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 Derman, seconded by Councilmember Frederick, to approve the minutes of the February 21, 2017 regular monthly meeting. Motion was unanimously approved.

PUBLIC PARTICIPATION: Char Gray of 1444 Furnace Road, owner of 729 Market Street, asked if there have been discussions of Market Street being closed to truck traffic; her tenants are addressing the noise again. Mayor Wagner said there have been studies done, many individuals have addressed the historic homes along Market Street and the potential for damage, but it is a PennDOT thruway. Manager Lowthert said Samantha Pearson, through the Walk It/Bike It group, is looking at truck traffic on Market Street with the hope is that once the new bridge is done in Winfield, PennDOT will consider posting the Lewisburg and Milton bridges for no truck traffic.

Mark Spiro of 738 Market Street commented the number of trucks traveling on Market Street has increased between the hours of 5 AM and 6 AM, and they are exceeding the posted speed limits. Chief Yost acknowledged this complaint.

PUBLIC WORKS/POLICE COMMITTEE: Council received the Buffalo Valley Regional Police Department’s (BVPRPD) monthly report, as well as the 2016 BVPRPD annual report.

Manager Lowthert said he was contacted by Bucknell University regarding their Steam Line Project on the South Seventh Street Bridge; this project was placed on hold because project costs were higher than anticipated. Bucknell understands that before they can move forward with this project, the Borough will need to review/approve the engineering design plans if the steam line is attached to our bridge.

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Yohn, to approve HARB items a and b, as submitted and recommended by HARB. Motion was unanimously approved.

a. Jennifer Bair (Vivace Music)/227 Market Street/Sign. An application was submitted to and reviewed by HARB for a sign. Motion was made by Ted Strosser, seconded by Mary Mastascusa, to recommend approval of this sign as described in detail in the project description of the HARB application, and as shown in the diagrams attached to the application. Motion was unanimously approved.

b. Wyndham Properties, LLC (Westwind Homes & Development)/216 St. John Street/Sign and Roof. An application was submitted to and reviewed by HARB for a sign and roof change. Motion was made by Kim Walter, seconded by Mary Mastascusa, to recommend approval of this request as described in detail in the project description of the HARB application, and as shown on the drawings attached to the application. Motion was unanimously approved.

Courtesy Review: None.

Project Updates: None.

Councilmember Morris indicated a request was made from Mark Spiro, Bucknell University, and a member of the Borough’s Shade Tree Commission (STC), for removal of three dying Ash trees in Hufnagle Park and for the placement of three new trees. Mr. Spiro reported STC funding is very limited, a result of the monies spent to deal with the Emerald Ash Borer. This is an opportunity for the planting of three new large trees, at no cost to the Borough, thanks to a $1,000.00 gift of the residential colleges at Bucknell. He shared his proposed project, the Borough will need to review/approve the engineering design plans if the steam line is attached to our bridge.

Councilmember Derman made a motion, seconded by Councilmember Yohn, to approve the removal of the three dying Ash trees and the planting of three new trees in Hufnagle Park, which will be done through a contribution from Bucknell, the locations being reflected in the drawings provided by the STC. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Cox, to approve the request of Laurie Slear of The Mercantile to use the Lewisburg three globe light standard image on hand towels and a large platter, per the diagrams provided. Motion was unanimously approved.

Tara Michaels, 1307 Jefferson Avenue, representing Fit for Funds, explained in detail the Trifecta event held October. Rather than bags the meters in the Hufnagle parking lot on Friday morning, she would like to place no parking signs on the meters later in the day to be friendly to the businesses and downtown customers. Manager Lowthert explained we normally do not allow signs on our meters because of the potential of damage; if they are
Tuesday, March 21, 2017

simply going to be tied on and then removed in their entirety, he will allow this. He also reminded everyone should someone park in that lot, there will be no towing. Ms. Michaels said she is willing to take that risk.

