

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, September 17, 2013** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Casimir, Cox, Mahon, Morris, Robinson and Strosser; Mayor Wagner; Manager Smith and Secretary Garrison. Absent: Solicitor Lyons. Also present: Tom Egan, Matthew Wyman, Lydia Brents, Bill Seigel, Rob Cook, Allie Kaliff, Rebecca Vetere, Amanda Fazio, Lena Perimutter, Matthew Berman, Charlie Geitz, Elizabeth Morgan, Alanna Fitzpatrick, Ben Kanfana, Andrew Andreychik, Sami Goldman, Matt Farrand, Bud Schenck, Meghan Beck, Will Fiermer, Zachary Kraft, Alex Peter and Davis Broadt.

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 Robinson, to approve the minutes of the regular Council meeting held August 20, 2013 and the work session held September 10, 2013. Motion was unanimously approved.

PUBLIC PARTICIPATION: Council President Bergonia welcomed a journalism class from Bucknell University.

Meghan Beck, owner of a South Sixth Street property, indicated she was present to determine if SEDA-COG and Attorney Lyons made Council aware of her counter offer, as well as the rejection of her counter offer by Attorney Lyons. Council President Bergonia indicated Council will meet in executive session this evening to discuss the South Sixth Street Demolition.

Tom Egan, a member of the Planning Commission, stated he would like to comment on the Jersey Shore State Bank (JSSB) Final Land Development Plan, but will wait to speak until Council reaches that subject on their agenda.

POLICE COMMITTEE: No meeting in September. Mayor Wagner indicated the Police Committee will meet October 1st at 5 PM. Chief Yost distributed and reviewed his August 2013 monthly activity report in detail. Councilmember Casimir indicated it was reported that the BVRPD assisted other municipalities; where would he find that in the monthly activity report. Chief Yost said under the Time Summary Report you will see every area we were in and how much time we spent there.

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

a. Thomas Flick/226 North Fifth Street/Deck Replacement. An application was submitted to and reviewed by HARB for a replacement deck. A motion was made by Ted Strosser, seconded by Mary Mastascusa, to recommend approval of the deck replacement as shown in the project description section of the HARB application, with the stipulation this deck be painted and/or stained within one year of replacement. Motion was unanimously approved.

b. Deborah O'Hara/212 Market Street/Signage. An application was submitted to and reviewed by HARB for a sign. A motion was made by Phoebe Faden, seconded by Robert Cook, to recommend approval of a sign above the property store window, as shown on the Zoning Permit application. Motion was unanimously approved.

c. Dominic Silvers-Bucknell University/Gateway Drive/Storage Shed. An application was submitted to and reviewed by HARB for the placement of a storage shed. A motion was made by Kim Walter, seconded by Elaine Wintjen, to recommend approval of the placement of the bike rental shed as stated in the application. Motion was unanimously approved.

d. Andrew Stuhl/29 St. Mary Street/Window Restoration. An application was submitted to and reviewed by HARB for window restoration. A motion was made by Elaine Wintjen, seconded by Robert Cook, to recommend approval of the window restoration, as shown in the project description section of the HARB application and the drawings attached to said application. Motion was unanimously approved.

Councilmember Casimir reported a courtesy review was conducted for the Sweet Frog on Market Street and the HARB members will appear onsite to offer opinions on some brickwork in an effort to avoid a month delay to the business.

Councilmember Casimir indicated the proposed LNC Community Coordinator position was discussed, there were various opinions, but it was agreed that this should be part of the budget discussions for next year.

Councilmember Casimir stated we continued work on our zoning ordinance amendments for off-site parking and granny flats, and we are ready to send them to the Planning Commission for their review and comments. Manager Smith commented Council doesn't have a copy of the proposed amendments in front of them because the document is about 100 pages. Councilmember Casimir indicated he prepared a one page worksheet in which each change is listed and that can be compared to the current zoning ordinance. Manager Smith indicated he would email a copy of the amendments to Council for their review. Councilmember Casimir said he would email the one page worksheet also. He clarified that until the Planning Commission has had a chance to review and comment, no decision is required of Council.

