

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, June 21, 2011** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Casimir, Cox, Mahon, Molesevich, Morris, and Strosser; Mayor Wagner; Chief Yost; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Also present: Tammy Burk.

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

**APPROVAL OF MINUTES:** Motion was made by Councilmember Baker, seconded by Councilmember Casimir, to approve the minutes of the regular Council meeting held May 17, 2011 and the work session held June 14, 2011, with a minor correction that the work session minutes be changed under Lewisburg Area Recreation Authority (LARA), to read "invite the Borough's representatives on the LARA Board." Motion was unanimously approved.

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

**PLANNING COMMITTEE:** Councilmember Casimir made a motion, seconded by Councilmember Morris, to approve HARB applications b through f, as submitted and recommended by HARB. ON THE QUESTION: Councilmember Casimir asked how HARB keeps track on a requirement for painting/staining within one year. Councilmember Strosser commented it's a problem. There was **much** discussion. Councilmember Molesevich suggested a calendar reminder on a computer. Motion was unanimously approved.

**a. Kevin Gardner. 720 Market Street. Sign.** An application was submitted to HARB for a sign. Kevin Gardner was not present; therefore, no action was taken. This application will be before HARB next month for action.

**b.Nisarat Premjai. 512 Market Street. Sign.** An application was submitted to and reviewed by HARB for a new sign. A motion was made by Steve Snook, seconded by Robert Cook, to recommend approval of this sign, noting it is basically the same sign as already present with new wording as noted in the project description section of the HARB application and as shown on the diagrams attached. Motion as unanimously approved.

**c.Robert Engle. 209-211 North Front Street. Soffit/Fascia.** An application was submitted to and reviewed by HARB for new soffit/fascia. A motion was made by Kim Walter, seconded by Mary Mastascusa, to recommend approval of the soffit/fascia as described in the project description section of the HARB application. Motion was unanimously approved.

**d.Michael Derman/Patricia Parker. 211 North Second Street. Windows/Door/Siding.** An application was submitted to and reviewed by HARB for new windows/door/siding. A motion was made by Mary Mastascusa, seconded by Steve Snook, to recommend approval of the new windows/door/siding, as described in the project materials section of the HARB application. Motion was unanimously approved.

**e.Fred and Kathy Martin. 35 Market Street. Porch Renovations.** An application was submitted to and reviewed by HARB for porch renovations. A motion was made by Steve Snook, seconded by Elaine Wintjen, to recommend approval of the porch renovations as described in the project description section of the HARB application and as presented by the contractor, George Morton. Motion was unanimously approved.

**f.Nancy Bernstein. 29 South Front Street. Deck Replacement.** An application was submitted to and reviewed by HARB for a replacement deck. A motion was made by Robert Cook, seconded by Mary Mastascusa, to approve the application to replace the existing deck with a smaller deck and stairs, made of pressure treated wood, as described in the project description of the HARB application, and this deck should be stained or painted within one year of construction. Motion was unanimously approved.

Councilmember Casimir reported the Borough's zoning map has been updated with the most recent zoning change along Market Street from RT-1 to RT-2, as directed by Council, and it will be distributed to all necessary individuals and agencies. (Manager Smith provided copies to Council.) Councilmember Molesevich reminded the Manager to contact the County's GIS Department about a zoning map for the Council Chambers.

Councilmember Molesevich asked the status of the proposed zoning. Councilmember Casimir reported he has the final copy, which he will read cover to cover, and hopefully he will present it to Council next month. Manager Smith explained that upon Council approval, the final proposed copy will go to all entities for a thirty day review and comment period, and then there has to be a public hearing. Solicitor Lyons stated following the public hearing, Council can proceed with enactment or delay enactment until comfortable with the document as written. Councilmember Casimir clarified that there has to be at least a 30 day review, but it can be more than 30 days. Solicitor Lyons explained it can be delayed as long as necessary, once we have submitted it for formal review. Councilmember Morris asked if this version addresses a change to the three person rule for housing. Councilmember Casimir said yes it does; rooming, lodging, and boarding house were all the same - it was when a family lived in a house and rented a room to somebody. It has been split into two things now, i.e. you can have a family renting a room to a lodger or you can have a house set up just for lodgers that wouldn't require owner occupancy, and then the rules pertaining to the International Property Maintenance Code would apply. Council also directed the Ad Hoc Committee to increase density in the Borough, i.e. have carriage house apartments on the alleys or allow the building of an additional house on the back of a lot if there is room

