

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, May 17, 2016**, in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Cook, Cox, Derman, Mahon, Morris and Yohn; Mayor Wagner, Solicitor Lyons, Manager Lowther, Secretary Garrison and BVRP Chief Yost. Absent: Councilmember Frederick. Also present: Aly Reichenbach, David Hines, Jim Holtzaple, Carl Moyer and Matt Farand.

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 Cook, seconded by Councilmember Yohn, to approve the minutes of the April 19, 2016 regular monthly meeting. Motion was unanimously approved.

PUBLIC PARTICIPATION: Jim Holtzaple of 511 Buffalo Road (corner of Twelfth Street) was present regarding a three-globe street light standard he feels he purchased legally from Citizens' Electric approximately 45 years ago, which he would now like to place in the backyard of his property. He provided pictures for Council to review of the location where he wants to place it and also a picture of another street light that is a replica of the Borough's street light. He pointed out the base is missing from the one he acquired as it was damaged by a vehicle on the corner of Front and Market Streets. Manager Lowther shared that he had distributed Mr. Holtzaple's email to Council, so they would be aware of the details; he pointed out that although it was said that this street light was purchased legally, it isn't clear that Citizens' Electric had the right to sell a Borough street light. Mr. Holtzaple clarified that *to his knowledge he obtained it legally*, and he wants permission to put it up. Solicitor Lyons stressed this light wasn't obtained illegally, there is just a question as to whether Citizens' Electric had the right to sell this street light. He further said there is a copyright on the Borough's street lights, they are ours, and anyone wanting to use our street light standard design, which we own the mold for, must obtain permission because we are in total control of this. Councilmember Morris commented there are streets in the Borough, east and west of Route 15, that do not have street lights, so putting one on private property when we don't have them everywhere we would like them makes her uncomfortable. Mr. Holtzaple said if someone were to call and complain, it could just be explained that the gentleman acquired it 45 years ago and it's privately owned. There was **much** discussion.

Councilmember Cox made a motion, seconded by Councilmember Cook, to grant Jim Holtzaple of 511 Buffalo Road permission to erect the three-globe street light standard acquired 45 years ago in the backyard of his property, as indicated in the pictures provided. Motion was approved, with two dissenting votes; Councilmember Morris and Councilmember Mahon voted no.

PUBLIC WORKS/POLICE COMMITTEE: Council received the Buffalo Valley Regional Police Department's monthly report. Mayor Wagner indicated May is National Peace Officers Memorial Day and is the start of National Police Week which runs through the . She asked that everyone take a moment to remember Chief Gordon Hufnagle who died in the line of duty in 1972 attempting to rescue a resident on South Sixth Street. She read a proclamation formally designating May through May , 2016 as National Police Week in our community. She thanked our Police Chief for his dedication, service and patience, as he goes above and beyond the call of duty. Councilmember Derman asked if the BVRPD is currently hiring. Chief Yost said we are down two officers and started the Civil Service process to be able to hire. Mayor Wagner indicated we have never reached our full complement of 16. Chief Yost said we are at 14 for full-time staffing; however, two of those officers are currently out on full medical leave.

Councilmember Mahon made a motion, seconded by Councilmember Cook, to approve suspending the meter enforcement, as well as the street sweeping, at all locations except Market Street and the Municipal Parking Lot (MPL) #6 during the Historic Preservation Conference being held in the Borough on June , and . **ON THE QUESTION:** Manager Lowther explained that Preservation Pennsylvania and the Pennsylvania Historic Museum Commission are holding their conference in Lewisburg. There are a lot of symposiums on historic preservation Tuesday and a full day session on historic preservation in flood prone communities on Wednesday. Conferences such as these are normally held in very large venues (Pittsburgh and Philadelphia). This conference will bring anywhere from 300 to 600 people into town and we are very fortunate for this to be happening here. We really need to accommodate those attending since we do not have a large parking garage. Motion was unanimously approved.

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE: Councilmember Cook made a motion, seconded by Councilmember Morris, to approve HARB items a, b, c, d, f, g, and h, as submitted and recommended by HARB. **ON THE QUESTION:** Councilmember Mahon asked if anything happened with letter c. Manager Lowther indicated the resident didn't get exactly what she asked for as part of the HARB approval. Councilmember Cook indicated HARB approved with contingencies. Councilmember Mahon asked if this person is ok with the contingencies. Councilmember Cook said to his knowledge, yes. Motion was unanimously approved.

