

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, June 20, 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, Bill Seigel, Lois Medina, Stephen Bolinsky and Ronald Young.

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 May 16, 2017 regular monthly meeting. Motion was unanimously approved.

PUBLIC PARTICIPATION: Teri Provost, SEDA-COG, stated she is before Council tonight regarding the project selection for the Community Development Block Grant (CDBG) Program. The Public Works/Police Committee has made a recommendation and she sees this will be before Council shortly.

Bill Seigel, SEDA-COG, reported he is before Council tonight to share an education and training process that SEDA-COG has become involved with that is designed to help municipalities find solutions to flood related issues and increase community awareness, all with the goal of assisting the municipality and its citizenry in defining and designing flood resiliency strategies and how to implement those strategies for the purpose of preserving our local river communities. He explained the Biggert-Waters Flood Insurance Reform Act of 2012 and the Homeowner Affordability Act of 2014, and how property owners have been impacted and will continue to be impacted as a result of these Acts. He asked if the Borough would be interested in participating in this program at no cost. He pointed out the activity that has taken place *already* in Lewisburg Borough, as a result of the Flood Impact Task Force, has created an awareness here that is not found in every river community. If Lewisburg chooses to participate, the information obtained through the public meetings, etc. will allow us to take back to the Federal and State Legislators information that will help them identify and carry out policies. (There was distribution of an informational packet that outlined the SEDA-COG Flood Resiliency Project.) Teri Provost said the planning process has been tested in the pilot community of Selinsgrove Borough and replicated in the Boroughs of Milton, Danville, Newport, the Town of Bloomsburg, and hopefully here in Lewisburg Borough as well. All the survey information has shown that upwards of 85% of those surveyed have no idea what the Biggert-Waters Act of 2012 is; they know their flood insurance premiums are increasing, but do not know why. SEDA-COG received Appalachian Regional Commission (ARC) funding and Keystone Communities Program (KCP) funding for this planning process. Ms. Provost outlined, in detail, the surveys that would be distributed, the public meetings that would have to be held and the topics that would need to be covered, the information that would need to be gathered through the municipal staff regarding repetitive loss properties, etc. Part of this program includes a discounted elevation certificate program, which is extremely beneficial. She realizes there is already a Task Force here in Lewisburg, so she can adapt this process accordingly. Councilmember Morris indicated her desire for this to include the existing Flood Impact Task Force, given the extensive work that has already been done; Sam Pearson has been instrumental in educating our community. Bill Seigel said we didn't come and outreach to Lewisburg first, because we were aware of this, and we will integrate with the things already done and partner with the Task Force. Mayor Wagner commented we do not close our ears to new ideas and we welcome working together for the good of this community. Councilmember Derman questioned if Council were to authorize this, how long would this take. Ms. Provost said the process could start right away and the survey could be done within a month. Manager Lowthert asked how long the process is from start to finish. Ms. Provost said it's roughly a four month process. Mr. Seigel said this is a way to gather information and get the word out to the public that there is an issue/concern. Manager Lowthert said this is a win/win for the Borough. Mayor Wagner said as Chairperson of the Lewisburg Neighborhoods Corporation (LNC), she would like to see Samantha Pearson be involved in this project. Bill Kenny, a Borough resident living in the flood zone, commented he is for this; he received a letter indicating his flood insurance *could* potentially go up 25% per year, only to learn later that the letter was incorrect about the percentage. There was **much** discussion.

Councilmember Derman made a motion, seconded by Councilmember Yohn, to authorize SEDA-COG to initiate this Flood Resiliency Project within the Borough of Lewisburg. Motion was unanimously approved.

Shawn McLaughlin, Union County Planning and Economic Director, indicated he is present, along with Union County Commissioner John Showers and Borough resident Bill Kenny, to talk about the Riverwalk (trail), located off of St. George Street. He provided a drawing of the Riverwalk noting it is on private land. He provided the history, indicating two property owners had donated five year conservation easements for a trail to the County. One property owner was the Smith family, this property is now owned by the Kenny family; the other property owner was the McKissic family, this property is now owned by the Aurand family, and they currently reside in Middleburg. The Smith's easement was extended to the year 2100, so the County holds that trail easement. The McKissic's did not extend the easement as they were looking to sell their property and did not want to put that easement on a future owner. This matter has been out of sight and out of mind, half of the easement is in place, there hasn't been any maintenance, and Mr. Kenny approached us about a year ago asking what could be done due to his concerns of liability, maintenance, signage, etc. The Commissioners have been trying to

