

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, May 17, 2011** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Casimir, Mahon, Molesevich, Morris, and Strosser; Mayor Wagner; Chief Yost; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Absent: Councilmember Cox. Also present: Tammy Burk, Joe Deinlein and William Baker.

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 Mahon, to approve the minutes of the regular Council meeting held April 19, 2011 and the work session held May 10, 2011. Motion was unanimously approved.

PUBLIC PARTICIPATION: There were no members from the public that wished to speak.

PLANNING COMMITTEE: Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve HARB applications b through d, as submitted and recommended by HARB. Motion was unanimously approved.

a. Mike Molesevich. 25 South Fourth Street. Sign Lettering. An application was submitted to and reviewed by HARB for lettering on an existing sign. It was the sense of HARB that a simple repaint of a sign does not require HARB approval; again, this is for future "repaint" only.

b. Marjorie Gill. 42 South Seventh Street. New Outside Chimney/Windows. An application was submitted to and reviewed by HARB for a new outside chimney and windows. A motion was made by Ted Strosser, seconded by Elaine Wintjen, to recommend approval of the new outside chimney and windows as described in the project description section of the HARB application and as shown on the photos attached. Motion was unanimously approved.

c. James/Yvonne Morgan. 60 South Third Street. Addition. An application was submitted to and reviewed by HARB for an addition. A motion was made by Phoebe Faden, seconded by Mary Mastascusa, to recommend approval of an addition, with a second car garage and bonus room above, as described in project description section of the HARB application and as shown on the diagrams attached. Motion was approved with one abstention; Ted Strosser abstained.

d. Bucknell University. 103 University Avenue. Porch Renovations. An application was submitted to and reviewed by HARB for porch renovations. A motion was made by Elaine Wintjen, seconded by Robert Cook, to recommend approval of porch renovations as described in the project description section of the HARB application and as shown in the photos attached. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to reaffirm the appointment of Councilmember Susan Mahon and Mayor Judith Wagner as the Borough's representatives on the Buffalo Valley Regional Police Commission (BVRPC), and to set their terms on that Commission as follows: Councilmember Mahon's term expiration 01/07/2013 and mayor Wagner's term expiration 01/06/2014. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve the amended Final Land Development Plan for Dewitt Building Renovation and Reuse Project revision dated May 4, 2011, as submitted by Bucknell University and as recommended by the Lewisburg Planning Commission and Borough Engineer. ON THE QUESTION: Councilmember Molesevich asked if there were any changes that Council should know about. (William Baker provided a copy of the plan to Councilmember Molesevich.) Councilmember Molesevich commented this is the final plan that Council already reviewed; are the commercial businesses staying there? Manager Smith said they are supposed to. Councilmember Strosser indicated there were some minor changes made to have accessible bathrooms for the first floor tenants to use. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to approve the transfer of \$64,000.00 from the General Fund, line item 01.400.25B (Unappropriated Balance) to line item 01.472.13 (LARA) for the purpose of providing a loan to the Lewisburg Area Recreation Authority (LARA) so they can pay off their existing Line of Credit with Sovereign Bank as per the agreement Council discussed during their work session May 10th. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to approve Resolution No. 11-06 for the purpose of clarification to the Pennsylvania Department of Community and Economic Development for the HRA Grant previously received by the Borough and transferred to Bucknell University. ON THE QUESTION: Councilmember Molesevich asked if this was for more than just the bookstore downtown. Councilmember Casimir explained as part of the closeout, specifics of the project have to be shown in a resolution. Manager Smith said his understanding is that Bucknell University wasn't comfortable putting the entire million into the bookstore, and this resolution references the Dewitt Building and the Campus Theatre. Motion was unanimously approved.

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION

PLANNING COMMITTEE HARB

M MOLESEVICH

M GILL

J MORGAN

BUCKNELL UNIVERSITY

APPOINTMENT OF S MAHON AND J WAGNER TO BVRPC REAFFIRMED/ TERMS: MAHON- 01-07-13 AND WAGNER 01-06-14

AMENDED FINAL LAND DEVELOPMENT PLAN FOR DEWITT BUILDING RENOVATION/ REUSE PROJECT APPROVED

TRANSFER OF \$64,000 FROM GENERAL FUND FOR LARA TO PAY OFF LINE OF CREDIT APPROVED

RESOLUTION FOR DCED ON HRA GRANT RECEIVED BY BOROUGH FOR BUCKNELL UNIVERSITY (RESOLUTION NO. 11-06)

Tuesday, May 17, 2011

Councilmember Casimir indicated the Planning Committee directed the Manager to submit a dedication of easement plan for the portion of Green Alley and Lin Alley to LARA for their review and approval.