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION
JIM HOLTZAPLE

J HOLTZAPLE'S USE OF THREE-GLOBE LIGHT STANDARD APPROVED

PUBLIC WORKS/POLICE COMMITTEE
BVRPD MONTHLY REPORT

SUSPENDING METER ENFORCEMENT AND STREET SWEEPING JUNE 6TH, 7TH AND 8TH APPROVED

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE
HARB

Tuesday, May 17, 2016

Councilmember Morris made a motion, seconded by Councilmember Cook, to approve HARB item e, as submitted and recommended by HARB. ON THE QUESTION: Councilmember Cook explained that although HARB approved the request made, since that meeting Ed and Susan Cox decided to replace their roof with architectural shingles. So, replacing in kind isn't a HARB issue. Manager Lowthert indicated from a procedural standpoint, Council should act on the request as presented to HARB, even though it isn't going to be followed through. Motion was approved with one abstention; Councilmember Cox abstained from voting as he had a financial interest in the action before Council.

a. Jeffrey/Michelle Derr/640 St. George Street/Windows (replaced). An application was submitted to and reviewed by HARB for replacement windows. A motion was made by Rob Cook, seconded by Steve Snook, to recommend approval of the replacement windows with two over two simulated divided light units of same size with grilles on exterior, as described in the project description of the HARB application, and per information packet attached to the application. Motion was unanimously approved.

b. Megan Linder/212 North Front Street/Fence (replaced). An application was submitted to and reviewed by HARB for a fence. A motion was made by Rob Cook, seconded by Mary Mastascusa, to recommend approval of the replacement fence as described in the project description of the HARB application, and per the pictures attached to the application. Motion was unanimously approved.

c. Andrea Halpern/355 North Fourth Street/Windows (replaced). An application was submitted to and reviewed by HARB for replacement windows. A motion was made by Steve Snook, seconded by Kim Walter, to recommend approval of the replacement windows, three over one double hung units for six units facing Fourth Street, simulated divided lights with grilles on exterior and it is acceptable to have one over one double hung units on the side elevations, all replacement windows to match the existing window sizes as described in the project description of the HARB application, and per the information packet attached to the application. Motion was unanimously approved.

d. Howard Woodring-Mary Ostrander/139 South Fourth Street/Fence. An application was submitted to and reviewed by HARB for a fence. A motion was made by Kim Walter, seconded by Steve Snook, to recommend approval of a new fence as described in the project description of the HARB application, and as shown in the pictures attached to the application, said fence to be painted and/or stained within one year. Motion was unanimously approved.

e. Ed-Susan Cox/200 St. Anthony Street/Roof (upgrade). An application was submitted to and reviewed by HARB for a roof. A motion was made by Rob Cook, seconded by Steve Snook, to recommend approval of the placement of a metal roof over the existing shingle roof, as described in the project description of the HARB application, conditional upon concealed fasteners, raised seam with no century/channel drain, and no exposed fasteners. Motion was unanimously approved.

f. Sabra Karr/104 South Fifth Street/Porch Floor. An application was submitted to and reviewed by HARB for a replacement porch floor. A motion was made Elaine Wintjen, seconded by Mary Mastascusa, to recommend approval of the replacement porch floor as described in the project description of the HARB application, and as described in the scope of work from the contractor which is attached to the application, as all proposed materials are acceptable and all match existing profiles. Motion was unanimously approved.

g. Richard-Katharine Gathman/224 St. Louis Street/Exterior Repairs. An application was submitted to and reviewed by HARB for exterior repairs. A motion was made by Rob Cook, seconded by Steve Snook, to recommend approval of the exterior repairs as described in the scope of work from the contractor which is attached to the application, two new scuppers with 3 x 4 downspouts on the alley side, one behind Quoins and one between rear windows, repairs to stucco in-kind, replication of cornice to match existing/original profile, but out of composite materials, and consider basement covered area as in-kind repair/replacement. Motion was unanimously approved.

h. Bucknell University/Vedder Hall/600 South Sixth Street/New Ramp/Plaza. An application was submitted to and reviewed by HARB for a new ramp/entryway. A motion was made by Rob Cook, seconded by Elaine Wintjen, to recommend approval of the new ramp and plaza as described in the project description of the HARB application, and as shown in the drawings attached to the application. Motion was approved, with one abstention. Ted Strosser abstained from voting.

*Councilmember Morris made a motion, seconded by Councilmember Mahon, to direct the Solicitor to prepare a resolution that would increase zoning fees, as recommended by the Borough's Zoning Officer per a document dated "03/10/16 (complete list)." ON THE QUESTION: Solicitor Lyons indicated he had numerous questions with regard to the recommendations being made. There was **very much** discussion. It was noted there were also subdivision and land development fee increases addressed in this document dated "03/10/16 (complete list)." It was the sense of Council that further clarification is needed on several of these items before our Solicitor can be prepare the necessary resolution. Councilmember Morris withdrew her motion; Councilmember Derman withdrew his second.*

Manager Lowthert suggested since there are so many issues/questions on the zoning fee increases, as well as the subdivision and land development increases, this should be sent back to the Community Development/Planning Committee for further review and clarification, and he asked that David Hines be in attendance when this is discussed.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to appoint Abhijit Nagaraj to serve on the Planning Commission, as recommended, term expiration date is December 31, 2017. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Cox, to support Susan Yohn's nomination to serve on the Union County Housing Task Force. ON THE QUESTION: Manager Lowthert said Council doesn't have the ability to appoint people to this Task Force, the individual person must place their name in nomination. So if Council supports Councilmember Yohn's nomination, he will provide a letter of support to go along with her nomination paperwork. Motion was unanimously approved.

