

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, June 21, 2016**, in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Cook, Cox, Derman, Frederick, Mahon, Morris and Yohn; Mayor Wagner, Solicitor Lyons, Manager Lowthert, and Secretary Garrison. Absent: BVRP Chief Yost. Also present: Matt Farrand, Teri Provost, Aaron Troisi, Jessie Malin, Henry Harrison, Mariah Lofgen, Manny Rothman, Jake Rothman, Jacob Feverstein and Olivia Contri.

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

APPROVAL OF MINUTES: Motion was made by Councilmember Cook, seconded by Councilmember Yohn, to approve the minutes of the May 17, 2016 regular monthly meeting. Motion was unanimously approved.

PUBLIC HEARING/CDBG FUNDS: Council President Bergonia adjourned the regular order of business to conduct the first public hearing on the 2016 CDBG Funding. He called the public hearing to order at 7:05 PM.

Teri Provost, SEDA-COG, stated she will be administering the Community Development Block Grant (CDBG) Program for Union County on behalf of Lewisburg Borough. The other participant is Kelly Township. These are federal funds that come through the Department of Housing and Urban Development (HUD) and are administered through the Department of Community and Economic Development (DCED). The Community Development Plan is a three year plan that includes the Borough in the Union County application. Tonight's public hearing is the first for the 2016 CDBG Program and has been advertised throughout the Borough to let the public know Council is looking for projects/ideas. Eligible activities are a whole gamut of different activities, and the only thing you really can't do is general purpose government activities or routine maintenance and repair. The fundability criteria that must be met: 1) benefit low and moderate-income persons, which is how most CDBG projects are funded; 2) removal of blighting influence in a community (i.e. six block area: Seventh Street to Fifth Street and Market Street to Bucknell University was determined by Council several years ago to be in jeopardy of becoming a blighting influence on the community); and 3) urgent need. The low to moderate-income persons and slum and blight initiatives are what we are using in the Borough currently. She noted no more than 30% of the County allocated funds can go to slum and blight. Unfortunately there are very few urgent need projects undertaken in the CDBG Program as a natural disaster would have to be declared and disaster recovery is a little easier. The 2016 CDBG funds available to the Lewisburg Borough equal \$97,650.00 and the administrative fees assessed for SEDA-COG is 18% of that or \$17,570.00. This year when you get your professional services agreement, you will see a change as the ads for environmental reviews will actually be included. The CDBG Application Preparation Schedule for Union County was provided and the Entitlement Program was explained. There are requirements imposed by the program, first is the Preference Statement, which is located on the bottom of the agenda and is unique because with CDBG monies you are allowed to include language in your bid documents indicating you may choose to give preference to low income individuals/businesses that fall under the Section 8 Guidelines for Union County and that amount is \$32,050.00. Then attached you will see the Fair Housing Notice, which is advertised every year and adopted by Union County, the Residential Anti-Displacement and Relocation Assistance Plan, which she pointed out we have no intentions to displace anyone, and the Section 504 Outreach which is essential and basically says the Borough has an obligation when receiving federal monies to make sure accessibility needs are met. The Borough has identified several different curb cuts, Borough wide, and currently we are working in Ward I. We are working on the northern end of St. Anthony Street; that bid should be in the paper this week. She said we also have done the South Sixth Street area as slum and blight, as Council passed a resolution for this specific area of Market Street to St. George Street to Limestone (Bull Run) to Ludwig Alley. From an eligibility standpoint, there is nothing we cannot do there. She asked the public and Council if there are any ideas or projects they would like to submit for consideration.

Henry Harrison, 138 Dogwood Lane, said he is here as part of a community group interested in making improvements to this community; could this funding could be used for recycling bins downtown. There are no recycling bins downtown.

Ms. Provost explained with CDBG monies, the fundability requirements she covered this evening would be impossible to meet; Lewisburg Borough is not LMI (low to moderate income) community.

Councilmember Derman asked how a project can be eligible, but not fundable.

Ms. Provost said a project has to be reviewed in two phases, the first for eligibility, as explained earlier and this would be an eligible project; however, the second is it then has to be reviewed to see if it meets the funding criteria also explained earlier, meaning it would have to: 1) benefit low and moderate-income persons, 2) be removal of blighting influence in a community, or 3) be an urgent need. This project does not meet the funding criteria.

