

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, June 17, 2014** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Cook, Cox, Faden, Mahon and Strosser; Solicitor Lyons, Manager Smith, Secretary Garrison, and BVRP Chief Yost. Absent: Councilmember Morris and Mayor Wagner. Also present: Matt Farrand.

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 Strosser, seconded by Councilmember Faden, to approve the minutes of the May 20, 2014 regular meeting and the June 10, 2014 work session. Motion was unanimously approved.

CONDITIONAL USE HEARING: Council President Bergonia adjourned the regular order of business to conduct a conditional use hearing for the property known as 704 Market Street, Case #CU 14-01. He explained this hearing was continued from last month. He called the public hearing to order at 7:05 PM.

Matt Sauers, Central Keystone COG, Zoning Officer for the Borough, said this is Case 14-01 for the property of 704 Market Street in the RT-2 Zoning District. The application is for a conditional use to convert into a rooming or lodging house. This was properly advertised for a hearing on May 20th at 7 PM and that hearing was continued until this evening. The property was posted, the property owners were notified, and the CK-COG has inspected this property to find it to be in compliance with the requirements for a conditional use. The Planning Commission reviewed this request, expressing their concern with the configuration of the parking spaces in the driveway being parallel with the alley. His understanding is that the Borough's Planning Committee reviewed the Planning Commission's concerns and their recommendation is for the approval, with the provision that three parking spaces be provided on-site, and one parking space be provided off-site, with proof being provided for the one off-site parking space.

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

PUBLIC PARTICIPATION: Trey Casimir, Chairman of the Shade Tree Commission (STC), was present to address the Emerald Ash Borer (EAB) Management Plan noting that the STC approved this plan at their meeting held June 12th. The next stage is Council approval and then we will have fulfilled the grant requirements making us eligible for future funding when dealing with the EAB. He reviewed the plan, sharing many details with Council. Last fall they reviewed the condition of the Ash trees in the Lewisburg Area Recreation Park and there were a couple of trees that had mild die-back, but they really appeared to be in fine shape. This spring when they reviewed the condition of these same trees, some had 80% dieback; most had 20% or more dieback. We were told this EAB moves quickly, but we now are seeing it firsthand. He presented a Tree-age Application Service Agreement for Council review, explaining that Scott Cary, a consulting forester, is the contractor that will be performing the stem injection services. This Tree-age treatment appears to be 99% effective and the treatment must occur early in the summer or the Tree-age (emamectin benzoate) won't get absorbed properly. There were questions raised with regard to the use of lumber after the treatment, but because the injection is under the bark and not into the wood proper, there are no concerns. This chemical also has a very short life once exposed to light, becomes non-toxic, and there have been reassurances on the use of this product. The price is \$5,647.00 for the treatment of 27 Ash trees (locations shown on the attachment to agreement shown as Exhibit A). The contractor guarantees control of the EAB for two years after treatment and if any treated tree dies within the two year guarantee period, the price paid for that tree will be returned to the Borough. As you will see, the application price of each tree depends upon the diameter of the tree. Treatment is required now, although he originally thought we could make it another year before having to take this action. The annual shade tree budget is just under \$8,000.00, so you can see this treatment is going to hit us hard, as we already have some removals scheduled, etc. If the funding isn't available, he will negotiate with the contractor accordingly, but stressed the importance of doing this now. He reminded Council that as long as we treat these trees, they will remain alive. There was *much* discussion. Councilmember Faden suggested determining an "average" cost per tree for this treatment, with the thought process that we try an "adopt a tree" campaign, to offset costs of treatment. This EAB will seriously affect the canopy of this town, and \$100.00 or \$200.00 per tree seems tangible. Mr. Casimir said the STC doesn't have the resources to run such a campaign, but could organize it and possibly aid in the administration. Councilmember Faden suggested we create some type of board where we could place the name of someone that adopted a tree; the ones in the park would be easy to get someone to adopt. Again there was *much* discussion. Solicitor Lyons commented this agreement doesn't include an indemnification clause, which he feels should be included; otherwise he has no problem with the agreement as written. He indicated he would provide Mr. Casimir with the appropriate language if need be. Mr. Casimir indicated he did want to mention that the forester performing this treatment did give the Borough a significant discount and he also offered that discount to any private resident of the Borough that wants to treat a tree on their property.

