The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, May 20, 2014** in the Council Chambers, 55 South Fifth Street. Present: Council Vice President Mahon; Councilmembers Baker, Cook, Cox, Faden and Morris; Mayor Wagner; Solicitor Lyons, Manager Smith, Secretary Garrison, and BVRP Chief Yost. Absent: Council President Bergonia and Councilmember Strosser. Also present: Teri Provost; Dan Remley; Sam, Sophie and Jay Bringman representing the Boy Scouts; and Jenn Blanchad, David Rovnyak, Zander, Kris, Henry, Gabe and Isaiah representing Cub Scout Pack 3509.

CALL TO ORDER: Council Vice President Mahon called the meeting to order at 7:00 PM, followed by the pledge of allegiance.

<u>APPROVAL OF MINUTES:</u> Motion was made by Councilmember Faden, seconded by Councilmember Cook, to approve the minutes of the April 15, 2014 regular meeting. Motion was unanimously approved.

<u>PUBLIC PARTICIPATION:</u> Mayor Wagner indicated she has the privilege tonight to acknowledge Cub Scout Pack #3509. She presented them with a Certificate of Appreciation for demonstrating their community support; they provided **outstanding** clean-up efforts in Kidsburg and this Borough is extremely appreciative of their services. (There was much discussion.)

Teri Provost, SEDA-COG, stated she is administering the Community Development Block Grant (CDBG) Program and there is action under the Manager tonight regarding the 2014 project prioritization. We are estimating \$94,200.00 for 2014. We still don't have an actual allocation so she doesn't have any application forms for signature tonight. The CDBG funding is broken down into percentages, 52% for the slum/blight issues on South Sixth Street Neighborhood, 30% on curb cuts throughout the Borough (yet to be identified), and 18% administration, and authorization is being requested for the Council President to sign the necessary CDBG 2014 documents. Union County's 2013 CDBG application has been approved; there have been some conditions and as soon as that is received, she will make sure the Borough receives a copy. She offered to answer any questions. There were none.

CONDITIONAL USE HEARING: Councilmember Morris made a motion, seconded by Councilmember Faden, to continue the conditional use hearing for 704 Market Street until Tuesday, June 17, 2014 at 7 PM to allow the applicant time to submit the required parking plan for this property. ON THE QUESTION: Manager Smith indicated this is a request for a rooming/lodging house. The Planning Commission did not have a recommendation because there was no parking plan submitted. The Zoning Officer has notified the applicant of the continuance and has requested the applicant provide a parking plan. Motion was unanimously approved.

POLICE COMMITTEE: Council Vice President Mahon indicated everyone should have a copy of the April 2014 monthly activity report. Chief Yost reported the BVRPD's move into the Government Building is on track with an occupancy date of September 1, 2014. Our second DARE graduation occurred last week; a movie is shown at the Campus Theater, followed by pizza in Hufnagle Park, and our guest speaker this year was Dr. DiRocco. The Civil Service Commission is in the process of advertising so we can establish our list for new hires. He hopes to hire someone this year, along with some additional part-time officers. Manager Smith said he has been working closely with the Chief on several matters. There are crossing issues on Eighth Street and we are hoping to get some "yield to pedestrian" paintings on Market Street in front of the school and coming off the bridge. There were concerns from bus drivers exiting from Dale Alley on St. Louis Street. Also, we all know the Bucknell students are moving out and with that comes many issues with regard to trash. He is thankful the Police have been so responsive to these issues. Chief Yost commented the trash issues this year have been so much worse than the last two years. Manager Smith explained that we placed more dumpsters out this year than we ever have before. Mayor Wagner questioned how the billings work for this trash collection. Manager Smith said we assess the landlords in the area a percentage, and that is developed based upon the additional quantity of trash collected. Costs are not associated with the dumpsters per se, but as a result of the additional tipping fees the Borough incurs during this month. There was much discussion regarding the dates involved in the Bucknell student move outs.

Councilmember Morris made a motion, seconded by Councilmember Baker, to direct the Solicitor to advertise the social gathering ordinance for action of Council at their June 17 2014 meeting. ON THE QUESTION: Solicitor Lyons asked if there were any changes made. Chief Yost indicated no changes. Motion was unanimously approved.

