

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held at 6:30 PM on **Tuesday, July 17, 2018** in the Council Chambers, 55 South Fifth Street, Lewisburg. Present: Council President Morris; Councilmembers Derman, Frederick, Heayn, Mahon and Medina; Mayor Wagner, Solicitor Lyons, Manager Lowthert, Secretary Garrison and Police Chief Yost. Councilmember Yohn arrived at 6:35 PM. Absent: Councilmember Comas and Junior Councilmember Ezra Buonopane. Also present: Yvonne Morgan, James Morgan, Rick Dandes, John Walsh, Eileen Pannell, Nancy Steckel, Kevin Gardner, J. Bringman, Father Mark Wilke, Tom Egan, Matt Farand, Richard Owen, Tina Owen, Tina Prowant, Carolyn Conner, Matt Ostrowsky, Barbara Kalin and Jacob Feverstein.

Manager Lowthert explained the Non-Discrimination Ordinance (NDO) is not on the agenda this evening, but he was informed it may be ready for presentation at the Community Development/Planning Committee meeting on August 16th. He made arrangements for the use of the Training/Classroom at the Fire Department Support Center on North Fifth Street should the NDO be ready on that date, and will also post this on the Borough's website and the Borough's Facebook page.

CALL TO ORDER: Council President Morris called the meeting to order at 6:30 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 June 19, 2018 regular monthly meeting. Motion was unanimously approved.

COUNCIL PRESENTATION(S): None.

PUBLIC COMMENT(S) ON ANY AGENDA ITEM: None.

PUBLIC WORKS/POLICE COMMITTEE: Council received the Buffalo Valley Regional Police Department's (BVRPD) monthly report. Councilmember Mahon asked when National Night Out will be held. Chief Yost said it is always the first Tuesday in August.

Councilmember Mahon made a motion, seconded by Councilmember Derman, to accept Larson Design Group (LDG) surveying and engineering services proposal for the Borough Hall Parking Lot Renovations in the amount of \$5,700.00. Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Derman, to approve the design and bid document preparation and authorize the advertisement for bid of the Borough's second round of 2018 Streets Projects consisting of the following streets: South Third Street from Market Street to St. Louis Street; Cherry Alley from Linn Alley to North Seventh Street; James Alley at the South Sixth Street intersection; South Eighth Street from St. Louis Street to St. Catharine Street; St. Catharine Street from South Seventh Street to west of South Eighth Street and a small portion of Bell Alley; and Borough Hall parking lot. Motion was unanimously approved.

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Derman made a motion, seconded by Councilmember Heayn, to approve the payment of bills from June 16, 2018 through July 13, 2018 in the amount of \$204,801.93. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Heayn, to adopt Resolution No. 18-08, a resolution authorizing the Council President to sign and submit on behalf of the Borough a Letter of Amendment (LOA) to increase the maximum reimbursable amount to Lewisburg Borough from \$539,000.00 to \$556,000.00 to cover the costs associated with the Adaptive Signal Project. Motion was unanimously approved.

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE: Councilmember Yohn made a motion, seconded by Councilmember Heayn, to approve HARB items a through c, as submitted and recommended by HARB per their minutes dated July 10, 2018. Motion was unanimously approved.

a. Anthony DeWald-Live Well Adjusted Chiropractic/200 Market Street/Signs. An application was submitted to and reviewed by HARB for a new sign. Motion was made by Ted Strosser, seconded by Elaine Wintjen, to recommend approval of the sign next to the entry door, as depicted in the drawing in the project description of the HARB application, and as shown in the photos attached to the HARB application. Motion was unanimously approved.

b. Timothy-Deborah Faulk/210 South Seventh Street/Windows. An application was submitted to and reviewed by HARB for replacement windows. Motion was made by Ann Hilliard, seconded by Elijah Farrell, to recommend approval of the new windows, as described in the project description of the HARB application and as shown in the drawing attached to the HARB application, said replacement windows to be the same size, double hung, one over one with no divided lights. Motion was unanimously approved.

c. Luis-Lessby Nadal/828-830 Market Street/Gutters-Pavers-Fence. An application was submitted to and reviewed by HARB for gutters, downspouts, driveway, fence and gate. Motion was made by Elijah Farrell, seconded by Ann Hilliard, to recommend approval of the copper gutters and downspouts, driveway, and privacy fence and gate, as described in the project description of the HARB application and as shown in the photos attached to the HARB application, with requirement of front two sections of wood fence being painted and/or stained within one year, and rear fence preferred by HARB to be wood (required to be painted and/or stained within one year), but HARB recognizes that vinyl is acceptable since the rear fence will not be visible once the front fence has been installed. Motion was unanimously approved.

