

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, April 15, 2014** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Cox, Faden, Mahon, Morris and Strosser; Mayor Wagner; Solicitor Lyons, Manager Smith, Secretary Garrison, and BVRP Chief Yost. Absent: Councilmember Cook. Also present: Teri Provost, Bill Siegel, Matt Farand, Eva Marie Socha, Randy Stroup, Robert Belvin, Rick Quigley, Nancy Kimball, Juliana Cooper, Diane Donato, Leanne Belletti, Betty Louis McClure, Carolyn Harrison, Joan Allen 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 Faden, seconded by Councilmember Strosser, to approve the minutes of the March 18, 2014 regular meeting and the April 08, 2014 work session meeting. Motion was unanimously approved.

PUBLIC PARTICIPATION: Council President Bergonia adjourned the regular order of business to conduct a public hearing. He called the public hearing to order at 7:05 PM.

Teri Provost, SEDA-COG, stated she will be administering the Community Development Block Grant (CDBG) Program, which is basically for infrastructure projects. These are Federal funds that come through the U.S. Department of Housing and Urban Development (HUD) and are administered through the Pennsylvania Department of Community and Economic Development (DCED). This is the first public hearing for the 2014 CDBG Program. This hearing allows for public comment/discussion of any new projects proposed, or existing projects, and covers the regulatory documents distributed. The agenda provided reflects a CDBG allocation of *approximately* \$94,200.00. The CDBG Application Preparation Schedule for Union County was provided. The entitlement Program was explained. We do not have an application submission deadline date yet, although she believes it may be October or November this year. So funding for 2014 will probably not be available until 2015. Eligible activities for CDBG funding would be a broad range of community development and economic development activities including: water system improvements, sewer system improvements, storm water improvements, roads, streets, bridges, community facilities, senior centers, housing activities, economic development activities, and/or direct loans to private businesses in exchange for creation of jobs for low and moderate income persons. You cannot do any routine maintenance, or build or pay for the general function/purpose of government, and equipment is not eligible. Every project must meet one of three federal funding criteria: 1) benefit low and moderate-income persons (how most projects are funded); 2) removal of blighting influence in a community (six block area: Seventh Street to Fifth Street and Market Street to Bucknell University is an area Council determined several years ago was in jeopardy of becoming a blighting influence on the community); and 3) urgent need (very few urgent need projects are undertaken in the CDBG Program). There are requirements imposed by the program: the first is the Preference Statement, which is located on the bottom of the agenda, and then attached are the Fair Housing Notice, the Residential Anti-Displacement and Relocation Assistance Plan, and the 504 Annual Review. This is the first step in the process of creating a three-year CD plan for the Borough. Currently there are no CDBG projects happening in the Borough. We are looking at South Sixth Street and awaiting DCED approval of the corridor there. There have been public service activities funded with CDBG funding in the past, i.e. Donald Heiter Center. But, now we need to think of projects for 2014 and we are thinking slum and blight for South Sixth Street, as well as curb cuts and sidewalks. She asked if there are any comments regarding projects. Councilmember Mahon asked if there was any discussion with the Donald Heiter Center. Ms. Provost said yes; there have been discussions about the reallocation of previous year funding. Unfortunately Andrea Tufo, Director of the Donald Heiter Center, was unavailable tonight. Ms. Provost asked if there are any other project proposals. There was no response. She asked if there were any public comments relative to any potential historical or environmental impacts associated with any of the proposed projects or projects in the past. Again, there was no response.

Council President Bergonia asked if anyone else wished to speak during this public hearing. Again, there was no response, so he declared the public hearing closed at 7:15 PM. He reconvened to the regular order of business and continued with the meeting.

Mayor Wagner stated we have some Lewisburg Garden Club members present this evening to, along with Council, recognize two members that are very hard working retirees of this club, Betty Lou McClure and Carolyn Harrison. Mayor Wagner said these ladies have worked very hard for this community for many, many years weeding and planting in an effort to make this town absolutely beautiful. Mayor Wagner presented a Certificate of Appreciation to Ms. McClure and Ms. Harrison.