**ATTENDANCE**

**CALL TO ORDER**

**APPROVAL OF MINUTES**

**PUBLIC PARTICIPATION**

**PLANNING COMMITTEE HARB**

**K GARDNER**

**N PREMJAI**

**R ENGLE**

**M DERMAN/PARKER**

**F MARTIN**

**N BERNSTEIN**

**ZONING MAP UPDATED**

**STATUS OF PROPOSED ZONING ORDINANCE**

Tuesday, June 21, 2011

for setbacks, etc. As a result of the White Pine Alley fire, and after meeting with a representative from the William Cameron Fire Company to discuss fire fighting capabilities in the Borough's alleys, he has decided to write an additional section that would require sprinklers for this one classification. There was **much** discussion.

**POLICE COMMITTEE:** Councilmember Mahon indicated there was a block party request that was received and granted for St. George Street; this party was already held and there were no problems.

Manager Smith indicated he was directed to submit a letter to PennDOT requesting a study to prohibit engine brake retarder usage (Jake brakes) in the southbound lane of Route 15 from the top of the hill (near the Lewisburg Cemetery) to the intersection of Routes 15 and 45. A response has not been received yet. There was **some** discussion.

**PUBLIC WORKS COMMITTEE:** Councilmember Baker indicated a final decision is needed by Council with regard to the sidewalk placement on the west side of South Fifth Street leading to St. Catherine Street at a cost of \$19,810.00.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to **not** include the placement of a sidewalk on the west side of South Fifth Street leading to St. Catherine Street at a cost of \$19,810.00 as part of the South Fifth Street Project. ON THE QUESTION: Councilmember Strosser asked where this project is financially, as this will impact his decision on the sidewalk. Manager Smith said the entire project, including engineering, is at \$678,000.00 and the Borough budgeted \$300,000.00. He intended on reviewing all the projects a little later this evening. We created the budget in 2010 and the project was \$300,000.00. We weren't sure about the wall and whether it could be covered with CDBG funds or grant funds. We held off on the Salt Shed Project so we would have funding for the wall. Then we decided to do the Salt Shed Project, and then ended up starting the wall. When the wall was included in this project in February, the project cost jumped to \$600,000.00. Council will hear later that this Borough doesn't have any **extra** money to put toward projects. Councilmember Morris indicated she is uncomfortable going against a resident's wishes and this resident doesn't want a sidewalk. Councilmember Strosser said he disagrees with that thought process; he would agree to not install a sidewalk because of funding, but not because a resident simply did not want it. Councilmember Morris indicated this sidewalk leads nowhere. Councilmember Molesevich stressed it goes to a park, which is in the center of town. Councilmember Mahon asked if we expect this resident to pay approximately \$19,000.00 for a sidewalk he doesn't want. Councilmember Strosser explained the Borough tried to make other offers and/or agreements with the resident, i.e. to take some of his property in lieu of this, but the resident wasn't interested in that. There was **much** discussion. Councilmember Casimir stated Council does have the ability to make these kinds of judgments, but just because we can, doesn't mean we should. He believes if conditions were to change, a majority of this group would say let's do it. Councilmember Molesevich questioned if zoning regulations require sidewalks and if not, should this be part of the comprehensive plan of this community. Manager Smith indicated he would check into this further. Motion was approved with one dissenting vote, Councilmember Molesevich voted no.

**FINANCE COMMITTEE:** Councilmember Morris made a motion, seconded by Councilmember Casimir, to approve payment of the bills from 05/14/11 through 06/17/11 in the amount of \$429,049.63. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to approve the transfer of \$2,209.04 from the General Fund, line item 01.400.25B (Unappropriated Balance) to line item 01.472.13 (LARA) for the purpose of providing the final pay off amount to LARA for their existing line of credit ( $\$2,189.42 + \$19.62 = \$2,209.04$ ), noting that the additional payment of \$19.62 is for interest accrued over period prior to actual receipt of Borough funds. Motion was unanimously approved.