Councilmember Morris made a motion, seconded by Councilmember Derman, to approve the request of Tara Michaels of Fit for Funds, to use the Lewisburg three globe light standard image for the 2017 Trifecta event, per drawing provided. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve the request of Gregory and Sharon Rishel of Mifflinburg to use the Lewisburg three globe light standard image on slate and various bottles, per the photographs provided. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to accept the resignation of Keri Albright from the Buffalo Valley Recreation Authority (BVRA) effective March 31, 2017, with regret. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Yohn, to appoint Fred Martin to the Historic Architectural Review Board (HARB); term expiration December 31, 2017. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Derman, to approve Resolution No. 17-03, a resolution for the placement of a “Welcome Back Alumni” banner across State Highway (Market Street) and to approve submission of this resolution to PennDOT. ON THE QUESTION: Manager Lowthert noted this was a second submittal, as the date of this event was changed per the Green Dragon Foundation. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Cox, to approve Resolution No. 17-04, a resolution authorizing the Council President to sign and submit, on behalf of the Borough, the required PennDOT TE-160 Applications for Traffic Signal Approval for the traffic signals located at: Market (SR 0045) at Derr Drive (US Route 15/SR0015), St. Mary Street at Derr Drive (US Route 15/SR 0015) and Buffalo Road (SR 0192) and Derr Drive (US Route 15/SR 0015). ON THE QUESTION: Manager Lowthert explained as a result of the Adaptive Signal Project, new permit applications are required. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Derman, to approve Resolution No. 17-05, a resolution authorizing the Council President to sign and submit, on behalf of the Borough, the Letter of Amendment (LOA), amending the terms by increasing the total project costs for the Adaptive Signal Project from $336,600.00 to $539,000.00. ON THE QUESTION: Manager Lowthert said the Borough was offered a grant on behalf of the Borough and EBT to cover the costs of the Adaptive Signal Project, both engineering design and construction. Once design work was complete, it became apparent that the costs for construction were higher than anticipated. The Borough and East Buffalo Township (EBT) were looking at additional contributions in the range of $100,000.00 each. PennDOT was made aware that these additional monies were not available in the Borough’s budget, and he believes that EBT indicated the same, so PennDOT, along with the SEDA-COG MPO, came up with the additional funding. This amendment brings the additional funding into this project. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve Resolution No. 17-06, a resolution whereby the Borough of Lewisburg agrees to cooperate with UGI Utilities to expand natural gas service to the residents of St. Paul Street in the Borough of Lewisburg from North Fifteenth Street west to the Borough’s boundary line under the Get Gas Program. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Cox, to authorize the Council President to sign and submit the Early Intervention Grant Agreement/Contract No. C000064805 with the Pennsylvania Department of Community and Economic Development (DCED) in the amount of $80,000.00. Motion was unanimously approved.

Councilmember Morris indicated a recommendation was made that Council not take action on the proposed resolution drafted by the Solicitor, per Council’s directive last month, to establish fees to be charged for the collection of electronic items dropped off at the Borough’s Recycling Center. Manager Lowthert explained as other agencies and communities stop taking electronics, the volume continues to increase at our recycling center and the Borough has to pay to get rid of some of these electronics. We talked about a fee to help cover these costs; however, this committee came up with a better idea. It was suggested we close the Recycling Center to the drop off of electronics, and offer our residents the ability to arrange for a special pickup for their electronics. Residents can simply place their electronics at the curbside and they will no longer have to transport them to the recycling center. The only issue is we cannot take other large items on the same day as the electronic pickup, as the other items go into the back of the garbage truck and get crushed, the electronics will have to be put into the back of a truck and transported to the recycling center. He is thinking that we make the last Saturday of each month our official electronic recycling pickup day. It was the sense of Council this was a great solution to the problem. He indicated staff will review the special pickup fees to make a determination if any changes need to be made, as there will be more labor involved in these pickups. He will then provide our Solicitor with that information so that a resolution can be
drafted for Council action next month. This change will be reflected in The Enlightener that is due to go out in April. There was much discussion.