J/M DERR

M LINDER

A HALPERN

H WOODRING/M
OSTRANDER

E/S COX

S KARR

R/K GATHMAN

BUCKNELL
UNIVERSITY

ZONING FEE AND
SUBDIVISION AND
LAND DEVELOPMENT
FEE INCREASES
DISCUSSED

INCREASES TO BE
DISCUSSED AT NEXT
CD/PLANNING
COMMITTEE
MEETING

PLANNING
COMMISSION
APPOINTMENT
(ABHIJIT NAGARAJ)

COUNCIL SUPPORT
OF NOMINATION OF
SUSAN YOHN TO
SERVE ON U/C
HOUSING TASK
FORCE

Tuesday, May 17, 2016

Councilmember Morris explained a sub-committee has been established to review the Borough sign ordinance and a meeting has been tentatively scheduled for June at 7 PM here in the Council Chambers. She reminded Council there is a vacancy on HARB (term expiration 12/31/18) and also a vacancy on the MACAC.

Council President Bergonia announced that he would like to appoint Councilmember Frederick to serve on the MACAC as the Borough's representative.

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Cox made a motion, seconded by Councilmember Morris, to approve the payment of bills from 04/16/16 through 05/13/16 in the amount of \$520,895.41. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Morris, to direct the Manager to allocate the first distribution (expected sometime in May) of the 2015 health insurance premium refund from Pennsylvania Municipal Health Insurance Cooperative (PMHIC) to the Borough employees, with the second distribution (expected sometime in November) of said 2015 health insurance premium refund to be retained by the Borough. ON THE QUESTION: Manager Lowthert clarified the split of the 2015 refund will be a 50/50 split. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Yohn, to approve a temporary part-time Public Works/Refuse position for up to 35 hours per week. ON THE QUESTION: Council President Bergonia asked if this will be advertised. Manager Lowthert said yes. He further explained that one of our employees has taken early retirement in Public Works, and we currently have another Public Works employee out on workers compensation. We really need to get someone in here quickly. Once the employee that has taken early retirement has used all his time and is off our payroll, his hope is to bring someone in full-time, and if the person filling this part-time position works out well, we could offer that individual full-time employment. Motion was unanimously approved.

MAYOR: Mayor Wagner said she addressed National Police Week earlier this evening. She would now like to read a proclamation, which she presented at a Charity Lodge #144 event, declaring the week of May through May Emergency Management Services (EMS) Week. We certainly appreciate all the work these people/organizations (Evangelical/William Cameron Engine Company, etc.) do for us, as they are always there when we need them.

COUNCIL PRESIDENT: No report.

SOLICITOR: No report.

MANAGER: Manager Lowthert updated Council on the Pennsylvania Broadband Networks request, which they refer to as their application, to install a cell tower in the St. Mary Street Park. Discussions were held with Cohen Law Group, attorneys that specialize in telecommunications and communications law for municipalities. This organization, as well as others, have been contacting municipalities throughout the Commonwealth. Cohen Law Group is going to help draft a letter in response to this request and clarify that what they submitted doesn't meet the definition of an application per the PUC regulations. He reminded Council of Verizon's request for the mini-cell towers, indicating it is obvious days of the very large cell towers are over and it will be the smaller ones that boost reception in the high density areas they will want to install. Cohen Law Group has done a free cursory review the Borough's ordinance dealing with communication towers and they said our ordinance isn't too bad, but it is out of date. He has asked Cohen Law Group for a proposal to review/update our zoning ordinance as it relates to these communication towers. Once this proposal is received, he will present it for review and consideration. He strongly feels this is something the experts need to address vs. the Borough asking the Planning Commission to try to work their way through something they really have no expertise in. And, this really needs addressed quickly in order to protect the Borough. There was **much** discussion. Mayor Wagner said she is holding out for Borough wide high speed internet services.

OTHER COMMITTEES: Council President Bergonia reported there is a lot of work being accomplished by the BVRA. There have been upgrades to the warming house and the pool is going to be open next Saturday. Councilmember Cook asked if there will be a discussion on the BVRA loan. Manager Lowthert said BVRA is looking to refinance their existing PennVest Loan and once they have gathered information, this will be placed on the next Administrative/Finance Committee meeting agenda.

Councilmember Morris indicated the LDP received approximately 35 applications for the Executive Director position, and interviews will be scheduled for six candidates within the next week or two.