Mayor Wagner read a Certificate of Appreciation to acknowledge Elizabeth M. Beswick for providing invaluable legal services to the Borough's Zoning Hearing Board while serving as the Zoning Hearing Board's Solicitor.

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC HEARING CDBG PROGRAM

TERI PROVOST

PUBLIC HEARING CLOSED

RECOGNITION TO LEWISBURG GARDEN CLUB RETIREES/ BETTY LOU MCCLURE AND CAROLYN HARRISON

ELIZABETH M. BESWICK/ CERTIFICATE OF APPRECIATION

Tuesday, April 15, 2014

Mayor Wagner also read a Certificate of Appreciation to acknowledge Dennis Baumwoll for providing invaluable services to the Zoning Hearing Board serving from January 1984 through March of 2014.

Samantha Pearson, Elm Street Manager, asked Council to consider approving a resolution to apply to the Pennsylvania Department of Conservation and Natural Resources (DCNR) for a South Sixth Street/Bull Run Greenway Planning Grant. This grant requires a 50% local match, which would be \$30,000.00. However she will continue to pursue other grant funding to meet that match. This grant application is due tomorrow and the entire packet will be available to Council very soon. She shared the footprint of the project area explaining the details, noting these grants come with a specific and extensive scope of work that DCNR itself specifies. The pricing came in at approximately \$60,000.00 and as a result of this, we should obtain design drawings and construction drawings, along with a report that will assemble all background data and the planning process. The anticipated start date will be sometime in 2015 and the project will last approximately fourteen months. Councilmember Morris stated this will begin the rebuilding/transforming of South Sixth Street. Manager Smith said there will be plenty of time to further review and possibly obtain additional funding for the match.

Councilmember Morris made a motion, seconded by Councilmember Faden, to approve Resolution No. 14-05, to apply to the Pennsylvania Department of Conservation and Natural Resources (DCNR) for the South Sixth Street/Bull Run Greenway Planning Grant. Motion was unanimously approved.

POLICE COMMITTEE: Councilmember Mahon indicated everyone should have a March 2014 monthly activity report. Solicitor Lyons said he provided his mark-up of the social gathering ordinance for review. Chief Yost reported he was fine with the Solicitor's changes, so he will present for review at the next Police Committee meeting. Hopefully there will be a recommendation made to Council in May for the Solicitor to advertise this proposed ordinance for adoption in June.

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

a. Lisa-Brad Lahet/138 South Fifth Street/Fence. An application was submitted to and reviewed by HARB for a fence. A motion was made by Steve Snook, seconded by Elaine Wintjen, to recommend approval of the placement of a wood fence to replace the existing fence, said fence to be stained and/or painted within one year. Motion was unanimously approved.

b. Christopher Exner-Claire Sammells/225 North Front Street/New Garage. An application was submitted to and reviewed by HARB for a new garage. A motion was made by Phoebe Faden, seconded by Steve Snook, to recommend approval of the building of a two-car garage on the site of the gravel paved parking lot area, as shown in the drawings attached to the HARB application, siding should be smooth or brushed, not wood grain, and garage door should not have so many panels. Motion was unanimously approved.

c. Kelly Finley/225 North Fourth Street/Roof. An application was submitted to and reviewed by HARB for a new roof. A motion was made by Steve Snook, seconded by Elaine Wintjen, to recommend approval of a new roof, as shown in the project description of the HARB application. Motion was unanimously approved.

d. Robert Antanitis/606 Market Street/Signage. A request was made and reviewed by HARB for signage. A motion was made by Ted Strosser, seconded by Mary Mastascusa, to recommend approval of signage as shown on the diagram provided by the property owner.

e. Ray-Tina Stackhouse/239 North Fourth Street/Porch Stairs. An application was submitted to and reviewed by HARB for front porch stairs. A motion was made by Phoebe Faden, seconded by Mary Mastascusa, to recommend the replacement of the existing wooden front porch stairs with stairs made of stone and slate as shown on the diagram attached to the HARB application with stones to be randomly course.

