

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, July 19, 2011** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Casimir, Cox, Mahon, Molesevich, and Strosser; Mayor Wagner; Chief Yost; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Absent: Councilmembers Baker and Morris. Also present: Dan Greene and Matt Farrand.

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

**APPROVAL OF MINUTES:** Motion was made by Councilmember Mahon, seconded by Councilmember Molesevich, to approve the minutes of the regular Council meeting held June 21, 2011 and the work session held July 12, 2011. Motion was unanimously approved.

**PUBLIC PARTICIPATION:** Jim Buck, Chairman of LARA, reported the LARA members in attendance at the Borough's work session indicated Council wanted more information on the Wine Tasting Fundraiser proposed at the community pool. Leading this effort is Pool Manager Ginger Kiernan, and her tentative date for the event is Friday, September 2nd. Manager Smith distributed an informational sheet that was provided by Jim Buck, and indicated that Council action isn't really needed, as he and the Police Chief have the Block Party Permit which could be used for this proposed event. There was **much** discussion.

Councilmember Casimir made a motion, seconded by Councilmember Strosser, to allow LARA to hold a Wine Tasting Fundraiser at the LARA community pool, using the Block Party Permit, which will require approval of the Chief and the Manager. **ON THE QUESTION:** Councilmember Strosser said this was on the agenda under Police Committee. Manager Smith explained it was discussed at the Police Committee meeting, but there wasn't enough information for them to make a decision. Councilmember Mahon further explained it was then discussed at Council's work session, and again at the Planning Committee meeting. Chief Yost indicated he and the Manager have discussed this at length and his issue comes down to the *allowing* alcohol in a public park. He questioned what will happen when the next group comes along and wants to have a wine tasting or beer tasting in a park? Councilmember Casimir reported this is public property, i.e. a park, but it has an 8 foot fence all the way around it so entering and exiting can be controlled. Council President Bergonia stressed people will not be allowed to leave with any alcohol. There was **much** discussion. Councilmember Molesevich asked exactly how the ordinance for alcohol in a public park reads. Chief Yost said it clearly states no alcohol on Borough owned property. Solicitor Lyons explained the Chief is basically looking for guidance on this as this is something that could grow. Manager Smith said he feels the main issue here is containment. Councilmember Strosser said we did this for Bull Run Inn; they were asked to provide a drawing and plan which had to be acceptable to both the Manager and the Chief. Manager Smith commented the Borough has a recreation agreement for use of a park; however, the Block Party Permit, recently created, is much more detailed and could easily be used for this event. Councilmember Cox said as for the Chief's concerns, it really comes down to a review on a case by case basis. Manager Smith explained there was another request where a specific private business wanted to do wine tasting in conjunction with selling their wines in Hufnagle Park. This business had obtained the PLCB license to sell their wine. Solicitor Lyons said this private business certainly can sell their wine, but it was the public consumption/wine tasting that the Borough had the issue with. Again, there was **much** discussion. Councilmember Casimir stated he would like to be supportive of LARA's fundraising efforts. We have a pool, which is rent-free, and LARA is comprised of our colleagues/allies who want to hold a fundraiser. He strongly feels this would be a great opportunity for Council to show support of LARA. This is very different from a private wedding or a fraternity and this is his opinion. Councilmember Molesevich stressed it may be time for this Borough to review our ordinance either in the Police Committee or the Planning Committee. Motion was unanimously approved.

Jim Buck thanked Council for the lengthy dialogue and really trying to make this work. Manager Smith stated he would contact Kevin Drewencki relative to the permitting process, etc.

Councilmember Molesevich asked about the Meridian Project. Mr. Buck indicated there is still \$1.7 million dollars worth of State grant funding available for streets and intersections, but he doesn't know how the rest of the infrastructure gets built.