Mayor Wagner indicated the Town and Gown Committee is on hiatus.

**SUB-COMMITTEE
ESTABLISHED FOR
REVIEW OF BOROUGH
SIGN ORDINANCE**

**GARY FREDERICK TO
SERVE ON MACAC AS
BOROUGH'S
REPRESENTATIVE**

**ADMINISTRATIVE/
FINANCE COMMITTEE
PAYMENT OF BILLS**

**APPROVAL OF FIRST
DISTRIBUTION OF
HEALTH INSURANCE
PREMIUM REFUND
FROM PMHIC TO
EMPLOYEES (50/50
SPLIT OF TOTAL
REFUND 2015)**

**TEMPORARY PART-
TIME PUBLIC
WORKS/REFUSE
POSITION APPROVED**

MAYOR

COUNCIL PRESIDENT

SOLICITOR

**MANAGER
UPDATE ON PA
BROADBAND
NETWORKS
REQUEST FOR CELL
TOWER
INSTALLATION**

**OTHER COMMITTEES
BVRA**

LDP

TOWN AND GOWN

Tuesday, May 17, 2016

Mayor Wagner indicated the next LNC Board meeting will be Thursday, June . Councilmember Derman reminded everyone that tomorrow in Soldiers Park there will be the LNC's Picnic starting at 5:30 PM. Councilmember Mahon reminded everyone the Walk About Wednesdays have started, to try to encourage people to come into town. Mayor Wagner reported three amazing Bucknell students developed an app called Vega, and everything happening downtown will be listed on this app. Councilmember Morris questioned if the yard sale in front of the former CVS Pharmacy was approved by the Borough. Manager Lowthert said no, and the property owner, Gary Peck, didn't approve this either. There was **much** discussion regarding the Borough's ordinances governing yard sales and the time constraints for yard sales. Manager Lowthert indicated he would continue to monitor this situation. He also shared that he has been told that at least one business owner was approached by PennDOT about an illegal sign that was placed within PennDOT's right-of-way along Market Street.

Councilmember Derman shared that he has heard that Limestone Township has stopped mowing along the streams within their township and it has saved them a lot of money. He will attempt to get more information on this.

Manager Lowthert said as part of the Borough's street project and the requirement of PennDOT for the installation of new handicapped ramps, the large sycamore tree located on the southwest corner of North Seventh Street and Cherry Alley must be removed. He provided notification to the Shade Tree Commission, and he will be contacting the property owner. He also indicated a new tree will be planted. There was much discussion regarding trees that are in need of attention, either trimming or removal, as well as some severe tree trimming that has recently occurred. Manager Lowthert indicated that when the Borough becomes aware of a hazardous tree situations, actions must be taken.

Council President Bergonia indicated things are going very well at the CK-COG.

Councilmember Morris said the Community Garden Committee is getting into full swing. Councilmember Cook said that he heard \$3,500 was made during the recent plant sale.

Councilmember Cox said there was another meeting of the MACAC held at Bucknell University. Unfortunately, it appears another municipality is considering leaving. We are attempting to build a formula to accurately assess municipalities in order to cover the fire company's costs/budget. A big issue we are faced with is the not-for-profit groups and some examples of this are the 1900 convicts in Kelly Township that are included in their census documents, the Bucknell student body that is included with East Buffalo Township and the Borough census documents, and then there is also the Heritage House here in the Borough. He indicated work on this will continue.

OLD BUSINESS: Councilmember Cook questioned the status of the FEMA/PEMA project and the cost overruns. Manager Lowthert reported SEDA-COG was successful getting the Borough reimbursed some additional funds, but the project did end up costing the Borough more than what was received. He noted this project is complete. Councilmember Cook asked when the storage trailer will be moved. Manager Lowthert said he doesn't know; he doesn't know if every punch list item has been taken care of, but he will look into that.

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: Council President Bergonia indicated there will be a work session on Tuesday, June 14, 2016 and as a result of the cancellation of June's Public Works/Police Committee meeting and the Administrative/Finance Committee meeting, there is the potential there may be topics discussed during the work session that normally would have been presented to these two committees. Manager Lowthert clarified that the June Public Works/Police Committee meeting has been cancelled as he is on vacation the week of June and our Secretary will be at a Pennsylvania State Association of Boroughs (PSAB) Conference June and ; our June Administrative/Finance Committee meeting has been cancelled as several of our Councilmembers will be at a Pennsylvania Municipal League (PML) Conference that day.

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

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

LNC

SHADE TREE COMMISSION

CK-COG

COMMUNITY GARDEN COMMITTEE

MACAC

OLD BUSINESS FEMA/PEMA PROJECT (VANSANT)

NEW BUSINESS

WRITTEN REPORTS

WORK SESSION

ADJOURNMENT