Councilmember Morris reported the sign sub-committee continues to move forward with the review of the sign ordinance. There is a Planning Commission vacancy with a term expiration date of December 31, 2017, a HARB vacancy with a term expiration of December 31, 2018, and a BVRP vacancy with a term expiration of December 31, 2018. The Planning Commission has completed the draft update of the Subdivision and Land Development Ordinance (SALDO) and it has been forwarded to the Borough’s engineer for his review and comments. Manager Lowthert indicated Bob Lack expressed an interest in serving on the Planning Commission and Tony Marino expressed an interest in serving on the HARB.

Manager Lowthert indicated we do have 2014 CDBG funds available, we expect 2015 CDBG funds to be available shortly, and the 2016 CDBG application has been submitted or will be submitted shortly. There will be discussions with Sam Pearson and Brian Auman, as well as SEDA-COG and the Borough’s engineer, as he intends to see if there is something we can do with our CDBG funding on South Sixth Street that will complement the DCNR funded Kidsburg Floodplain Restoration Project, and maybe even be used as a match.

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Cox made a motion, seconded by Councilmember Morris, to approve the payment of bills from February 18, 2017 through March 17, 2017, in the amount of $171,520.68. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Derman, to direct the Solicitor to prepare and/or modify ordinance to allow Borough to institute brush pile controls and fees. The刷子 piles will be the responsibility of the owner of the property. Manager Lowthert said this will be a free rear trailer - $25.00; 5) non-resident dump truck/box truck/vehicle larger than a full size truck with preapproved receipt from Borough Office; 2) non-resident car/SUV/minivan with bagged or loose material - $10.00; 3) non-resident full size van or pick-up truck - $15.00; 4) non-resident pull behind trailer - $25.00; 5) non-resident dump truck/box truck/vehicle larger than a full size truck - $50.00. ON THE QUESTION: Manager Lowthert said this motion will allow our Solicitor free reign to create what we need to gain control of our brush pile. Solicitor Lyons said he will take a look at this, but his concern is enforcement. Manager Lowthert said this will be difficult, but he, along with Staff, will be tasked to figure out the enforcement. Motion was unanimously approved.

MAYOR: Mayor Wagner shared with Council the many activities she participated in this past month, as well as those coming up. She reported she toured the new YMCA at the former Walmart. She will be a wonderful addition to our community. She recognized Bucknell University’s men and women for their recent achievement of playing in the NCAA, as well as the Lewisburg High School’s basketball team for their hard work. She was told there is a free Moonlight showing at the Campus Theatre at 5 PM on Sunday. Mayor Wagner thanked the Borough crew for the great job they did removing snow. Manager Lowthert said the Fire Department was extremely grateful to our crew, as they helped keep the fire company ramps open throughout the storm.

COUNCIL PRESIDENT: Council President Bergonia thanked the Borough crew for the great job they did removing snow. Manager Lowthert said the Fire Department was extremely grateful to our crew, as they helped keep the fire company ramps open throughout the storm.

MANAGER: Manager Lowthert said the BVRPC is looking for a decision from both the Borough and EBT on the invoicing changes recently made. The Commission and their Solicitor have recognized the fact the Commission could not make this change to the invoicing, because invoicing is addressed within the IGA and must be decided and agreed upon by the participating municipalities. He explained the billing procedure outlined currently in the IGA, and then explained the Commission changed the billing to monthly based upon actual expenditures; for example, January’s actual expenses were tallied and a bill was sent to each municipality the beginning of February reflecting the January expenses. He indicated he doesn’t really care from an administrative view how the Police does their billing; actually after the fact is probably better for the Borough, as long as the Police services can be maintained. The Commission and their Solicitor want a motion from Council if you are in agreement with this changed billing procedure.

