

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, August 16, 2016**, in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Cook, Cox, Derman, Frederick, Mahon and Yohn; Mayor Wagner, Solicitor Lyons, Manager Lowthert, and Secretary Garrison. Councilmember Morris arrived at 7:20 PM. Also present: Brad Aurand, Ken Sampsell, Jamie Walshaw, Craig Keller, Steve Kratzer, David Heayn, Luis Medina and Carl Moyer.

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 Derman, seconded by Councilmember Cook, to approve the minutes of the July 19, 2016 regular monthly meeting. Motion was unanimously approved.

PUBLIC PARTICIPATION: David Heayn, a Ward III resident, indicated he is a write-in candidate for the Fifth District of the State House of Representatives. He said anyone should feel free to contact him to share any concerns and/or issues, which he could potentially include in his platform. His platform is currently a focus on education. He explained he is a Professor at Susquehanna University (history) and his wife is at Bucknell University (electrical engineering). He shared his views/ideas.

PUBLIC WORKS/POLICE COMMITTEE: Council received the Buffalo Valley Regional Police Department's (BVRPD) monthly report. Mayor Wagner indicated the Chief was unable to make the meeting tonight. She reported work continues on the BVRPD contract negotiations and that National Night Out held on August was a huge success; thanks to everyone that participated.

Councilmember Mahon made a motion, seconded by Councilmember Derman, to reject the St. Anthony Curb Cuts and Ramp bid, which was to be a 2016 CDBG Project, due to the high cost of the bids received. ON THE QUESTION: President Bergonia questioned if this will be rebid. Manager Lowthert indicated bids came in much higher than anticipated and it appears we didn't get what we would consider to be competitive bids. The recommendation being made, supported by Staff, SEDA-COG and the Borough engineer, is to put this out for bid again late 2016 or early 2017. The bid will be drafted similar to the streets project, meaning we will identify the intersections separately, so we will have the ability to breakout the priority intersections we really want to see done. Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Derman, to award the bid for the 2016 Ash Tree Removal Project to the lowest responsible bidder, Timberwolf Tree Company, in the amount of \$14,700.00, contingent upon the review and approval of the Borough Solicitor. Motion was unanimously approved.

Manager Lowthert reported the bid from Timberwolf Tree Company was not the lowest bid submitted, but this bidder complied with all the requirements of the bid documents. The lowest bidder was determined to be irresponsible because we received a single sheet of paper, similar to what a homeowner would receive; there was no bid bond or bid check or other paperwork submitted by the low bidder. Our Solicitor also feels we have the ability to determine the low bidder to be irresponsible based upon the lack of required documents. He pointed out that the bid from Timberwolf was less than what we expected, and although this project was not budgeted, it is a very necessary project due to safety concerns.

Councilmember Mahon made a motion, seconded by Councilmember Cook, to award the bid for the Borough Hall Roof Repair Project to the lowest responsible bidder, Indoor Air Technologies, Inc., in the amount of \$27,120.00, subject to receipt of acceptable performance and payment bonds and contingent upon the review and approval of the Borough Solicitor and Borough Engineer. ON THE QUESTION: Councilmember Cox commented the name of this company doesn't lead him to believe they are roofers. Manager Lowthert said they are roofers. He directed our engineer to contact their references and it has been reported there have been no issues with this company's roofing work. The engineer also contacted the company and the company is comfortable with their bid. This bid came in lower than anticipated, although it is still more than we have in our Building Depreciation Fund, so we will be using monies from our General Fund. Motion was unanimously approved.