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION

MEGHAN BECK

TOM EGAN

POLICE COMMITTEE

PLANNING COMMITTEE

T FLICK

D O'HARA

D SILVERS/BU

A STUHL

SWEET FROG COURTESY REVIEW

DISCUSSION OF LNC COMMUNITY COORDINATOR POSITION

ZONING ORDINANCE AMENDMENTS FOR OFF-SITE PARKING/GRANNY FLATS

Tuesday, September 17, 2013

PUBLIC WORKS COMMITTEE: Councilmember Strosser reported there was no meeting in September.

FINANCE COMMITTEE: Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve payment of bills from 08/17/13 through 09/13/13 in the amount of \$180,544.76. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Cox, to advertise a change in the Finance Committee's meeting time from 3 PM to 4 PM, the second Monday of each month, for the remainder of 2013. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to approve the Minimum Municipal Obligation (MMO) of \$172,334.00 for Non-Uniformed Employee Pension Plan, for the year 2014, as detailed in a letter submitted to the Council President dated August 29, 2013. Motion was unanimously approved.

MAYOR: Mayor Wagner said she would like to welcome the men and women from Bucknell University. She introduced Nick Salvo and Will Fierman who represent the Bucknellian. She announced Trick or Treat in the Borough will be held on Halloween, Thursday, October 31st, from 6 PM to 9 PM. She reported she is attempting to get someone from the Bucknell Student Government (BSG) to attend Council meetings so we can be informed of events, etc. She advised that during last month's meeting it was noted by Councilmember Casimir that the BVRPD is entering into a lease agreement with the Union County Housing Authority; the Union County Housing Authority would like that "comment" to be a "motion" of Council. And, there is a resolution and an amendment to the IGA coming up later during this meeting for Council action. Chief Yost stated if Council simply makes a motion now, it will be reflected in the minutes from this meeting and will satisfy the Union County Housing Authority. Councilmember Casimir said he isn't sure how to make the motion because it isn't affecting the Borough's 2013 budget? Chief Yost said yes, but if you look at his budget, he now has a line item for rent and then he has added another line item for *rent to the Union County Housing Authority*.

Councilmember Casimir made a motion, seconded by Councilmember Cox, to approve the modification of the BVRPD's 2013 budget as just described by Chief Yost, specifically showing an additional line item pertaining to *rent to the Union County Housing Authority* for the Industrial Boulevard property. Motion was unanimously approved.

Councilmember Baker asked what the motion dealing with an amendment of the IGA is about. Manager Smith said the motion referred to is found under the Solicitor. There was a technical issue raised by the Authority's Solicitor, Melissa Lobos, regarding the dissolution provision of the IGA, which she insisted be amended as part of the lease negotiation. Since Pete Matson and Andy Lyons both agreed that the intent of the dissolution provision was as the Authority's Solicitor had interpreted it to be, they agreed that amending the IGA was warranted. The resolution provides for the language clarification in the amendment.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to adopt Resolution No. 13-06, a resolution providing that Paragraph 15 (dissolution) of Article XV of the Intergovernmental Cooperation Agreement shall be mandatory and authorizing and directing the execution of the amendment. Motion was unanimously approved.

COUNCIL PRESIDENT: No report.

SOLICITOR: No report.

MANAGER: Manager Smith indicated the Borough received two recycling grants this year. One was to purchase the recycling bins, which was accomplished. The second was to renew the current recycling compound by expanding its capacity, giving us the ability to collect electronics and improve the site for maintenance and upkeep purposes. As part of the expansion of the recycling compound, we have to relocate the storage area and decided to level an area back by the brush pile, install stone, and then re-fence that storage area which holds miscellaneous parts, inlets, trailers, refuse dumpsters, etc. We received a proposal in the amount of \$6,762.00 from Apollo Fence Company for the purchase and installation of the fencing needed around this newly created area; the price is reasonable and the work of Apollo Fence is good, so he would ask Council to approve that proposal.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to approve the proposal from Apollo Fence Company in the amount of \$6,762.00 for the purchase and installation of fencing around the new storage location, as a result of the Recycling Center Improvement/Expansion Project. ON THE QUESTION: Mayor Wagner asked the type of fencing. Manager Smith said chain link fence. Motion was unanimously approved.