Councilmember Casimir said Jim Hostettler from Bucknell University was present at the Planning Committee meeting and provided an update on the Post Office Project. The retail space at the Post Office will remain unchanged, but there will be the addition of an ADA entrance. It was stated by Mr. Hostettler that this project will be done sooner than expected, but he could not give a date. Manager Smith indicated parking was discussed, but there was no resolution.

POLICE COMMITTEE: Councilmember Mahon indicated the "yield to pedestrians" signs are at various intersections on Market Street. She asked if these were permanent or on a trial basis. Chief Yost said the Traffic Committee wanted them to be permanent. There are two issues with these signs: first, we are constantly stopping to pick them up and put them back up again, and secondly, we now have people stopping wherever there is someone standing and attempting to cross the street, which is promoting the jaywalking. There was **much** discussion. Manager Smith said he will address this issue further at a committee meeting. Councilmember Molesevich asked if we will keep our crosswalk painting schedule. Manager Smith said yes. Councilmember Casimir questioned a traffic signal on Front Street. Manager Smith said it was decided to try these signs first.

PUBLIC WORKS COMMITTEE: Councilmember Baker indicated he had no report. Councilmember Molesevich asked for an update from the Manager on our wall project. Manager Smith stated the project is moving along; we expect a footer to be in by Friday. Councilmember Casimir commented it seems narrow between the retaining wall and the street where the shade tree plantings will occur. Will there be special reinforcement work done to the wall. Manager Smith said a hand-set cement block wall will be the support, and the stone will simply be for aesthetics. The distance we are looking at for the plantings is about 24 or 28 inches. Councilmember Casimir commented we are planting smaller trees, specifically flowering lilacs.

FINANCE COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Casimir, to approve payment of the bills from 04/16/11 through 05/13/11 in the amount of \$142,762.25. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to allow the Buffalo Valley Regional Police Commission (BVRPC) to keep \$15,350.00 for operational purposes, this amount being the difference between the original \$37,500.00 promised for the Shared Municipal Service Grant and the actual/final required match of \$22,150.00. **ON THE QUESTION:** Councilmember Casimir clarified this amount of \$15,350.00 will be deducted from the Borough's annual contribution to the BVRPC. Manager Smith said that is correct. Motion was unanimously approved. (Mayor Wagner thanked Council for allowing the BVRPC to keep the overage.)

Councilmember Molesevich commented he heard New Berlin Borough expressed an interest in Regional Police. Mayor Wagner said that is correct and Chief Yost made a presentation to New Berlin Borough this past week.

MAYOR: Mayor Wagner indicated an executive session is needed on a personnel matter. Council President Bergonia indicated the executive session can be held at the end of this meeting.

Mayor Wagner reported the Buffalo Valley Regional Police Commission has been **extremely** busy creating an agency. A temporary secretary was hired to take minutes of the meetings, and we continue to seek a building site, insurance information, a Solicitor, Civil Service Commission members, etc. Councilmember Mahon reported Graham Showalter is the attorney working with the BVRPC currently, pro bono. Councilmember Casimir questioned the responsibilities of Civil Service Commission members. Mayor Wagner explained they oversee the processes for hiring and promotions to certify that all processes were followed correctly. Solicitor Lyons indicated the Civil Service Commission is governed by Statute, consists of three people, and once the initial process is over, their involvement basically has to do with attrition.

POLICE CHIEF: Chief Yost reported the new Police cars are now at BZ Motors. Since our country can't produce black paint due to the tsunami that hit Japan, the vehicles are white, so our graphics application will be modified. There is a five year warranty on these two vehicles. His intent is to re-equip these two cars with a complete Police package which will cost roughly \$48,000.00 for both cars. The money is there within our special reserve fund. If we expend an additional \$16,000.00 that will cover a new computer system to move our cars toward video wireless, meaning the transfer data just happens upon driving the car back to the station without the involvement of an officer. If our IT technician has the ability to perform some of the work, the \$16,000.00 amount could drop significantly.

EASEMENT PLAN FOR GREEN ALLEY AND LIN ALLEY

BUCKNELL UNIVERSITY'S POST OFFICE PROJECT

POLICE COMMITTEE YIELD TO PEDESTRIAN SIGNS

PUBLIC WORKS COMMITTEE UPDATE ON FIFTH STREET PROJECT

FINANCE COMMITTEE PAYMENT OF BILLS

BVRPC TO KEEP \$15,350 OF FUNDS FOR SHARED MUNICIPAL SERVICE GRANTMATCH FOR OPERATIONAL PURPOSES

NEW BERLIN BOROUGH EXPRESSING INTEREST IN BVRPC

MAYOR EXECUTIVE SESSION FOR PERSONNEL MATTER REQUESTED

UPDATE ON BVRPC

POLICE CHIEF UPDATE ON POLICE CARS

Tuesday, May 17, 2011

COUNCIL PRESIDENT: No report.