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE: Councilmember Cook said since Councilmember Morris isn't here and he is a HARB member, he would like to speak about the 139 North Third Street property and HARB's recommendation to deny a Certificate of Appropriateness for the metal roof. He explained the roof installed has exposed fasteners and HARB recommends raised seam, *blind/concealed fasteners*, on all slopes visible from the public way. It's not that HARB wants to see this property owner have to remove and replace his roof, but there has to be some way to be able to reach people and educate people on the process. This was totally a mistake and the property owner can explain. Mr. Kratzer said in 2008 we requested permission to replace the metal roof on our carriage house and we were told it was a replacement in-kind (metal to metal) so there was no issue with HARB. When we decided to replace the roof on our home we figured it was, again, a replacement in-kind, so we contacted our contractor, Ken Sampsell, and had him replace the roof. We were more concerned about being able to match the carriage house roof after all these years. He stated it was an oversight and he is sorry it happened. Councilmember Cook asked if we can require roof permits; that would tell us

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

**DAVID HEAYN
CANDIDATE FOR
STATE HOUSE OF
REPRESENTATIVES**

**PUBLIC
WORKS/POLICE
COMMITTEE
BVRPD MONTHLY
REPORT**

**ST. ANTHONY
STREET CURB
CUTS/RAMP
IMPROVEMENTS
PROJECT BIDS
REJECTED**

**2016 ASH TREE
REMOVAL PROJECT
AWARDED TO
TIMBERWOLF TREE
COMPANY**

**BOROUGH HALL
ROOF REPAIR
PROJECT AWARDED
TO AIR
TECHNOLOGIES, INC.**

**COMMUNITY
DEVELOPMENT/
PLANNING
COMMITTEE
HARB**

**S KRATZER-C
KELLER/139 NORTH
THIRD
STREET/METAL
ROOF**

Tuesday, August 16, 2016

when work is being done and we could explain the process to people. There are many exposed fastener roofs, just like this one, that we were not made aware of. Manager Lowthert said he believes HARB is recommending we deny the Certificate of Appropriateness for this roof, but not make the property owner tear off the roof. Councilmember Cook said correct. Manager Lowthert asked the Solicitor if we can deny a Certificate of Appropriateness, and then not make the property owner remediate the issue. Solicitor Lyons said no. He understands HARB had no choice but to deny, but now that it is before Council, Council must either approve or disapprove the HARB recommendation. Clearly Council would have to take action to grant the Certificate of Appropriateness if you want them to be able to keep the roof as is. Councilmember Mahon stressed this roof looks quite nice; Can we allow this and then try to tighten the regulations. Solicitor Lyons said let's address this issue first. Manager Lowthert questioned if Council overturns HARB's recommendation and grants a Certificate of Appropriateness, would they be setting a precedence. Solicitor Lyons said yes and no. Someone could take the Borough to court and if the Court of Common Pleas says you have set a precedence, then that it is. But, every decision made is a decision made on its own merit. Councilmember Cook said for Council to vote to uphold HARB's recommendation, this roof would have to be removed; we all know there are other metal roofs that do not comply with HARB regulations. There was **very much** discussion. Manager Lowthert said whatever we decide to do, we will do it throughout the Borough and not just in the HARB District; he stated he will research our options by talking with David Hines of the CK-COG and our engineers, and report back to Council.

Councilmember Derman made a motion, seconded by Councilmember Frederick, to grant approval of a Certificate of Appropriateness for this HARB application of Steve Kratzer and Craig Keller of 139 North Third Street. Motion was unanimously approved.

Manager Lowthert asked if HARB has the ability to look at the historic district ordinance to recommend changes or are we limited by State regulations. Solicitor Lyons questioned how HARB determines one roof is ok and another is not ok; he doesn't know. He would think there would have to be some objective standard or criteria that couldn't be changed, but we could possibly have something different in our Borough ordinance. Obviously a triggering mechanism for our residents with regard to a system of notification is needed, because that is where the problem is. He found out that we definitely cannot require a permit for a roof as it is not part of the Construction Code. There was **very much** discussion. Solicitor Lyons said he isn't a HARB expert, but he would suggest HARB find out if the regulations they are using for roofs can be changed, and if not, we will have to look at a different alternative. Manager Lowthert stated he will talk to Ted Strosser, Chairman of HARB, who is also an architect; he should be knowledgeable on this. He will keep Council informed.