<u>PLANNING COMMITTEE:</u> Councilmember Faden indicated the HARB is recommending approval of a fence at 48 North Front Street, signage at 28 North Second Street, and some chimney repair work at 302 South Third Street. In addition, HARB has recommended demolition and reconstruction at 333 North Third Street. She pointed out there were discussions held relative to the requirement of a performance bond, for the 333 North Third Street property, to protect the Borough's interests. Solicitor Lyons said we have to issue a permit for them to proceed; he doesn't see any reason why they

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC
PARTICIPATION
CUB SCOUT PACK
#3509

TERI PROVOST

CONDITIONAL USE HEARING 704 MARKET STREET

POLICE COMMITTEE

SOLICITOR TO ADVERTISE SOCIAL GATHERING ORDINANCE

PLANNING COMMITTEE HARB

wouldn't have to provide us with a bond for the cost of demolition/reconstruction. Since an amount isn't available yet, if you just simply say 100% of the demolition/reconstruction costs, that would work. Councilmember Faden stressed this is still contingent upon zoning approval. Manager Smith questioned if it should be the cost of both demolition and reconstruction or just reconstruction. Solicitor Lyons stated he agrees with the Manager, this should just be for the cost of reconstruction. Councilmember Cook commented he doesn't remember the bond requirement being discussed with the property owners. Councilmember Faden said there were discussions about a bond, they just didn't occur last month. She thinks the earliest demolition would occur is August. Manager Smith explained he formatted the agenda to separate out the demolition/reconstruction project as he felt that needed to be a separate motion. Council Vice President Mahon questioned the reason for a bond and the cost of a bond. Councilmember Faden explained a bond is basically an insurance policy. Solicitor Lyons said a bond will insure that the reconstruction gets completed. There was much discussion. It was the sense of Council that the HARB permit should be specific and require the reconstruction to be per the plans as submitted to and approved by HARB.

Councilmember Morris made a motion, seconded by Councilmember Faden, to approve HARB applications indicated on the Council agenda as items a, b and c, as submitted and recommended by HARB. Motion was unanimously approved.

<u>a. Beth-David Kaszuba/48 North Front Street/Fence.</u> An application was submitted to and reviewed by HARB for a fence. A motion was made by Ted Strosser, seconded by Mary Mastascusa, to recommend approval of the placement of a wooden fence, as described in the HARB application and shown in the attached photographs, said fence to be stained and/or painted within one year. Motion was unanimously approved.

<u>b. CWC Rentals/28 North Second Street/Signage.</u> An application was submitted to and reviewed by HARB for placement of a sign. A motion was made by Robert Cook, seconded by Phoebe Faden, to recommend approval of the placement of a sign, as described in the HARB application and as shown on the drawing attached to the HARB application; said sign will not be lighted and will be attached to the building in a safe and unobtrusive manner. Motion was unanimously approved.

<u>c. James Mauch, Sr./302 South Third Street/Renovations.</u> Mr. Mauch presented renovation work he would like to do to his property. A motion was made by Phoebe Faden, seconded by Robert Cook, to approve installation of a new storm door over the existing front door and removal of the nonfunctional mid-roof chimneys. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Baker, to approve the recommendation of HARB regarding the demolition/reconstruction of the property owned by Jamie Piperberg and Tom Egan at 333 North Third Street, contingent upon receipt of a performance bond in the amount of 100% of the cost of the reconstruction, said reconstruction to be in accordance with the HARB's recommended for approval plan. Motion was unanimously approved.

d. Jamie Piperburg-Tom Egan/333 North Third Street/Demolition-Reconstruction. An application was submitted to and reviewed by HARB for demolition of the existing house and reconstruction of a new house. A motion was made by Ted Strosser, seconded by Elaine Wintjen, to recommend approval of the demotion of the existing structure and the reconstruction of a new house as described in the project description attached to the HARB application, and as shown in the drawings attached, and it was noted that this approval is conditioned upon the necessary zoning approval. (Applicants will be returning in July to further discuss the construction materials.) Motion was unanimously approved.