PUBLIC WORKS COMMITTEE

FINANCE COMMITTEE PAYMENT OF BILLS

FINANCE COMMITTEE TIME CHANGE

2014 MMO APPROVAL FOR NON-UNIFORMED EMPLOYEE PENSION PLAN

MAYOR

APPROVAL OF BVRPD'S MODIFICATION OF 2013 BUDGET TO INCLUDE RENT TO U/C HOUSING AUTHORITY

AMENDMENT OF IGA REGARDING DISSOLUTION PROVISION

(RESOLUTION NO. 13-06)

COUNCIL PRESIDENT

SOLICITOR

MANAGER CREATION OF NEW STORAGE AREA AS A RESULT OF EXPANSION OF RECYCLING CENTER IMPROVEMENT PROJECT

APPROVAL OF APOLLO FENCE COMPANY PROPOSAL FOR FENCING OF NEW STORAGE AREA

Tuesday, September 17, 2013

Manager Smith indicated bids were received for the Recycling Center Improvement Project; we bid this, for financial reasons, with a base bid and three alternates to give us some choices. The base bid included asphalt in the middle area of the existing compound, expansion of recycling into the adjoining compound by removing the middle fence, and increasing the length of the concrete pad to accommodate the lengthy electronic bins and "only" providing a stone surface in the new area; alternate one was for additional concrete all the way to the northern fence line of the compound; alternate two was for stone and a base coat in the newly expanded area of the compound; and alternate three was for stone, base and top coat in the newly expanded area of the compound.

The base bid included asphalt in the middle area of the existing compound, expansion of the compound by removing the fence, and increasing the concrete pad in the far northern corner to accommodate the lengthy electronic bins; alternate one was for stone in the newly expanded area of the compound; alternate two was for stone and a base coat in the newly expanded area of the compound; and alternate three was for stone, base coat and top coat in the newly expanded area of the compound. He reported he would like to do all this work, because it is a 90% reimbursement grant; however, after reviewing the refuse budget he isn't comfortable recommending that. The Borough must front all this money and then wait for reimbursement. Obviously reimbursement to the Borough would not happen this year. After looking at the numbers, if we did the entire Recycling Improvement Project we would be negative going into next year in the Refuse Fund. Mayor Wagner stated it appears we just do not have the money. For the public present, 57% of our Borough pays taxes and the rest (churches and other non-profits) do not. Councilmember Casimir questioned runoff as a result of the paving work. Manager Smith said that was taken into consideration by the engineers when preparing the bid specifications.

Councilmember Mahon made a motion, seconded by Councilmember Casimir, to issue a Notice of Intent to Award to Mid-State Paving, LLC for the Recycling Center Improvement Project Base Bid in the amount of \$60,811.85, subject to receipt of acceptable performance and payment bonds and proper insurance, and review and approval by the Borough's Engineer and Solicitor. Motion was unanimously approved.

Manager Smith said the next three motions deal with the Jersey Shore State Bank (JSSB) Land Development; he believes comments from those in attendance should be made during item e discussions. He knows Tom Egan from the Planning Commission is present, as well as Bud Schenck from Mid-Penn Engineering.

