

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, August 18, 2015** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Cook, Cox, Faden, Mahon, Morris and Strosser; Mayor Wagner, Solicitor Lyons, Manager Smith, Secretary Garrison and BVRP Chief Yost. Also present: Kyle Bray, Matt Farrand, Linda Sterling, Elizabeth Capaldi, Jack Schroeder and Joe Sylvester.

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 Strosser, seconded by Councilmember Baker, to approve the minutes of the August 11, 2015 work session and the July 21, 2015 regular meeting. Motion was unanimously approved.

PUBLIC PARTICIPATION: Dr. Elizabeth Capaldi, Professor of Biology and Animal Behavior at Bucknell University, indicated she is working with Jack Schroeder and Kyle Bray, both community garden representatives, interested in having a beehive at the community garden for education purposes and garden output. There are beehives on campus and throughout Montandon which have proven to be successful and she has 25 years of experience with this. Mr. Bray indicated he is looking to get special permission of Council for this to happen, as they have already met with the Planning Committee. Insurance was an issue and he met with BU General Counsel and we do have adequate insurance to cover a beehive at the garden, so we have received their approval. Mr. Schroeder noted he has been a beekeeper for several years and is prepared to help out in any way he can with this beehive placement and maintenance/care. Dr. Capaldi said if ever there is a concern, protocol is in place to deal with it. Mr. Bray indicated this beehive is moveable and he is prepared to perform the grass moving in the area of this beehive. Mr. Bray indicated he hopes the money generated by the honey from the bees will be put back into the community garden. However, we are looking to combat the decline in the bee population and the negative impact that would result from the decline. Manager Smith said he checked with the Borough's insurance carrier and he has no issues; appropriate language needs to be inserted into the existing management agreement for this honey bee colony. Solicitor Lyons indicated BU will have to clearly address that BU is assuming the risk of anything resulting from these bees before the placement of this beehive in the community garden, so language should be drafted as soon as possible. There was **much** discussion.

Councilmember Strosser made a motion, seconded by Councilmember Faden, to grant special permission to the Lewisburg Community Garden to allow placement of a Honey Bee Colony on the North Water Street property for education purposes, conditional upon appropriate language being added to the Management Agreement that specifically addresses this Honey Bee Colony, and contingent upon said language being reviewed and approved by the Borough Solicitor. Motion was unanimously approved.

Linda Sterling, Executive Director of the Lewisburg Downtown Partnership, was present to update Council on the progress of the Kimber Project, a project important to the LDP as it is the cornerstone of achieving our vision of having the downtown be the cultural and economic magnet for the Lewisburg region. The Business Expansion Committee has determined the single most important thing we can do is support entrepreneurial activity in downtown Lewisburg. That means we have to close the gap that currently exists for high speed internet. To do that a dedicated fiber line would have to be built. We are now talking about a town wide project. A location to house equipment would be needed, maybe the Borough building? We would need grant money of approximately \$120,000.00. Then a contract with Kimber would need to be signed and we would purchase the service from Kimber directly, then resell it to an Internet Service Provider (ISP). The LDP doesn't have the skill sets, the money, or the resources to be an ISP. So an RFP would be required and then we could select an ISP. To accomplish this grants are needed and we don't know what is available. The LDP needs to create a very specific legal contract to allow the purchase of internet bandwidth, resell to an ISP, thereby removing the LDP of risk, liability, maintenance, billing responsibilities, and also guarantee market rate, as you wouldn't want someone coming in and use this not-for-profit rate to make a lot of money. The marketing representative from the State, Ken Barber, is going to assist us with this. The project boundaries have yet to be determined. It is critical to determine if this project is feasible and that will be determined, hopefully, at a meeting being held in three weeks. Then she would move forward looking for grant funding, drafting an RFP, select an ISP, and then execute a contract. She would also try to obtain free Wi Fi for downtown. She stated she intends to keep Council informed. Mayor Wagner shared that Council, at last month's meeting, recognized Linda Sterling for obtaining the Charles H. Coder Entrepreneurial Leadership Award at the Bucknell University Small Business Development Center's Celebration of Small Businesses; since Linda Sterling is here tonight, congratulations again. There was **much** discussion.

Linda Sterling announced that Thursday, August , at 8:30 AM, 140 South Front Street will be the start the tour of five local businesses, all participants through the University's Small Business Development Center, and it will be followed by a reception at 11:30 AM at the DeWitt Building. She expects DCED representatives to be present, so this is very good public relations for Lewisburg.