Councilmember Cook made a motion, seconded by Councilmember Morris, to create a Flood Insurance Ad-Hoc Committee consisting of no more than 14 individuals for the purpose of considering future ramifications of the Biggert-Waters Act, the effect on residents, the possible solutions/aid, etc., individuals to serve will be determined at later date, and the Committee Chairman should be Councilmember Cook. ON THE QUESTION: Councilmember Cox commented that is a lot of people. Manager Smith said an individual, who isn't here this evening, felt that as you start adding an engineer, a banker, a realtor, a County representative, and Councilmembers, etc. you might end up with many people. Councilmember Morris clarified that it reads "no more" than 14, so we may end up with less. Manager Smith reminded Council that Councilmember Cook volunteered to Chair this Ad-Hoc Committee and suggested it be included in the motion. Councilmember Cook said he would include that in his motion; Councilmember Morris reaffirmed her second to the motion as just amended. Councilmember Baker asked how we are going to populate this committee. Councilmember Morris suggested we advertise that we are creating this Ad-Hoc Committee and hope for volunteers from the community. If there are no volunteers, we can hand pick people to serve. Manager Smith suggested at the first meeting we can determine who the representatives should be, similar to HARB's set-up with an architect, a realtor, etc. Motion was unanimously approved.

Mayor Wagner indicated she received a call from Senator Toomey's aide in the Harrisburg office asking for a teleconference this Friday. This is a direct result of the letter they received from the Borough and noted that our Manager will be creating some talking points for us.

Councilmember Cook made a motion, seconded by Councilmember Faden, to adopt Resolution No. 14-06, a resolution identifying an area known as the South Sixth Street Neighborhood as a neighborhood in the Borough in need of reinvestment to prevent blight for Community Development Block Grant Funding purposes. ON THE QUESTION:

D KASZUBA

CWC RENTALS

J MAUCH

DEMOLITION/ RECONSTRUCTION OF 333 NORTH THIRD STREET

J PIPERBERG/T EGAN

CREATION OF FLOOD INSURANCE AD-HOC COMMITTEE

SOUTH SIXTH STREET NEIGHBORHOOD IDENTIFIED IN NEED OF REINVESTMENT TO PREVENT SLUM/BLIGHT (RESOLUTION NO.14-06)

Manager Smith explained this is a result of our CDBG efforts. Every ten years we have to re-identify our slum/blight areas. This South Sixth Street Neighborhood is bounded by and includes Market Street on the north, St. George Street on the south, Ludwig Alley on the west, and Limestone Run on the east. Motion was unanimously approved.

Councilmember Cook made a motion, seconded by Councilmember Baker, to adopt Resolution No. 14-07, a resolution creating tobacco-free zones at the Borough's local playgrounds, specifically D.F. Green Field, Kidsburg, and Wolfe Field. ON THE QUESTION: Manager Smith said this is the Young Lungs at Play Initiative similar to what BVRec and the LASD recently implemented. Solicitor Lyons corrected the first bullet point to read: "that the areas of D.F. Green Field, Wolfe Field and Kidsburg within the Borough of Lewisburg shall be designated as tobacco-free" noting the "where children are present" language should be removed. Councilmember Cox indicated this is an unenforceable resolution. Solicitor Lyons said it might be unenforceable, but the point is that you are attempting to discourage smoking around children; most people will see the sign and will not smoke. Manager Smith said it is voluntary. There was **much** discussion. Motion was unanimously approved.

Councilmember Cook made a motion, seconded by Councilmember Faden, to approve the purchase of a Hustler mower/snow plow, with Highway Equipment Depreciation Funds, from Power Pro Equipment at a cost not to exceed \$32,418.63. ON THE QUESTION: Manager Smith apologized that he missed bringing this before the Finance Committee. This purchase was included in our 2014 budget. This machine has a cab and it mows and plows. We were going to trade the older one, but the trade-in amount was so low he decided to hold on to it. We could possibly sell it outright or just keep it for our use. Motion was unanimously approved.

PUBLIC WORKS COMMITTEE: No meeting.

