

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, April 19, 2011** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Casimir, Cox, Mahon, Molesevich, Morris, and Strosser; Mayor Wagner; Chief Yost; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Also present: Joe Deinlein and Steven Beattie.

**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 Baker, seconded by Councilmember Casimir, to approve the minutes of the regular Council meeting held March 15, 2011 and the work session held April 12, 2011. Motion was unanimously approved.

**PUBLIC PARTICIPATION:** Council President Bergonia adjourned the regular order of business to conduct a public hearing on the petition of Diakon Lutheran Social Ministries to vacate Terrace Drive and Breeze Drive located within Diakon's land. He called the public hearing to order at 7:00 PM. Solicitor Lyons indicated the public hearing was advertised. The petitioner is cleaning this up for title purposes. Councilmember Molesevich indicated last month's motion was that any costs incurred are to be borne by Diakon. Solicitor Lyons commented the vacation is the Borough's cost, as we are being petitioned pursuant to statute and are obligated to hold a public hearing to decide whether to grant or not.

Council President Bergonia asked if there is anyone in the public that wishes to speak. No one wished to speak. Council President Bergonia declared the public hearing closed at 7:10 PM. He reconvened to the regular order of business.

Councilmember Casimir questioned if Council is going to make a motion on the vacating of the two streets just discussed at the public hearing. Solicitor Lyons indicated a motion is needed, but it can be now or later.

\*Councilmember Baker made a motion, seconded by Councilmember Casimir, to grant/approve the petition to vacate portions of Terrace and Breeze Drives, and to authorize the Solicitor to prepare and advertise a *resolution* which will be presented to Council at the next meeting to formalize the vacation. **ON THE QUESTION:** Councilmember Casimir questioned if the Borough can require Diakon to pay the costs associated with this. Solicitor Lyons said he doesn't recall the motion, but we can go back and look at the minutes. Mr. Beattie stated that the owner was made aware of the possibility of an invoice being forwarded to them, and he heard no objection. Motion was unanimously approved. *(Note: This motion was amended under the Solicitor's report. The new motion in its entirety is shown below.)*

\*Amended motion: Councilmember Baker made a motion, seconded by Councilmember Casimir, to grant/approve the petition to vacate portions of Terrace and Breeze Drives, and to authorize the Solicitor to prepare and advertise an **ordinance** which will be presented to Council at the next meeting to formalize the vacation. Motion was unanimously approved.

**PLANNING COMMITTEE:** Councilmember Casimir made a motion, seconded by Councilmember Morris, to approve HARB applications a through c, as submitted and recommended by HARB. **ON THE QUESTION:** Councilmember Molesevich questioned the demolition approval by HARB. Councilmember Strosser said this was not a landmark property, and the fact it has been owned by an absentee landlord for over a decade, this property is beyond help. Motion was unanimously approved.

**a. Jon Darer/Ellen Flacker-Darer. 34 North Second Street. Renovations.** An application was submitted to and reviewed by HARB for renovations. A motion was made by Mary Mastascusa, seconded by Steve Snook, to approve the application as shown on the project description section of the application (new entry with single door, new stoop, restore fascia, soffit and cornice). Motion was approved with one abstention; Ted Strosser abstained.

**b. Kevin/Heather Britton. 25 North Fourth Street. Fence.** An application was submitted to and reviewed by HARB for a fence. A motion was made by Ted Strosser, seconded by Robert Cook, to recommend approval of the fence replacement as described in the project description section of the HARB application and as shown on the photos attached, recognizing that zoning approval is required. Motion was unanimously approved. (Note: HARB noted that this fence is not visible from the public way, and also offered a recommendation for a vertical style fence rather than the horizontal style fence for longevity reasons.

**c. Peter Groff/Bob Thomas. 225 South Second Street. Demolition.** An application was submitted to and reviewed by HARB for demolition. A motion was made by Robert Cook, seconded by Steve Snook, to recommend approval of the demolition of this house as described in the project description section of the HARB application. Motion was unanimously approved.

**ATTENDANCE**

**CALL TO ORDER**

**APPROVAL OF MINUTES**

**PUBLIC PARTICIPATION (PUBLIC HEARING)**

**PETITION OF DIAKON LUTHERAN SOCIAL MINISTRIES FOR VACATION OF TERRACE DRIVE AND BREEZE DRIVE**

**MOTION FOR SOLICITOR TO PREPARE AND ADVERTISE ORDINANCE FOR VACATION OF TERRACE DRIVE AND BREEZE DRIVE**

**PLANNING COMMITTEE HARB**

**J DARER**

**K BRITTON**

**P GROFF/B THOMAS**

Tuesday, April 19, 2011

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to appoint Councilmember Casimir to serve on the CATV Advisory Committee; term expiration 12/31/15. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to appoint Council President Peter J. Bergonia, Jr. as the Regional Police Commission alternate per the Intergovernmental Agreement (IGA). Motion was unanimously approved.