POLICE COMMITTEE: Councilmember Mahon indicated there was no meeting in June. Everyone received a copy of the May 2014 monthly activity report. Councilmember Cox asked Chief Yost to update Council on the projected timeline for moving. Chief Yost

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

CONDITIONAL USE HEARING
704 MARKET STREET

PUBLIC PARTICIPATION

POLICE COMMITTEE

Tuesday, June 17, 2014

stated it appears it will be mid-August for the administrative wing and mid/late-September for the patrol wing.

PLANNING COMMITTEE: Councilmember Strosser reported HARB did not meet in June.

Councilmember Strosser made a motion, seconded by Councilmember Mahon, to approve the request of Connie Harter, owner of the Gingerbread House, to sell trivets/coasters depicting the Borough's three globe light standard (as shown in the photos provided). Motion was unanimously approved.

Councilmember Strosser made a motion, seconded by Councilmember Faden, to approve Case #CU-14-01, 704 Market Street, to convert into a rooming/lodging house, conditioned upon the provision that three parking spaces are provided on-site and one additional parking space be provided off-site, the proof of off-site parking space to be provided to the Borough's Zoning Officer. Motion was unanimously approved.

Councilmember Strosser made a motion, seconded by Councilmember Baker, to approve Partner's Cooperative Agreement between Buffalo Valley Recreation Authority (BVRA) and Lewisburg Borough for the Rail/Trail Extension, specifically as noted in agreement under Section I/Description. ON THE QUESTION: Manager Smith explained DCNR is requiring this agreement, which has been reviewed by our Solicitor. Motion was unanimously approved.

Councilmember Strosser reported the Young Lungs at Play Initiative required an enforcement clause within the adopted resolution; therefore the committee recommended the Borough not participate.

Councilmember Strosser also reported the Manager was directed to look into the landscape design of the pocket park located adjacent to MPL #6 along North Third Street. Manager Smith said he hopes to have a rendering of this next week.

PUBLIC WORKS COMMITTEE: Councilmember Baker made a motion, seconded by Councilmember Faden, to award the North Seventh Street Bridge Repair Project to Mid-State Paving in the amount of \$33,942.00, subject to receipt of acceptable performance/payment bonds and proper insurance, the documents to be reviewed and approved by the Borough's Engineer and Solicitor. Motion was unanimously approved.

FINANCE COMMITTEE: Councilmember Baker made a motion, seconded by Councilmember Mahon, to approve payment of bills from 05/17/14 through 06/13/14 in the amount of \$1,716,325.55. ON THE QUESTION: Manager Smith explained this amount includes a payment to the William Cameron Engine Company (WCEC) in the amount of \$75,000.00, the purchase of six properties for South Sixth Street Demolition Project in the amount of \$500,000.00, and the final allocation to the LNC in the amount of \$25,000.00. Motion was unanimously approved.

MAYOR: Absent/no report.

COUNCIL PRESIDENT: No report.

SOLICITOR: Solicitor Lyons indicated, as directed, he prepared an ordinance requiring permits for social gatherings where alcoholic beverages are served or consumed and this ordinance has been duly advertised and is before Council for enactment.

Councilmember Mahon made a motion, seconded by Councilmember Cook, to adopt Ordinance No. 1027, an ordinance requiring permits for social gatherings where alcoholic beverages are served/consumed, providing for the enforcement thereof, and prescribing penalties for violations thereof. Motion was unanimously approved.

Chief Yost indicated that a permit application fee of \$25.00 was recommended by the committee, so action of Council is needed. Solicitor Lyons agreed that a resolution is in order.

Councilmember Mahon made a motion, seconded by Councilmember Baker, to adopt Resolution No. 14-08, a resolution establishing a \$25.00 application fee for a regulated social gathering permit. Motion was unanimously approved.

Solicitor Lyons indicated, as directed, he prepared an ordinance providing that the payment of fees for collection/disposal of refuse shall be by the owner(s) of the property from which collection is made and this ordinance has been duly advertised and is before Council for enactment. He reminded Council that the effective date of this ordinance is January 1, 2015.