FINANCE COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Cox, to approve payment of bills from 04/12/14 through 05/16/14 in the amount of \$518,669.08. ON THE QUESTION: Councilmember Morris asked why the amount is so large. Manager Smith clarified that we paid our quarterly payment (May, June and July) to Regional Police in the amount of \$251,292.48 and if you subtract out that figure, we are back to our regular monthly expense amount. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Baker, to acknowledge receipt of the 2013 audit reports dated March 20, 2014 submitted by J.H. Williams & Company, LLP, which indicate no significant findings. Motion was unanimously approved.

Councilmember Morris indicated the Finance Committee is recommending approval of a contribution to the Lewisburg Area School District (LASD) for their repurposing efforts of the Lewisburg Area High School (LAHS). However, the Finance Committee could not determine the amount and the suggestions were between \$0.00 up to \$2,500.00. She stressed she personally would like to see a \$2,500.00 contribution. The School Board is willing to put up \$15,000.00 and the current cost is \$17,500.00. She clarified the School Board has not asked us for this money and even indicated they are willing to cover the amount; but, she feels this would be a good faith effort on the Borough's part and she strongly believes the Manager can find \$2,500.00 in our budget for this. Mayor Wagner said Bill Fontana is the Director of the Pennsylvania Downtown Center (PDC) and is also the Director of Core Community Services (CCS), a subsidiary of the PDC that focuses on rehab and reuse of historic downtown properties. It is the CCS that has submitted the proposal in the amount of \$17,500.00. CCS will help facilitate the repurposing of the high school and address the economic components of this endeavor. We are grateful that the school board is working with us on this and she supports the \$2,500.00 contribution. Councilmember Cox said he too supports the Finance Chairwoman's recommendation.

Councilmember Morris made a motion, seconded by Councilmember Faden, to approve a \$2,500.00 contribution to the Lewisburg Area School District for the hiring of Core Community Services, a subsidiary of the Pennsylvania Downtown Center (PDC) that focuses on rehabilitation and reuse of historic downtown properties, to help the Repurposing Committee with the repurposing of the Lewisburg Area High School. Motion was unanimously approved.

MAYOR: Mayor Wagner stated it is her honor to have prepared a proclamation declaring May 18th through May 24th as Emergency Medical Services Week; she read said proclamation. She stressed this community is extremely fortunate to have expert medical support, i.e. physicians, nurses, medical technicians, paramedics, firefighters, first responders, etc. and she supports and thanks them all. She presented a proclamation at Evangelical Hospital declaring May 6th through May 12th as Nurses Week.

<u>COUNCIL VICE-PRESIDENT:</u> Council Vice-President Mahon asked if anyone has talked to Council President Bergonia. Manager Smith said our Council President is recuperating from his accident, and has noted he is going crazy because he is housebound right now.

TOBACCO FREE ZONES CREATED AT LOCAL PLAYGROUNDS/ YOUNG LUNGS AT PLAY INITIATIVE (RESOLUTION NO. 14-07)