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

**DR. ELIZABETH
CAPALDI/JACK
SCHROEDER/KYLE
BRAY**

**APPROVAL OF
HONEY BEE COLONY
AT COMMUNITY
GARDEN
CONDITIONAL UPON
APPROPRIATE
LANGUAGE BEING
PUT INTO
AGREEMENT**

LINDA STERLING

Tuesday, August 18, 2015

POLICE COMMITTEE: Everyone received the Chief's monthly report. Chief Yost reported he hired two new officers early in August, Gary Heckman, who has 17 years of experience, and Terrell Lehman, who has about 6 months of experience. Council President Bergonia said he read that the BVRPD is going to cover the High School. Chief Yost said yes we signed a new agreement with the School District, which adds a 60 day opt out, should it be needed. Chief Yost said we placed special notices/signs on the four crosswalks at Route 45 and 15 to let the students know that when they push the button and get the walk indicator, there are still cars turning in the intersection. They are not PennDOT approved signs, but we felt it necessary to get the word out for safety. Mayor Wagner reported National Night Out was extremely successful and she is always amazed how many people come from so far away.

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

a. Bradley Gill-David Gessner (tenant)/48 North Second Street/Sign. An application was submitted to HARB for a sign. A motion was made by Elaine Wintjen, seconded by Mary Mastascusa, to recommend approval of the placement of a new sign (same location/same size as former sign) as indicated in the project description of the HARB application. Motion was unanimously approved.

b. Kevin-Heather Britton/25 North Fourth Street/Roof Change-Windows-Door. An application was submitted to and reviewed by HARB for renovation work. A motion was made by Steve Snook, seconded by Elaine Wintjen, to recommend approval of the renovation work as noted in the attachment to the project description of the HARB application, with specifics as follows: roof to extend from front pitch, with windows to rear or sides, and 1 over 1 double hung replacement windows in existing openings – alternate being 2 over 2 with grilles on exterior. Motion was unanimously approved.

*Councilmember Strosser made a motion, seconded by Councilmember Mahon, to direct the Solicitor to review proposed Neighborhood Property Protection Ordinance for the further review of the Planning Committee and for future action of Council. ON THE QUESTION: Manager Smith indicated this was the Quality of Life/Neighborhood Maintenance/Neighborhood Property Protection proposed ordinance to deal with conditions of exterior properties as discussed during our recent work session. Edits were made as suggested, and the Planning Committee further reviewed this document, including the fines. He highlighted a couple of items for Council and the Solicitor to pay close attention to as he wanted to be sure that is what we are looking for. He felt a motion would be the best way for the Solicitor to get his hands on this for legal review. Solicitor Lyons said he doesn't have a problem doing the legal part of this, but he cannot address the technical side of this, so is it ready for his review. Councilmember Strosser said we really spent time on the technical side of this during our recent Planning Committee meeting, reviewing fine amounts and simplifying into three tiers. Councilmember Morris pointed out she would like to see debris added to V-003; she is concerned about a neighborhood where someone just moved in and placed all kinds of stuff in a carport and allowed it to just sit there for weeks. Councilmember Strosser asked if that stuff is actually debris. Solicitor Lyons asked if it is litter. Manager Smith said he will research debris, but agrees it should be added to V-003, storage of rubbish or garbage, found on page 7. Solicitor Lyons said again he has no problem reviewing this, but it will not be ready for enactment next month. Councilmember Strosser stated our Solicitor could possibly change something to a point we may need another work session to review it. Solicitor Lyons said this is the start of the necessary process, but he envisions two or three more months before we are at a final version of this proposed ordinance. Councilmember Strosser said this is going to be like the Social Gathering Ordinance, where it will definitely needs to be tweaked as we go along. Manager Smith said he will make the necessary change brought forward tonight and forward to everyone. Solicitor Lyons clarified a motion is not needed; Council simply needs to direct him to review the document, which he clearly understands has occurred.

*Councilmember Strosser withdrew his motion and Councilmember Mahon withdrew her second.

Councilmember Strosser indicated the Planning Committee is currently reviewing possible locations for a bus stop. There was **much** discussion.

PUBLIC WORKS COMMITTEE: No meeting.

FINANCE COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Faden, to approve the payment of bills from 07/18/15 through 08/14/15 in the amount of \$347,285.38. ON THE QUESTION: Manager Smith indicated we had \$190,000.00 in annual transfers, so that escalated our monthly number this month. Motion was unanimously approved.

MAYOR: Mayor Wagner stated she believes everything she was going to address has already been covered.