Councilmember Yohn made a motion, seconded by Councilmember Derman, to adopt Resolution No. 18-09, a resolution to appoint Arthur G. Schaeffer as an alternate member of the Zoning Hearing Board for a term of three years; term expiration will be December 31, 2020. Motion was unanimously approved.

<u>ATTENDANCE</u>
NON-DISCRIMINATION ORDINANCE (NDO)
<u>CALL TO ORDER</u>
<u>APPROVAL OF MINUTES</u>
<u>COUNCIL PRESENTATION(S)</u>
<u>PUBLIC COMMENT(S) ON ANY AGENDA ITEM</u>
<u>PUBLIC WORKS/POLICE COMMITTEE BVRPD</u>
LDG ENGINEERING PROPOSAL FOR BOROUGH HALL PARKING LOT RENOVATIONS APPROVED
DESIGN/BID DOCUMENT PREPARATION/ADVERTISEMENT APPROVED FOR SECOND ROUND OF 2018 STREETS PROJECTS
<u>ADMINISTRATIVE/FINANCE COMMITTEE PAYMENT OF BILLS</u>
AUTHORIZATION OF LOA/ADAPTIVE SIGNAL PROJECT (RESOLUTION NO. 18-08)
<u>COMMUNITY DEVELOPMENT/PLANNING COMMITTEE HARB</u>
A DEWALD
T-D FAULK
L-L NADAL
A SCHAEFFER APPOINTED ALTERNATE ON ZHB (RESOLUTION NO. 18-09)

July 17, 2018

Manager Lowthert reminded Council that there is a vacancy on the Planning Commission, as well as on the HARB. Anyone interested in serving should contact the Borough Secretary or Borough Manager.

PUBLIC COMMENT(S) ON ANY NON-AGENDA ITEMS: Council President Morris indicated that Yvonne Morgan has requested to speak this evening.

Yvonne Morgan, a Borough resident, said she spent many hours talking to people, as well as some Councilmembers, about this NDO. She talked to many businesses and they do not feel they discriminate and her position is that there isn't a need for this in our community as we are already an inclusive community. She shared details on why this is her position. Everyone has a right to choose who they do business with. And, as a Christian she believes God has the right to judge, that isn't for her to do. We are a small Borough and we cannot afford a lawsuit, locally or federally. She reminded Council that she previously shared Fred Martin's comments regarding the expenses should lawsuits come into play. A dear friend, Jack Fairweather, once told her many years ago during a situation involving a lawsuit, that if you win, you will lose. She believes that will be the situation this Borough Council will be faced with if this NDO is pursued. What is being created here is a lot of animosity for fear of what might happen and if we do not have a problem here, let's not create a problem here. We want to be supportive of each other as neighbors and if you wanted to pursue a resolution on a statement of unification, she would be willing to help write it. Let's not create something that we cannot enforce or that will be a huge liability to our small community. She wants everyone to get along, and to push for an ordinance without evidence will create that no win situation.

Manager Lowthert said we believe the next draft of the NDO will be before the Community Development/Planning Committee meeting on August at 5 PM. We have already tentatively scheduled use of the training classroom at the Fire Department's Support Center and when we know for sure that we will have another version of this proposed ordinance, we will be sure the information is on Facebook, as well as the Borough's website.

John Walsh, a 46 year resident of this Borough, said he believes every human being should be treated with respect and dignity; but he too opposes the NDO. It smacks of coercion and points at personal liberties, particular those faith related. Lewisburg is a very welcoming community and has always had a live and let live attitude. If this ordinance is enacted it will polarize this community and tear it apart and he's talked to others who feel this way.

Kevin Gardner, a Lewisburg business owner, asked if the Council meeting agenda could be placed on the Borough's website. Manager Lowthert said he can't see why that cannot be done. However, tonight's agenda was not finalized until earlier today. It was the sense of Council that the Council agenda be posted on the website whenever possible.