**PLANNING
COMMITTEE
HARB**

**GINGERBREAD
HOUSE/USE OF
THREE GLOBE
LIGHT STANDARD**

**704 MARKET
STREET/
CASE 14-01
CONVERSION TO
ROOMING/
LODGING HOUSE
APPROVED**

**PARTNER'S
COOPERATIVE
AGREEMENT FOR
RAIL/TRAIL
EXTENSION
BETWEEN BVRA
AND BOROUGH
APPROVED**

**YOUNG LUNGS AT
PLAY INITIATIVE**

**LANDSCAPE
DESIGN FOR
POCKET PARK
NEXT TO MPL #6**

**PUBLIC WORKS
COMMITTEE
AWARD OF NORTH
SEVENTH STREET
BRIDGE REPAIR
PROJECT**

**FINANCE
COMMITTEE
PAYMENT OF
BILLS**

MAYOR

**COUNCIL
PRESIDENT**

**SOLICITOR
REQUIREMENT OF
PERMITS FOR
SOCIAL
GATHERINGS
WHERE THERE IS
ALCOHOL**

**(ORDINANCE NO.
1027)**

**SOCIAL
GATHERINGS
PERMIT
APPLICATION FEE**

**(RESOLUTION NO.
14-08)**

**REFUSE
PAYMENTS SHALL
BE BY OWNER(S)
OF PROPERTY
FROM WHICH
COLLECTION IS
MADE -
EFFECTIVE DATE
01/01/2015**

Tuesday, June 17, 2014

Councilmember Baker made a motion, seconded by Councilmember Faden, to adopt Ordinance No. 1028, an ordinance providing that the payment of fees for collection/disposal of refuse shall be by the owner(s) of the premises from which collection shall be made and this ordinance has been duly advertised and is before Council for enactment. ON THE QUESTION: Manager Smith indicated notification/education of this change will occur. Motion was unanimously approved.

Solicitor Lyons announced that closings were held on the rest of the South Sixth Street properties scheduled. We are ready to proceed with demolition. There is still one property in limbo. Manager Smith indicated the William Cameron Engine Company has been using these properties for training purposes. It was the sense of Council that this was a good use of these properties.

MANAGER: Councilmember Faden made a motion, seconded by Councilmember Mahon, to approve the Emerald Ash Borer (EAB) Management Plan-Winter of 2013/2014 as presented by the STC. ON THE QUESTION: Manager Smith said we have all heard plenty about the EAB; he has reviewed this plan and feels it is fair and consistent. Solicitor Lyons asked for clarification that this pesticide has been used in urban areas and there has been no consequence of its use, i.e. dead animals, etc. Mr. Casimir said it has been and no, none. Motion was unanimously approved.

Councilmember Strosser made a motion, seconded by Councilmember Mahon, to enter into a Tree-age Application Service Agreement with Scott Cary, Consulting Forester, for the treatment of the Emerald Ash Borer (EAB) in 27 Ash trees, designated on the sketch maps attached to the agreement, in an amount of \$5,647.00, with addition of indemnification language as recommended by our Solicitor. ON THE QUESTION: Manager Smith shared that he obtained a price of \$3,000.00 for the removal of 10 fairly large trees, which is *extremely* reasonable. So, if you compare the cost of removal, approximately \$300.00 per tree, against the cost of treatment, approximately \$210.00, you can see it is cheaper to treat the tree with the potential of saving the tree. And, as explained, the time to treat is now, because to wait any longer would give time for the trees to go dormant due to possible drought conditions, etc. and then we might as well wait until next year. What we are doing here is excellent management, i.e. treating some, removing some, with the intent to replace, thus allowing us to continue to move forward with the understanding should treatment fail, we will have trees at different growth levels. With regard to the finances, he believes we can cover this. Through the year we spend around \$10,000.00 to \$11,000.00 and that is without dealing with the EAB. Right now we have around \$6,000.00 in the budget, but we have to minus the already accounted for expenditures, meaning we have around \$3,000.00 to put toward this. If Council agrees, there will have to be a transfer of funds made. This will get us through 2014 and then Council will need to revisit the Shade Tree Fund at budget time for 2015. He would suggest a transfer of \$10,000.00 from the General Fund as a temporary loan to the Shade Tree Fund. Mr. Casimir pointed out that Council needs to think about the fact the Borough's ordinance currently reads that a property owner is responsible for the costs associated with shade trees. Solicitor Lyons commented his understanding is that to spend money to treat a tree in an attempt to ultimately save it is cheaper to a homeowner than to have to remove/replant a tree, plus if you save the tree you save that beautiful canopy that it took years and years to get. He suggested approaching homeowners now, based on the fact it will cost them a lot more later on. Mr. Casimir pointed out Ash trees are considerably large, so removal will not just cost \$300.00, but more like \$1200.00 or \$1500.00. He commented not everyone is sold on the canopy, so he tries to avoid that topic. Solicitor Lyons said Third Street would be his example; imagine that street without that tree canopy. It would look considerably different and we can't forget about the savings to homeowners with regard to heating and cooling costs. Manager Smith stated he wants to put this in perspective; there are 249 Ash trees in this Borough and 201 of them are in our park. Motion was unanimously approved.

