

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held at 6:30 PM on **Tuesday, August 21, 2018** in the Council Chambers, 55 South Fifth Street, Lewisburg. Present: Council President Morris; Councilmembers Comas, Derman, Frederick, Heayn, Mahon, Medina and Yohn; Mayor Wagner, Solicitor Lyons, Manager Lowthert, Secretary Garrison and Police Chief Yost. Absent: Junior Councilmember Ezra Buonopane. Also present: James Thompson, Susan Donahue, Connie Moore, Vito Mazzamuto, Clair Moyer, Ellen Ruby, Don Steckel, Nancy Steckel, Peter Bergonia, David Thompson, Matt Farand, Kevin Gardner, Jennifer Rager-Kay, Gregory Amarante, Barbara Kalin, Carol Steckel, and Stephen Buonopane.

**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 Heayn, to approve the minutes of the July 17, 2018 regular monthly meeting. Motion was unanimously approved.

**COUNCIL PRESENTATION(S):** Jennifer Rager-Kay, candidate for the District, Pennsylvania House of Representatives, shared a little about herself, and explained her reasons for running for office noting that once politicians get in office they tend to do a lot more talking than listening and that needs to change.

James Thompson, Boy Scout Troop 538, shared his proposed Eagle Scout Project, a lighted flagpole next to the World War I Veterans Monument in Soldiers Park, outlined the details of this project, his timeline for completion and noted this year is the anniversary of the ending of World War I so he would like to have this flagpole installed and dedicated on Veterans Day 2018. The Lewisburg American Legion Post 182 endorsed his project. Manager Lowthert said this will be before Council under the Public Works/Police Committee portion of the agenda. Councilmember Comas had numerous questions, e.g. what exactly is an Eagle Scout/Eagle Scout Project, were residents in the area contacted for their comments, was Sam Pearson with the LNC contacted as he was shown drawings/plans for a redesign of Soldiers Park. He is uncomfortable approving this and trusting everything will go the way we want it to. Council President Morris said no one else has come before Council expressing an interest in doing something in Soldiers Park. Councilmember Derman said Sam Pearson has drawings, but there isn't anything immediately in the works. The memorial is there and this flagpole is going behind the memorial. Councilmember Comas asked if we are just approving the concept with the details to be worked out later. Manager Lowthert said this is a Council decision and the project being presented is a concrete slab, a flag pole and two upward shining lights to illuminate the flag. He noted Citizens Electric was contacted and getting power to the lights isn't a problem. There will be future costs to the Borough as a result of this project, e.g. electric which should be around \$3.00 a month, maintenance to the flagpole itself, and replacement flags. Mayor Wagner said Mr. Thompson researched this, has a good plan, and this is a great project. Councilmember Heayn asked if Mr. Thompson would be willing to talk to Sam Pearson to see what, if any, plans she has. Mr. Thompson said yes. Councilmember Heayn asked that attention be paid to the type/color of the lighting there. Mr. Thompson said he plans to keep the lighting for the flag the same as the lighting currently in the park. There was **much** discussion.

Ellen Ruby, Executive Director of the Lewisburg Downtown Partnership (LDP), shared that she was officially appointed the LDP Executive Director yesterday. She provided an update to Borough Council sharing LDP's mission/vision of promoting, creating/coordinating, and collaboration all with the intent of increasing traffic downtown to maintain a vital downtown. She gave an example of creating economic vitality through the gift certificate program, a program that allows for spending in our downtown vs. spending in other areas of this region, noting approximately \$450,000 of certificates were sold between 2013 and 2017, with approximately \$420,000 being redeemed. The 2019 calendar of annual events was shared, as well as the upcoming 2018 events. She explained she is reaching out to the Susquehanna River Valley Visitor's Bureau in an effort to partner to promote tourism with a goal of reaching not just people here in this local region, but people throughout the State.

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

**PUBLIC WORKS/POLICE COMMITTEE:** Council received the Buffalo Valley Regional Police Department's (BVRPD) monthly report. Chief Yost reported National Night Out was a little damp this year, but there was still a great turnout.

