

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, March 18, 2014** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Cook, Cox, Faden, Mahon, Morris and Strosser; Mayor Wagner; Solicitor Lyons, Manager Smith, Secretary Garrison, and BVRP Chief Yost. Also present: Dan Remley, Austin Smith, Matt Farrand and Samantha Pearson.

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 Faden, to approve the minutes of the February 18, 2014 regular meeting. Motion was unanimously approved.

PUBLIC PARTICIPATION: Samantha Pearson, Elm Street Manager, presented a detailed update on what the Lewisburg Neighborhoods Corporation (LNC) has been doing this past month; the handout dated March 17th contained planning grant application information and a draft letter concerning the Biggert-Waters Flood Insurance Act of 2012. The flood mitigation project is close to completion, meaning there will be empty lots along Sixth Street. We need to address the next phase which is planning. She is looking for Council direction with regard to planning grant applications. There have been meetings held with the Department of Community and Economic Development (DCED), which proved to be very positive. Between DCED and the Department of Conservation and Natural Resources (DCNR), we are looking at a short turnaround time for application submittals; we may be back as soon as April asking for Council's support of at least one of the grants. Mayor Wagner distributed a photo/vision of what the South Sixth Street area could potentially look like. Ms. Pearson said the scope of the planning includes several different components which are outlined in the handout. We are contemplating including the high school, as that seems to make sense. Ms. Pearson indicated on the 28th she will be meeting with someone from the consulting firm of LandStudies, and she is trying to schedule a meeting with the consulting firm of Simone Collins. There was **much** discussion. Manager Smith said what is before Council is an excellent overview of the bare minimum necessary to facilitate and move forward with this. During discussions with Ms. Pearson this afternoon, we are probably looking at anywhere between \$30,000.00 and \$60,000.00 right now. Once we talk to a consultant, look at the application and see funding levels, we will know much more; but we need the informal nod of Council to proceed. Councilmember Morris asked if the Manager supports exploring these things. Manager Smith said absolutely. It was the sense of Council that the LNC should proceed to assemble grant applications for DCNR, and possibly DCED simultaneously, also including the National Fish and Wildlife Foundation for things related to Bull Run. Manager Smith said the application is due in April, so we may hear know something anywhere from September to November, which would make this a development/consultant project for spring 2015. That means any potential project that comes out of that would be late 2015 or spring 2016. We still have to nail down the LNC designation to make a determination on the planning grant, i.e. 50/50 or 10/90. His recommendation is to look at the entire Hufnagle Park area, because we know how frequently the park is used and it would be a good thing to find out if the gazebo in the right place, etc. Councilmember Morris said having the whole community sit down to discuss what they would like to see that area look like would be nice. Ms. Pearson said DCNR actually requires that as part of the grant process. Councilmember Mahon asked if a motion is needed. Manager Smith said no, we just need a consensus of Council to move forward and it appears we have that. This will be channeled through the appropriate committees and then on to Council. Ms. Pearson indicated the draft letter regarding the flood insurance issues is intended to be sent to FEMA, our Senators and Representative; this letter introduces Lewisburg and lets them know we are holding a public meeting, it allows us to share our concerns, as well as the other projects currently underway. There will be a press release and legal advertisement for this public meeting. There was **much** discussion. Manager Smith said this is our initial letter, but there will also be a letter after the meeting is held to let them know what transpired. This letter will be from the Borough and be signed by the Council President and Mayor. Ms. Pearson reported there was a meeting this afternoon to see if there is interest in the community to create a Rivertown team, which would allow us to achieve our goals of improving river access and improving existing parks. The meeting went well and there definitely is interest. We hope to hold another meeting in April. There was **much** discussion.

Austin Smith, a Management 101 Student of Bucknell University, reported his service project is in conjunction with the Lewisburg Neighborhoods Corporation (LNC). They are organizing a riverbank clean up along the Susquehanna River and the Buffalo Creek. To promote this he is hosting a Celebrate Susquehanna Block Party, which will be held Saturday, March 29th from 11 AM to 3 PM on North Fifth Street between St. Anthony Street and Buffalo Road in the area of the William Cameron Engine Company. A lot of local non-profits have been invited to dispense information. We are not allowed to advertise or market for this until our official operating plans have been passed and that will not happen until this Thursday. This will be a great event with free food, music and games for kids. Our goal is to have at least 300 people.