Councilmember Strosser made a motion, seconded by Councilmember Morris, to grant an exemption to Jersey Shore State Bank (JSSB) in accordance with Section 106.A of the Stormwater Management Ordinance since the proposed project does not increase impervious coverage, as recommended by the Borough Planning Commission and Borough Engineer. ON THE QUESTION: Councilmember Mahon asked the location of this bank. Councilmember Strosser said it will be across from the Dunkin Donuts where the Broadt Building is currently located. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Robinson, to grant a waiver to JSSB from Subdivision and Land Development Ordinance (SALDO) 315-43.E(2) requiring that parking facilities for Commercial Land Development must be set back a minimum of 15 feet from street right-of-way lines and residential property lines as recommended by the Borough Planning Commission and Borough Engineer. ON THE QUESTION: Councilmember Strosser said this is the issue where the SALDO has setbacks in it that conflict with the Zoning Ordinance and we are reconciling that issue. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to approve the JSSB Final Land Development Plan, revision dated September 10, 2013, based on the recommendation from the Lewisburg Planning Commission with the following conditions: Borough is in receipt of an acceptable executed Stormwater Facilities Maintenance and Monitoring Agreement; Borough is in receipt of an acceptable executed Improvements Guaranty Agreement; Borough Engineer has made final review of plans and recommends signature of plans by Council President; Applicant provides a copy of the approved Highway Occupancy Permit and Declaration of Adequacy issued by PennDOT; and Applicant notes clearly on the final land development plans that sidewalks, including curb cuts and crosswalks, will have to be installed by JSSB at any given future date as determined by the Borough. ON THE QUESTION: Manager Smith indicated an issue came up regarding a requirement to include sidewalks and this should be part of the final land development plan. The sidewalks should tie into North Fourth Street and cross over to Dunkin Donuts. Dunkin Donuts had a requirement for sidewalks and it was made a condition upon the Borough's notification/requirement of same. There was **much** discussion. Manager Smith said Council should allow the sidewalks to be conditioned upon the Borough's notification/requirement of same for JSSB, just like it was for Dunkin Donuts. Councilmember Casimir said he would like to amend his motion that the Borough be able to, at some future point, require the installation of sidewalks. He pointed out he would like to be able to implement some of the recommendations of the

**RECYCLING
CENTER
IMPROVEMENT
PROJECT**

**NOTICE OF INTENT TO
AWARD RECYCLING
CENTER IMPROVEMENT
PROJECT TO MID-
STATE PAVING/BASE
BID AMOUNT
\$60,811.85**

**JERSEY SHORE
STATE BANK LAND
DEVELOPMENT
(JSSB)**

**EXEMPTION
GRANTED TO
JSSB/STORMWATER
MANAGEMENT
ORDINANCE**

**WAIVER GRANTED
TO
JSSB/SUBDIVISION
AND LAND
DEVELOPMENT
ORDINANCE**

**APPROVAL OF
JSSB FINAL LAND
DEVELOPMENT
PLAN
(SIDEWALKS/CURB
CUTS/
CROSSWALKS
REQUIRED AT
SOME FUTURE
DATE)**

Tuesday, September 17, 2013

Route 15 Corridor Study. Bud Schenck of Mid-Penn Engineering said there is also concern about the safety of promoting a pedestrian crossing at *that* intersection, as it is a dangerous intersection. Tom Egan said this is a very difficult intersection, visibility is reduced, and his understanding is sidewalks would be behind the concrete barriers. The Planning Commission talked extensively about this and no one seemed to be pleased with the sketch, but it is a recommendation that sidewalks be required. The Planning Commission had concerns over what will trigger the construction of the sidewalks. The Planning Commission discussed at length a raised concrete area to restrict left turns at that intersection and crosswalks once sidewalks are installed; then there were questions of who would pay for the raised concrete and crosswalks and how we would obtain PennDOT approval. Councilmember Casimir commented other than the crosswalks and island, did the Planning Commission have any other comments. Mr. Egan said the plans dated August included the curbcut/crosswalk on south on Fourth Street and we talked about moving that down to the where the stop walk is as it seemed that would be better for visibility purposes. It was mentioned this intersection could get a traffic light in the future and that would change everything. Councilmember Casimir stressed the request for a traffic light at that location was before Council three times over the last eight years. Manager Smith commented that a traffic light at Route 15 and North Fourth Street is not going to happen. Councilmember Casimir said the curb cut is basically a place holder; no crosswalk will be painted until such time as sidewalks are actually installed. Manager Smith said the Borough Engineer indicated he would work with Council on making sidewalks a contingency at a later date if that is the desire, and it is sidewalk installation that creates the need for a crosswalk. Councilmember Casimir said then his motion on the floor needs to reflect that sidewalks include curb cuts and crosswalks. Manager Smith suggested to Bud Schenck that this be noted on the front page of the final land development plan so in the future there are no questions on what is required. Tom Egan said Steve Beattie isn't here, but Mr. Beattie indicated the land development plan is always in continuance, so if this requirement is put on there, Council is empowered to direct it to happen. Mr. Schenck indicated the sidewalk arrangement discussed with the Borough Engineer will be included on their drawing, meaning that curb cuts, sidewalks and crosswalks will be shown for the future, but they are not being required to be installed at this time. Mr. Showalter said he is sure the JSSB is more concerned with liability at this point; they don't mind putting them in, but they want to be sure safety is the number one concern. Councilmember Strosser said JSSB would only be liable for their sidewalk on their property, not the crosswalk, and the Borough is saying we don't want a curb cut now, but in the future when the sidewalks are actually installed. Motion was unanimously approved.