SOLICITOR: Solicitor Lyons reported he was authorized to prepare and advertise an ordinance providing for the vacation of the unopened western portion of Terrace Drive and also the unopened southern portion of Breeze Drive now or formerly of Tressler Lutheran Services Association. This has been duly advertised and is presented for Council's consideration.

Councilmember Baker made a motion, seconded by Councilmember Mahon, to adopt Ordinance No. 1004, providing for the vacation of the unopened western portion of Terrace Drive from the western right of way line of Fairground Road west to the western boundary line of the Borough and also the unopened southern portion of Breeze Drive from the northern right of way line of the said unopened western portion of Terrace Drive north to the northern line of lands now or formerly of Tressler Lutheran Services Association. Motion was unanimously approved.

Solicitor Lyons stated not on the agenda is a follow-up to action by Council approving the loan to LARA. He wasn't at the work session May 10th, but there is an understanding, as security for the repayment of the loan to both the Township and the Borough, that the parties will enter into a loan agreement providing for that repayment and recourse that we had with respect to the easement and the monies LARA will receive as a result of that easement.

Councilmember Baker made a motion, seconded by Councilmember Morris, to authorize the Solicitor, in conjunction with East Buffalo Township's Solicitor, to prepare a loan agreement for the execution by all the parties. ON THE QUESTION: Manager Smith said this is exactly what the motion made at the work session was referring to – for the Borough to be consistent with the terms and conditions as submitted by Pete Matson's office on behalf of East Buffalo Township. Solicitor Lyons clarified that the condition is that this is a loan to LARA, it would be repaid, and the security is the easement. Entering into a legal document empowers the Township and the Borough to have recourse. The draft he speaks to was drafted by Pete Matson. Motion was unanimously approved.

MANAGER: Manager Smith said a request came in this week from a resident wanting to reserve Hufnagle Park for the purpose of a private yard sale. The Borough has allowed individuals to use open space in the Borough, specifically North Water Street, for flea markets and/or miscellaneous sales. However, *never* has anyone requested the use of a *Borough Park* for a *yard sale*, and to permit this would set a huge precedence. He asked for Council's opinion/direction on this. There was **much** discussion. This matter was referred to the Planning Committee for further discussion and consideration.

Manager Smith announced that the Borough was awarded the 2011 Transportation Enhancement Grant in the amount of \$190,945.00 for our Second Street Bulb-Out Project. (Council congratulated the Manager for securing these funds.)

OLD BUSINESS: There was no old business.

NEW BUSINESS: Councilmember Casimir said the Shade Tree Commission's project on North Second Street was a lot more work than anticipated. He commended and thanked the Manager and the Borough Crew for the work they did in order for this project to occur. Working with bare root trees was cheaper for the residents, but there was a sense of urgency to get them into the ground which was not realized by the Shade Tree Commission. There have been a lot of positive comments on this project.

Councilmember Molesevich commented negatively on the auditor's letter which details the Borough's budget processes and is not *signed* by an individual; someone simply signs "J.H. Williams Company" where there should be a president's signature or a partner's signature.

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.

WORK SESSION: Council President Bergonia announced there will not be a work session held on Tuesday, June 14, 2011.

Council President Bergonia called for a five minute recess at 7:50 PM. Council returned at 7:55 PM.

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

COUNCIL PRESIDENT

SOLICITOR

VACATION OF PORTIONS OF TERRACE DRIVE AND BREEZE DRIVE (ORDINANCE NO. 1004)

DOCUMENTATION OF REPAYMENT OF LARA LOAN

SOLICITOR DIRECTED TO PREPARE LOAN AGREEMENT FOR APPROVAL AND EXECUTION OF ALL PARTIES INVOLVED IN LARA LOAN

MANAGER

YARD SALES IN BOROUGH PARKS DISCUSSED

2011 TRANSPORTATION ENHANCEMENT GRANT AWARD

OLD BUSINESS

NEW BUSINESS
SHADE TREE COMMISSION UPDATE

J.H. WILLIAMS COMPANY

WRITTEN REPORTS

WORK SESSION

(RECESS)

REQUEST FOR EXECUTIVE SESSION ON PERSONNEL ISSUE

Tuesday, May 17, 2011

Council entered an executive session at 7:55 PM. Council returned at 8:35 PM.

There being no further business, Councilmember Morris made a motion, seconded by Councilmember Casimir, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 8:35 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

**(EXECUTIVE
SESSION)**

ADJOURNMENT