PUBLIC WORKS COMMITTEE: Councilmember Baker reported as an FYI that the Committee selected the 2014 Street Projects: Seventh Street Bridge Project, Municipal Parking Lot #1, South Front Street (Market to St. Louis Streets), St. Paul Street (west of Fairground Road), Terrace Drive/Meadow Lane (micro-resurfacing), Brown Street (Bridge south to Malcolm Street) and the entrance to White Pine Alley from South Water Street (if funding permits), and 2014 Grant Projects may include St. Louis Street (South Sixth Street to Hawn Alley) and St. George Street (South Sixth to South Seventh Streets). Also, an FYI, the Committee recommends the sale of the old gas property (empty lot at South Front and St. George Streets) in the event a potential buyer is willing to invest in gaining all necessary DEP permits. Manager Smith explained he isn't actively looking for someone to purchase this property, but if someone is interested and they are willing to take the necessary steps to deal with all the red tape, the Committee felt the Borough would be willing to let this property go. Mayor Wagner said it would be great if this property could produce some income for the Borough. There was **much** discussion.

FINANCE COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Baker, to approve payment of bills from 03/15/14 through 04/11/14 in the amount of \$605,822.60. ON THE QUESTION: Manager Smith commented the Tax and Revenue Anticipation Note (TRAN), which allowed the Borough to operate prior to taxes coming in, in the amount of \$350,000.00 was paid back and we also paid our quarterly payment to Regional Police this past month. If you subtract out those two figures from the total paid, we are basically back to our regular monthly expense amount.