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

CDBG PUBLIC HEARING

**TERI PROVOST/
SEDA-COG
(DISCUSSION OF
2016 CDBG
FUNDING/
PROJECTS)**

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Manager Lowthert clarified the purchase of the recycling bins as a project would be eligible under the CDBG Program, but you would then have to explain how that would benefit low to moderate income persons in this community; that is the fundability test. When we do the curb cuts with the truncated domes at the intersections, we do not have to prove to DCED that the curb cut ramp will benefit low to moderate income persons, as there is a presumption that project will be fundable. He said he worked for SEDA-COG, for many years, giving the same speech as Ms. Provost, and CDBG is probably one of the most complicated and overly regulated programs in the federal government, as it's very difficult to find good projects that are *both* eligible and fundable.

Councilmember Derman said there is presumed LMI and a proven LMI. He commented he assumes that Kelly Township, nor East Buffalo Township are considered LMI either. Ms. Provost said in Union County, the only township that is LMI is Kelly Township.

Councilmember Cook asked our Manager if he would talk to this community group in an attempt to help them find a grant or something that would aid in this single stream recycling initiative.

Manager Lowthert said once we are out of this public hearing, he will share other options that are available. The first step he would recommend would be for them to contact Robert (Bob) Huntington, the Union County Recycling Program Manager.

Ms. Provost said at the Public Works Committee meeting there were recommendations for projects that Council may wish to undertake. One was a Borough wide curb cut initiative, which is basically what we have been doing for the last two years, but they are looking to expand outside of Ward I. Manager Lowthert said we were looking to see where there are no curb cuts at a pedestrian access route and our Streets Foreman provided with a list of six to eight locations for our 2016 CDBG funds. He will mention one as an example. On Fourth Street, when you exit the municipal parking lot and head west across Fourth Street you come right to a curb. Councilmember Mahon asked the cost of a ramp. Ms. Provost estimated about \$5,000.00. Manager Lowthert said it depends upon the slope that is needed and how complicated the intersection is; his guess would be \$3,000.00 to \$6,000.00 per ramp, so an intersection would be approximately \$24,000.00. Ms. Provost said another recommendation was to continue with South Sixth Street under slum and blight. Councilmember Mahon asked what specifically could be done there. Ms. Provost said there is a lot of work that could be done out there, but discussions have been around street trees, drainage work, milling and paving, curbing and sidewalks. Manager Lowthert commented there are two alleys we are looking at improving, specifically White Pine Alley and James Alley. We would want to make the underground improvements before we would do any milling/paving work. So, if we end up getting the DCNR grant and are able to do some work on the FEMA properties over there, we might be able to install flapper gates to prevent water from coming up in to the storm system and flooding out the grates. Unfortunately we don't have a large sum of money, so there isn't a lot we can do.

Ms. Provost said last year we did a 60/40 split of the funding, 60% going into South Sixth Street and 40% going into the curb cuts; the Borough still has the funding from 2015 as well. She asked if there are any potential historical or environmental issues or impacts. There was no response. Ms. Provost thanked Council for their time.

Manager Lowthert said at the regular monthly meeting on July , Council is going to have to officially take action on what projects they want to fund and how much for each project. We will talk more about this at the Public Works/Police Committee meeting, but the decision must be made at the July meeting.

Council President Bergonia asked if there is anyone else that would like to speak. No one wished to speak. Council President Bergonia declared the public hearing closed at 7:30 PM. He reconvened to the regular order of business.

PUBLIC PARTICIPATION: Henry Harrison, 138 Dogwood Lane, said he is part of a local group invested in making improvements in our community. The group is called Active Millennials for Progress (AMP) and our first project is placement of single stream recycling containers downtown along Market Street. Manager Lowthert said he was the Township Administrator in Bloomsburg and they had a very active recycling program. He offered a couple of suggestions, noting he isn't trying to discourage this, but when you put a recycling container out there, you end up getting dirty diapers, etc. in them, which contaminates the recyclables. These recyclables then end up going into the general trash. What you may want to think about is looking at the recycling containers that are project specific, meaning a container that has an opening that will only allow a specific item in it (i.e. an aluminum can, a glass bottle or a plastic bottle), as this somewhat prevents people from trying to shove their McDonald's trash bag in there. In the area you are talking about, single stream may not be the best way to go. He pointed out there may be grants available, but most are 50/50 grants, so you will need to start thinking about where you are going to get the 50% match monies which you will be responsible for (i.e. fundraising, businesses sponsoring a container, or the Borough by way of taxes meaning the taxpayers would pay). Councilmember Morris asked once these