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

a. Steve Kratzer-Craig Keller/139 North Third Street/Roof. An application was submitted to and reviewed by HARB for a replacement roof. A motion was made by Rob Cook, seconded by Kim Walter, to recommend **denial** of the certificate of appropriateness for this metal roof because HARB doesn't recommend exposed fastener metal roofs, but recommends raised seam, blind/concealed fasteners on all slopes visible from the public way. Motion was unanimously approved.

(It should be noted that no permit was ever submitted or issued for this roof replacement. It has been stated that they did not know they needed a permit because they were replacing this roof in-kind (it was a metal roof and it was being replaced with metal roof). As a result, this roof was substantially complete before it was brought to the attention of the Zoning Officer. As you may know, HARB does approve metal roofs, but they recommend the raised seam blind/concealed fastener and not the exposed fastener metal roof.)

b. Debra Drasher Dock-Abbey Kramer/106 Market Street/Sign. An application was submitted to and reviewed by HARB for a sign. A motion was made by Rob Cook, seconded by Elaine Wintjen, to recommend approval of the sign described in the project description of the HARB application, and as shown in the attachment to the application. Motion was unanimously approved.

Courtesy Review: Last month HARB provided a courtesy review for Misha Kryzyski, 125 North Fourth Street, with regard to work on porch located on the south side of this property, as well as the fencing at the front of the property. As indicated last month, Misha Kryzyski appeared before HARB and presented his ideas for consideration.

c. Misha Kryzyski/125 North Fourth Street/Fence-Wall-Door on Existing Porch. A motion was made by Mary Mastascusa, seconded by Kim Walter, to recommend addendums to the existing application as follows: approval of a front fence four feet high, half wall, and the placement of a wood door on the existing porch, as shown in the diagram presented to HARB. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Derman, to approve Resolution No. 16-05, placement of a banner across Market Street (Route 45) for Susquehanna Valley CASA's Superhero 5K Run/Walk Saturday, September 17, 2016. ON THE QUESTION: Manager Lowthert reported this was a language revision to what was previously submitted and approved. This organization didn't realize the work involved with these submissions and that this would have to be resubmitted to PennDOT and the Borough. After much education with this organization, hopefully we will not be faced with this issue again. Motion was unanimously approved.

APPROVAL OF COA
FOR 139 NORTH
THIRD STREET

RESEARCH NEEDED
ON HARB
REGULATIONS

D DRASHER-ABBEY
KRAMER/106 MARKET
STREET

M KRYZYTSKI/125
NORTH FOURTH
STREET

(RESOLUTION NO. 16-
05)
CASA BANNER
APPROVED

Tuesday, August 16, 2016

Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve Mid-State Development Company's Lot Consolidation and Minor Subdivision Plan, contingent upon their acceptance of the plan revisions recommended by the Borough's Engineer in his letter dated August 1, 2016, and as recommended by the Planning Commission. ON THE QUESTION: Manager Lowthert said the engineer representing Mid-State is here tonight, as well as our engineer. This is taking three lots located on the properties just north of Wendy's and consolidating them into a single lot, then subdividing them so that the apartment complex will be on its own individual lot and the greenspace will be on its own individual lot. Should the land get developed at some point in the future, they will be back to go through the land development process. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Cook, to appoint Councilmember Kathryn Morris as the voting member and Mayor Judith Wagner as the alternate voting member to represent the Borough at the PML Annual Summit to be held in Lancaster on October 4-6, 2016. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Derman, to approve proposal from Cohen Law Group to perform Wireless Facility Management Services for Lewisburg Borough in an amount not to exceed \$4,500.00. ON THE QUESTION: Manager Lowthert explained this group specializes in telecommunications law and our ordinance is outdated. The Cohen Law Group is a premier group that will help strengthen the Borough's ordinances to give the Borough more say in where these telecommunication towers can be located. There was **much** discussion. Motion was unanimously approved.

