

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, May 16, 2017**, in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Cox, Derman, Frederick, Mahon, Martin, Morris and Yohn; Mayor Wagner, Solicitor Lyons, Manager Lowthert, Secretary Garrison and BVRP Chief Yost. Also present: Teri Provost, Kelsey Hicks, Jacob Feverstein, Elijah Comos, Jordi Comos, Stacey Sommerfield, Nick Scherber, Kathy Kristjanson-Gural, Rudy Kristjanson-Gural and Emma Kristjanson-Gural.

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 Mahon, to approve the minutes of the April 18, 2017 regular monthly meeting. Motion was unanimously approved.

PUBLIC HEARING/CDBG FUNDS: Council President Bergonia adjourned the regular order of business to conduct the first public hearing on the 2017 CDBG Funding. He called the public hearing to order at 7:05 PM.

Teri Provost, SEDA-COG, stated she administers the Community Development Block Grant (CDBG) Program for Union County on behalf of Lewisburg Borough and noted Kelly Township is also a participant. The Community Development Program is a three year plan with federal funds coming through the Department of Housing and Urban Development (HUD), administered through the Department of Community and Economic Development (DCED). Tonight's public hearing is the first for the 2017 CDBG Program and has been advertised to let the public know Council is looking for projects/ideas. The *estimate* for Lewisburg Borough's Federal Fiscal Year (FFY) 2017 is \$97,000.00, with administrative fees at 18% being assessed by SEDA-COG. Almost anything can be an eligible activity, for example, historic preservation, slum and blight remediation, anything to help low to moderate income individuals. The only thing you can't do is fund general government purposes. The fundability criteria that must be met: 1) benefit low and moderate-income persons; 2) removal of blighting influence in a community; and 3) urgent need. The low to moderate-income persons and slum and blight initiatives are what we are using in the Borough currently. Unfortunately there are very few urgent need projects undertaken in the CDBG Program, as a natural disaster would have to be declared and disaster recovery is actually a little easier. The removal of slum/blight influence in a community can be seen here with the South Fifth Street Project and the Seventh Street Project; we are now working on the South Sixth Street Project. Council passed a resolution for the specific area of Market Street to St. George Street to Limestone (Bull Run) to Ludwig Alley as a corridor of slum/blight area. We are looking at the possible restoration of the concrete wall at Bull Run. Manager Lowthert said we have concerns about people falling off the concrete wall, so we are looking to rectify that and possibly make it look nicer. Ms. Provost said that was a concern previously and we attempted temporary fencing, but it didn't work out. Lewisburg Borough has also done a lot of public service with the Donald Heiter Center and a lot of curb cut work (removal of architectural barriers). We need to think of other things we can do. She would recommend putting the 2017 CDBG money into the slum and blight area creating a Phase III project, knowing changes in the future could be made, if need be, but to finish the central part of this area would be very nice. Manager Lowthert said the Borough certainly did a great job with South Fifth Street and South Seventh Street. Jordi Comos stated given the open space in the area of South Sixth Street, he asked that consideration be given to open air markets for food and art and not permanent structures. Manager Lowthert said the plan for that area is to drop the elevation and allow more space for the creek to spread and flow. Your comments didn't include food trucks, but it falls within the vision for that area and the current discussions. He agrees this should happen, but this is not CDBG funding. Sam Pearson commented that CDBG has been a component of all these projects, but the scale of the projects are much larger than CDBG, i.e. South Seventh Street was a million dollar project and South Fifth Street was a half million dollar project. Councilmember Derman asked what determined this south side to be a slum/blight area. Ms. Provost said it was determined in this area that the LMI (low and moderate income) was quite high and if you beautify and reinvest, it will bring people in. The CDBG Application Preparation Schedule for Union County was provided and the Entitlement Program explained. There are requirements imposed by the program, first is the Preference Statement, which is located on the bottom of the agenda and is unique because with CDBG monies you are allowed to include language in your bid documents indicating you may choose to give preference to low income individuals/businesses that fall under the Section 8 Guidelines for Union County. Also attached is the Fair Housing Notice, which is advertised every year and adopted by Union County; the Residential Anti-Displacement and Relocation Assistance Plan, which clarifies there are no intentions to displace anyone; and the Section 504 Outreach, which was modified slightly this year as we have identified the Borough building for the necessity of removal of architectural barriers, which we are working to correct through the building renovation project. Councilmember Derman said we talked about placement of street lights on streets without them; does that qualify for CDBG. Ms. Provost said the South Sixth Street area from Market Street to St. George Street would easily qualify, but not the rest of the Borough because of the transient population; the area is very large and would be very hard to survey. She asked the public and Council if there are any ideas or projects they would like to submit for consideration. Manager Lowthert said there has been discussion of audible pedestrian walk signals for the visually impaired and that would be a multi-municipal issue; PennDOT is looking at that currently. Ms. Provost said it isn't removal of an architectural barrier, but it could be a presumed benefit, and