(PUBLIC HEARING
CLOSED)

**PUBLIC
PARTICIPATION
HENRY HARRISON**

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containers would be there, who would maintain them. Manager Lowthert said probably the Borough's refuse crew would be asked to empty them, which is not an unreasonable request, but the Borough would have to be sure we had staffing and appropriate means to transport. He provided the names of a several individuals involved in recycling that might be able to help AMP, and also provided his business card indicating that anyone in this group that wishes to speak to him in more detail can certainly contact him.

PUBLIC WORKS/POLICE COMMITTEE: Council received the Buffalo Valley Regional Police Department's (BVRPD) monthly report. Mayor Wagner reported that the BVRPD begins union negotiations tomorrow.

Manager Lowthert reported that the Buffalo Valley Recreation Authority (BVRA) has submitted a Use/Possession/Consumption of Beer and/or Wine Permit Application; specifically they are looking for permission tonight for a BYOB in the warming house (warming house area is fenced in) for a Kickball for Adults event June through July, but BVRA also has several others they want Council to consider. If you recall this is a new ordinance enacted in December of last year. The application requires a \$250.00 fee per event and the BVRA is requesting that Council consider all the activities they plan to hold there this summer as fundraisers to be one single event. Clearly, they do not want to pay out all their profits in permit fees. Solicitor Lyons indicated the ordinance clearly provides Council with the ability to waive or consolidate; it is quite flexible. Stacey Sommerfield gave examples of the events, noting some are very small, and she confirmed they will be able to meet all the requirements of the ordinance. Manager Lowthert pointed out that once Council allows one non-profit organization to do this, you may be faced with other non-profit organizations requesting the same review; he is thinking of the fraternities who may or may not be able to meet the ordinance requirements. You aren't necessarily setting a precedent here, but you may face criticism in the future if you allow one group to do it and not another. Solicitor Lyons clarified that the ordinance clearly indicates Council has the ability to waive or consolidate, but what the Manager has pointed out is absolutely correct. He clarified that the BVRA is definitely a different entity from the standpoint that Council funds them; so if BVRA is making money through fundraisers, that is a good thing for our taxpayers. Manager Lowthert said this is new and we will be able to see how this works out. Ms. Sommerfield stated that the yearly budget of the BVRA is \$850,000.00; BVRA receives \$157,000.00 from Lewisburg and East Buffalo, making them responsible for the difference. Councilmember Morris asked if the Borough has any additional expenses, for example clean-up. Ms. Sommerfield said we have our own facility and we have our own paid staff and that is what sets us apart from other organizations or a fraternity. Manager Lowthert said there are administrative costs, but they are not substantial. There was **much** discussion. Solicitor Lyons asked if BVRA obtained the necessary permit from the Pennsylvania Liquor Control Board (PLCB). Ms. Sommerfield said not yet, as she wanted to hear Council's response first, before doing the paperwork for the PLCB permit. Manager Lowthert clarified this permit will not be issued by the Borough without all the ordinance requirements being met.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to approve of the BVRA's Use/Possession/Consumption of Beer and/or Wine Permit Application, specifically for Kickball for Adults event June through July on Mondays and Wednesdays in the Warming House Field on St. Mary Street, upon receipt of the \$250.00 fee, and Council will consider the concept of waiving this fee for future events this summer held by BVRA by consolidating them, based upon the outcome of this approved event. Motion was unanimously approved.