Mayor Wagner clarified these actions taken by the Commission need to be validated by EBT and the Borough because it is contained in the IGA. She read a motion passed by the Commission as follows, “Within seven days of the close of a month, the Commission should provide each member municipality with an invoice which reflects their proportionate share of actual expenses, including the cost for the month, provided the expenses exceed the revenues for the month. The Commission should immediately notify both municipalities and provide revised invoices for 2017 as needed.” Manager Lowthert commented seven days doesn’t seem like enough time and suggested fifteen days from the end of the month is more reasonable. Councilmember Cox commented he doesn’t like the idea of voting on an amendment to the IGA. Manager Lowthert said the language of the IGA regarding quarterly billings, prior to the recent monthly billing change, wasn’t being followed; it was recognized that tax revenues were not being received early enough in the year to meet the IGA language as written. Chief Yost said that is correct; both municipalities realized the first payment of the year was hard to come up with because the taxes haven’t started coming in yet, and recognized that an adjustment needed to be made. However, the BVRPD was still receiving funds the same way with that previous change. This change actually changes how we receive the funds.

Chief Yost indicated another change that was recently put in place and needs to be addressed is that EBT is only being billed at 50% of the costs and Lewisburg Borough is being billed at 48% of the costs. Someone is going to have to pay for the 2% that is currently not being paid.
Tuesday, March 21, 2017

The 2% is now coming from the reserve funds, but eventually over time, the reserve will no longer be there to draw from. Councilmember Mahon asked if EBT is being billed for 52% and only paying 50%. Chief Yost said no, they are being billed 50%. Councilmember Mahon said the IGA clearly states a 52/48 split. Mayor Wagner pointed out that reserve was created with 48% of the Borough’s monies. Manager Lowthert said his understanding is that the Commission instructed that EBT should only be invoiced 50%. He doesn’t believe the Commission had the authority to change the percentage of the invoicing as that is clearly defined in the IGA. EBT should continue to be invoiced at 52%, until collectively the municipalities decide to make a change. If EBT decides not to pay that 52%, that is something the Commission will have to address with EBT. Solicitor Lyons said he doesn’t want to open the door to a floodgate of amendments, but if EBT agrees to amend the IGA for the monthly billing change, that certainly indicates they know the proper procedure. And with regard to paying the proper percentage, obviously that would also require an amendment to the agreement. So this solidifies the Borough’s position they cannot unilaterally make that decision. Manager Lowthert said he feels Council can agree to the billing change, but Council also needs to indicate to the Commission they violated the IGA with regard to how much each municipality is being billed and that EBT should be billed the 52%. Solicitor Lyons stressed if EBT doesn’t pay the 52%, that will be a matter for the Commission to deal with. Councilmember Derman said the IGA says each municipality has a right to ask for a reduction or change the number of PPUs. Solicitor Lyons said there is a procedure for this. Councilmember Derman said not a very well defined procedure, and the Commission agreed to less. Solicitor Lyons stressed that is not a decision for the Commission to make, but a decision for the parties to the agreement; he wants the procedures set forth in the IGA to be followed. Manager Lowthert said again, the Commission exceeded its authority in that matter and it needs to be pointed out. Mayor Wagner said the Commission recognized that and that motion was voided. Manager Lowthert said for that one item, the Commission is still billing EBT for only 50%, not 52%. He pointed out the Februrary monthly report shows that EBT used 56% of the PPUs. Chief Yost commented he is in the middle and he can only present the facts. Prior to the start of this year, EBT said they are only paying 50% and only budgeted for that in their 2017 budget, which was accepted by the Commission. Councilmember Cox read a letter sent to BVPRC Chairperson Wagner from Michael Daniloff, Chairman of EBT: “The EBT Board of Supervisors held a special meeting on Monday, November 21, 2016 to take action on the proposed BVPRD 2017 budget. According to Article VI of the IGA, each municipality that is a part of the IGA is to approve the budget proposed by the Commission. The Township Board of Supervisors voted unanimously to approve the BVPRD budget for 2017.” He commented that clearly says EBT was in agreement for the 52%. Chief Yost said EBT held another meeting in December and changed the percentage. Solicitor Lyons said regardless, it is wrong. There was much discussion.

Councilmember Derman made a motion, seconded by Councilmember Morris, to amend the IGA to allow the BVPRC to use the actual expenses each month as the basis to bill municipalities, on a monthly basis, and that those bills should be submitted to each municipality within 15 calendar days of the end of each month. Motion was unanimously approved.