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION
SAMANTHA PEARSON

AUSTIN SMITH

Tuesday, March 18, 2014

POLICE COMMITTEE: Councilmember Mahon indicated everyone should have a February 2014 monthly activity report. Chief Yost said a copy of the draft social gathering ordinance was distributed for review. Manager Smith commented our Solicitor has to review this and then it must be advertised for adoption by Council. Solicitor Lyons commented if there isn't urgency to this, his suggestion would be that he be directed to review this and then he will bring his findings back to Council next month. At that time Council can direct that this be advertised for adoption. Chief Yost commented they were hoping to have this ordinance in place by either July or August of this year. Solicitor Lyons said there is plenty of time.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to direct the Solicitor to review and comment on the proposed social gathering ordinance by April's regular monthly meeting. Motion was unanimously approved.

Councilmember Mahon reported the Committee recommended support of the BVRec initiative under the "Young Lungs at Play" Program to promote tobacco free signage at Lewisburg Area Recreation Park. Councilmember Morris indicated under #4 and #5 of this policy she reads that, "BVRA staff is authorized to make periodic observations of playgrounds and facilities to monitor compliance and help to promote awareness of the tobacco-free policy. Any person in violation of this policy will be asked to discontinue and refrain from using tobacco or *immediately leave the tobacco-free area.*" Mayor Wagner commented she doesn't feel BVRec thought this through. Councilmember Strosser asked if this is some type of national program. Chief Yost said looking at the documents it appears this is a Pennsylvania Department of Health sponsored program. One would hope that the signs alone would be a deterrent. Councilmember Morris said her concern is the enforcement of this as it is currently worded. Councilmember Faden said it appears in the language they are emphasizing "voluntary" compliance; however asking people to leave the playground contradicts this being voluntary. Solicitor Lyons commented he too believes the intent is to adopt a resolution supporting voluntary compliance, as there is no enforcement; you cannot force someone to leave the park. There was **much** discussion. It was the sense of Council that there isn't a problem with encouraging people not to smoke in the park; however having people attempt to enforce this could potentially be problematic. Manager Smith indicated he would convey Council's feelings to the Recreation Director and he suggested that Council President Bergonia discuss this with the Buffalo Valley Recreation Authority.

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

a. Stacy Martin/323 Market Street/Signage. An application was submitted to and reviewed by HARB for signage. A motion was made by Phoebe Faden, seconded by Kim Walter, to recommend approval of the signs as submitted in the HARB application under project description. Motion was unanimously approved.

b. To Dew/328 Market Street/Signage. An application was submitted to and reviewed by HARB for signage. A motion was made by Steve Snook, seconded by Robert Cook, to recommend approval of the signs as submitted in the HARB application under project description. Motion was unanimously approved.

c. JP and Bernadine Richard/31 South Front Street/Wall. Drawings were submitted to and reviewed by HARB. A motion was made by Phoebe Faden, seconded by Steve Snook, to approve the wall shown on page A-3.2 of drawings provided by Strosser Architecture and Conservation, Inc. (specific wall approved circled). Motion was approved, with one abstention. (Ted Strosser abstained.)

Councilmember Strosser made a motion, seconded by Councilmember Morris, to adopt Resolution No. 14-02, a resolution supporting the Lewisburg Downtown Partnership (LDP) request for Keystone Main Street Designation through the Department of Community and Economic Development (DCED). ON THE QUESTION: Solicitor Lyons indicated this resolution provides for a financial commitment, as well as a cooperation agreement with the LDP. Councilmember Strosser said this isn't a grant and doesn't involve money at this point; it is solely for the designation as a Keystone Main Street. Manager Smith said the Borough already committed to a financial contribution of \$25,000.00 for the next three years, so we felt the statement of five years would not be a stretch. Solicitor Lyons clarified he isn't asking Council to reconsider this, just to realize the requirements. Councilmember Strosser said he thinks what is key is the wording, "to enter into a cooperation agreement with the LDP for the purpose of the orderly administration of such funds *as may be granted to this program* by DCED." So if they did receive funds, the money would come to the Borough and it would be a Borough project. Solicitor Lyons said a cooperation agreement isn't needed unless there is funding involved and he has no problem with that. Motion was unanimously approved.