Councilmember Comas made a motion, seconded by Councilmember Medina, to approve the Eagle Scout Project as presented by James Thompson for the placement of a lighted flagpole in Soldiers Park, with the condition that Mr. Thompson work closely with the Borough Staff and provide a progress report to the Public Works/Police Committee at their September meeting. **ON THE QUESTION:** Manager Lowthert said Mr. Thompson will be back in school and suggested a progress report be emailed to him and he will share it with the committee. Motion was unanimously approved.

**ADMINISTRATIVE/FINANCE COMMITTEE:** Councilmember Derman made a motion, seconded by Councilmember Heayn, to approve the payment of bills from July 14, 2018 through August 17, 2018 in the amount of \$453,866.45. Motion was unanimously approved.

<b><u>ATTENDANCE</u></b>
<b><u>CALL TO ORDER</u></b>
<b><u>APPROVAL OF MINUTES</u></b>
<b><u>COUNCIL PRESENTATION(S)</u></b> <b>JENNIFER RAGER-KAY</b>
<b>JAMES THOMPSON</b>
<b>ELLEN RUBY</b>
<b><u>PUBLIC COMMENT(S) ON ANY AGENDA ITEM</u></b>
<b><u>PUBLIC WORKS/POLICE COMMITTEE</u></b> <b>BVRPD</b>
<b>EAGLE SCOUT PROJECT OF LIGHTED FLAGPOLE IN SOLDIERS PARK APPROVED</b>
<b><u>ADMINISTRATIVE/FINANCE COMMITTEE</u></b> <b>PAYMENT OF BILLS</b>

Tuesday, August 21, 2018

Councilmember Derman made a motion, seconded by Councilmember Heayn, to approve the use/possession/consumption of beer and/or wine permit application for the Buffalo Valley Recreation Authority (BVRA) for Adult Kickball Recreation Event to be held in the Warming House on Friday, September 21, 2018 from 4:30 PM to 9:00 PM. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Heayn, to approve use/possession/consumption of beer and/or wine permit application for the Lewisburg Downtown Partnership (LDP) for the Fall Music Festival to be held in Hufnagle Park on Saturday, September 15, 2018 from 7:00 AM to 5:00 PM. ON THE QUESTION: Councilmember Comas asked if there are costs associated with things like this. Manager Lowthert said there are applications that must be submitted detailing what is needed, e.g. garbage cans, barricades, etc. and then they pay the appropriate fees. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Heayn, to grant Pennoni Associates, Inc. an extension until December 31, 2018 for Part 2 of Final Design, and Part 3 of Engineering Services during Construction, for the U.S. Route 15 Adaptive Signal Project, Agreement No. L00070, as recommended by PennDOT. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Heayn, to authorize the purchase of a bucket truck in an amount not to exceed \$71,000.00. ON THE QUESTION: Councilmember Comas asked if this is to replace the bucket truck that was totaled in an accident. Manager Lowthert said yes; we absolutely need this vehicle and are exploring our options (new or used), but whatever we do will be in compliance with the Borough Code requirements. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to appoint Councilmember Luis Medina to serve as the fourth Borough representative on the Buffalo Valley Recreation Authority (BVRA); term expiration date 12/31/2021. Motion was unanimously approved.

Councilmember Derman said the Administrative/Finance Committee discussed a suggestion that the Lewisburg Downtown Partnership (LDP) be allowed to reserve dates for events to be held in the Borough's parks a year in advance and is looking for Council's input on this. Manager Lowthert said the procedure is that you cannot reserve our parks in advance, you have to wait until the calendar year of the event. If someone wanted to do an event in 2019, they would come in and submit the application in January of 2019. The only dates reserved outside of that year are for recurring events like the Fourth of July Parade, the Arts Festival and Music in the Park. A suggestion was made to allow LDP to reserve dates in advance as well. They would then be the only organization you would be allowing to do this, so the committee wanted Council input. Councilmember Derman asked if you know all the 2019 event dates. Ellen Ruby said yes and she would know the 2020 event dates before the end of June 2019. She explained she could be here January to put in for all the event dates, but there could be someone ahead of her that could potentially take one of her event dates (and there was discussion of an organization having that intent). However, more importantly, in order to effectively promote and advertise these events, she would really like to know the event dates have been secured. Mayor Wagner said she feels we have a significant fiduciary relationship with the LDP and their relationship extends to many businesses, organizations and other initiatives; it seems clear that the LDP should receive priority for their event dates. There was **much** discussion. Councilmember Derman said he is not comfortable voting on this tonight and suggested the Administrative/Finance Committee look at this in more detail. Ellen Ruby said it is not the LDP's intention to create any kind of conflict, but would work with other organizations if needed. Councilmember Morris indicated this will be placed on the next Administrative/Finance Committee agenda for discussion. Manager Lowthert asked Ellen Ruby to attend the next committee meeting and he will also ask Sam Pearson with the LNC to attend as well.

