

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, August 16, 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: Joe Deinlein and Tammy Burk. (Councilmember Molesevich left the meeting at 7:50 PM, and Councilmember Morris left the meeting at 8:35 PM.)

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 Morris, to approve the minutes of the regular Council meeting held July 19, 2011 and the work session held August 09, 2011. Motion was unanimously approved.

PUBLIC PARTICIPATION: None.

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

a.Samantha Pearson/Stephen Buonopane. 200 North Third Street. Storm/Screen Door. An application was submitted to and reviewed by HARB for a storm/screen door. A motion was made by Mary Mastascusa, seconded by Robert Cook, to recommend approval of a storm/screen door as indicated in the project description section of the HARB application and as shown in the pictures attached to the application. Motion was unanimously approved.

b.Tamara Durocher-Warmkessel. 22 South Seventh Street. Fence. An application was submitted to and reviewed by HARB for installation of a fence. A motion was made by Ted Strosser, seconded by Steve Snook, to recommend approval of the installation of a **wood** fence as shown in the pictures and diagrams attached to the HARB application, with the stipulation this fence be painted and/or stained within one year of construction. (Note: A memo dated July 27, 2011 from William Baker, Zoning Officer, indicated that this fence must maintain the minimum setback from White Pine Alley.) Motion was unanimously approved.

c.Scott Edwards. 518½ Market Street. Replacement Windows. An application was submitted to and reviewed by HARB for replacement windows. A motion was made by Phoebe Faden, seconded by Steve Snook, to recommend approval of the replacement windows as described on the July 27th proposal from T-Ross Brothers Construction, with the understanding that the five windows located on the second story Market Street side are to be wrapped to just below the capital, and the capital should be scraped and repainted or replaced in-kind. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to hold an executive session to discuss potential litigation for Union County Courthouse zoning violations and Lewisburg Borough's proposed zoning ordinance amendment. Motion was unanimously approved.

Council entered an executive session at 7:05 PM. Council returned at 7:40 PM.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to accept the substantial amendment proposed to the current Borough zoning ordinance, which he, along with the Planning Commission, worked on over the last four years, to direct the Manager to send this to the Lewisburg Planning Commission and the Union County Planning Commission for their formal review, and also to direct our Solicitor to advertise a public hearing at 6:30 PM October 18, 2011, the day of the regular monthly Council meeting, as required by the Municipalities Planning Code (MPC). **ON THE QUESTION:** Solicitor Lyons questioned if it is Council's intent to enact this ordinance after the public hearing? Councilmember Casimir stated no. Councilmember Molesevich pointed out there may be changes suggested that Council could agree with. There was **much** discussion. It was the sense of Council that the Solicitor advertise Council's intention to enact this ordinance at the regular monthly meeting. Solicitor Lyons commented if there are not significant changes, he can advertise the changes to the ordinance that was enacted. He suggested Council decide at September's meeting, as he can't advertise until then anyway, and this would give the Borough the chance to have received the Planning Commissions responses. Motion was unanimously approved.

Manager Smith commented several changes suggested during the work session last week have been made and the document you have before you tonight reflects those changes and is the document that will be submitted to both Planning Commissions.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to direct the Manager to write a letter to the Union County Commissioners inviting them to attend the next Planning Committee meeting Thursday, September 8, 2011, to discuss the ongoing issue regarding the courthouse cupola with the intent of reaching some sort of mutually agreeable resolution. (Councilmember Molesevich left the meeting at 7:50 PM.)

POLICE COMMITTEE: There was no meeting. Councilmember Cox reported National Night Out was a success. Mayor Wagner thanked all those who helped make National

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION

PLANNING COMMITTEE

S PEARSON/S BUONOPANE

T DUROCHER-WARMKESSEL

S EDWARDS

POTENTIAL LITIGATION FOR U/C COURTHOUSE ZONING VIOLATIONS AND PROPOSED ZONING ORDINANCE

(EXECUTIVE SESSION)

COUNCIL ACCEPTED SUBSTANTIAL AMENDMENT PROPOSED TO CURRENT ZONING ORDINANCE/ DIRECTED MANAGER TO DISTRIBUTE PER MPC/DIRECTED SOLICITOR TO ADVERTISE PUBLIC HEARING

U/C COMMISSIONERS INVITED TO NEXT PLANNING COMMITTEE MEETING

POLICE COMMITTEE

Tuesday, August 16, 2011

Night Out a success, especially Corporal Burrows, Chief Yost, and the rest of his staff. Chief Yost commented this occurs the first Tuesday of August every year and provides a great opportunity to meet and greet people.

PUBLIC WORKS COMMITTEE: There was no meeting.