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC HEARING 2017 CDBG FUNDING

**TERI PROVOST/
SEDA-COG**

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she would present it to the County. She asked if there are any environmental review concerns with any of the proposed projects. There were no comments.

Council President Bergonia asked if there is anyone else that would like to speak at this time. No one wished to speak. Council President Bergonia declared the public hearing closed at 7:25 PM. He reconvened to the regular order of business.

PUBLIC PARTICIPATION: None.

PUBLIC WORKS/POLICE COMMITTEE: Council President Bergonia reported there were no action items referred to Council this month. Council received the Buffalo Valley Regional Police Department's (BVRPD) monthly report. Manager Lowthert said we will continue to talk more about CDBG projects at the Public Works/Police Committee meeting next month, as the project(s) decision must be made at the June 20th Borough Council meeting. Sam Pearson thanked the Borough for working with the Lewisburg Neighborhoods Corporation (LNC) on a no mow area at the St. George Street gas property area. Manager Lowthert shared that he just learned there may be some small bare root white pine trees available from the School District and he will find out more information on this.

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve HARB items a through g, as submitted and recommended by HARB per their minutes dated May 09, 2017. ON THE QUESTION: Manager Lowthert indicated discussions took place at the committee meeting and there has been a clarification made in the HARB minutes to clearly indicate the decorative stained glass transoms *will be preserved in place*. Motion was unanimously approved.

a. Bucknell University/331 South Sixth Street/Fence. An application was submitted to and reviewed by HARB for a fence. Motion was made by Ted Strosser, seconded by Fred Martin, to recommend approval of a wooden fence as described in the project description of the HARB application, said fence to be painted and/or stained within one year. Motion was unanimously approved.

b. Virginia Zimmerman/117 South Front Street/Fence. An application was submitted to and reviewed by HARB for a fence. Motion was made by Mary Mastascusa, seconded by Fred Martin, to recommend approval of a black aluminum fence as described in the project description of the HARB application, and as shown in the attachment to the HARB application. Motion was unanimously approved.

c. Brenda Knouer/51 North Seventh Street/Fence. An application was submitted to and reviewed by HARB for a fence. Motion was made by Mary Mastascusa, seconded by Elaine Wintjen, to recommend approval of a wooden fence as described in the project description of the HARB application, and as shown in the attachment to the HARB application, said fence to be painted and/or stained within one year. Motion was unanimously approved.

d. Brian-Angela Gockley/713 Market Street/Roof-Railing. An application was submitted to and reviewed by HARB for a small roof overhang and railing. Motion was made by Kim Walter, seconded by Fred Martin, to recommend approval of a small roof overhang and railing that will hide a new HVAC system, as described in the project description of the HARB application and as shown in the drawings attached to the HARB application. Motion was approved with one abstention. Ted Strosser abstained from voting.