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve HARB items a, b, and c, as submitted and recommended by HARB. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve HARB item d, as submitted and recommended by HARB. Motion was approved with one abstention; Councilmember Cook abstained from voting as he had a financial interest in the action before Council.

a. Terry Light/112 Market Street/Roof. An application was submitted to and reviewed by HARB for a replacement roof. A motion was made by Rob Cook, seconded by Steve Snook, to recommend approval of the replacement roof as described in project description of the HARB application and as shown on the information page attached, specifically, architectural shingles or similar to replace the existing slate roof. Motion was unanimously approved.

b. Gary Peck/310 Market Street/Sign. An application was submitted to and reviewed by HARB for a replacement sign. A motion was made by Steve Snook, seconded by Rob Cook, to recommend approval of the replacement sign, as described in the project description of the HARB application and as shown in the picture attached to the application, contingent upon said sign meeting all requirements of zoning, specifically size requirements. Motion was unanimously approved.

c. Tiffany Gallo-Funk/204 Market Street/Signs. An application was submitted to and reviewed by HARB for a sign. A motion was made by Elaine Wintjen, seconded by Steve Snook, to recommend approval of the sign, as described in the project description of the HARB application and as shown in the picture attached to the application, contingent upon said sign meeting all requirements of zoning, specifically size requirements. Motion was unanimously approved.

PUBLIC WORKS/POLICE COMMITTEE
BVRPD MONTHLY REPORT

SUBMISSION OF USE/POSSESSION/ CONSUMPTION OF BEER AND/OR WINE PERMIT APPLICATION FROM BVRA

BVRA APPLICATION APPROVED FOR KICKBALL FOR ADULTS EVENT

COMMUNITY DEVELOPMENT/ PLANNING COMMITTEE
HARB

T LIGHT

G PECK

T GALLO-FUNK

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d. Robert Cook-Kathy Graham/124 St. George Street/Accessory Upgrades. An application was submitted to and reviewed by HARB for accessory upgrades to a summer kitchen and a garage. A motion was made by Steve Snook, seconded by Mary Mastascusa, to recommend approval of accessory upgrades to summer kitchen and garage as described in the project description of the HARB application, specifically replacement of roof with exposed fastener, painted metal, and wood siding, with maintaining existing door maintained, as described in the project description of the HARB application, and as shown in the pictures attached to the application, with the summer kitchen being the next project with all the same materials being used for that also, said wood siding to be painted and/or stained within one year. Motion was approved with one abstention; Rob Cook abstained from voting.

Councilmember Morris made a motion, seconded by Councilmember Derman, to accept the resignation of Kim Wheeler from the Borough's Shade Tree Commission, with regret. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve Resolution No. 16-04, placement of banner across Market Street (Route 45) for Susquehanna Valley CASA's Superheroes 5K Race/Walk Saturday, September 17, 2016. Motion was unanimously approved.

Councilmember Morris explained the sub-committee established to review the Borough sign ordinance met Wednesday of last week, so we are moving forward. She reminded Council there is a vacancy on HARB (term expiration 12/31/18) and also a vacancy on the Shade Tree Commission (term expiration 12/31/20).

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Cox made a motion, seconded by Councilmember Frederick, to approve the payment of bills from 05/14/16 through 06/17/16 in the amount of \$198,620.44. Motion was unanimously approved.

MAYOR: Mayor Wagner said she got a very nice thank you letter from the Pennsylvania Historic Preservation group; they noted that everyone absolutely loved Lewisburg. Councilmember Mahon said they also did a video thank you that can be found on the Lewisburg Downtown website. Mayor Wagner updated Council on many other various events/issues.

COUNCIL PRESIDENT: No report.

SOLICITOR: No report. Manager Lowthert said an executive session will be needed at the end of this meeting. Solicitor Lyons indicated this would be for a pending legal issue.

MANAGER: Manager Lowthert indicated he is looking for a motion of Council for the award of the 2016 Streets Project; work consists of miscellaneous drainage work and paving and will be paid from the Liquid Fuels Fund. The parking lot repaving, which was included in this bid, has not been recommended for award, as the roof on this building is the priority. The Lewisburg Area Joint Sewer Authority (LAJSA) contacted the Borough because they have sewer line replacement work on Fifteenth Street. Obviously they need to perform their work first; staff talked with the contractor asking that they schedule the paving work on Fifteenth Street as late in the season as possible to allow as much time as possible for settling to occur as possible.

Councilmember Cox made a motion, seconded by Councilmember Morris, to award the 2016 Street Projects Contract, specifically items 1 through 5 Base Bid amounts for St. Anthony Cul-de-sacs, Seventh Street, St. George Street, Fifteenth Street, Water Street, respectively, to New Enterprise Stone & Lime Company, Inc., in the total amount of \$239,833.80, subject to receipt of acceptable performance and payment bonds and contingent upon the review and approval of the Borough Solicitor and Borough Engineer. Motion was unanimously approved.