PURCHASE OF HUSTLER WITH HIGHWAY EQUIPMENT DEPRECIATION FUNDS

PUBLIC WORKS COMMITTEE

FINANCE COMMITTEE PAYMENT OF BILLS

RECEIPT OF 2013 AUDIT REPORTS

LASD REPURPOSING EFFORTS

BOROUGH TO CONTRIBUTE \$2,500.00

MAYOR

COUNCIL VICE-PRESIDENT

SOLICITOR: Solicitor Lyons indicated he was asked to research the refuse ordinance to determine how we can better collect from business owners. The obvious thing is to prosecute those that do not pay, but that doesn't mean we are going to get money and it takes a lot of effort, a lot of time, and unfortunately, the investment of more money. The other alternative is to bill the owner of the property which contains the business owner's business, as we do with residents. The provision that now exists reads as follows: "All fees for the collection and disposal of refuse from hotels, restaurants, schools, churches, institutions, commercial and industrial establishments, fraternity and sorority houses, etc. shall be payable to the Borough Treasurer by the owner of such business or institution." He asked if Council wants to lump all of those with residents or treat some differently; he needs Council direction. Councilmember Morris said our previous discussions were that we want to make the property owner responsible for the payment of the refuse billings across the board. Councilmember Faden said she agrees and feels we should include all of these. Sewer billings are currently handled that way; all sewer payments must be made by the owner of the building. Any property owner is able to turn around and have the tenant pay for the refuse billing and that would be the property owner's choice. And, this shouldn't come as a surprise to the tenant, as it is a fee they are already responsible for paying. There was much discussion. Solicitor Lyons stated there will be a set of property owners that will no doubt say we don't want to be responsible and he can't say that he has sympathy for them. However, the second set of property owners, he can say he has sympathy for, and they are the ones that may have existing/current leases whereby the language wouldn't allow the property owner to collect the refuse disposal costs. Manager Smith said this can be effective January 1st of 2015, allowing time for education. Councilmember Faden commented that still may not help this second set of property owners that are bound by signed lease agreements, as most commercial leases are three or five year leases. Councilmember Cox asked if these could simply be handled on a case by case basis. Solicitor Lyons summarized that we want all property owners that rent their buildings to be able to have the ability to collect what they will pay for refuse from their tenant. If they have a problem collecting from their tenant, that is a tenant/landlord issue and isn't the Borough's concern. But, he doesn't want to see a landlord be stuck with a lease that says for two years the landlord will be paying the refuse bill with no recourse against the tenant. So you could say if there is a written lease that doesn't allow a property owner to be able to collect for refuse, the Borough would continue to bill the business owner until the expiration of the existing lease agreement, at which time the property owner would have to change the language of the lease agreement and would then become the responsible party for refuse collection. There is no way of knowing how many cases are out there that fit into this category; it could be a minuscule number. Again, there was much discussion. Councilmember Morris said she heard there was a language barrier with some of these business owners as they claim they did not know there was a refuse billing; they thought refuse was covered through their tax payment. Solicitor Lyons said ignorance isn't a defense, but it behooves the Borough to make sure there is an understanding of how the refuse billing works. Manager Smith said his suggestion is that we write the ordinance as we want it, i.e. property owner responsible for payment of refuse bill, and then we deal separately with those landlords that have an existing lease that would prohibit them from being able to collect from their tenant. Solicitor Lyons said writing the ordinance and creating an effective date is easy. And, he would prefer to see those with lease issues be dealt with by Council on a case by case basis, as Council always has the ability to not enforce an ordinance.

Councilmember Morris made a motion, seconded by Councilmember Faden, to direct the Solicitor to amend the refuse ordinance to state that a property owner is the responsible party to pay the refuse bill to the Borough effective January 01, 2015, and advertise same for the consideration/adoption of Council at their next regular monthly meeting on June 17, 2014. ON THE QUESTION: Manager Smith asked if this should be brought back before a committee for review. Solicitor Lyons said you could certainly do that as you have enough time. It was the sense of Council that a committee review isn't necessary as there has been so much discussion on this subject already. Motion was unanimously approved.

MANAGER: Councilmember Baker made a motion, seconded by Councilmember Faden, to approve 2014 Community Development Block Grant (CDBG) funding as follows: South Sixth Street Neighborhood Reconstruction (52% of funding); ADA curb cuts (30% of funding); administration (18% of funding), and authorize Council President to sign all 2014 CDBG funding application forms. ON THE QUESTION: Manager Smith shared that when he first started looking into flood mitigation projects he was told to figure anywhere from \$10,000.00 to \$20,000.00 per house for the cost of administration to tear them down. We are talking about ten homes, \$100,000.00 to \$200,000.00, and SEDA-COG is doing a great job at basically no cost to the Borough. Motion was unanimously approved.

Councilmember Baker made a motion, seconded by Councilmember Morris, to direct the Manager to submit a letter of support to the Buffalo Valley Recreation Authority (BVRec) as they endeavor to qualify for Building Better Communities Grant funding. ON THE QUESTION: Manager Smith explained this grant would partner with the work they have already done at the ice skating rink, the expansion of their preschool events, etc. Motion was unanimously approved.