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

**TERI PROVOST/
SEDA-COG
COMMUNITY
DEVELOPMENT
BLOCK GRANT**

**BILL SEIGEL/SEDA-
COG**

**BOROUGH
AUTHORIZES
FLOOD RESILIENCY
PROJECT
(EDUCATION/
TRAINING
PROCESS)**

**SHAWN
MCLAUGHLIN/
UNION COUNTY
PLANNING**

**RIVERWALK TRAIL
DISCUSSION**

Tuesday, June 20, 2017

determine what the best option would be. The easement could be extinguished, but it was felt that the Borough should weigh in on this. A letter was sent to the Aurand family, but they do not respond, so he is thinking there is no interest on their part. Mr. Kenny detailed his many concerns regarding maintenance and liability, strongly noting that his family loves the path and they would like to be able to start over with this in order to get the protections that the easement would and should provide. Commissioner Showers said we were dragging our feet on this issue as we were hoping to resolve some other issues with trails within the County; we are still working on the possibilities in that regard. There are many that have expressed an interest in keeping this in place and again, we want to know the Borough's thoughts on this. Mr. McLaughlin said in the mid 2000's there was an effort by a former Commissioner to convey this trail to the Lewisburg Area Recreation Authority (LARA) and LARA agreed to take it conditional upon the second property owner renewing the easement. Since that did not happen, LARA never took it. Manager Lowthert stated he is hearing rumors that East Buffalo Township may pull out of the Buffalo Valley Recreation Authority (BVRA), formerly LARA, which will leave BVRA in a bad financial situation. Has the County thought of a County-Wide Recreation Authority that would do things like manage the trails? The Borough has seven parks, Mifflinburg has at least one park, New Berlin has a nice park by the creek, etc. and these locations are enjoyed by everyone in the County and are not necessarily a municipal specific park/trail. Commissioner Showers said we are not looking at a Recreation Authority, but we are looking at a Trail Authority. Manager Lowthert said Council, during budgeting this past year, did consider shutting down parks because of the expense of maintenance and the users exceed the Borough's boundaries. Commissioner Showers said he isn't sure the western portion of the County would be in agreement with this, but we are reviewing lots of options. Manager Lowthert said it is important the County is aware of the Borough's budgetary constraints and that the use of D.F. Green and Wolfe Fields are by County residents vs. Borough residents. There was **much** discussion. Manager Lowthert said it appears the Borough would like to see the Riverwalk (trail) continue to be accessible to anyone and everyone that wants to use it, so what does the County want from the Borough at this point? Commissioner Showers asked if the Borough would assist and reach out to the Aurand family, because without that easement, the trail is not whole. Mr. McLaughlin stressed without that easement, there is no legal right for the County or the Borough to go in and do maintenance. Solicitor Lyons said that is correct, and you can't stop people from using it. Manager Lowthert said we've had contact with the Aurand family in the past, so we certainly can reach out to them. Mr. McLaughlin said if there is a complete trail there, the County might be willing to help with this, especially if this Trail Authority and funding idea comes through. If the Aurand family isn't interested in the easement, he would think the County would decide to vacate the easement. Manager Lowthert commented he doesn't think this Borough would be looking to take on additional expenses associated with this trail. Solicitor Lyons questioned liability coverages within the easement. Mr. McLaughlin said there are none as it is not a County owned property; it is an easement and there is no maintenance agreement. Again, there was **much** discussion. Manager Lowthert said the Borough will reach out to the Aurand family.

Manager Lowthert stated the resident of 24 South Eighth Street contacted the Borough about damage to their fence along White Pine Alley and he thought they would be here. It was reported the snow removal crew damaged this fence during the big storm. Staff went out and looked at this and it appears the damage was caused by people snow-blowing snow from their driveways. Our refuse crew indicated the fence was damaged for quite some time and was assured by the crew the damage was not caused by the Borough.

PUBLIC WORKS/POLICE COMMITTEE: Council received the Buffalo Valley Regional Police Department's (BVRPD) monthly report.

Motion was made by Councilmember Mahon, seconded by Councilmember Derman, to request that Union County, on behalf of the Borough, submit an application to the Pennsylvania Department of Community and Economic Development (DCED) for the Borough's FFY 2017 Community Development Block Grant (CDBG) Entitlement funds for the following activity: South Sixth Street Reconstruction, with the required 18% going toward administrative fees, as recommended by the Public Works/Police Committee. ON THE QUESTION: Manager Lowthert said this would be called Phase III of the South Sixth Street Project, including some flood plain restoration and stabilization efforts from St. Louis Street north to where the riprap rock begins; this is believed to be CDBG eligible activity. Motion was unanimously approved.