Councilmember Strosser made a motion, seconded by Councilmember Faden, to accept Michele Kittell's resignation from the Shade Tree Commission effective March 1, 2014, with regret. Motion was unanimously approved.

Councilmember Strosser made a motion, seconded by Councilmember Morris, to appoint Mark Spiro to the Shade Tree Commission, term expiration 12/31/17. Motion was unanimously approved.

POLICE COMMITTEE

SOLICITOR TO REVIEW PROPOSED SOCIAL GATHERING ORDINANCE

BVREC INITIATIVE TO PROMOTE TOBACCO FREE SIGNAGE

PLANNING COMMITTEE HARB

S MARTIN

TO DEW

JP/BERNADINE RICHARD

BOROUGH SUPPORT OF LDP REQUEST FOR KEYSTONE MAIN STREET DESIGNATION (RESOLUTION NO. 14-02)

M KITTELL RESIGNATION FROM STC

M SPIRO APPOINTED TO STC

Tuesday, March 18, 2014

Councilmember Strosser stated there needs to be a motion to hold an executive session at the end of this meeting to discuss a Lewisburg Loan application; he asked if he should make that motion now. Council President Bergonia said that can be done at the end of the meeting.

Councilmember Strosser said he has two FYI's for Council. The first is that Annabelle Rogers presented a portrait of Jennie (Stackhouse) Erdley to the Borough, noting Ms. Erdley was the first woman to be President of Council in 1976.

The second FYI is that no recommendation was made with regard to the Subdivision and Land Development Ordinance (SALDO) revision, estimated cost of \$14,800.00 from Larson Design Group. It was felt, given our financial situation, if we didn't have to address the SALDO at this time, we would wait; however, if there is an urgent need, we need to know. Manager Smith said the Borough's SALDO was adopted in 1983 and was revised numerous times with the most recent revision in 2009. It is being strongly recommended by the Borough Engineer that a complete revision/replacement of the SALDO is necessary due to the age of the ordinance. He explained this was budgeted to occur in 2014. Also, the Route 15 Corridor Taskforce would be involved, and now with the potential repurposing of the school, it was suggested that too should be taken into consideration during the revision of this document. Mayor Wagner asked the timeframe for this. Councilmember Strosser said considering all the meetings and drafting that will have to occur, i.e. meeting with the Planning Commission, Route 15 Taskforce, etc. he isn't sure. Solicitor Lyons commented if it starts soon, by the time the draft is completed and required hearings are scheduled, the actual enactment would probably be about a year from now. Councilmember Strosser asked if a potential interested purchaser of the school would be able to slip in under the old SALDO. Solicitor Lyons said whatever is in effect at the time of the development or at the time of plan submission would be what anyone would have to comply with. There was **much** discussion.

Councilmember Strosser made a motion, seconded by Councilmember Cox, to accept Larson Design Group's proposal/confirmation of assignment dated "Revised March 14, 2014" to update the Borough's SALDO at a cost not to exceed \$14,800.00. ON THE QUESTION: Mayor Wagner asked if we have input on this SALDO revision. Manager Smith said absolutely; a draft will be provided to the appropriate Committee and to Council. Solicitor Lyons stressed this revision will probably come around for review more than once. Motion was unanimously approved.

PUBLIC WORKS COMMITTEE: Councilmember Baker reported there was no meeting as there was no quorum.

FINANCE COMMITTEE: Councilmember Baker made a motion, seconded by Councilmember Cox, to approve payment of bills from 02/15/14 through 03/14/14 in the amount of \$219,688.38. Motion was unanimously approved.

Councilmember Baker made a motion, seconded by Councilmember Faden, to approve a transfer in the amount of \$10,000.00 from the Highway Equipment Depreciation Fund into the Street Light Fund, as a loan, to allow the purchase of replacement street light standards and miscellaneous street light replacement parts, said loan to be paid back over time as funding permits. ON THE QUESTION: Manager Smith explained this is the result of a very tight budget. We didn't budget enough in the Street Light Fund to replace the street light standards. Generally we lose from four to six standards during a year due to accidents and we have none on hand. These standards take at least six months to fabricate and this \$10,000.00 will cover that cost. Motion was unanimously approved.