**POLICE COMMITTEE:** Councilmember Mahon made a motion, seconded by Councilmember Morris, to approve Resolution No. 11-05 adopting guidelines for Lewisburg Police Officers when making authorized warrantless summary arrests. ON THE QUESTION: Councilmember Mahon asked the Chief to explain. Chief Yost said we are working on rules and regulations for policy procedure. State Statute allows the Police to make these arrests, but a resolution from the governing body is needed. Councilmember Casimir asked what a warrantless summary arrest is. Chief Yost explained it gives an officer authority to take somebody into custody for something that normally wouldn't be a custody situation, i.e. disorderly conduct. Motion was unanimously approved.

**PUBLIC WORKS COMMITTEE:** Councilmember Baker made a motion, seconded by Councilmember Molesevich, to approve the award of Contract No. 2011-01, South Fifth Street Improvements with a unit price bid amount of \$534,540.35, and Alternate Bid Two with a unit bid amount of \$27, 424.00, for a total bid amount of \$561,964.35, to Mid State Paving, LLC subject to the receipt of executed payment bond, performance bond, and insurance certificate and being reviewed and accepted by the Borough Engineer and Borough Solicitor. ON THE QUESTION: Councilmember Casimir asked for confirmation that this contract contains language to protect the Borough's shade trees. Manager Smith said correct. Motion was unanimously approved.

Councilmember Baker made a motion, seconded by Councilmember Casimir, to approve award of Contract No. 2011-02, South Fifth Street-Fence Procurement, with a lump sum bid amount of \$88,500.00 to Ebinger Iron Works, Inc. subject to the receipt of executed payment bond, performance bond, and insurance certificate and being reviewed and accepted by the Borough Engineer and Borough Solicitor. ON THE QUESTION: Councilmember Baker asked if this is a replacement fence or renovated fence. Manager Smith said a renovated in place fence. Motion was unanimously approved.

Councilmember Morris questioned the sidewalk extension that was discussed on South Fifth Street. Manager Smith said it was bid as Alternate Bid One, came in at \$19,800.00, and the homeowner has not contacted him. Councilmember Morris indicated this homeowner spoke about this sidewalk at the Bull Run Neighborhood meeting last evening indicating he doesn't want the sidewalk as he would then be responsible for it. Mayor Wagner said the Bull Run Neighborhood group concurred that there wasn't really a **need** for this sidewalk. Councilmember Molesevich indicated he still would like to meet with the property owner about this because when you consider the right-of-way of South Fifth Street and the right-of-way for the railroad, there is this little strip of land there that could be incorporated in the park. If that happened, the property owner wouldn't have to be responsible for maintaining that sidewalk. There was **much** discussion. Manager Smith indicated he will attempt to reach the property owner and have him attend the next Public Works Committee meeting.

**FINANCE COMMITTEE:** Councilmember Morris made a motion, seconded by Councilmember Casimir, to approve payment of the bills from 03/12/11 through 04/15/11 in the amount of \$316,137.65. Motion was unanimously approved.

**MAYOR:** Mayor Wagner read a letter from Officer Brad Miller thanking Council for supporting him in representing the Police Department with the International Police Mountain Bike Association (IPMBA); he currently is serving on the Board of Directors. At the IPMBA Conference this year Officer Miller was fortunate enough to win a bike, which has a retail value of \$1400, which he is donating to the Bike Patrol Program. (Chief Yost presented this bike for Council's viewing.) Chief Yost said we now have five bikes. Councilmember Morris asked what Officers participate with the Bike Patrol. Chief Yost indicated the following: Corporal Travis Burrows and Officers Brad Miller, Shawn Burns, and Mark Kuhns.

Chief Yost reported our officers were out in force for house party weekend. There were sanctioned events that occur on Bucknell University property and then there were the events off-campus as a result of house party weekend. The really were no fraternity/sorority issues this year. There were some incidents with off-campus parties. He shared detailed statistics over the last several years with Council. He pointed out part of the rules for house party weekend this year was that each of the fraternities/sororities had to put up two or three names and then at 8 AM each morning they had to go out and clean up the streets. Manager Smith commented he heard that the area was the cleanest it has ever been. Chief Yost stated one property didn't clean up and Code

T. CASIMIR  
APPOINTED TO  
CATV ADVISORY  
COMMITTEE

P. BERGONIA,  
JR. APPOINTED  
TO REGIONAL  
POLICE  
COMMISSION AS  
ALTERNATE

**POLICE  
COMMITTEE**

GUIDELINES FOR  
WARRANTLESS  
SUMMARY  
ARRESTS  
(RESOLUTION  
NO. 11-05)

**PUBLIC WORKS  
COMMITTEE**  
SOUTH FIFTH  
STREET  
PROJECT  
AWARDED TO  
MID STATE  
PAVING LLC

SOUTH FIFTH  
STREET FENCE  
PROJECT  
AWARDED TO  
EBINGER IRON  
WORKS

DISCUSSION ON  
SIDEWALK  
EXTENSION ON  
SOUTH FIFTH  
STREET NEAR  
KIDSBURG

**FINANCE  
COMMITTEE**  
PAYMENT OF  
BILLS

**MAYOR**  
OFFICER MILLER  
DONATES BIKE  
TO BIKE PATROL  
PROGRAM

HOUSE PARTY  
WEEKEND  
PATROLS

Tuesday, April 19, 2011

Enforcement was there at 8 AM on Monday morning. Mayor Wagner informed Council that the Police Committee has been looking at party ordinances which would define a series of steps necessary before you could have a party. Chief Yost said we are modeling the proposed ordinance after Bloomsburg's ordinance. Councilmember Cox reminded everyone this would apply to everyone in town, not just the university. There was discussion.