Mayor Wagner shared her interest in having this group help the Borough with the franchise agreement. Manager Lowthert said the next time it comes up for renewal, we may want to engage the services of Cohen Law Group for negotiation purposes, and we may even want to consider having them to perform a cable franchise fee review.

Councilmember Morris made a motion, seconded by Councilmember Derman, to accept the resignation of Rachel Sussman from the Shade Tree Commission (STC) effective immediately, with regret. Motion was unanimously approved.

Councilmember Morris said the sub-committee is ready to provide recommended changes to the sign ordinance, so does Council need to assign this to a committee for review. Manager Lowthert said we already tasked the Community Development/Planning Committee to review the recommendations being made by the sub-committee.

Councilmember Morris reminded Council there is still a vacancy on HARB (term expiration 12/31/18) and now there are two vacancies on the Shade Tree Commission (one term expiration is 12/31/18 and the other is 12/31/20).

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Cook, to approve the payment of bills from 07/16/16 through 08/12/16 in the amount of \$534,490.75. ON THE QUESTION: Councilmember Mahon asked why this amount is so high. Manager Lowthert indicated both the Police Department payment and Fire Company payment is included. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Derman, to approve the engagement letter of J.H. Williams and Company, LLP, in an amount not to exceed \$1,400.00, for the required audit of the Keystone Communities Program Grant (St. Louis Street Project). Motion was unanimously approved.

MAYOR: Mayor Wagner reported the turnout for the triathlon in the St. Mary Street Park was unbelievable, and the Brew-B-Que provided everyone with a great Saturday afternoon; despite two heavenly events. She thanked everyone for all their hard work to make these events possible. She recognized Rick Sauers for the history of Lewisburg he shared during a program at the library. There will be a gathering at the Campus Theater Monday at 8 AM for all the teachers, this will be the last time the high school will open in the Borough and school starts on Wednesday. We are all looking forward to the new repurposed high school.

COUNCIL PRESIDENT: No report.

SOLICITOR: Solicitor Lyons indicated everyone should be in receipt of an ordinance, previously referred to as the Quality of Life ordinance, providing for the issuance of tickets for certain violations of the Borough Code. This ordinance was discussed at great length last month, has been duly advertised and is ready for Council action.

Councilmember Morris made a motion, seconded by Councilmember Cook, to enact Ordinance No. 1041, previously referred to as the Quality of Life ordinance, providing for and authorizing the issuance of tickets for violations of certain chapters of the Code of the Borough of Lewisburg, rather than issuing citations or filing private criminal complaints as the initial form of due process, thereby promoting the best interests of the residents of the Borough by permitting the resolution of an alleged violation in an expeditious manner without having to resort to the criminal justice system. Motion was unanimously approved.

MID-STATE DEVELOPMENT COMPANY'S LOT CONSOLIDATION/ MINOR SUBDIVISION PLAN APPROVED

APPOINTMENT OF COUNCILMEMBER MORRIS/MAYOR WAGNER AS VOTING MEMBER/ALTERNATE VOTING MEMBER FOR PML ANNUAL SUMMIT

COHEN LAW GROUP'S PROPOSAL FOR WIRELESS FACILITY MANAGEMENT SERVICES APPROVED

RACHEL SUSSMAN'S RESIGNATION FROM STC ACCEPTED

SIGNAGE SUB-COMMITTEE PREPARED TO PROVIDE RECOMMENDED CHANGES TO SIGN ORDINANCE

HARB VACANCY AND STC VACANCIES

ADMINISTRATIVE/ FINANCE COMMITTEE PAYMENT OF BILLS

AUDIT OF KEYSTONE COMMUNITIES PROGRAM GRANT FOR ST LOUIS STREET PROJECT APPROVED

MAYOR

COUNCIL PRESIDENT

SOLICITOR

QUALITY OF LIFE ORDINANCE (ORDINANCE NO. 1041)

Tuesday, August 16, 2016

MANAGER: Manager Lowthert reported he recently met with two producers and there is going to be a Hollywood movie filmed in the Borough this fall called Buck Run. Councilmember Derman said a Lewisburg High School graduate, Nick Frangione, is one of the producers. There will be a staff of about 40, with about 20 to 30 actors. The script is set in rural Pennsylvania and is about a kid whose mother dies of cancer. Manager Lowthert said there will be street closures and sidewalk closures, but he will keep Council informed. There was **much** discussion.