Councilmember Morris asked the Manager to clarify the funding for the 2011 Street Projects, as indicated in the Project Discussion Sheet dated June 21, 2011. Manager Smith said project costs have been discussed at several committee meetings and he has tried to summarize for presentation this evening. The upper left hand corner is straight out of the budget. In the lower left hand corner you see the current costs of projects proposed. The upper right hand corner shows how the General Fund covers the expenses and the specific funds or check books the money is coming from. This Borough has made contributions to the General Fund from the Refuse Fund in the past to cover his time and the secretary's time spent on refuse and/or projects and simply because our refuse trucks are out there on the Borough roads. There are contributions from the Street Light Fund because there are lights included in street projects. The Building Depreciation Fund was used because of the wall. The non-general funding was roughly \$714,500.00, so clearly the General Fund wasn't covering any construction projects. The problem he has is the fact we now know that South Fifth Street is at

**POLICE  
COMMITTEE  
BLOCK PARTY**

**JAKE  
BRAKES/ROUTE  
15 NEAR  
CEMETERY**

**PUBLIC WORKS  
COMMITTEE**

**COUNCIL VOTED  
TO NOT INCLUDE  
SIDEWALK ON  
WEST SIDE OF S  
FIFTH LEADING  
TO ST  
CATHERINE ST  
AS PART OF S  
FIFTH STREET  
PROJECT**

**FINANCE  
COMMITTEE  
PAYMENT OF  
BILLS**

**COUNCIL  
APPROVED  
PAYMENT TO  
LARA - FINAL  
PAY OFF OF  
THEIR EXISTING  
LINE OF CREDIT**

**DISCUSSION OF  
FUNDING 2011  
STREET  
PROJECTS**

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\$642,675.00 with \$36,400.00 for engineering. The Public Works Committee has basically agreed that Ikler Street *can* be delayed, i.e. we will develop and design this year, with a fall bid and a spring 2012 construction date. The bulb-out project we are working with PennDOT to develop is a 2012 project, but there will be engineering needed for that this year. We just received bids for the North Eighth Street/Hufnagle Boulevard Project this week and the cost is \$154,327.00. The dilemma, and the reason this is being addressed tonight, is the fact the total of what you see is more than what we have budgeted in General Fund. Again, he budgeted \$350,000.00 for South Fifth Street and after adding in the wall, the fence, the rain garden, plus the underground utilities, we now know the cost is \$650,000.00. A large portion of the money moved into General Fund ended up in our unappropriated account. The Borough started 2011 with \$341,000.00 in the unappropriated account, so the funding is there. This Project Discussion Sheet is a document provided so everyone can follow along to actually see what has been budgeted, what the actual costs are, what is being projected, all in an effort to help you make a decision when these projects are before you later tonight. The second page of this Project Discussion Sheet is a summary showing what would happen with the dollars if we used the Highway Aid Fund in the amount of \$115,000.00 and we used the Unappropriated Fund in the amount of \$151,000.00. He doesn't need an action of Council, Council just needs to realize that we will be overspending the project line items and thereby decreasing our unappropriated amount of money. By doing this we can fund all of those projects. Again, the unappropriated account will be affected, however, after looking over the last two years of the General Fund, the unappropriated account balance was about \$200,000.00 more when we started a new year, and that simply means all the line items in the first fourteen pages of the General Fund, roughly \$200,000.00 isn't spent. So, the unappropriated amount could potentially drop to \$120,000.00, but he strongly feels the Borough will still be ok with that amount. A decision does need to be made on the North Eighth Street/Hufnagle Boulevard Project tonight. Unfortunately these two streets were bid together as one project, so we cannot split it. We could rebid, but then you run the risk of the prices coming in higher because they were separated. The North Eighth Street Project is a result of the LARA purchase of the Rail/Trail, whereby the PUC requires a municipality take control of the crossing when abandoned by the Railroad; we had until this year to renovate both Seventh and Eighth Streets. An extension request was submitted to the Pennsylvania Public Utility Commission (PUC) and it was approved, so the Borough now has until next year. One other concern is he doesn't want to see Council choose to not do a project this year, then see a carryover, and think that the Borough has \$300,000.00 just sitting there - that would not be the case just because we decided not to do a project. He isn't saying now, in the month of June, there is a need to raise taxes. He strongly feels we should be able to get through this year, doing these projects, with an adequate carryover into next year. But, he wants Council to recognize and fully understand that hardly any of the money being used for the 2011 projects actually came from the General Fund. There was **much** discussion. Mayor Wagner stated the wall along South Fifth Street is going to be beautiful and she feels property values will be affected in a positive way. Manager Smith explained that the South Fifth Street Project will probably be one of the last total reconstructions, as this Borough cannot afford them. Unfortunately the longer a street is let go, the more money is needed to bring them back to life. He doesn't like quick seal coats, which have happened in the past, but if they hold up this Borough may not have a choice.