Councilmember Faden made a motion, seconded by Councilmember Mahon, to transfer, as a temporary loan, \$7,500.00 from the General Fund to the Shade Tree Fund for the purpose of treating the Emerald Ash Borer (EAB). Motion was unanimously approved.

Councilmember Strosser made a motion, seconded by Councilmember Cook, to approve the U.S. Supply Land Development Plan waiver request to modify the Standard Improvement Guaranty Agreement to allow for acceptable financial security to be posted just prior to the issuance of a zoning permit. ON THE QUESTION: Normally upon approval of the final land development plan they have 90 days to submit all the necessary documentation. With U.S. Supply, they ran into some financial issues, and although they are proceeding they are not sure exactly when they will be doing this work; thus, the reason they asked for this waiver. Solicitor Lyons indicated this is an option and there is nothing wrong with doing this. Motion was unanimously approved.

(ORDINANCE NO. 1028)

SOUTH SIXTH STREET PROPERTY CLOSINGS

MANAGER EMERALD ASH BORER (EAB) MANAGEMENT PLAN-WINTER 2013-2014 APPROVED

TREE-AGE APPLICATION SERVICES AGREEMENT (TREATMENT OF 27 ASH TREES) APPROVED

TRANSFER OF FUNDS/TEMPORARY LOAN TO BE MADE FROM GENERAL FUND TO SHADE TREE FUND

WAIVER FOR U.S. SUPPLY LAND DEVELOPMENT PLAN APPROVED

Tuesday, June 17, 2014

OTHER COMMITTEES: Council President Bergonia indicated it is business as usual for the BVRA. Manager Smith said he meets July 10th at 6 PM, prior to the Shade Tree Commission meeting, with BVRA at the Lewisburg Area Recreation Park. The concern is whether they are going to be held responsible for the Ash trees per the Management Agreement. He explained his feeling is that the Management Agreement deals with general maintenance and upkeep; this EAB/Ash tree situation is on Borough property, is a catastrophe, and should be the Borough's issue to deal with.

Councilmember Strosser indicated the LDP has been working on the first annual Brew-B-Que event scheduled for July 26th.

There was no report for Town and Gown Committee.

There was no report for the LNC.

Council President Bergonia said we already heard an update on the Shade Tree Commission.

There was no report for the CK-COG. Manager Smith explained we have Zoning issues and Code Enforcement issues this time of the year; if anyone sees anything out of the ordinary, please send an email to the office and he will make sure that the CK-COG is notified accordingly.

There was no report for the Community Garden.

There was no report for the Traffic Advisory Committee. Councilmember Cook questioned the traffic signalization grant project. Manager Smith said our grant was approved for Route 15 and the adaptive traffic signals paperwork has been filed. Nothing further is known.

Councilmember Strosser said the Lewisburg Area High School Repurposing Committee had their first meeting with the consultant from the Pennsylvania Downtown Center and it was a great meeting.

OLD BUSINESS: None.

NEW BUSINESS: None.

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

WORK SESSION: Council President Bergonia indicated there will not be a work session on July 8th, unless something should come up that would require action of Council.

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

Council President Bergonia called for a five minute recess at 8:10 PM. Council returned at 8:15 PM.

Council entered executive session at 8:15 PM. Council returned at 8:25 PM.

Councilmember Baker made a motion, seconded by Councilmember Cook, to provide the Manager with a one-time performance bonus in the amount of \$1,000.00, to be paid the next regular payroll processing week. Motion was unanimously approved.

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 8:25 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

**OTHER
COMMITTEES
BVRA**

LDP

TOWN AND GOWN

LNC

STC

CK-COG

**COMMUNITY
GARDEN**

**TRAFFIC
ADVISORY
COMMITTEE**

**LAHS
REPURPOSING
COMMITTEE**

OLD BUSINESS

NEW BUSINESS

**WRITTEN
REPORTS**

WORK SESSION

**PERSONNEL
MATTER**

(RECESS)

**(EXECUTIVE
SESSION)**

**MANAGER TO
RECEIVE
PERFORMANCE
BONUS**

ADJOURNMENT