Motion was made by Councilmember Mahon, seconded by Councilmember Derman, to adopt Resolution No. 17-12, support of the Automated Red Light Enforcement Program (ARLE) applications for Route 45/Route 15 and St. Mary Street/Route 15 intersections, to be submitted by East Buffalo Township. ON THE QUESTION: Manager Lowthert explained the pedestrian signals are out of date at these intersections and this would include audible signals for the vision impaired. East Buffalo Township (EBT) indicated they would take the lead on this application. Motion was unanimously approved.

Manager Lowthert reported that he was directed by the Committee to obtain an estimate of the costs to remove trees located on an unopened street, Terrace Street (between St. George Street and Mill Street), which is the Borough's, and he is currently obtaining a survey proposal from Larson Design Group (LDG) to identify the boundaries of Terrace Street. The recommendation of the Street Foreman is that all trees should be removed vs. just the dead ones as it is an unopened street. The Borough maintains the southern end of that, which is about half of this corridor. Mr. Kenny, member of the public, pointed out one of the trees is leaning out and over his driveway, so he would like to know how long with this process will take. Manager Lowthert said he doesn't know, but we are moving as quickly as we can; you could

24 SOUTH EIGHTH STREET PROPERTY

PUBLIC WORKS/POLICE COMMITTEE
BVRPD MONTHLY REPORT

CDBG FFY 2017 FUNDING TO GO TOWARD SOUTH SIXTH STREET RECONSTRUCTION PROJECT

ARLE PROGRAM SUBMISSION FOR ROUTE 45/15 AND ST MARY STREET/15 (RESOLUTION 17-12)

DISCUSSION OF TREES LOCATED ON TERRACE STREET (UNOPENED STREET)

Tuesday, June 20, 2017

certainly trim the branches overhanging your driveway. Mr. Kenny stated he doesn't want to see all the trees removed. Councilmember Morris said she agrees; she doesn't like seeing healthy/live trees removed. Solicitor Lyons explained that we are talking about wild trees that have grown in this area. Manager Lowthert said the direction of the Committee was to determine the location of the street so we would know if the trees are actually located on our street, and then get a price to remove the dead trees, as well as a price to remove all the trees. There was **much** discussion. Manager Lowthert said Council will have the opportunity to review the prices that are submitted and discuss this further.

Manager Lowthert reported he received a proposal for the Ash Tree Removal Project; he will be accepting the proposal from Timberwolf Tree Company in the amount of \$4,500.00 for the removal of ash trees that are interfering with the Streambank Restoration Project in St. Mary Park; and he will also be obtaining costs of removal of one additional ash tree, currently not part of the EAB Treatment Program, as well as the removal of dead branches from other ash trees that are part of the treatment program, all of which are located in St. Mary Park.

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve HARB items a through h, as submitted and recommended by HARB per their minutes dated June 13, 2017. Motion was unanimously approved.

a. Brandi Crabb-Grasshopper Gifts/334 Market Street/Sign. An application was submitted to and reviewed by HARB for a sign. Motion was made by Ted Strosser, seconded by Steve Snook, to recommend approval of a sign as shown on the drawing attached to the HARB application, with the stipulation that this sign must fit within the existing sign board and frame. Motion was unanimously approved.

b. Mary Forzani-David Felicio/222-224 North Front Street/Porch Roof. An application was submitted to and reviewed by HARB for a new porch roof. Motion was made by Steve Snook, seconded by Fred Martin, to recommend approval of a new porch roof 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. Judith Ulmer/622 Market Street/Roof. An application was submitted to and reviewed by HARB for a roof replacement. Motion was made by Ted Strosser, seconded by Mary Mastascusa, to recommend approval of a new roof as described in the project description of the HARB application, provided it is a raised seam concealed type roof. Motion was unanimously approved.

d. Elisa Grandizio/22-24 North Seventh Street/Fence. An application was submitted to and reviewed by HARB for a fence. Motion was made by Elaine Wintjen, seconded by Ted Strosser, to recommend approval of this fence, as shown in the attachment to the HARB application, and said fence must be stained and/or painted within one year. Motion was unanimously approved.

e. John Dawson-Sarah MacKenzie Dawson/117 Brown Street/Fence. An application was submitted to and reviewed by HARB for a fence. Motion was made by Steve Snook, seconded by Fred Martin, to recommend approval of this fence, as described in the project description of the HARB application and as shown in the attachment to the HARB application, **except** that the bottom of this fence should be at grade, and said fence must be stained and/or painted within one year. Motion was unanimously approved.

f. Shawn Stout/206 North Front Street/Second Floor Addition. An application was submitted to and reviewed by HARB for a second floor addition. Motion was made by Elaine Wintjen, seconded by Kim Walter, to recommend approval of this second floor addition as shown in the diagram attached to the HARB application, with the understanding the siding should be smooth or brushed. Motion was unanimously approved.