Dan Greene, Elm Street Manager, updated Council on the two applications to acquire ten properties and remove structures. Both applications for \$1.4 million were submitted to PEMA, and then they go through FEMA for final approval. One application for five properties was approved, so we started the required environmental and historic review. The second application was reviewed and approved by PEMA, and forwarded to FEMA. Hopefully we will hear something during the fourth quarter of this year, as we are very optimistic that application will be approved as well. There will be three years to complete

**ATTENDANCE**

**CALL TO ORDER**

**APPROVAL OF MINUTES**

**PUBLIC PARTICIPATION**  
**JIM BUCK/LARA**

**COUNCIL APPROVED LARA'S WINE TASTING FUNDRAISER TO BE HELD AT THE COMMUNITY POOL**

**BRIEF UPDATE ON MERIDIAN PROJECT**

**DAN GREENE, ELM STREET MANAGER/ UPDATE ON TWO PEMA/FEMA APPLICATIONS**

Tuesday, July 19, 2011

all the contract activity. Once formal approval and dedicated funding is received, there would have to be meetings with property owners to determine agreements of sale. The actual acquisition and demolition of properties will not happen until one or two years out, as many of these properties have rental contracts/agreements. He thanked Council for their help and support.

A woman (didn't identify herself) said she is a new resident in town and just wanted to see how Council makes this town the wonderful place that it is.

**PLANNING COMMITTEE:** Councilmember Casimir made a motion, seconded by Councilmember Strosser, to approve HARB applications a through g, as submitted and recommended by HARB. Motion was unanimously approved.

**a. Kevin Gardner. 720 Market Street. Sign.** An application was submitted to and reviewed by HARB for a sign. A motion was made by Phoebe Faden, seconded by Mary Mastascusa, to recommend approval of the sign as shown in the project description section of the HARB application. Motion was unanimously approved.

**b. Nisarath Premjai. 512 Market Street. Sign.** An application was submitted to and reviewed by HARB for a sign. A motion was made by Ted Strosser, seconded by Phoebe Faden, to recommend approval of this sign to be hung from existing brackets, with no lighting, as noted in the HARB application. Motion was unanimously approved.

**c. John/Elizabeth Gerdes. 123 North Front Street. Replacement Windows.** An application was submitted to and reviewed by HARB for replacement windows. A motion was made by Mary Mastascusa, seconded by Elaine Wintjen, to recommend approval of the replacement windows as described in the project description and project materials sections of the HARB application, windows will be placed in the same openings and will match the existing one over one. Motion was unanimously approved.

**d. Bud/Tammy Hiller. 213 North Fourth Street. Fence.** An application was submitted to and reviewed by HARB for a new fence. A motion was made by Ted Strosser, seconded by Steve Snook, to recommend approval of placement of black aluminum side fencing, shadow box wooden gates (Note: wooden gates only part that is visible from the street), with wood gates being stained and/or painted within one year of construction, as described in the project description section of the HARB application, and as shown in the photos attached to the application. Motion was unanimously approved.

**e. Jeffrey Hoover. 238 Market Street. Signage.** An application was submitted to and reviewed by HARB for signage and ADA accessible ramp with metal railing. A motion was made by Phoebe Faden, seconded by Mary Mastascusa, to recommend approval of the handicapped ramp/railings as described in the project description section of the HARB application, and the placement of a new sign made of wood and/or acrylic material, as agreed, to meet the same specifications in terms of color and size as the sign originally requested. (NOTE: The internally illuminated "open" sign originally requested and shown in documents attached to HARB application was withdrawn.) Motion was unanimously approved.

**f. Bucknell University. 416 Market Street. Modifications to First Floor Store Fronts.** An application was submitted to and reviewed by HARB for modifications to first floor store fronts. A motion was made by Robert Cook, seconded by Steve Snook, to approve the modifications as shown in drawings attached to the HARB application, i.e. changing lower glass panels in Purity to wood, replacing doors with doors that are identical, raising the Music & More door to allow better access. Motion was unanimously approved.

**g. Nancy Reeser George. 17/19 South Fourth Street. Roof.** An application was submitted to and reviewed by HARB for a new roof. A motion was made by Phoebe Faden, seconded by Steve Snook, to recommend approval of the replacement roof (replacement in-kind) as described in the project description and project materials sections of the HARB application. Motion was unanimously approved.