e. Curtis Brubaker/24 St. John Street/Demolition. Mr. Brubaker appeared before HARB explaining that he purchased 24 St. John Street with the intention of renovating the property. However, the condition of this property is so bad, it has been officially condemned by the CK-COG. The owner is looking for HARB's recommendation for the demolition of this property, and he indicated his intent is to rebuild a new home at this location. Motion was made by Elaine Wintjen, seconded by Ted Strosser, to recommend the demolition of 24 St. John Street, with the understanding that the property owner has indicated he will rebuild a new home at this location. Motion was unanimously approved.

f. Tastecraft/323 Market Street/Sign. Colby Kauffman, a representative from Tastecraft appeared before HARB explaining that his business is due to open this month. This representative explained he intends to install a new sign within the previous sign board that was there for the Urban Post. A sample of the sign was presented and included within. Motion was made by Kim Walter, seconded by Fred Martin, to recommend approval of a sign board for Tastecraft at this location, as shown in the drawing provided, contingent upon a HARB application being filled out and contingent upon zoning approval.

g. Bucknell University/Bucknell Hall/540 Loomis Street/Front Windows. Brian Fritz, a representative from Bucknell University shared that multiple options for the front windows of Bucknell Hall were reviewed and interior/exterior storm windows won't work due to the shutter configurations. Restoration glass is unavailable due to the project size. The consensus of HARB was that it is acceptable for Bucknell University to proceed with the replacement as per the original HARB application submitted last month, with the original sash to be stored for archival purposes. It should also be noted that the decorative stained glass transoms will be preserved in place. New fixed storm panels will be installed to protect these, much as has been done to decorative Church windows throughout the historic district.

Councilmember Morris made a motion, seconded by Councilmember Yohn, to approve placement of eight recycling containers with liners to be provided at no cost to the Borough by Custom Container Solutions, to be emptied at no cost to the Borough by Hometown Disposal for the promotional benefit of having "Serviced by Hometown Disposal" on each container; *with gratitude to the Active Millennials for Progress (AMP) for their efforts to achieve this public recycling program in our downtown*. Motion was unanimously approved. (A brief presentation was made by AMP. Discussions ensued regarding the color(s) for these recycling containers and Council indicated they would be fine if this decision was made by the Community Development/Planning Committee.)

Councilmember Morris made a motion, seconded by Councilmember Derman, to approve Resolution No. 17-09, to close out the Community Conservation Partnerships Grant Project BRC-TAG-20-208, as required by the Pennsylvania Department of Conservation and Natural Resources (DCNR). ON THE QUESTION: Manager Lowthert indicated this is the Bull Run Master Site Plan Grant that needs a resolution in order to be closed out. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Yohn, to appoint Kelsey Hicks to serve on the Buffalo Valley Recreation Authority (BVRA), as recommended by the BVRA, term expiration December 31, 2018. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve the BVRA's Use/Possession/Consumption of Beer and/or Wine Permit application for their Adult Kickball League events Mondays and Wednesdays from June 19th through July 26th, fee to be

(PUBLIC HEARING CLOSED)

PUBLIC PARTICIPATION

PUBLIC WORKS/POLICE COMMITTEE

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE MEETING HARB

BUCKNELL UNIVERSITY

V ZIMMERMAN

B KNOUER

B GOCKLEY

C BRUBAKER

C KAUFFMAN

BUCKNELL UNIVERSITY

PLACEMENT OF EIGHT RECYCLING CONTAINERS DOWNTOWN (NO COST TO THE BOROUGH THANKS TO EFFORTS OF AMP AND COOPERATION OF HOMETOWN DISPOSAL)

CLOSEOUT OF BULL RUN MASTER SITE PLAN GRANT (RESOLUTION NO. 17-09)

APPOINTMENT TO BVRA (KELSEY HICKS)