**COMMUNITY DEVELOPMENT/PLANNING COMMITTEE:** Councilmember Yohn made a motion, seconded by Councilmember Derman, to approve HARB items a through c, as submitted and recommended by HARB per their minutes dated August 14, 2018. ON THE QUESTION: Councilmember Heayn commented item a is a change to the entry of the old liquor store property. The owner is asking to relocate the front entranceway to accommodate a potential tenant. There was much discussion by HARB as: 1) they recognized this new access would mean an intrusion of a stoop into the sidewalk, 2) this would slightly change the appearance of the property, and 3) they understood there was a potential tenant with a need for this change to be made. If Council approves, HARB wants to be sure the Borough's Zoning Officer reviews this carefully and noted HARB's preference would be to maintain the existing accessible entry. Manager Lowthert indicated the Borough has no authority to approve construction in a PennDOT right-of-way. Mr. Mazzamuto said he already spoke to PennDOT and they were ok with this. Manager Lowthert said a building permit from zoning is required. Mr. Mazzamuto said he understood. Councilmember Heayn read an email from David Hines, Zoning Officer, which indicates Mr. Hines reviewed the zoning permit for 334 Market Street, the owner of this property/project already talked to PennDOT, so Mr. Hines will allow the building of the front entrance as presented with the understanding that if PennDOT would ever ask the property owner to remove this entrance, the property owner would have to comply. Mayor Wagner pointed out an issue of the three extremely bright lights out front of this building and asked if Mr. Mazzamuto would consider replacing bulbs to provide a softer light. Mr. Mazzamuto said he would look into changing the lighting. Motion was approved, with one dissenting vote, Councilmember Heayn voted no.

USE/POSSESSION/  
CONSUMPTION OF  
ALCOHOL PERMIT  
APPLICATION/  
BVRA

USE/POSSESSION/  
CONSUMPTION OF  
ALCOHOL PERMIT  
APPLICATION/  
LDP FALL MUSIC  
FESTIVAL

PENNONI  
ASSOCIATES  
GRANTED  
EXTENSION FOR  
ADAPATIVE  
SIGNAL PROJECT

AUTHORIZATION  
OF PURCHASE OF  
BUCKET TRUCK

APPOINTMENT OF  
LUIS MEDINA TO  
BVRA AS FOURTH  
BOROUGH  
REPRESENTATIVE

DISCUSSION OF  
LDP'S ADVANCE  
RESERVATION OF  
DATES IN  
BOROUGH PARKS

**COMMUNITY  
DEVELOPMENT/  
PLANNING  
COMMITTEE  
HARB**

Tuesday, August 21, 2018

**Vito-Giuseppa Mazzamuto/334 Market Street/Front Entrance Door.** An application was submitted to and reviewed by HARB for a new front entrance. Motion was made by Ted Strosser, seconded by David Heayn, to recommend approval of the new front entrance as presented and as shown in the drawings attached to the HARB application, however, HARB expressed concerns about encroachment of the stoop on the sidewalk and asked that the Borough's Zoning Officer and Borough Council review this carefully, noting that HARB's preference would be to maintain existing accessible entry. Motion was unanimously approved.

**b. Donna Cummings/626 Market Street/Demolition of Patio.** An application was submitted to and reviewed by HARB for demolition of an enclosed patio/deck. Motion was made by Kim Walter, seconded by Elaine Wintjen, to recommend approval of the demolition of the enclosed patio/deck, as shown in the photographs attached to the HARB application. Motion was unanimously approved.