Councilmember Cook asked if the Northshore Railroad owns the railroad bridge on St. George Street; he would like to see it look better. Manager Lowthert said we can ask, but we do not have the authority to make them comply.

OTHER COMMITTEES: Council President Bergonia reported he is happy to report there is a lot of work being accomplished by the BVRA.

Councilmember Morris indicated the LDP is in the process of interviewing candidates for the Executive Director position.

Mayor Wagner said there should be information with regard to the Town and Gown Committee closer to the fall.

Councilmember Derman reported the LNC met this month, but there is no report. Manager Lowthert reminded everyone the work session in July on the at 7 PM will be for the LNC to update Council on the progress/findings of the Flood Impact Task Force.

Manager Lowthert said many letters have been sent out regarding Ash trees that are dead/dying and dangerous. Some of these trees are Borough shade trees located between the curb and sidewalk, and some are in the backyards of properties. He has the Code

R COOK/K GRAHAM
RESIGNATION OF K WHEELER FROM STC
SUSQUEHANNA VALLEY CASA SUPERHEROES 5K BANNER (RESOLUTION NO. 16-04)
SUB-COMMITTEE FOR REVIEW OF SIGN ORDINANCE UPDATE
ADMINISTRATIVE/FINANCE COMMITTEE PAYMENT OF BILLS
MAYOR
COUNCIL PRESIDENT
SOLICITOR
MANAGER
2016 STREET PROJECTS BID AWARDED TO NEW ENTERPRISE STONE & LIME COMPANY IN AMOUNT OF \$239,833.80
ST. GEORGE RAILROAD BRIDGE
OTHER COMMITTEES BVRA
LDP
TOWN AND GOWN
LNC UPDATE BY LNC ON FLOOD IMPACT TASK FORCE FINDINGS AT WORK SESSION IN JULY
STC UPDATE ON ASH TREE TREATMENT

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Enforcement Department looking into those located on private property. There were three Ash trees in Hufnagle Park not originally included in the Ash Tree Treatment Program, but they have been added because there is a good chance they can be saved. Unfortunately, the Borough crew had to remove three other Ash trees from Hufnagle Park that were dead and could not be saved. Councilmember Cook asked how the treated trees are doing. Manager Lowthert confirmed that the treatment is keeping them alive; the arborist said without the treatment, the Ash trees would have been dead or nearly dead by now. Originally it was thought we would only have to do two treatments, one in 2014 and one in 2016; everyone was hopeful that the beetle would be gone because all Ash trees would be dead. However, now it appears as though all the Ash trees will not be gone, which means the beetle will still be here. The result is that we are probably looking at another round of treatment in 2018.

Council President Bergonia indicated things are going very well at the CK-COG; they are extremely busy. Manager Lowthert indicated David Hines is going to be back again in August to talk about the recommended zoning fee increases.

Councilmember Morris said the Community Garden Committee is scheduled to meet tomorrow evening; however, she is unavailable to attend due to meeting with an Executive Director candidate for the LDP.

Councilmember Cox reported there was just a two hour meeting with an attorney from Williamsport to review the proposed intergovernmental agreement with the Fire Company; discussions will continue and they are definitely leaning toward a per person contribution.

OLD BUSINESS: None.

NEW BUSINESS: None.

WRITTEN REPORTS: Councilmember Morris made a motion, seconded by Councilmember Derman, to acknowledge receipt of the Budget Index, Parking Report, Code Enforcement Officer Report and Zoning Officer's report. Motion was unanimously approved.

WORK SESSION: Council President Bergonia confirmed a work session will be held on Tuesday, July for the LNC presentation, as discussed earlier this evening.

Council President Bergonia called for a five minute recess at 8:15 PM. Council returned at 8:20 PM.

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

Council entered executive session at 8:20 PM. Council returned at 8:40 PM

There being no further business, Councilmember Cox made a motion, seconded by Councilmember Cook, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 8:40 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

CK-COG

COMMUNITY GARDEN COMMITTEE

MACAC

OLD BUSINESS

NEW BUSINESS

WRITTEN REPORTS

WORK SESSION

RECESS

LEGAL ISSUE FOR A PENDING LITIGATION MATTER

(EXECUTIVE SESSION)

ADJOURNMENT