BVRA BEER AND/OR WINE PERMIT APPLICATION APPROVED

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waived due to receipt of \$250.00 payment made earlier in 2017. ON THE QUESTION: Councilmember Martin asked where this takes place. Council President Bergonia indicated in the Ice Rink area, which is a fenced in area. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Yohn, to approve Resolution No. 17-10, to make application, at a cost of \$100.00, for the Department of Community and Economic Development (DCED) Watershed Restoration and Protection Program Grant in the amount of \$300,000.00, which would be a matching grant for the Bull Run Greenway Project. ON THE QUESTION: Manager Lowthert indicated Sam Pearson is spearheading this effort to move forward with the activities associated with the Bull Run Master Site Plan. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Derman, to approve Resolution No. 17-11, to make application, at a cost of \$100.00, for the Department of Community and Economic Development (DCED) Greenways, Trails, and Recreation Program Grant in the amount of \$250,000.00, which would be a matching grant for the Bull Run Greenway Project. ON THE QUESTION: Councilmember Derman commented there are two matching grants; are they for each other. Manager Lowthert said there are two different aspects of this project, one is trail related and the other is more floodplain restoration related. Motion was unanimously approved.

Manager Lowthert said Council talked about the Borough's refuse ordinance and the requirement for refuse containers at last month's meeting. Council directed Staff not to enforce this, as they were ok with letting residents put bags of trash out. At the last committee meeting, it was determined that more discussion should take place with regard to enforcing the refuse container ordinance. He suggested discussions take place at a work session. Councilmember Morris said she would like to see the Borough's Refuse Supervisor and the CK-COG Code Enforcement Officer in attendance to share their views. Councilmember Derman indicated we already have a work session scheduled June 13th to give LNC the opportunity to discuss some conservation issues with Council. Manager Lowthert suggested the refuse container ordinance discussions take place at the work session scheduled for July 11th.

Manager Lowthert updated Council that the individual interested in serving on HARB did not meet the requirement of being a property owner and has indicated he doesn't have an interest in serving on the Planning Commission. So, there is currently a HARB vacancy and a Planning Commission vacancy. Councilmember Morris said the Subdivision and Land Development Ordinance (SALDO) is in the hands of our Borough Engineer for review.

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Cox made a motion, seconded by Councilmember Derman, to approve the payment of bills from April 15, 2017 through May 12, 2017, in the amount of \$408,099.90. Motion was unanimously approved.

Manager Lowthert stated we did a project walk-through of the Stream Bank Restoration Project in the St. Mary Park; three dead ash trees were identified that must come down before the project can begin. Request for Quotes (RFQ's) were mailed for this ash tree removal project and Council action will be needed at the June Council meeting.

MAYOR: Mayor Wagner shared with Council the many activities she participated in this past month, including details of the Zoning Hearing Board (ZHB) meeting which was held May 10th for the change in zoning of the former Lewisburg High School building to mixed use; building is now owned by Greenspace. It was approved, with conditions, and she is extremely pleased with the professionalism of our ZHB members as they protected the Borough, but left enough room that compliance could be given to Greenspace. Stacey Sommerfield shared the timeline for moving the BVRA into the new building, as well as the timeline for the move of the gymnastics program, which she said everyone is very excited about. Mayor Wagner indicated she has the plans for this building if anyone is interested in seeing them. She also thanked Stacy Hinck, Tom Egan and Councilmember Morris for their Planning Commission review/update work on the SALDO. She recognized the members of AMP for the great work they did, and noted that this Borough is fortunate to have many dedicated volunteers. She shared a scrapbook she received on loan that was done in 1984 by the students in Nancy Ruhl's class and indicated she would leave this in the Council Chambers to give anyone interested an opportunity to take a look at it.

COUNCIL PRESIDENT: No report.