**MAYOR:** Mayor Wagner announced there will be 25,000 to 30,000 people here Saturday for the Fourth of July Parade and this town has a lot to show off. She detailed the many, many scheduled events taking place starting Thursday, June 23<sup>rd</sup> and continuing into the weekend. Councilmember Morris thanked the Fourth of July Committee for their hard work and dedication to make this Fourth of July celebration another memorable one. Mayor Wagner recognized Betty Cook and Graham Showalter. (Council applauded the committee's efforts.) She pointed out Chief Yost officially signed his contract as Chief of the Buffalo Valley Regional Police Department. Chief Yost reported he talked with the East Buffalo Township Police Department, there are challenges ahead, but we are moving right along. Mayor Wagner acknowledged Corporal Burrows for being recognized by the State Police as part of a recent apprehension of a suspect.

**POLICE CHIEF:** Chief Yost reported the Police Department is ready for this weekend's events. He acknowledged receipt of a Certificate from the Pennsylvania Aggressive Driving and Enforcement Education Program for the Department's contributions in 2010, and reported the two new Police cars have arrived. Councilmember Mahon questioned the graphics on the new cars. Chief Yost indicated he is currently working on the graphic design, which he is trying to coordinate so we can simply change "Lewisburg" to "Buffalo Valley Regional" Police Department.

**COUNCIL PRESIDENT:** Council President Bergonia had no report.

**MAYOR**

**POLICE CHIEF**

**COUNCIL  
PRESIDENT**

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**SOLICITOR:** Solicitor Lyons indicated he has the final version of the Lewisburg Area Recreation Authority (LARA) Loan Agreement; it is ready to be signed by all parties.

**MANAGER:** Councilmember Baker made a motion, seconded by Councilmember Casimir, to award North Eighth Street/Hufnagle Boulevard contract to Fairchild Brothers, Inc., for the unit price bid amount of \$154,327.90, subject to receipt of acceptable performance and payment bonds, and the review and approval of Engineer and Solicitor. **ON THE QUESTION:** Councilmember Molesevich asked if we are doing these projects this year as the motion doesn't specify. Manager Smith said 2011. Councilmember Strosser asked if the Manager is comfortable with the budget. Manager Smith said yes. Councilmember Casimir asked if the Manager will be coming to Council with concerns about the carryover into 2012. Manager Smith stated he is comfortable with his recommendations, as presented: Ikler Street being done in 2012, the Borough using some Highway Aid Funds for the South Fifth Street Project, which will require PennDOT approval, and the use of the unappropriated funds. Councilmember Morris stated she has raised many questions about the expenditure of monies for these projects and is quite concerned with the carryover and the possibility of having to raise taxes. She certainly will not support raising taxes, so this may be the first year we will be looking at the necessity of borrowing money should the carryover not come through as our Manager has projected. Councilmember Molesevich asked if Councilmember Morris is saying she wants this work done next year. Councilmember Morris said no, as she supports the Manager's recommendation to do the work this year; however, she is still concerned. Councilmember Strosser asked how the bid amount compared to the estimate. Manager Smith said it was \$40,000.00 less. Manager Smith explained the Borough will not gain anything by waiting, and if anything, will lose. Motion was unanimously approved.

Councilmember Casimir indicated he had to leave the meeting (8:00 PM), but wanted to state that Brian Gockley, who resigned from the Shade Tree Commission, served for nine years and did a great job during that time.