**DENNIS BAUMWOLL/
CERTIFICATE OF
APPRECIATION**

**SAMANTHA PEARSON
RESOLUTION
REQUEST FOR
SOUTH SIXTH
STREET/BULL RUN
GREENWAY
PLANNING GRANT**

**APPLICATION TO DCNR FOR
SOUTH SIXTH STREET/BULL
RUN GREENWAY PLANNING
GRANT
(RESOLUTION NO. 14-
05)**

POLICE COMMITTEE

**PLANNING
COMMITTEE
HARB**

L/B LAHET

**C EXNER/C
SAMMELLS**

K FINLEY

R ANTANITIS

R/T STACKHOUSE

**PUBLIC WORKS
COMMITTEE
2014 STREET
PROJECTS AND
GRANT PROJECTS**

**OLD GAS PROPERTY
DISCUSSION**

**FINANCE COMMITTEE
PAYMENT OF BILLS**

Tuesday, April 15, 2014

Councilmember Mahon asked the amount of the line of credit. Manager Smith said \$750,000.00, but we only needed \$350,000.00. Councilmember Mahon asked if we can use that next year. Solicitor Lyons said no, they are only good for one calendar year and you would have to apply for a new one if it would be needed. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to accept the proposal of Grasshopper Landscaping for 2014 vegetation maintenance at the Borough Building, Kidsburg/Hufnagle Park, Soldiers Park, Market Street Bump-Outs, MPL #1 and MPL #6 in the amount of \$5,505.00. ON THE QUESTION: Manager Smith said this is for spring, summer and fall visits of weeding, trimming, mulching, gravel, etc. Council President Bergonia asked if this is for the actual mulch in Kidsburg. Manager Smith said no. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Cox, to approve a contribution to BVRec in the amount of \$13,800.00 for resurfacing of the tennis courts located in the Lewisburg Area Recreation Park. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to transfer, as a temporary loan which must be paid back, \$15,500.00 from the General Fund to D.F. Green Field Fund, and \$25,000.00 from General Fund to D.F. Green Recreation Fund, both transfers are needed to allow these two funds to be able to operate in 2014. ON THE QUESTION: Manager Smith said we receive these funds through a Trust; the funds are released to the D.F. Green Field Fund annually in the month of December and to the D.F. Green Recreation Fund semi-annually in the months of June and December. However, there isn't money for the routine operations that need to occur *now*. He explained that he did opt to pay-off the D.F. Green Field Fund for the Little League Lights last year, realizing this shortfall would happen, but he didn't want to continue to carry this light loan another year, as it has been being carried for the last six years. He felt closing that loan out and starting fresh would be best. Councilmember Morris clarified for new Councilmembers that we are not talking about depleting the principal of these two trust funds; we are only talking about the interest we receive. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Strosser, to direct the Manager to purchase one container to allow for electronic recycling at the Lewisburg Recycling Center in an amount not-to-exceed \$7,500.00. ON THE QUESTION: Manager Smith explained we are working with a company that will recycle these electronics and the Borough will receive so much per pound. The containers are similar to the containers used on ships and although the company recommended two containers, he is only providing one at this time as he only budgeted for one. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Strosser, to approve the Manager's purchase of ten 2-yard containers for the Refuse Department at a cost of \$4,700.00. ON THE QUESTION: Manager Smith apologized for having to bring this to Council's attention. Although the State increased their spending limitation from \$4,000.00 to \$10,000.00, the Borough's ordinance wasn't changed and only allows the Manager to purchase up to \$4,000.00 without Council approval. This purchase exceeded that \$4,000.00 threshold, so Council action is needed. Motion was unanimously approved.

Councilmember Mahon asked if the Borough noticed any changes in recycling as a result of the single stream recycling offered in the Borough by outside contractors. Manager Smith said although we are not collecting it, we do get credit for our tonnage; so we shouldn't see a negative impact. Councilmember Baker asked if the electronics will be included in that tonnage. Manager Smith said he isn't sure, as we will be getting credit from the hauler. We should still get credit from the State, but he will check into this. There was some discussion.

Councilmember Morris noted an executive session will be needed at the end of this meeting to discuss delinquent refuse accounts. Also, an FYI, the Committee approved the Lewisburg Club pursuing the legal process to investigate transferring the D.F. Green Trust to a localized investment firm/bank. Currently the Trust is with Wells Fargo; Kim Ritter is now handling the Lewisburg Club and feels we could do better if it was invested locally. Manager Smith explained portions of the D.F. Green Trust are currently distributed to the Borough, the Lewisburg Club and the Evangelical Community Hospital. Councilmember Morris indicated another FYI, the Committee approved the addition of 120 South Sixth Street to the planned Phase II Demolition Project provided: 1) owner accepts initial appraisal value and 2) owner accepts that any *additional* costs incurred due to this delay will be subtracted from the offered purchase price. Councilmember Mahon asked what additional costs. Mr. Seigel explained there are a lot of unknowns with this, i.e. separate bidding or separate contracting. Your Manager was simply looking for direction on whether to pursue this, and Council has clearly indicated he should.

**GRASSHOPPER
LANDSCAPING TO
PERFORM 2014
MAINTENANCE**

**CONTRIBUTION TO
BVREC FOR TENNIS
COURT
RESURFACING**

**TRANSFERS
(TEMPORARY LOAN)
TO D.F. GREEN FIELD
AND D.F. GREEN
RECREATION TO
ALLOW OPERATIONS
IN 2014**

**PURCHASE OF ONE
ELECTRONIC
RECYCLING
CONTAINER**

**PURCHASE OF TEN 2-
YARD CONTAINERS**

**SINGLE STREAM
RECYCLING
DISCUSSION**

**EXECUTIVE SESSION
NEEDED AT END OF
MEETING**

**D.F. GREEN TRUST
DISCUSSION**

**ADDITION OF 120
SOUTH SIXTH TO
DEMOLITION
PROJECT**

Tuesday, April 15, 2014

Manager Smith stated he would like Council to realize, after seeing the Finance Committee actions, that there is a lot taking place in this Borough.