**c. Jeff Antolick-Kim Bowers-Antolick/90 Brown Street/Garage Roof Change.** An application was submitted to and reviewed by HARB for a garage roof change/reconstruction. Motion was made by Kim Walter, seconded by Elaine Wintjen, to recommend approval of the roof reconstruction as described in the project description of the HARB application and as shown in the drawings attached to the HARB application. Motion was unanimously approved.

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

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

Connie Moore, 110 South Second Avenue, provided information showing the sequence of events that took place with regard to her two Norway maples located in front of her property, copies of the invoices from a certified arborist who clearly indicates he removed only "dead wood" from her trees, and copies of the letters to and from the Shade Tree Commission (STC). She explained she doesn't feel the STC's request for removal is warranted, pointed out ambiguities in the Borough's ordinance, and requested Council's input in this matter because she needs clarification. Councilmember Derman said the trees need to be removed. Council is aware there are improvements needed to the Borough's shade tree ordinance and it is currently being reviewed by the STC. Council has been informed by the Solicitor numerous times that Council cannot override a decision of the Shade Tree Commission; therefore, the STC's determination stands. Ms. Moore said there are numerous trees in this Borough that are in the same condition as her trees, so are those property owners being told they have to remove their trees and replant. Councilmember Derman said eventually. Ms. Moore asked for specific instructions from the STC in writing of exactly what she is being required to do because the ordinance is vague and contradictory. She is being told she must plant a large tree, she doesn't have the tree well size for a large tree, and she doesn't want to see the Borough come back to her years down the road and tell her she must replace her sidewalk because the large tree has moved her sidewalk. There was **very much** discussion on this matter. Council President Morris thanked Ms. Moore for her concerns and acknowledged that the shade tree ordinance is currently being reviewed.

Gregory Amarante of 107 South Fourth Street, said several weeks ago names were taken at a Council meeting of the people expressing an interest in the creating/updating of the proposed NDO; he has never been contacted. Councilmember Comas commented that he thinks he lost all that information and asked Mr. Amarante for his contact information again. Manager Lowthert said as soon as he knows the when and where of the meeting for discussion of the proposed Human Relations Ordinance he will put the information on Borough's Facebook page and the Borough's website. Mr. Amarante said appreciates the work done with regard to the new flag pole in Soldiers Park, but he is concerned about the ongoing costs the Borough will absorb as a result, e.g. the flags, electricity, etc. He also heard about a loan taken out for paving of roads which results in additional costs to him as a taxpayer. He said he is not necessarily complaining, but he simply would like to understand all of this better and asked where he should go for this information. Manager Lowthert suggested Mr. Amarante contact him via email or phone and he will be happy to help him. Mr. Amarante said he also supports the LDP being able to schedule use of the parks in advance because their events support this Borough.

Kevin Gardner, and EBT resident, asked for a copy of the proposed Human Relations Ordinance. Councilmember Comas provided a copy.

Nancy Steckel of 2050 Furnace Road said two copies of the Human Relations Ordinance were just handed out tonight; when will this be available to the public. Manager Lowthert said Councilmember Comas is making this available now, so he will be happy to forward copies to anyone that wants it; however, remember that this has not gone through a Council committee or Council yet. Councilmember Comas said since he has shared this with Council it is technically a public document. Between now and when it is presented, there probably will be changes made to this document. When the final copy is being presented to the Council committee/Council for review, it will also be available to the public.