Manager Lowthert reported Playworld will be installing some new playground equipment at the D.F. Green play area early in September and it will be their new cubits equipment. They will use this play area for videos and photographs. The Borough was asked to put new safety surface down, and although this wasn't budgeted, he believes we can do this. Playworld will also be filming in the St. Mary Street Park and they will contact BVRA about that. Playworld also indicated they wanted to come into Kidsburg for one day to install a new version of a merry-go-round, which isn't ready for use by the public yet. The intent is to install, photograph/film, and remove in the same day. He has been assured everything in Kidsburg will be restored back to the way it was prior to this installation.

Manager Lowthert reported the streets projects are now under construction and hopefully by the end of September all projects will be complete. UGI is continuing with their plans to install a gas line along Fifteenth Street and there should be minimal impact to the Borough. A connection is needed in our paving area, and UGI has been told they will be held responsible if their excavation area sinks. Also, FEMA contacted the Borough and it is time to do the annual CRS update, which allows the property owners in the Borough to get the discounted flood insurance rates. He intends for work to begin very soon as it is due October 1, 2016.

OTHER COMMITTEES: Council President Bergonia reported everything is going well for the BVRA, and in three weeks we will be closing the pool.

Councilmember Morris indicated Leigh Wible has resigned as the President of the LDP and her resignation was accepted yesterday morning with regret. The new Executive Director of the LDP, Dan Bevis, has been on the job for two full weeks. She is hearing very positive comments and everyone is excited about the direction of the LDP.

Mayor Wagner stated Dennis Swank is working on the reconfiguration of the Town and Gown Committee.

Councilmember Derman reminded Council of the upcoming river clean-up scheduled for August and about the walk/ride your bike to school day on September . He also noted a board meeting is scheduled for the end of this month as well. Mayor Wagner reported the Flood Impact Committee needs reconfigured as well, and we need a new Chairperson.

Manager Lowthert reported there are lots of people requesting removal of dead/dying ash trees. Councilmember Derman questioned the restructuring of the STC. Manager Lowthert said we talked about that if we find that we cannot get people to volunteer/serve. There are options, but the STC serves a function in this Borough and there haven't been many complaints about the recommendations made by the STC. He also pointed out that a Councilmember could serve if there is interest.

Council President Bergonia indicated things continue to go well at the CK-COG and they are preparing for the annual meeting held in October for all communities.

Councilmember Morris said the Community Garden Committee will meet tomorrow night; they are preparing for their upcoming dinner.

Councilmember Cox said he has nothing new to report for the MACAC.

OLD BUSINESS: None.

NEW BUSINESS: Councilmember Derman said he heard that Lycoming County will be offering a two hour NIMS training session sometime in February; he will keep everyone informed.

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

WORK SESSION: Manager Lowthert indicated he would like to keep the work session on Tuesday, September for 2017 budget discussions. He is behind on his self-imposed budget schedule.

There being no further business, Councilmember Cook made a motion, seconded by Councilmember Frederick, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 8:20 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

**MANAGER
HOLLYWOOD MOVIE
TO BE FILMED IN
LEWISBURG**

**NEW PLAYGROUND
EQUIPMENT TO BE
INSTALLED BY
PLAYWORLD IN DF
GREEN**

**UPDATE ON STREETS
PROJECTS**

**UPDATE ON ANNUAL
CRS PROGRAM**

**OTHER COMMITTEES
BVRA**

LDP

**TOWN AND GOWN
COMMITTEE**

LNC

STC

CK-COG

**COMMUNITY GARDEN
COMMITTEE**

MACAC

OLD BUSINESS

NEW BUSINESS

WRITTEN REPORTS