MANAGER: Manager Lowthert said last month Council agreed to an amendment to the IGA to allow the monthly billing based on the actual expenses incurred with invoices being submitted to each municipality within 7 business days of the end of each month. He talked with the Manager of East Buffalo Township (EBT) earlier this week and was told that EBT would not take action to amend the IGA as such. The EBT Manager reported that their Solicitor advised the Supervisors that action is not necessary and that the Regional Police Commission has the authority to invoice as they see fit. He said Article VI of the IGA clearly states that each municipality shall release to the treasurer of the Commission its proportional share of the annual budget approximately quarterly on the first day of February, May, August and November. So specifically within the IGA it is noted how the invoicing should be done. At some point in the

APPLICATION TO DCED FOR WATERSHED RESTORATION/ PROTECTION PROGRAM GRANT (RESOLUTION NO. 17-10)

APPLICATION TO DCED FOR GREENWAYS/ TRAILS/ RECREATION PROGRAM GRANT (RESOLUTION NO. 17-11)

DISCUSSION OF REFUSE ORDINANCE AND REQUIREMENT FOR REFUSE CONTAINER TO BE HELD AT WORK SESSION IN JULY

GENERAL UPDATES

ADMINISTRATIVE/ FINANCE COMMITTEE PAYMENT OF BILLS

REMOVAL OF ASH TREES IN VICINITY OF STREAM BANK RESTORATION PROJECT

MAYOR

COUNCIL PRESIDENT

MANAGER IGA DISCUSSIONS

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past that was changed and there must have been a mutual verbal agreement for that change. Mayor Wagner said there was because the Borough did not have the money to pay in February as the Borough taxes were not in yet. Manager Lowthert said regardless, a verbal change was made and the IGA was not amended; we would like to get away from making verbal changes to the IGA and rather see them in writing. The language in the IGA is very specific with regard to billing, so should he send a letter back to EBT indicating that if they will not put in writing the agreed to change in billing, the Borough will insist on going back to the language contained in the IGA? Solicitor Lyons said be careful what you wish for. Manager Lowthert said he doesn't like that, as it isn't convenient from a tax revenue standpoint; however, we have more of a cash reserve now and he doesn't like the idea of circumventing from the IGA. Councilmember Morris asked if our Solicitor talked to EBT's Solicitor to figure out how this can be interpreted two different ways. Manager Lowthert stressed Council needs to address this topic with our Solicitor during an executive session tonight.

Manager Lowthert indicated we received a letter from the Chairman of EBT addressed to our Council President indicating they are willing to pay 52% of the expenses for the Police Commission; however, if they agree to that, they want 52% of the voting authority in perpetuity with the Buffalo Valley Police Commission (BVRPC). Councilmember Martin said for two percentage points, they want control of the BVRPC forever? Manager Lowthert said correct. He said Council may want to discuss this matter with our Solicitor during an executive session.

Councilmember Martin made a motion, seconded by Councilmember Morris, to reject the proposal of EBT, as outlined in the letter from Michael Daniloff, Chairman, dated May 15, 2017, which suggests for the 52% payment by EBT that EBT acquires the majority voting power of the BVRPC in perpetuity. Motion was unanimously approved.

SOLICITOR: Solicitor Lyons reported he prepared an ordinance amending the on-street metered parking maximum parking time in all parking meter zones to three hours as requested; it has been duly advertised and is ready for Council action.

Councilmember Morris made a motion, seconded by Councilmember Yohn, to adopt Ordinance No. 1046, an ordinance changing the on-street metered parking maximum parking time in all parking meter zones to three hours. Motion was unanimously approved.

Solicitor Lyons reported he prepared an ordinance increasing the indebtedness of the Borough by the issue of a General Obligation Note in the amount of \$650,000.00 for sundry purposes; it has been duly advertised and is ready for Council action. He explained this debt service loan will be from Jersey Shore State Bank (JSSB) and he will be submitting this to DCED for review and approval. He indicated once approval is granted, a settlement with JSSB will be scheduled. Manager Lowthert reminded Council this loan will primarily be used to fix the Borough's streets, but there may be a need for some of this money to be used for the Borough building improvements.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to adopt Ordinance No. 1047, an ordinance increasing the indebtedness of the Borough by the issue of a General Obligation Note in the amount of \$650,000.00 for sundry purposes. Motion was unanimously approved.