Councilmember Morris commented there are two bulbs out on the Route 45 Bridge. Manager Smith said for the benefit of the new Councilmembers, an agreement was entered into with Northumberland County for the inclusion of the Borough's street light standards; this was done at our request. Unfortunately any request for the lights to be fixed gets treated like a project, meaning it gets bid once a year; they simply will not replace the bulbs whenever they go out. We have tried and our hands are tied on this.

MAYOR: Mayor Wagner said she would like to report that March 30th through April 5th recognition will be given to AmeriCorps, especially Susquehanna AmeriCorps. We have AmeriCorps volunteers at Transitions, BVRec, Bucknell University, the Heiter Center and the Union County Library; they do amazing work. She declared April 1st to be National Service Recognition Day for those who give back to our community.

COUNCIL PRESIDENT: No report.

SOLICITOR: Solicitor Lyons indicated he had no report, but sees that someone is looking to discuss delinquent commercial accounts. Manager Smith stressed the Borough Refuse Fund is carrying about \$50,000.00 in uncollected debt from commercial refuse accounts and he is quite concerned. Many of these commercial entities lease the property, so they are not the owner of the property; therefore we cannot put a lien on the property to recoup our money.

EXECUTIVE
SESSION NEEDED
AT END OF
MEETING

PORTRAIT
PRESENTED OF
JENNIE
(STACKHOUSE)
ERDLEY

NEED FOR SALDO
REVISION
DISCUSSED

APPROVAL
GRANTED FOR
SALDO REVISION
PROCESS TO
START

PUBLIC WORKS
COMMITTEE

FINANCE
COMMITTEE
PAYMENT OF BILLS

TRANSFER FROM
HIGHWAY
EQUIPMENT
DEPRECIATION
FUND INTO STREET
LIGHT FUND
APPROVED (LOAN
TO BE PAID BACK)

DISCUSSION OF
LIGHTS ON ROUTE
45 BRIDGE

MAYOR

COUNCIL
PRESIDENT

SOLICITOR
REFUSE
DELINQUENT
COMMERCIAL
ACCOUNTS

Tuesday, March 18, 2014

Solicitor Lyons clarified with residential properties we can lien the property and we are guaranteed of getting our money upon the sale of the property. With commercial accounts we do not have that luxury; it doesn't mean we are precluded from taking action against the person or the entity. However, most times it is an entity, i.e. an LLC, and if they aren't paying us, they probably are not paying anyone else, they have no assets or little to go against, and so it ends up being a costly endeavor to go after them. But, \$50,000.00 is a huge amount of money and he had absolutely no idea there was that much money outstanding. We have approximately ten accounts right now that we are very likely *never* going to see any money from. The way it is set up now is not a cost efficient way to collect money. We are running a service where there needs to be a certain amount of money coming in. So, whatever committee of Council is assigned the task to review this will need to possibly consider some creative approaches, i.e. commercial establishments being asked to provide a deposit in order to start-up refuse service. Manager Smith explained we cannot stop the service because of non-payment. Solicitor Lyons said that is correct and that is why this is very problematic. Councilmember Cox asked if an ordinance could be passed that would require the property owner to be responsible for the payment of the refuse. Solicitor Lyons said we made an exception in the Borough for commercial establishments, but certainly you could reverse that and make the property owner responsible. You will have some unhappy landlords, as he feels there will be strong opposition to that because that is not the way it has been done. And, if you have a landlord out there with five commercial establishments, they will have to pay for the refuse service and then collect it from their tenant(s); however that would certainly be a viable alternative. Councilmember Strosser commented landlords already collect rent, so he isn't sure why this would be an issue. Councilmember Faden asked the reason Council decided to collect this from the commercial entities vs. making the landlords responsible for the refuse. Solicitor Lyons said he really cannot recall. But, if a landlord is not required to do collect the refuse fees, there certainly is no reason for a landlord to voluntarily try to collect more money from a tenant. Currently, collection is simply passed along to the Borough and the Borough has to deal with it. There was **much** discussion. Council President Bergonia directed this issue to the Public Works Committee for their review.