FINANCE COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Casimir, to approve payment of the bills from 07/16/11 through 08/12/11 in the amount of \$846,831.74. ON THE QUESTION: Councilmember Morris questioned why this amount is so high. Manager Smith said this time of the year we do our transfers, so a lot of that reflects moving money from one account to another, and there was one large payment to the contractor for South Fifth Street. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to hold an executive session at the end of this meeting to discuss non-uniformed contract negotiations. Motion was unanimously approved.

MAYOR: Mayor Wagner reported that Chief Yost continues to do a great job with the Regional Police. She indicated she is going to address, at the next Police Committee meeting, the loitering along the curbside of Hufnagle Park. She also pointed out the amount of work that is taking place here in this Borough is amazing.

POLICE CHIEF: Chief Yost reported progress is being made with the Regional Police. RFP's are out for pension services, specifically investment services, legal services and actuarial services. Several meetings regarding contract issues have been held as contract negotiations are coming up. A legal firm that specializes in contract negotiations will be meeting with him next week. Renovations for the new building have been finalized, and costs were well below the estimates. A final presentation will be made to the New Berlin Borough, as they are still interested in participating in Regional Police. One other item that needs addressed: there have been a lot of rumors with regard to the Regional Police discontinuing the Drug Abuse Resistance Education (DARE) within the Lewisburg School District. What occurred is East Buffalo Township's DARE Officer is retiring and rumors are out there that the Regional Police will not continue the program. This is not true as it has *never* been discussed. You need to have an officer that is trained for this and that wants to do this or the program will not succeed. He will be talking with all his officers to determine if there is someone on board with an interest in taking over this program.

COUNCIL PRESIDENT: Council President Bergonia reminded Council that Bucknell University's campus will be crazy this Friday; the students are returning.

SOLICITOR: Solicitor Lyons had no report.

MANAGER: Councilmember Morris made a motion, seconded by Councilmember Mahon, to appoint Kim E. Wheeler to serve on the Shade Tree Commission, term expiration 12/31/15. Motion was unanimously approved.

Manager Smith informed Council that South Fifth Street is on schedule. The substantial completion date is August 26th, as we requested some additional work. Councilmember Casimir asked when trees will be planted. Manager Smith asked that planting be delayed until the end of September.

OLD BUSINESS: There was no old business.

NEW BUSINESS: Councilmember Mahon announced that everyone needs to see the newly restored Campus Theater; it is absolutely beautiful. Mayor Wagner thanked Bucknell University for all their work and the expenditure of \$2.5 million. Councilmember Mahon thanked Councilmember Strosser, the architect, for redoing the kiosk. There was **much** discussion.

Councilmember Baker referred to his handout dated August 16th. He explained there has been a very bad odor in the area of the Fourth Ward, and he has heard this odor has traveled quite a distance with others within the Borough noticing it. The source was identified; it appears to be coming from Lester Nolt's property on Hoffa Mill Road in Kelly Township, specifically H & C Grove NX./Nolt Agri-Business and it is from the processing of crab waste imported from Maryland for feed and fertilizer processing. Mayor Wagner asked if a permit was issued. Councilmember Baker said yes. There was **much** discussion.

WRITTEN REPORTS: Councilmember Morris made a motion, seconded by Councilmember Casimir, 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 BILLS

NON-UNIFORMED CONTRACT DISCUSSION TO BE HELD IN EXECUTIVE SESSION AT END OF MEETING

MAYOR

POLICE CHIEF

COUNCIL PRESIDENT

SOLICITOR

MANAGER K WHEELER APPOINTED TO SHADE TREE COMMISSION

UPDATE ON SOUTH FIFTH STREET

OLD BUSINESS

NEW BUSINESS

ODOR COMPLAINTS DUE TO PROCESSING OF CRAB WASTE BY H & C GROVE NX

WRITTEN REPORTS

Tuesday, August 16, 2011

WORK SESSION: Council President Bergonia announced there will be a work session on September 13th.

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

Council President Bergonia indicated that a motion was made, seconded and approved earlier this evening for an executive session to be held at this time to discuss non-uniformed contract negotiations. (Previous motion: Councilmember Morris made a motion, seconded by Councilmember Casmir, to hold an executive session at the end of this meeting to discuss non-uniformed contract negotiations. Motion was unanimously approved.)

Council entered executive session at 8:20 PM. Council returned at 9:15 PM. (Note: Councilmember Morris left the meeting at 8:35 PM.)

There being no further business, Councilmember Casimir made a motion, seconded by Councilmember Mahon, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 9:15 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

WORK SESSION

RECESS

**NON-UNIFORMED
CONTRACT
DISCUSSION**

**(EXECUTIVE
SESSION)**

ADJOURNMENT