Councilmember Casimir announced board, commission, and authority vacancies, and asked the press to note these vacancies in the paper: Lewisburg Area Recreation Authority (LARA), Vacancy Board, Shade Tree Commission, Lewisburg Traffic Advisory Committee and Zoning Hearing Board.

**POLICE COMMITTEE:** Councilmember Mahon reported PennDOT responded to the Borough's letter and they are denying the Borough's request for engine brake retarder prohibition on Route 15 from Curtain Avenue, northbound to Route 45. She reminded everyone there will not be a Police Committee meeting Tuesday, August 2<sup>nd</sup>, as that is National Night Out, and she strongly encouraged everyone to attend. The Police Committee is continuing to work on the proposed ordinance to control/regulate house parties. Mayor Wagner indicated Bloomsburg has this ordinance. Solicitor Lyons questioned if this would be beyond businesses and commercial enterprises, meaning we are going to regulate private homes? Manager Smith said everyone will receive a draft of this proposed ordinance and once it is distributed, it will be open for discussion.

Councilmember Molesevich asked the status of the transition for Regional Police, i.e. location and effective date. Chief Yost said October 1<sup>st</sup> was the original date set. However, there are many issues that need to be resolved, i.e. contractual issues, pension merger issues, etc. Brian Kerstetter, the newly appointed Solicitor of the Regional Police Commission, is in the process of investigating the legal aspects of these issues. As for a date, he was thinking along the lines of November 1<sup>st</sup> or possibly January 1<sup>st</sup>. The lease for the building has been signed and minimum modifications are taking place. Mayor Wagner explained that Ed Cox and Tom Zorn are working on the pension merger, while she, along with Hank Baylor, continues to work on the employee contract, along with the Chief, and the Chief is dealing with the building.

**PLANNING  
COMMITTEE  
HARB**

**K GARDNER**

**N PREMJAI**

**J GERDES**

**B HILLER**

**J HOOVER**

**BUCKNELL  
UNIVERSITY**

**N GEORGE**

**BOARD/  
COMMISSION/  
AUTHORITY  
VACANCIES**

**POLICE  
COMMITTEE  
PENNDOT  
DENIED ENGINE  
BRAKE  
RETARDER  
PROHIBITION ON  
ROUTE 15**

**REGIONAL  
POLICE UPDATE**

Tuesday, July 19, 2011

**PUBLIC WORKS COMMITTEE:** There was no meeting.

**FINANCE COMMITTEE:** Councilmember Casimir made a motion, seconded by Councilmember Cox, to approve payment of the bills from 06/18/11 through 07/15/11 in the amount of \$437,147.33. Motion was unanimously approved.

**MAYOR:** Mayor Wagner stated Michelle Sanders from Union County Public Safety has announced a hazmat household collection day on Friday, September 16<sup>th</sup> and Saturday, September 17<sup>th</sup> at the Silver Moon for Union County residents only.

**POLICE CHIEF:** Chief Yost again reminded everyone National Night Out is August 2<sup>nd</sup> from 5 PM to 8 PM in the Lewisburg Area Recreation Park on St. Mary Street. This event becomes larger each and every year, and this year we are actually closing Fifteenth Street between the opening of the parking lot and St. Mary Street. All food and drinks are free, and he highlighted participants, noting there is also a free swim that night.

Councilmember Mahon made a motion, seconded by Councilmember Molesevich, to approve the transfer of \$19,226.00 from Police Special Equipment Fund line item 34.200.25B (Unappropriated Balance) to line item 34.424.75 (Police Cruiser), and \$5,774.00 from Police Special Equipment Fund line item 34.200.25B (Unappropriated Balance) to line item 34.424.63 (Equipment Purchase/Replacement), for the purpose of emergency equipment, mobile computer terminals and enhanced mobile video capture system for the Police Cars. ON THE QUESTION: Councilmember Casimir asked what the \$19,226.00 is for. Chief Yost explained this is in anticipation of the upgrade to the video system in the cars. Currently the "Watch Guard" system tapes while the car is driven. However, an officer has to take the disc out, carry it into the office, and download it. The new system is enhanced with a server, is a wireless connection, and the information will automatically transfer from the car to the server when the cars pull into the parking lot. This taping is also on a thirty day rotation, so it overwrites itself. At the end of this meeting, he will have the new cars available for everyone to see. He pointed out there is new technology called a thumper. It is two pods mounted under the front of the car, and these pods actually create a vibration that can be felt, in addition to the sirens that you hear. Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Cox, to adopt Resolution No. 11-07, a resolution authorizing the submission of the 2011/2012 grant application to the Pennsylvania Liquor Control Board for the purpose of reducing underage and dangerous drinking. ON THE QUESTION: Councilmember Casimir asked what this grant is for exactly. Chief Yost said education of alcohol abuse and also overtime payments to officers for additional patrols when needed. Motion was unanimously approved.