**MAYOR:** Mayor Wagner updated Council on her many activities of the past month as she has been very busy.

**COUNCIL PRESIDENT:** No report.

**MANAGER:** No report.

**BOROUGH SOLICITOR:** No report.

**JUNIOR COUNCILMEMBER:** Absent.

V/G MAZZAMUTO

D CUMMINGS

J ANTOLICK/K  
BOWERS-  
ANTOLICK

**PUBLIC  
COMMENT(S) ON  
ANY NON-AGENDA  
ITEMS**

CONNIE MOORE

GREGORY  
AMARANE

KEVIN GARDNER

NANCY STECKEL

**MAYOR**

**COUNCIL  
PRESIDENT**

**MANAGER**

**BOROUGH  
SOLICITOR**

**JUNIOR  
COUNCILMEMBER**

Tuesday, August 21, 2018

**OTHER COMMITTEES:** Peter Bergonia updated Council on the BVRA; noting the pool will be closing next weekend and after the closing, there will be the annual doggie dip. Work continues with tree trimming along the rail/trail, and the rail/trail restrooms have been repaired. There is a meeting of the BVRA tomorrow night at 5 PM, so we will all know more about the agreement between BVRA and EBT after that meeting.

Peter Bergonia updated Council on the Community Garden, noting that plant sales were very good this year. The amount of food distributed this year exceeded the amount from last year. Obviously watering wasn't an issue this year thanks to all the rain.

Peter Bergonia indicated the CK-COG continues to be very busy as there's a lot going on. The annual membership meeting is scheduled for 7 PM October at the Government Center.

Council President Morris indicated we heard from the LDP's new Executive Director this evening and she has nothing to add.

Councilmember Derman said things have been slow as the LNC staff has been on vacation. The river clean-up date had to be changed as the river is too high. A new date will be provided. Manager Lowthert said FEMA had a day time flood-proofing training session at the Union County Government Center for elected officials and then an evening training session for the public.

Jordi Comas reported the Shade Tree Commission is working on a long range planning process in an attempt to match the Borough's budgeting. And there is ongoing work being done to the Borough's current shade tree ordinance. Where do the proposed changes go once the STC is done. Manager Lowthert said they would go through a Council committee for review, then be forwarded to Council for review, and when Council is comfortable with it, Council would direct our Solicitor to review and advertise for a public hearing. After that public hearing, Council can consider adoption.

Councilmember Derman reported the MACAC just today received the information they have been waiting for with regard to the transfer of assets from William Cameron Engine Company to the Central Susquehanna Fire Emergency Services Board. He will keep Council informed.

**ANY ADDITIONAL BUSINESS FROM COUNCIL:** None.

**WRITTEN REPORTS:** Councilmember Yohn made a motion, seconded by Councilmember Derman, 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 said there is one item for Council discussion and that is commercial vehicles being parked along Borough streets. Does Council want to discuss that at the September work session or do you want to take September off and hold no work session given all that is going on. There was **much** discussion. Manager Lowthert explained Council agreed to the signage ordinance as proposed and then authorized obtaining outside legal counsel comments, which were received. Councilmember Derman said he incorporated those comments into the signage ordinance. Manager Lowthert said then this ordinance could come back to Council for discussion in September, and Council could authorize the Solicitor to schedule a public hearing. Solicitor Lyons said it would have to be reviewed and commented on by the local and County Planning Commissions. Manager Lowthert indicated he will place that on Council's September agenda and noted there will not be a work session of Council Tuesday, September 11, 2018.

Councilmember Comas asked about a meeting date to discuss the proposed Human Relations Ordinance; we need a location large enough to hold members of the public. There was **much** discussion. It was the sense of Council that this be a special meeting of the Community Development/Planning Committee held the purpose of discussing only the proposed Human Relations Ordinance. Councilmember Yohn suggested dates be obtained for location availability first, then we can determine who is available on those dates. Manager Lowthert said he will follow-up on this.

Council President Morris called for a five minute recess at 8:25 PM.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to hold an executive session on legal and personnel matters. Motion was unanimously approved.

Council entered executive session at 8:30 PM. Council returned at 8:45 PM.

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 8:45 PM.

Respectfully submitted,

Patricia M. Garrison  
Borough Secretary

**OTHER COMMITTEES**  
**BVRA**

**COMMUNITY GARDEN**

**CK-COG**

**LDP**

**LNC**

**STC**

**MACAC**

**ANY ADDITIONAL BUSINESS FROM COUNCIL**

**WRITTEN REPORTS**

**WORK SESSION**

**RECESS**

**LEGAL/PERSONNEL MATTERS**

**(EXECUTIVE SESSION)**

**ADJOURNMENT**