Tom Egan, a Borough resident, said he is here to talk about pedestrian safety. He registered a complaint in June about the traffic signal at the intersection of Route 15 and St. Mary's Street noting this issue has not been rectified. The Borough's action/inaction has created obstacles to pedestrians in our community, i.e. sidewalks crowded with outdoor seating, missing or broken sidewalks, unexpected traffic signal behavior, unsafe pedestrian crossings; there isn't even a safe approach to this meeting room. The Borough places an emphasis on trimming trees over the streets, but what about over the sidewalks. Union County did a study of the Route 15 Corridor in cooperation with PennDOT, EBT, Lewisburg Borough and the Union County Planning Commission and pedestrian safety was addressed, but nothing has happened other than sidewalk installations due to development plans. Visibility at the intersection of Seventh and St. Mary Streets is bad. He asked that Council consider adopting a resolution to prioritize the identified pedestrian issues, see if funding is available, and undertake projects to remediate the issues with the proper oversight to be sure projects are completed properly. Manager Lowthert commented there will be some corrective actions to the adaptive signals as a result of Council's adoption Resolution No. 18-08. There was **much** discussion. Council President Morris asked that this be placed on the Public Works/Police Committee agenda.

Father Wilke, Sacred Heart Church, said he has questions regarding the NDO and would like to know the proper process to submit his questions. Manager Lowthert suggested that Father Wilke email him and he will then forward the email to all the elected officials. Father Wilke asked if there is an up to date draft. Council President Morris said there is not. There was **much** discussion.

A member of the public with a business here in the Borough indicated Councilmember Comas is not here again; is there a number of excused absences? Council President Morris said no. The member of the public asked if a Councilmember can be absent forever and still get paid. Council President Morris said yes. Manager Lowthert stated only the Governor can remove an elected official from their position. He explained that Councilmember Comas made the Borough aware before he was even elected that he had family obligations for these two meetings, July and August, so Council was aware well in advance of these two absences.

Tina Prowant, an EBT resident, said the placement of the pedestrian crosswalk signs in the middle of the road makes it difficult/dangerous when you are turning. Manager Lowthert said PennDOT wants them on the double yellow lines where they are most visible to motorists. The Borough and the LNC decided to place some along the edge of the narrower roads. She thanked Yvonne Morgan for the comment that God is to judge us and we are not to judge one another. She does not want the NDO and shared details on why this is her position, noting there are no issues here.

COMMISSION/
BOARD VACANCIES

PUBLIC
COMMENT(S) ON
ANY NON-AGENDA
ITEM

YVONNE MORGAN

JOHN WALSH

KEVIN GARDNER

TOM EGAN

FATHER WILKE

TINA PROWANT

July 17, 2018

Matt Ostrowsky, an EBT resident, said he would like to speak generally about the NDO. Initially he was alarmed, because we have seen government overstep and push things when there really isn't a need; that had repercussions and he gave an example of the low income housing issue in EBT and the results at the next election. He is not sure that is working all that well. But, whether it was the housing that was shoehorned into EBT or the NDO, which feels like it might be being shoehorned into the Borough, there might be repercussions. He isn't ok with discrimination. Lewisburg Borough is one of the most accepting communities around. Can this NDO be approached in other ways? He is sure it can. We all want to live together and work together, but if you start throwing hand grenades out into the community, unfortunately people will get hurt. He is Catholic and is worried about his faith and about all the different things that can happen. Hopefully we can find a position between commonsense and a possible legal dispute. He thanked Council for the opportunity to share his thoughts.

MATT OSTROWSKY

Council President Morris said we are one community and we respect the opinions of EBT.

MAYOR: Mayor Wagner said Ward III is having a neighborhood picnic; we will all be sharing dishes representing our heritage, and she encourages other wards to do this. She said she, along with the Council President, will be attending the Small Business Development's annual meeting; what an amazing group of people. She also will soon be presenting a new concept to the Borough, a project that could benefit the Borough in great ways.

MAYOR

COUNCIL PRESIDENT: No report.

COUNCIL PRESIDENT

MANAGER: No report.

MANAGER

BOROUGH SOLICITOR: Solicitor Lyons indicated he has an answer to the question posed this evening on Councilmember absences. He said the old rule was that if a Councilmember missed three consecutive meetings without just cause, they could be subject to removal. The new rule is removal by the Governor for reasonable cause after notice and full hearing on the advice of two-thirds of Senate or on conviction of having committed a crime.

BOROUGH SOLICITOR

JUNIOR COUNCILMEMBER: Absent.