g. Curtis-Christine Brubaker/24 St. John Street/New Home. An application was submitted to and reviewed by HARB for new home construction. (Note: existing home condemned) Motion was made by Steve Snook, seconded by Mary Mastascusa, to recommend approval of this new home construction as described in the HARB application, as detailed in the new residence specification sheet and as shown on the drawings, both of which are attached to the HARB application, with siding to be smooth or brushed finish, trim elements to be smooth or brushed finish, shutter to match size/scale of windows, with K gutter acceptable and returns at corners. Motion was unanimously approved.

h. Kathy Lentz/56-58 South Fourth Street/Roof. An application was submitted to and reviewed by HARB for a roof replacement. Motion was made by Kim Walter, seconded by Steve Snook, to recommend approval of a new roof as described in the project description of the HARB application. Motion was unanimously approved.

Courtesy Review: Property owner and/or property owner's agent for 115 South Front Street presented roof shingles being used for a new roof at this property, explaining the shingles being used are "in kind." HARB noted the shingles were acceptable, and that HARB action was not required because they are being replaced in-kind.

Councilmember Morris made a motion, seconded by Councilmember Martin, to approve the establishment of a portable fire training facility at Wolfe Field behind the brush pile, as requested by the William Cameron Engine Company in their letter dated June 14, 2017. ON THE QUESTION: Manager Lowthert indicated Council received a copy of this letter and drawing; the Fire Chief attended the Community Development/Planning Committee meeting and discussed extensively the need for this training facility. This area is an under-utilized part of Wolfe Field, is out of the way, and not visible from within Wolfe Field or from the properties on Beck Street. The only downside is that it gets very wet there, which the fire company is aware of. There is no cost to the Borough and the fire company will carry insurance. ON THE QUESTION: Councilmember Derman asked when this would be in use. A fire company member said from the end of March to the end of November. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Derman, to approve the request of Angela Brouse to use the Lewisburg three globe light standard image for the Scratching Post, a non-profit business looking to open in the downtown. Motion was unanimously approved.

ASH TREE
REMOVAL
PROJECT UPDATE
(STREAMBANK
RESTORATION
PROJECT/ST MARY
PARK)

COMMUNITY
DEVELOPMENT/
PLANNING
COMMITTEE
HARB

B CRABB

M FORZANI-D
FELICIO

J ULMER

E GRANDIZIO

J DAWSON-S
MACKENZIE

S STOUT

C BRUBAKER

K LENTZ

APPROVAL OF
PORTABLE FIRE
TRAINING FACILITY
IN WOLFE FIELD

APPROVAL OF USE
OF THREE GLOBE
LIGHT STANDARD
BY A BROUSE/THE
SCRATCHING POST

Tuesday, June 20, 2017

Councilmember Morris made a motion, seconded by Councilmember Derman, to approve the submission of the draft of Verizon Master Lease Agreement, for the installation of mini-towers on Borough owned traffic signals and poles to Verizon for their review and consideration, as prepared by Michael Roberts with Cohen Law Group. ON THE QUESTION: Manager Lowthert said this doesn't give Verizon permission to place anything, Council will still be able to approve the actual locations and the actual design. This may or may not be the final agreement, as Verizon has the opportunity to review it and could disagree with some of the content. He also received an email from Verizon today indicating they are no longer will to pay \$3,000.00 for each, but will pay \$1,200.00 for each. Michael Roberts recommended we submit this as it was discussed, and let Verizon come back with whatever changes they want to see for Council's review. Councilmember Mahon asked why the change in the amounts. Manager Lowthert said the explanation was that Lewisburg was previously included with the Philadelphia service area, but that changed and we are now considered part of the upper New York State service area. These areas are valued differently, plus their model for the area has changed. Instead of wanting to place four or five in the Borough, they are now thinking about twenty, and if we were reluctant about a few, will we want twenty? The Committee also suggested we include an escalator clause in this agreement as well as an opt-out clause for the Borough, which we did. Motion was unanimously approved.

Councilmember Morris indicated there is currently a HARB vacancy and a Planning Commission vacancy. The Planning Commission continues their review of the Subdivision and Land Development Ordinance (SALDO) draft, and hopefully at the July meeting you will have a draft copy of the SALDO to review. Manager Lowthert stressed this SALDO is important and he wants Council to spend time reviewing this because it will have an impact on the Borough for years to come.

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Cox indicated there wasn't a meeting this month.