COUNCIL PRESIDENT: No report.

POLICE COMMITTEE

PLANNING COMMITTEE

B GILL/D GESSNER

K BRITTON

SOLICITOR TO REVIEW NEIGHBORHOOD PROPERTY PROTECTION ORDINANCE

(MOTION WITHDRAWN)

BUS STOP

PUBLIC WORKS COMMITTEE

FINANCE COMMITTEE PAYMENT OF BILLS

MAYOR

COUNCIL PRESIDENT

Tuesday, August 18, 2015

SOLICITOR: No report.

MANAGER: Manager Smith said this was one of those months where everything came in after the committees had already met.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve request for use of the Borough's three-globe light standard depiction on medals for any 5K/marathon/walk events coordinated in Lewisburg by Tara Michaels of Fit for Funds, LLC. ON THE QUESTION: Councilmember Strosser asked if that is a for-profit. Councilmember Morris said an LLC is a for-profit. Manager Smith distributed pictures of the medals, noting that Ms. Michaels represents many events and he views this as a blanket approval for these medals to be presented at any of her events. It was the sense of Council that this was a very nice depiction. Motion was unanimously approved.

Councilmember Morris made a motion, seconded Faden, to approve the Co-Stars purchase through Sunbury Motor Corporation of a 2016 F800 truck at a cost of \$79,497.00 for chassis, less \$10,000.00 for Borough's trade-in of a 1996 F800, and Co-Stars purchase through Bradco Supply Company of a dump body and other attachments at a cost of \$61,933.32, for a total of \$131,430.32. ON THE QUESTION: Manager Smith clarified the \$131,430.32 reflects the \$10,000.00 trade-in option. Councilmember Faden asked what this truck does. Manager Smith said this is our largest dump truck that also does snow removal. This purchase will come from the Highway Equipment Depreciation Fund, thus showing the importance of putting money into our depreciation accounts each year during our budget process. Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Baker, to approve the Minimum Municipal Obligation (MMO) of \$149,287.00 for Non-Uniformed Employee Pension Plan for the year 2016, as detailed in letter submitted to the Council President dated August 13, 2015. ON THE QUESTION: Manager Smith indicated our actuary takes into account the current market, along with smoothing efforts implemented in 2008. This number represents the total commitment made by the Borough to the pension fund, less the State Aid, which he anticipates will be roughly \$52,000.00 this year. Mayor Wagner commented that employees do not contribute to their pension plan, nor do the Police contribute to their pension plan. Manager Smith said that is correct. Councilmember Strosser asked how many employees we have. Manager Smith said we have 14 employees.

Councilmember Baker made a motion, seconded by Councilmember Strosser, to award the St. Anthony Street Curb and Sidewalk Improvement Project to McBryan Contracting, in the base bid amount of \$82,358.00, as recommended by the Borough Engineer, subject to receipt of acceptable performance and payment bonds and contingent upon the review and approval of the Borough Solicitor. ON THE QUESTION: Councilmember Baker asked how many bids were received. Manager Smith said two and this came in under budget. He said because we are using our CDBG monies to pay for this project (St. Anthony Street from North Water through North Third Streets) there were strict requirements and we could do nothing new. So we took this project and split it in half. This is Phase A, using our CDBG monies. And, Phase B will be the actual street project. Motion was unanimously approved.

Councilmember Baker made a motion, seconded by Councilmember Cook, to approve Resolution No. 15-05, authorizing the Council President to sign the Reimbursement Grant Agreement for the Route 15 Adaptive Signal Upgrade Project in the amount of \$332,600.00; total project amount being \$336,600.00. ON THE QUESTION: Manager Smith reported this came in today and the cost is \$4,000.00 which is shared with East Buffalo Township. Solicitor Lyons said he reviewed the document and it is standard PennDOT legal coverage language which is repetitive; he cannot address the reimbursement amounts or engineering language. Manager Smith said this is in a new automated Engineering and Construction Management System (ECMS), which contains a Reimbursement Agreement System (RAS). PennDOT is negotiating with the engineer because the way PennDOT bids projects, they will not accept prices as part of a proposal. Pennoni Associates was selected by the committee and PennDOT is currently negotiating with them on price. He understands it is at a reasonable point that we can now proceed, which is why The Reimbursement Agreement was created now. Councilmember Faden asked when the lights will get here. Manager Smith said he would guess the adaptive signals should be here by spring of next year. Councilmember Faden asked what intersections were involved. Manager Smith said this would be Route 45, St. Mary Street and Route 192. Councilmember Strosser asked if these will accommodate pedestrians. Manager Smith said absolutely; there is a required monitoring station, which will be here in the Borough, and you will be able to scroll the program on a computer to see what is happening. Motion was unanimously approved.