Council President Bergonia directed the Manager to send a letter to the BVPRC instructing them that they need to invoice the municipalities at the 52/48 percent split, as clearly stated in the IGA, and also note that the BVPRC exceeded its authority when it directed that EBT be invoiced at 50%. (All Councilmembers were in agreement.)

Manager Lowthert reported he, along with Councilmember Derman, will be attending the annual PELRAS Conference in State College Wednesday, Thursday and Friday of this week.

Manager Lowthert said a recommendation had been made by the Administrative/Finance Committee to hire one additional staff member for Recycling/Refuse/Public Works and that this person be a full-time 40 hour/week employee. This was due to the fact we will be losing about six staff members within the next five years due to retirements. This person would be working at the recycling center, the brush pile, and with the public works and/or refuse crew. He is bringing this back for discussion because he has heard this might be our Recycling Coordinator’s last year, and if we plan to keep the recycling center open, we have to staff it. We do not have sufficient staff to take someone from either public works or refuse to staff the recycling center. Right now we are talking about the brush pile and controls for it, and staffing will be needed there. He doesn’t believe we are going to get someone part-time for Wednesdays and Saturdays, working in the extreme cold or extreme heat. There is a cost for another employee, because of the benefits, pension, etc., but we really need to think about staffing for the future. He believes we need to hire a full-time public works person and he would like to have Council approval to go to the new position, so he can advertise. He is comfortable that the Refuse Fund can support half of this person, with the rest of coming from whatever fund covers the work that person would be doing, recognizing there will be a hit to the General Fund. This position will be a Tuesday through Saturday position. He pointed out there is still a person off on short term disability and it is questionable if this person will be back to work.
Councilmember Morris asked if hiring an additional full-time benefits eligible person costs about $100,000.00. Manager Lowthert said yes. There was much discussion.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to direct the Manager to create a new full-time Recycling/Refuse/Public Works position and advertise for same. Motion was unanimously approved.

**SOLICITOR:** No report.

**OTHER COMMITTEES:** Council President Bergonia indicated the BVRA is busy; staff has been sent for various certifications, i.e. lifeguard instructor, water park inspector, etc.

Councilmember Morris indicated Tere Rill, the LDP's Executive Director, is very busy and getting things organized.

Mayor Wagner reported the Town and Gown Committee is still not functional.

Councilmember Derman said the River Town Committee met recently and there are several events coming up: April there will be trees planted at the gas company property; March and April there will be community clean-ups; the River Road Holiday is April from 1 to 5 PM. The Lewisburg Neighborhoods Corporation (LNC) will be stationed at the Mifflinburg Bank for the Arts Festival this year. Mayor Wagner said the flood meeting was held March at the William Cameron Engine Company; the room was packed and a lot of good information was provided at that meeting and she commended Samantha Pearson for a good job.

Council President Bergonia indicated the STC was addressed earlier in this meeting.

Council President Bergonia reported the Central Keystone-COG continues to be busy.

Council President Bergonia said applications are out for the Community Garden and activity will begin soon.

Councilmember Cox updated Council on the Municipal and Community Advisory Committee (MACAC) meetings, and thanked the Manager for distributing the proposed IGA, which he hopes everyone will make time to review as soon as possible.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

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

**WORK SESSION:** Council President Bergonia reminded Council that Thursday, March is the rescheduled work session for the LNC presentation on the Bull Run Master Site Plan. There will be a work session Tuesday, April for the Department of Environmental Protection (DEP) and Union County Conservation District presentation on the streambank project at St. Mary Park.

Council President Bergonia called for a five minute recess at 9:00 PM.

Councilmember Morris made a motion, seconded by Councilmember Frederick, to hold an executive session on potential legal matters and a personnel matter. Motion was unanimously approved.

Council entered executive session at 9:05 PM. Council returned at 9:25 PM.

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

Respectfully submitted,

Patricia M. Garrison
Borough Secretary