OTHER COMMITTEES: Council President Bergonia reported that the pool will soon be open and lifesaver classes started last week. The BVRA now has a sod roof on the nature building. Stacey Sommerfield, Executive Director, reported everything is going extremely well and she wanted to thank all the volunteers that have been helping them out. Manager Lowthert said the Borough budgeted money to do some parking lot improvements in the St. Mary Park and hopefully they will occur in the very near future.

Councilmember Morris reported the Lewisburg Downtown Partnership (LDP) is very busy. She provided information with regard to the many upcoming events, noting a ribbon cutting is to occur on June 21st, the first day of summer. Manager Lowthert noted Borough permission is required as there are regulations for placement of ribbons. Councilmember Morris also reported formal assessment of the LDP by the Pennsylvania Downtown Center (PDC) will take place on June .

Sam Pearson reminded everyone of the picnic in Soldiers Park tomorrow evening at 5 PM. She reported she is wrapping up conservation efforts, as there were several successful clean-ups this spring, and there have been tree plantings. The Flood Impact Task Force is waiting to see what SEDA-COG is rolling out; hopefully the Task Force will be able to do something to compliment that.

Manager Lowthert reported the Shade Tree Commission (STC) has been very busy. They will be evaluating old applications in an effort to determine if trees have been replanted and if they have not, they will be notifying the residents of the requirement to do so.

Council President Bergonia indicated that the Central Keystone-COG is extremely busy.

Council President Bergonia reported the Community Garden has been very busy; they sold a couple thousand plants, but unfortunately the weather was bad, so he believes there are still plants available.

OFFER FROM EBT TO PAY 52% OF BVRPD COSTS IF THEY GET VOTING AUTHORITY IN PERETUITY

COUNCIL REJECTS OFFER OF EBT

SOLICITOR ORDINANCE CHANGING ON-STREET METERED PARKING MAXIMUM PARKING TIME IN ALL PARKING METER ZONE TO THREE HOURS (ORDINANCE NO. 1046)

ORDINANCE INCREASING INDEBTEDNESS OF BOROUGH BY ISSUANCE OF GENERAL OBLIGATION NOTE IN AMOUNT OF \$650,000.00

(ORDINANCE NO. 1047)

OTHER COMMITTEES BVRA

LDP

LNC

STC

CK-COG

COMMUNITY GARDEN

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Councilmember Cox reported no report from the Municipal and Community Advisory Committee (MACAC); the next meeting is in May and, in his absence, will be attended by Peter Bergonia.

OLD BUSINESS: None.

NEW BUSINESS: None.

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

WORK SESSION: Manager Lowthert reminded Council there will be a work session on Tuesday, June 13th at which time the LNC will discuss conservation efforts with Council.

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

Councilmember Morris made a motion, seconded by Councilmember Mahon, to hold an executive session on personnel matters, a potential real estate matter, as well as a variety of other legal matters. Motion was unanimously approved.

Council entered executive session at 8:20 PM. Council returned at 9:50 PM.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to create and advertise two part-time recycling positions not to exceed twenty-four hours per week each. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Morris, to initiate actions against property owners who owe \$1,000.00 or more in refuse bills, and who have not agreed to begin implementing a payment plan.

There being no further business, Councilmember Morris made a motion, seconded by Councilmember Frederick, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 9:55 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

MACAC

OLD BUSINESS

NEW BUSINESS

WRITTEN REPORTS

WORK SESSION

RECESS

**PERSONNEL MATTERS/
POTENTIAL REAL ESTATE MATTER/LEGAL MATTERS**

(EXECUTIVE SESSION)

CREATION/ADVERTISEMENT OF TWO PART-TIME RECYCLING POSITIONS

BOROUGH TO INITIATE ACTION AGAINST PROPERTY OWNERS DELINQUENT WITH REFUSE PAYMENTS

ADJOURNMENT