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

**SOLICITOR:** Solicitor Lyons had no report.

**MANAGER:** Councilmember Molesevich made a motion, seconded by Councilmember Strosser, to adopt Resolution No. 11-08, a resolution authorizing the Council President and Manager/Treasurer to sign documentation pertaining to PennDOT's Transportation Enhancement Grant Program Federal-Aid Reimbursement Agreement #033587. ON THE QUESTION: Councilmember Casimir asked if this will come back before Council again. Manager Smith said this is a formality for the contract, and this will come back as far as the design, concept, etc. Councilmember Mahon asked when we are looking to start this. Manager Smith said 2012; we are hoping to have this work done before PennDOT paves Market Street. Councilmember Mahon said that will affect the planting of trees. Manager Smith said yes, as he wouldn't want to see trees planted, take root, and then have to be moved. Motion was unanimously approved.

Manager Smith shared with Council that the County notified us of a severe heat index Thursday and Friday of this week, upwards of 105 or 110 degrees.

**OLD BUSINESS:** Councilmember Casimir reported the Shade Tree Commission met and are strongly committed to improving our organization, i.e. pursuing past permits that have not been followed through on, etc. He hopes to see communications improve greatly. He also is the Treasurer of the Shade Tree Commission and will be working closely with our Manager.

**NEW BUSINESS:** There was no new business.

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

**PUBLIC WORKS COMMITTEE**

**FINANCE COMMITTEE**  
**PAY WARRANTS**

**MAYOR**  
**HAZMAT**  
**HOUSEHOLD**  
**COLLECTION**  
**DAY**

**POLICE CHIEF**  
**NATIONAL NIGHT**  
**OUT**

**TRANSFER OF**  
**UNAPPROPRIATED**  
**FUNDS IN**  
**POLICE SPECIAL**  
**EQUIPMENT**  
**FUND**  
**APPROVED**

**RESOLUTION**  
**AUTHORIZING**  
**SUBMISSION OF**  
**GRANT**  
**APPLICATION TO**  
**PLCB**  
**(RESOLUTION**  
**NO. 11-07)**

**COUNCIL**  
**PRESIDENT**

**SOLICITOR**

**MANAGER**  
**RESOLUTION**  
**AUTHORIZING**  
**COUNCIL**  
**PRESIDENT AND**  
**MANAGER TO**  
**SIGN**  
**TRANSPORTA-**  
**TION**  
**ENHANCEMENT**  
**GRANT**  
**REIMBURSE-**  
**MENT**  
**AGREEMENT**

**OLD BUSINESS**  
**SHADE TREE**  
**COMMISSION**  
**UPDATE**

**NEW BUSINESS**

**WRITTEN**  
**REPORTS**

Tuesday, July 19, 2011

Manager Smith reported there will be a new printout distributed from our Code Enforcement Officer; there will no longer be the excel worksheet.

**WORK SESSION:** Council President Bergonia announced there will be a work session on August 9<sup>th</sup>. Councilmember Casimir indicated it would be for the purposes of distributing the 2011 zoning ordinance. Hopefully, it could then be put out for formal review at our next regular business meeting.

There being no further business, Councilmember Casimir made a motion, seconded by Councilmember Molesevich, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 8:05 PM.

Respectfully submitted,

Patricia M. Garrison  
Borough Secretary

**NEW CODES  
REPORT  
FORMAT**

**WORK SESSION**

**ADJOURNMENT**