Mayor Wagner updated Council on the Regional Police efforts, sharing that all the basics that are needed are being set-up, i.e. mailbox, email, banking needs, ads for Chief and legal counsel, etc.

**POLICE CHIEF:** Chief Yost indicated he had nothing further to report.

**COUNCIL PRESIDENT:** No report.

**SOLICITOR:** Solicitor Lyons stressed he had to correct an error made earlier this evening. He indicated the vacation of the Terrace and Breeze Drives would **not be done by resolution, but done by ordinance**. He asked that the prior motion be amended to be correct.

\*Councilmember Baker made a motion, seconded by Councilmember Casimir, to amend the motion made earlier this evening regarding granting/approving the petition to vacate portions of Terrace and Breeze Drives, to authorize the Solicitor to prepare and advertise **an ordinance**. Motion to amend the previous motion was unanimously approved.

Solicitor Lyons reported he was authorized to prepare and advertise an ordinance amending the official zoning map by changing the area along the north side of Market Street from North Sixth Street to Route 15, which is not now located in either the downtown commercial or the residential town two (RT2) zoning districts from the residential town one (RT1) zoning district to the residential town two (RT2) zoning district. This ordinance has been duly advertised and is presented to Council for consideration.

Councilmember Morris made a motion, seconded by Councilmember Baker, to adopt Ordinance No. 1003, amending the official zoning map by changing the area along the north side of Market Street from North Sixth Street to Route 15, which is not now located in either the downtown commercial or the residential town two (RT2) zoning districts from the residential town one (RT1) zoning district to the residential town two (RT2) zoning district. Motion was approved with one dissenting vote, Councilmember Casimir voted no.

Councilmember Molesevich asked the status of the zoning revisions. Manager Smith said he is in the process of putting a final edit together for review. Councilmember Molesevich said after it is passed, how long before it goes into effect. Solicitor Lyons stated the process is that it must be formally reviewed by County Planning Commission, Borough Planning Commission and then there must be a public hearing. Councilmember Casimir said he thought the formal review happened. Solicitor Lyons said you must have a "final" ordinance to refer for review. Although everyone has had a hand in this document, an ordinance must be in a form that can be enacted so we can formally refer for a 30 day review.

**MANAGER:** No report.

**OLD BUSINESS:** None.

**NEW BUSINESS:** Councilmember Casimir reported the Shade Tree Commission, for Arbor Day, which is Friday, April 29th, will do a major planting of approximately 20 trees on North Second Street between Market Street and St. John Street. Most property owners have been notified. The Borough is digging the holes and Bucknell University students will provide the labor for planting. On the 29<sup>th</sup> there will be a brief ceremony at 12 noon in the municipal parking lot on Cherry Alley.

Manager Smith said the Public Works Committee was to research/develop a parking ordinance prohibiting parking in front yards, which would allow the Police to ticket. The draft has been provided by the Solicitor and will be reviewed by the Public Works Committee next month.

Councilmember Molesevich said Citizens Electric did work in the municipal parking lot on White Pine Alley between Third and Fourth Streets, and the rain caused some subsidence along one of the poles at our sidewalk.

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

**UPDATE ON REGIONAL POLICE**

**POLICE CHIEF**

**COUNCIL PRESIDENT**

**SOLICITOR AMENDMENT TO PREVIOUS MOTION/VACATION OF TERRACE AND BREEZE DRIVES**

**ZONING AMENDMENT FOR AREA ALONG NORTH SIDE OF MARKET FROM SIXTH TO ROUTE 15 TO RT2 (ORDINANCE NO. 1003)**

**UPDATE ON PROPOSED ZONING REVISIONS**

**MANAGER**

**OLD BUSINESS**

**NEW BUSINESS UPDATE ON ARBOR DAY**

**ORDINANCE PROPOSED TO PROHIBIT PARKING IN FRONT YARDS**

**MUNICIPAL LOT/WHITE PINE ALLEY**

**WRITTEN REPORTS**

Tuesday, April 19, 2011

**WORK SESSION:** Council President Bergonia announced there will not be a work session held on Tuesday, May 10, 2011.

Council President Bergonia called for a ten minute recess at 8:00 PM. Council returned at 8:10 PM.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to hold an executive session to discuss a personnel issue. Motion was unanimously approved.

Council entered an executive session at 8:10 PM. Council returned at 8:25 PM.

There being no further business, Councilmember Morris made a motion, seconded by Councilmember Baker, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 8:25 PM.

Respectfully submitted,

Patricia M. Garrison  
Borough Secretary

**WORK SESSION**

**RECESS**

**EXECUTIVE  
SESSION ON  
PERSONNEL**

**(EXECUTIVE  
SESSION)**

**ADJOURNMENT**