JUNIOR COUNCILMEMBER

OTHER COMMITTEES: Councilmember Frederick commented he missed the last BVRA meeting due to a death in his family, but he knows Councilmember Heayn was present. Councilmember Heayn said the EBT Recreation Agreement was reviewed by the BVRA Board. There were substantial components regarding the unilateral nature of contribution reductions on the part of EBT; it was unanimously voted upon to be revised and was sent back to EBT. He said Sandra Cook asked Char Gray if this was a take it or leave it agreement or if there was room for negotiation and Char Gray's response was that she would take it back to the EBT Board. Negotiations will continue.

OTHER COMMITTEES BVRA

Council President Morris said there are some personnel changes within the LDP; Ellen Ruby, who was Special Projects Coordinator, has been appointed as the Acting LDP Executive Director.

LDP

Councilmember Derman said the LNC staff has been on vacation.

LNC

Barbara Kalin, Shade Tree Commission (STC) Chairperson, said when there is no sidewalk and a tree has been planted beyond the tree lawn and sidewalk area, what is the STC's responsibility? And after a shade tree has been planted, who is responsible for the care and maintenance of the tree? Manager Lowthert said the property owner is responsible for the care and maintenance of the tree. Solicitor Lyons said that is correct and the trees in front of properties are subject to the STC regulations when they are within the right-of-way. Manager Lowthert said right-of-ways vary and if Ms. Kalin contacts the Borough Secretary or myself we can provide the right-of-way information for a Borough street. Ms. Kalin said the Pennsylvania Borough Code indicates the cost and expense of caring for shade trees after having been planted or transplanted shall be paid by the Borough. Solicitor Lyons said the Borough's ordinance is what we follow; if a municipality doesn't have a STC or Borough ordinance, they would then follow the State statute. Ms. Kalin said the Borough ordinance reads that the cost and expense of caring for such trees after having been planted shall be paid by the Borough. Manager Lowthert said there is another section within the ordinance that states the property owner is to maintain the trees and that is the way it's always been interpreted. This Borough doesn't have sufficient Staff to maintain all the trees in the Borough. Ms. Kalin said the STC is looking for guidance when the property owners cite Section 332-6. Manager Lowthert explained the Borough trims the tree branches blocking signs and will typically, in the fall, trim branches hanging into the roadway. Councilmember Derman said he believes Ms. Kalin is looking for the section of the Borough Code you are referring to. Manager Lowthert said he wasn't contacted about this in advance of the meeting so he doesn't have the answer tonight. He said Ms. Kalin springing a question on Council and the Solicitor is unfortunate. Ms. Kalin commented she didn't feel she was springing anything, doesn't feel it is unfortunate, and is sorry as that was not the intent.

STC

Manager Lowthert said he has no updates for the CK-COG.

CK-COG

Manager Lowthert said he has no update on the Community Garden Committee.

COMMUNITY GARDEN COMMITTEE

Councilmember Derman reported the MACAC is still waiting for information on the transfer of assets from William Cameron Engine Company to the Central Susquehanna Fire Emergency Services Board.

MACAC

July 17, 2018

ANY ADDITIONAL BUSINESS FROM COUNCIL: Councilmember Frederick stated he would like to resign from serving on the BVRA. He stated he understands that Councilmember Heayn has a desire to serve on the BVRA.

Councilmember Mahon made a motion, seconded by Councilmember Derman, to accept the resignation of Councilmember Frederick from the BVRA, with regret. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Frederick, to appoint Councilmember Heayn to serve as Council's representative on the BVRA, filling the unexpired term of Councilmember Frederick. Motion was unanimously approved.

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

WORK SESSION: Manager Lowthert indicated the August 14th work session was suggested to be used for the discussion/preparation of the proposed 2019 budget. The proposed budget work session dates that were circulated appeared to work with most Councilmembers, so he will be advertising them accordingly.

Matt Farand, a resident and reported from the Standard-Journal, apologized for being disruptive during the meeting trying to get photographs. He asked for all Councilmembers, before they leave the room, to allow him to get a photograph.

There being no further business, Councilmember Derman made a motion, seconded by Councilmember Mahon, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 7:30 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

ANY ADDITIONAL BUSINESS FROM COUNCIL

COUNCILMEMBER FREDERICK RESIGNS FROM BVRA

COUNCILMEMBER HEAYN APPOINTED TO BVRA

WRITTEN REPORTS

WORK SESSION

ADJOURNMENT