Councilmember Cox made a motion, seconded by Councilmember Derman, to approve the payment of bills from May 13, 2017 through June 16, 2017, in the amount of \$202,180.80. Motion was unanimously approved.

MAYOR: Mayor Wagner shared her activities from this past month, including the Community-University networking she participated in held in State College. She commended Milton Borough on their Bicentennial celebration, and reminded everyone this Saturday is the Fourth of July parade and provided many details.

COUNCIL PRESIDENT: Council President Bergonia reminded everyone of the fireworks on Friday night.

MANAGER: Manager Lowthert stated he sent a letter to East Buffalo Township (EBT), as directed last month, rejecting their proposal as outlined in the letter from Michael Daniloff which suggested that with their 52% payment, EBT would acquire the majority voting power of the BVRPC in perpetuity. We have not heard back from EBT. He updated Council on his attendance at the Pennsylvania Municipal League (PML) Sustainability Conference in State College. He would like to see the Borough obtain the certification for this, but we do not have sufficient staff to do this at this time. He is going to be reaching out to Bucknell University, as this would be a great opportunity for an intern to analyze the Borough and the sustainability process.

SOLICITOR: Solicitor Lyons reported he received a proposed lease agreement from Lewlew, LLC this afternoon and would suggest this matter be discussed in an executive session.

OTHER COMMITTEES: Council President Bergonia reported BVRA is now located in the former high school building.

Councilmember Morris, on behalf of the LDP, asked that everyone come to Market Street tomorrow at 9 AM with scissors for the ribbon cutting. You can then take your piece of the ribbon into a store as there will be promotions going on. The formal assessment of the LDP by the Pennsylvania Downtown Center (PDC) will take place on Thursday of this week. And, at 2 PM on Saturday after the parade, there will be a showing of the Wizard of Oz, compliments of the LDP.

Mayor Wagner said the next LNC meeting is in August, and both DCED grants have been submitted. Councilmember Derman reported they are looking to promote another walk to school day in the fall and a ride to school day in the spring. Since the River Road holiday was so successful, they want to do one south of town in the spring.

Manager Lowthert reported the Shade Tree Commission (STC) continues to be very active. They are currently reviewing previous year applications, as there are property owners that have removed a tree, but not replanted. The STC will be following up with these property owners.

Council President Bergonia stated that the Central Keystone-COG continues to be very busy.

Council President Bergonia reported the Community Garden is doing extremely well; they made approximately \$4,000.00 as a result of their plant sale.

SUBMISSION OF DRAFT OF VERIZON MASTER LEASE AGREEMENT FOR INSTALLATION OF MINI TOWERS ON TRAFFIC SIGNALS AND POLES

GENERAL UPDATES

ADMINISTRATIVE/ FINANCE COMMITTEE

PAYMENT OF BILLS

MAYOR

COUNCIL PRESIDENT

MANAGER

SOLICITOR

OTHER COMMITTEES BVRA

LDP

LNC

STC

CK-COG

COMMUNITY GARDEN

Tuesday, June 20, 2017

Councilmember Cox reported he missed the May MACAC meeting. Council President Bergonia reported he was in attendance and West Chillisquaque Township has pulled out of the IGA. Our Solicitor is being asked to review the final draft of the IGA. Manager Lowthert said this IGA will then come to Council for review and approval. There was **much** discussion regarding West Chillisquaque's decision and how this will be handled.

OLD BUSINESS: None.

NEW BUSINESS: None.

WRITTEN REPORTS: Councilmember Morris made a motion, seconded by Councilmember Mahon, 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 reminded Council there will be a work session on Tuesday, July to discuss the Borough's refuse ordinance, specifically with regard to refuse containers. Manager Lowthert directed Council to think about what they want, i.e. do you want to require refuse to be in garbage cans with lids as in the current ordinance, do you want to enforce that garbage cannot be out more than 24 hours prior to collection and that cans must be removed after collection, and now there is unlimited trash collection, which he feels people have taken advantage of, so do you want consider limiting the trash service to three 35 gallon cans, or something like that. Council will have an hour to discuss trash collection. Councilmember Morris stated she just asked the Borough Secretary to provide everyone with a copy of the refuse ordinance.

Council President Bergonia called for a five minute recess at 8:40 PM.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to hold an executive session on legal matters. Motion was unanimously approved.

Council entered executive session at 8:45 PM. Council returned at 9:30 PM.

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 9:30 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

MACAC

OLD BUSINESS

NEW BUSINESS

WRITTEN REPORTS

WORK SESSION
REFUSE
ORDINANCE
DISCUSSION

RECESS

LEGAL MATTERS

(EXECUTIVE
SESSION)

ADJOURNMENT