Councilmember Morris made a motion, seconded by Councilmember Baker, to approve Confirmation of Assignment to HRG, Inc. in the amount of \$40,000.00 for engineering services to be performed on the PennDOT Transportation Enhancement Grant (Market and Second Streets/Bulb-out Project). **ON THE QUESTION:** Councilmember Morris asked if this expense was included on the 2011 Project Discussion Sheet. Manager Smith said yes and explained there wasn't a recommendation from the Public Works Committee. He was asked to review this with the engineer to see if a better price could be offered. After discussing this with our engineer, he now understands that some of this cost covers work already performed, so the engineer is not comfortable changing the amount. Also, the last time the Borough performed bulb-out work we submitted procurement information, as required by PennDOT, to get an engineer and it ended up being HRG, Inc. and they performed the resident inspections. This time changes were made to PennDOT regulations, so he will be coming back to the Public Works Committee to develop appropriate advertising to acquire an engineer that will meet PennDOT's standards. Councilmember Strosser asked who pays for this. Manager Smith said the Borough does, using our grant. Motion was unanimously approved.

Councilmember Morris made a motion, second by Councilmember Baker, to accept the resignation of Brian D. Gockley from the Shade Tree Commission, with an appropriate thank you for his many years of service. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Baker, to accept the resignation of Dr. Richard McGinnis from the Traffic Advisory Committee, with an appropriate thank you for his many, many years of service. **ON THE QUESTION:** Mayor Wagner stressed the impact Dr. McGinnis has had on this Borough is immense; he continuously would lend his expertise, his students, etc. for services that would have cost this Borough a lot of money and did so graciously and patiently. Councilmember Molesevich asked the Mayor and Council President to send a Certificate of Appreciation to Dr. McGinnis. Motion was unanimously approved.

**OLD BUSINESS:** There was no old business.

**NEW BUSINESS:** Councilmember Molesevich reported a sick tree on the northeast corner of the bulb-out on Third Street in front of the tanning salon.

Manager Smith stated he informed the Public Works Committee that he is reviewing the code enforcement procedures with regard to billing. He met with Jim Emery, who will be in attendance at the next Public Works Committee meeting. He has learned the Borough's software system is capable of handling code enforcement billing, similar to the refuse billing system, and his next contact will be Solicitor Lyons for help with the establishment of fees, etc.

**SOLICITOR**

**MANAGER**  
**AWARD OF**  
**NORTH EIGHTH**  
**STREET AND**  
**HUFNAGLE**  
**BOULEVARD**  
**PROJECT**

**CONFIRMATION**  
**OF ASSIGNMENT**  
**TO HRG, INC.**  
**FOR PENNDOT**  
**TRANSPORTA-**  
**TION**  
**ENHANCEMENT**  
**GRANT/MARKET**  
**STREET AND**  
**SECOND STREET**  
**BULB-OUT**  
**PROJECT)**

**RESIGNATION/ B**  
**GOCKLEY FROM**  
**SHADE TREE**  
**COMMISSION**

**RESIGNATION/**  
**DR. R MCGINNIS**  
**FROM TRAFFIC**  
**ADVISORY**  
**COMMITTEE**

**OLD BUSINESS**

**NEW BUSINESS**

**CODE**  
**ENFORCEMENT**  
**PROCEDURES/**  
**BILLINGS**

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Councilmember Molesevich said the Code Enforcement Officer is to bring an update to the Public Works Committee on the abandoned building on South Fifth Street. Mayor Wagner reminded the Manager we have an abandoned property at 725/727 St. Louis Street. Solicitor Lyons confirmed Code Enforcement has talked to him about those two properties, which have the same owners, and there is one more.

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

**WORK SESSION:** Council President Bergonia announced there will be a work session on July 12<sup>th</sup> to meet with the Borough's representatives on the Lewisburg Area Recreation Authority (LARA).

There being no further business, Councilmember Morris made a motion, seconded by Councilmember Mahon, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 8:15 PM.

Respectfully submitted,

Patricia M. Garrison  
Borough Secretary

**ABANDONED  
BUILDINGS**

**WRITTEN  
REPORTS**

**WORK SESSION**

**ADJOURNMENT**