SOLICITOR
REFUSE ORDINANCE
AMENDMENT
DISCUSSED
RELATIVE TO
DELINQUENT
COMMERCIAL
ACCOUNTS

SOLICITOR
DIRECTED TO
AMEND REFUSE
ORDINANCE AND
ADVERTISE TO HOLD
PROPERTY OWNERS
RESPONSIBLE FOR
PAYMENT OF
REFUSE BILLS

MANAGER 2014 CDBG FUNDING APPROVED

MANAGER TO SUBMIT LETTER OF SUPPORT TO BVREC FOR BUILDING BETTER COMMUNITIES GRANT FUNDING

Councilmember Faden made a motion, seconded by Councilmember Morris, to appoint James Grose and Russell Goodling as the Borough's certified Sewage Enforcement Officers (SEO's) effective July 01, 2014. ON THE QUESTION: Manager Smith explained this is a requirement, even though our entire public sewer system is under the Lewisburg Area Joint Sewer Authority (LAJSA). In the past we have used the Central Keystone-COG for this; however, they are no longer administering this program. Solicitor Lyons said this program is more prevalent in the surrounding townships. Motion was unanimously approved.

APPOINTMENT J GROSE AND R GOODLING AS BOROUGH'S CERTIFIED SEO'S

<u>OTHER COMMITTEES:</u> Councilmember Baker reported BVRec is in the process of opening the pool; the anticipated opening date is sometime early June. He reported work on the tennis courts should begin in the very near future. Manager Smith said the tennis courts are currently closed today through the 30th.

OTHER COMMITTEES BVREC

Councilmember Morris reported the LDP continues to work on their personnel policies and planning their future projects. The LNC is working with the LDP on the Brew-B-Que event to be held July 26th. Also, on May 29th there is a joint LNC/LDP volunteer recognition picnic in Soldiers Park where there will be several food vendors.

<u>LDP</u>

Mayor Wagner indicated the last Town and Gown meeting had to be postponed.

TOWN AND GOWN

Councilmember Morris said the LNC is continuing with their work, and as previously mentioned, is working with the LDP.

LNC

Council Vice President Mahon indicated we had a presentation by the Shade Tree Commission Chairman, Trey Casimir, at our last work session to address the ash trees.

STC

There was no report on the CK-COG.

CK-COG

Councilmember Morris reported the Community Garden Committee has starting planning their big picnic in September. Councilmember Vice President Mahon stated she distinctly remembers when the community garden idea first came before Council. We were all very hesitant about the whole concept and look at how positive and impressive everything has turned out.

COMMUNITY GARDEN

Manager Smith said the Traffic Advisory Committee is scheduled to meet next Tuesday, the 25th. He hopes that PennDOT representatives will be available to discuss the pedestrian study that the committee would like to see. There was **much** discussion.

TRAFFIC ADVISORY COMMITTEE

Mayor Wagner said she has nothing new to report at this time with regard to the Lewisburg Area High School Repurposing Committee.

LAHS REPURPOSING COMMITTEE

OLD BUSINESS: None.

OLD BUSINESS
NEW BUSINESS

NEW BUSINESS: Councilmember Cox indicated the fire department had made progress in their search for an administrative chief. Interviews were held and they are hoping to be able to extend an offer to someone, who is extremely qualified, in the very near future. He also shared with Council that as a member of the William Cameron Engine Company, \$5.00 of your membership fee actually gets sent to Evangelical Hospital's paramedics. You are not supposed to pay for transportation by ambulance if you are a member. And, even though William Cameron doesn't contract with Evangelical Hospital, if you are transported by Evangelical Hospital, you do not have to pay because there is a mutual aid agreement between William Cameron Engine Company and Evangelical Hospital. Unfortunately, if you don't know this, you just pay any bill you receive upon receipt.

WRITTEN REPORTS

<u>WRITTEN REPORTS:</u> Councilmember Baker 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

WORK SESSION: Manager Smith indicated there will be a work session on June 10, 2014 to meet with Vaughn Murray, on behalf of the William Cameron Engine Company, to discuss their funding concerns.

ADJOURNMENT

There being no further business, Councilmember Cook made a motion, seconded by Councilmember Baker, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 8:45 PM.

Respectfully submitted,

Patricia M. Garrison Borough Secretary