OTHER COMMITTEES: Council President Bergonia reported BVRA pool closes in another week. And, Jim Mathias resigned from the BVRA; Sandra Cook has been appointed to fill the unexpired term.

SOLICITOR

MANAGER

APPROVAL OF USE OF THREE GLOBE LIGHT STANDARD DEPICTION ON MEDALS BY FIT FOR FUNDS, LLC

APPROVAL OF PURCHASE OF 2016 F800 TRUCK (SUNBURY MOTOR CORPORATION) AND DUMP BODY WITH ATTACHMENTS (BRADCO SUPPLY COMPANY) WITH TRADE-IN OF 1996 F800 TRUCK

APPROVAL OF MMO FOR NON-UNIFORMED EMPLOYEE PENSION PLAN FOR 2016

AWARD OF ST. ANTHONY STREET CURB/SIDEWALK IMPROVEMENT PROJECT TO MCBRYAN CONTRACTING

APPROVAL OF RESOLUTION 15-05/REIMBURSEMENT GRANT AGREEMENT FOR ROUTE 15 ADAPTIVE SIGNAL UPGRADE PROJECT

OTHER COMMITTEES
BVRA

Tuesday, August 18, 2015

Council President Bergonia reported we covered the LDP already.

Mayor Wagner said the next Town and Gown Committee will be in September.

Councilmember Morris reported Sam Pearson, LNC Director, is back at work. She believes there is a river clean-up at the end of this month, and a picnic in Soldiers Park in September. Mayor Wagner said there is a Bull Run Housing meeting on August and a board meeting on August .

Council President Bergonia said there is no report for the Shade Tree Commission.

Council President Bergonia reported the only new thing at the CK-COG is that they hired a new Executive Director. Councilmember Strosser asked if there was a press release yet. Council President Bergonia said not yet.

Council President Bergonia said we already covered the Community Garden.

Mayor Wagner said there is a meeting of the Lewisburg Area High School Repurposing Committee next week; the assessment is in and everything is looking favorable, so it is just a matter of a vote of the Board.

Council President Bergonia said there is no report on the Flood Impact Task Force.

Council President Bergonia indicated there is no report on the River Town Committee.

Councilmember Cox reported he has no report from the Municipal and Community Advisory Committee (MACAC).

OLD BUSINESS: None.

NEW BUSINESS: None.

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

WORK SESSION: Council President Bergonia indicated he believes there will be a work session September to possibly discuss the Neighborhood Property Protection proposed ordinance, if it is ready.

Council President Bergonia called for a five minute recess at 8:10 PM. Council returned at 8:15 PM.

Councilmember Faden made a motion, seconded by Councilmember Morris, to hold an executive session on a personnel matter.

Council entered executive session at 8:15 PM. Council returned at 9:15 PM.

Councilmember Faden made a motion, seconded by Councilmember Cook, to accept, with regret, the resignation of Chad Smith as Borough Manager, per his letter dated August 11, 2015 which indicates his last working day with the Borough will be Friday, September 11, 2015. Motion was unanimously approved.

Councilmember Cook made a motion, seconded by Councilmember Faden, to increase the Borough Secretary's hourly rate by 25% effective immediately, due to additional duties as a result of the Manager's resignation, until Council deems it is no longer necessary. Motion was unanimously approved.

Council President Bergonia confirmed that he will contact Chad Smith regarding approval of the payment of his remaining PTO time, conditional upon stipulations of Council during the executive session.

There being no further business, Councilmember Cook made a motion, seconded by Councilmember Baker, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 9:25 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

LDP

TOWN AND GOWN COMMITTEE

LNC

STC

CK-COG

COMMUNITY GARDEN

HIGH SCHOOL REPURPOSING COMMITTEE

FLOOD IMPACT TASK FORCE

RIVER TOWN COMMITTEE

MACAC

OLD BUSINESS

NEW BUSINESS

WRITTEN REPORTS

WORK SESSION

RECESS

EXECUTIVE SESSION ON PERSONNEL MATTER

(EXECUTIVE SESSION)

RESIGNATION OF CHAD SMITH AS MANAGER ACCEPTED WITH REGRET

BOROUGH SECRETARY HOURLY RATE INCREASED BY 25%

MANAGER'S PTO TIME PAID WITH STIPULATIONS

ADJOURNMENT