elm Street designated area. Councilmember Strosser commented the LNC doesn't have the expertise to run a project and the Borough does. The Borough can use Dan Greene and his skills and assets, but it is a Borough project. Motion was unanimously approved.

SOLICITOR/
MANAGER TO
DEVELOP
ORDINANCE TO
RECAPTURE
CODE
ENFORCEMENT
COSTS

PARKING,
PERMITTING AND
SIGNAGE ISSUES

MANAGER
RAIL/TRAIL
DESIGN PHASE
FROM ROUTE 15
TO NORTH FIFTH
STREET/
BOROUGH
PARKING LOT
ALONG CHERRY
ALLEY

APPROVAL OF
LETTER OF
SUPPORT FOR
USE OF EXCESS
FUNDING FOR
RAIL/TRAIL
DESIGN PHASE

AUTHORIZATION
FOR COUNCIL
PRESIDENT AND
MANAGER TO
EXECUTE ALL
DOCUMENTATION
AND ADMINISTER
THE HAZARD
MITIGATION
GRANT AWARDED
BY FEMA/PEMA

Tuesday, February 21, 2012

OTHER COMMITTEES: Manager Smith said at the request of Councilmember Morris, we have added this category.

Council President Bergonia reported the Lewisburg Area Recreation Authority (LARA) reorganized in January and there is a new Chairman, Jim Mathias.

Council President Bergonia indicated Councilmember Morris isn't present to report on the Lewisburg Downtown Partnership (LDP).

Mayor Wagner indicated she did not make the Town and Gown Committee meeting this past month.

Councilmember Strosser reported the big news for the Lewisburg Neighborhoods Corporation (LNC) is the grant. There is an assessment coming up in March.

Councilmember Casimir reported the Shade Tree Commission is dealing with delinquents, as there are people who were supposed to replant trees years ago and did not. Letters will be sent out, with trees being planted by property owners or by the Borough on their behalf and property owners will be billed accordingly. We are planning on planting paw paw trees on the old gas works property on South Front and St. George Streets for our Arbor Day celebration; these trees are native fruit trees to this part of the world. Manager Smith noted he was contacted by the Lyons Club and they are looking to do a tree project in the Borough.

Council President Bergonia reported there was a reorganization meeting of the Executive Board of the Central Keystone-Council of Governments (CK-COG); as a result of John Baker's resignation he was officially sworn in at that meeting and will keep Council informed.

Council President Bergonia indicted Chief Yost reported earlier on the Buffalo Valley Regional Police Department (BVRPD).

OLD BUSINESS: Councilmember Strosser indicated the Corridor Study group meets on Thursday evening.

NEW BUSINESS: There was none.

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

Manager Smith said he talked to the Chief regarding monthly Police reports and they are going to review the IGA again; so, there may or may not be Police reports shown under written reports in the future.

WORK SESSION: Council President Bergonia indicated there will be a work session in March. Manager Smith said an email went to all the Boards, Commissions, Committees, etc. and there have been a number of responses.

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 8:35 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

OTHER COMMITTEES

LARA

LDP

TOWN AND GOWN

LNC

STC

CK-COG

BVRPD

**OLD BUSINESS
CORRIDOR STUDY
GROUP**

NEW BUSINESS

**WRITTEN
REPORTS**

WORK SESSION

ADJOURNMENT