MANAGER: Councilmember Baker made a motion, seconded by Councilmember Faden, to direct Larson Design Group to prepare and advertise the North Seventh Street Bridge Repair Project bid. **ON THE QUESTION:** Council President Bergonia said this is the bridge by the D.F. Green Field. Manager Smith said repair work is needed to the sidewalk area and the Little League will be informed of when this work will occur. Motion was unanimously approved.

OTHER COMMITTEES: Council President Bergonia reported we are working to open the pool. Unfortunately, the cover to the pool was damaged this winter and the cost of a new cover is approximately \$14,000.00; he is attempting to find someone to possibly sew the existing cover.

Council President Bergonia said we already covered the LDP. Councilmember Morris asked if anyone followed the Raise the Region event last weekend; she is happy to say the LDP received approximately \$8,000.00 in pledges as a result of that event.

Mayor Wagner indicated the next Town and Gown Committee meeting is March 26th.

Council President Bergonia stated the LNC report was already given this evening.

Manager Smith indicated Trey Casimir, Chairman of the STC, has reported they continue their work on the ash trees. An intern is marking all the ash trees, and he believes everyone will be shocked to see just how many there are. Current estimates are around 140. For Arbor Day, which is April 25th, the STC is looking to plant a tree in Hunt Park, which is adjacent to the ice skating rink.

Council President Bergonia indicated the CK-COG continues to be extremely busy; they are now inspecting homes in State College. Next Wednesday we will be attending a seminar in Williamsport to hear about alternative fuels for vehicles.

Councilmember Morris stated the Community Garden Committee has their organizational meeting scheduled for March 26th.

Manager Smith commented he reported last month that the ARLE Grant was denied, again. In the interim, he has continuously been working with Shawn McLaughlin and has been submitting additional PennDOT grant requests. Now, although it hasn't been "officially" released yet, the Borough was awarded \$350,000.00 for the smart traffic signals (these operate based on traffic flow) along Routes 15 at Route 45, St. Mary Street and Route 192. Again, PennDOT wants to make this announcement. He noted he also intends on sending a letter to the County acknowledging Shawn McLaughlin's efforts.

**PUBLIC WORKS
COMMITTEE
DIRECTED TO
REVIEW REFUSE
COLLECTION FOR
COMMERCIAL
ESTABLISHMENTS**

MANAGER

**OTHER
COMMITTEES
BVREC**

LDP

TOWN AND GOWN

LNC

STC

CK-COG

**COMMUNITY
GARDEN**

**TRAFFIC
ADVISORY
COMMITTEE
(TAC)**

Tuesday, March 18, 2014

Mayor Wagner said the next Lewisburg High School Repurposing Committee meeting will be held April 3rd, at which time there will be a facilitator group present. There is a lot in the works as we are pursuing appraisals of the high school, meeting with Geisinger Health Systems to see if they may have an interest, etc.

OLD BUSINESS: None.

NEW BUSINESS: None.

WRITTEN REPORTS: Councilmember Morris made a motion, seconded by Councilmember Faden, 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 indicated it appears there will be a work session on April 8th for the purpose of discussing the LNC. Manager Smith said we need to look at all aspects of the LNC to discuss their longevity/sustainability.

Councilmember Strosser made a motion, seconded by Councilmember Baker, to hold an executive session to discuss a Lewisburg Loan application. Motion was unanimously approved.

Council President Bergonia called for a five minute recess at 8:20 PM. Council returned at 8:25 PM.

Council entered executive session at 8:25 PM. Council returned at 9:00 PM.

There being no further business, Councilmember Morris made a motion, seconded by Councilmember Mahon, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 9:05 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

**LEWISBURG HIGH
SCHOOL
REPURPOSING
COMMITTEE**

OLD BUSINESS

NEW BUSINESS

WRITTEN REPORTS

WORK SESSION

**LEWISBURG LOAN
APPLICATION**

(RECESS)

**(EXECUTIVE
SESSION)**

ADJOURNMENT