MAYOR: Mayor Wagner said she has a discouraging announcement; it is her understanding that the Packwood House Board of Trustees has cut the stipend for the Packwood House effective in June, so it doesn't appear they will have enough money to keep functioning. She stressed they bring a lot of business to Lewisburg. Councilmember Morris said they voluntarily picked up the Victorian Day Parade. Mayor Wagner said our DCED friends couldn't praise Lewisburg enough during their recent visit, and we were presented with a grant in the amount of \$232,000.00 for St. Louis Street from Hawn Alley to Sixth Street.

COUNCIL PRESIDENT: Council President Bergonia reminded everyone that the Arts Festival is scheduled for April 26th.

SOLICITOR: Solicitor Lyons indicated he had no report.

MANAGER: Manager Smith indicated there are several action items listed as a result of reviews by the Borough's Engineer and Planning Commission for Fairfield Auto Group and U.S. Supply as a result of their land development submissions.

Councilmember Baker made a motion, seconded by Councilmember Faden, to grant an exemption to Fairfield Auto Group in accordance with Section 106.A of the Stormwater Management Ordinance since the proposed project does not increase impervious coverage as recommended by the Borough Planning Commission and Borough Engineer. ON THE QUESTION: Councilmember Cox asked if this is an indication they are not moving outside the Borough. Manager Smith said that is correct. Councilmember Cox said that is great news. Mayor Wagner agreed and thanked Fairfield Chevrolet for staying. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Cox, to approve the Fairfield Auto Group Final Land Development Plan, revision dated April 7, 2014, based on recommendation from the Lewisburg Planning Commission with the following conditions: 1) Borough is in receipt of acceptable executed Stormwater Facilities Maintenance and Monitoring Agreement; 2) Borough is in receipt of acceptable executed improvements Guaranty Agreement; 3) Borough Engineer has made final review of plans and recommends signature of plans by Council President; 4) Applicant provides a copy of the approved Highway Occupancy Permit; all contingent upon the review and approval of the Borough Solicitor. Motion was unanimously approved.

Councilmember Faden made a motion, seconded by Councilmember Morris, to grant an exemption to U.S. Supply in accordance with Section 106.A of the Stormwater Management Ordinance since the proposed project does not increase impervious coverage as recommended by the Borough Planning Commission and Borough Engineer. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Strosser, to approve the U.S. Supply Land Development Plan, revision dated April 2, 2014, based on recommendation from the Lewisburg Planning Commission with the following conditions: 1) Borough is in receipt of acceptable executed Stormwater Facilities Maintenance and Monitoring Agreement; 2) Borough is in receipt of acceptable executed Improvements Guaranty Agreement; 3) Borough Engineer has made final review of plans and recommends signature of plans by Council President; all contingent upon the review and approval of Borough Solicitor. Motion was unanimously approved.

Council requested, since there were individuals present representing U.S. Supply and Fairfield Chevrolet, that each group take a few minutes to show the drawings they brought with them and explain what is occurring at each of these locations. Presentations were made by each group. There was **much** discussion.

Councilmember Morris made a motion, seconded by Councilmember Baker, to approve the Confirmation of Assignment to Larson Design Group for engineering services for the 2014 street projects, as listed above under Public Works Committee, in the amount of \$23,600.00 (not including White Pine Alley). *((Public Works Committee recommendation for 2014 Street Projects: Seventh Street Bridge Project, Municipal Parking Lot #1, South Front Street (Market to St. Louis Streets), St. Paul Street (west of Fairground Road), Terrace Drive/Meadow Lane (micro-resurfacing), Brown Street (Bridge south to Malcolm Street)).* Motion was unanimously approved.

OTHER COMMITTEES: Council President Bergonia reported BVRec has coordinated the work of a lot of volunteers, etc. in preparation for the summer season, i.e. trail, pool, etc.

Councilmember Morris reported there were no meetings held by the LDP in March.

MAYOR

COUNCIL PRESIDENT

SOLICITOR

MANAGER

FAIRFIELD AUTO GROUP GRANTED EXEMPTION TO STORMWATER MANAGEMENT ORDINANCE

FAIRFIELD AUTO GROUP FINAL LAND DEVELOPMENT PLAN APPROVED

U.S. SUPPLY GRANTED EXEMPTION TO STORMWATER MANAGEMENT ORDINANCE

U.S. SUPPLY FINAL LAND DEVELOPMENT PLAN APPROVED

PRESENTATIONS GIVEN BY FAIRFIELD CHEVROLET AND U.S. SUPPLY

CONFIRMATION OF ASSIGNMENT TO LDG FOR ENGINEERING SERVICES FOR 2014 STREET PROJECTS

OTHER COMMITTEES
BVREC

LDP

Tuesday, April 15, 2014

Mayor Wagner reported the Town and Gown Committee meeting was a good one; the proposed social gathering ordinance was reviewed. Also, she was assured all would be good during house party weekend and it was. Chief Yost stated he believed the activity levels were low given the weather.

Council President Bergonia asked if Samantha Pearson, Elm Street Manager, wanted to add anything regarding the LNC. Ms. Pearson reported an ice cream social will occur near the cemetery for the Bull Run Neighborhood April 22nd. There will be a Rivertowns meeting on April 23rd, and we will have a table during the Arts Festival this year. Councilmember Faden said she, along with Dan Remley, went to the Williamsport Library today and searched for charitable foundations.

Manager Smith stated the draft of the Emerald Ash Bore (EAB) Management Plan, was distributed to Council. This plan will be discussed by Trey Casimir, Chairman of the STC, at the May 13th work session. Unfortunately there are costs associated with this that will have to be considered. There was **much** discussion.

Council President Bergonia indicated the CK-COG continues to be extremely busy and continues to look into alternative fuels for vehicles.

Councilmember Morris stated the Community Garden Committee is moving right along.

Manager Smith indicated the Traffic Committee had requested a traffic/pedestrian light study be conducted on the Market Street. He received a proposal from Larson Design Group (LDG) and the cost of this study was approximately \$14,500.00. After discussing this at the Finance Committee meeting and realizing that money wasn't budgeted for this study to occur this year, it was decided this be placed on hold.

Mayor Wagner updated Council on the facilitator group for the Lewisburg High School Repurposing Committee.

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 there will be a work session on May 13th to discuss the EAB Plan with the STC.

Councilmember Morris made a motion, seconded by Councilmember Baker, to hold an executive session to discuss delinquent refuse accounts and real estate. Motion was unanimously approved.

Council President Bergonia called for a five minute recess at 8:35 PM. Council returned at 8:40 PM.

Council entered executive session at 8:40 PM. Council returned at 9:20 PM.

Councilmember Morris made a motion, seconded by Councilmember Baker, to direct the Solicitor to review the refuse ordinance, making suggestions on how to change it so the Borough would no longer bill a business renting a property, but bill the property owner housing the business, in an effort to allow the Borough to be able to collect refuse monies. **ON THE QUESTION:** Council President Bergonia asked that the Solicitor's suggestions be sent to the Finance Committee and Manager for review. Motion was unanimously approved.

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 9:25 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

**TOWN AND GOWN
COMMITTEE**

LNC

STC

CK-COG

**COMMUNITY
GARDEN
COMMITTEE**

**TRAFFIC ADVISORY
COMMITTEE**

**LEWISBURG HIGH
SCHOOL
REPURPOSING
COMMITTEE**

OLD BUSINESS

NEW BUSINESS

WRITTEN REPORTS

WORK SESSION

**DELINQUENT REFUSE
ACCOUNTS/REAL
ESTATE**

(RECESS)

**(EXECUTIVE
SESSION)**

**SOLICITOR TO
REVIEW REFUSE
ORDINANCE
BILLING
PROCEDURES**

ADJOURNMENT