OTHER COMMITTEES: Council President Bergonia indicated the pool has been closed and it was a good summer for the Buffalo Valley Recreation Authority (BVRec).

Councilmember Morris reported the LDP is still very busy with their capital campaign.

Mayor Wagner reported she, along with Councilmember Morris, attended this month's Town and Gown Committee meeting. This committee meets four times a year and for those that may not know it, this is a formalized communication between the Borough, surrounding municipalities and Bucknell University that is attended by the Dean of Students, a realtor, landlords, merchants, an Elm Street representative, East Buffalo Township representatives, Borough of Lewisburg representatives, the BVRPD, Bucknell Public Safety, a Parents' Group representative and Dean Remley. She commented she is very happy with the good relationships currently held, and doesn't ever remember them being so good.

Councilmember Morris stated the LNC held their social gathering, with approximately 300 students in attendance; it was a very good event. The LNC is working on moving into its new neighborhood. It appears the LNC is going to be part of the Woolly Worm Festival again this year, and the Festival is scheduled for October 12th. Mayor Wagner said the Elm Street Program was evaluated by the State again; she doesn't believe anyone could have done better than this Borough in terms of compliance, etc. It's a shame this is the last year of the State's contribution for this worthwhile program.

Councilmember Casimir stated the STC continues with their Emerald Ash Bore Project and our consultant completed the assessment part of the job. The next stage is preparing the management plan. He, along with Kim Wheeler, attended a workshop on Green Infrastructure and Urban Forestry that was very interesting and useful. This year we will be having a fall planting, and we will also be removing some bad trees in Kidsburg. He commented the STC is always looking for volunteers.

Council President Bergonia indicated the CK-COG remains very busy; next month is the annual reorganizational meeting. Manager Smith said that meeting is October 14th and Council should have received a notice for that meeting.

Councilmember Morris stated the Community Garden is working on closing the garden, and they have numerous fundraisers all scheduled, i.e. Zombie Run, Harvest Festival, etc.

**OTHER
COMMITTEES
BVREC**

LDP

TOWN AND GOWN

LNC

STC

CK-COG

**COMMUNITY
GARDEN**

Tuesday, September 17, 2013

Councilmember Strosser and Mayor Wagner indicated they missed last month's Traffic Advisory Committee meeting.

OLD BUSINESS: None.

NEW BUSINESS: None.

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

WORK SESSION: Council President Bergonia indicated there will be a work session in October for the continuing 2014 budget discussion.

Council President Bergonia called for a ten minute recess at 8:00 PM.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to hold an executive session for discussion of the South Sixth Street Demolition/Real Estate Update, as well as a personnel issue. Motion was unanimously approved.

Council entered executive session at 8:10 PM. Council returned at 8:35 PM.

There being no further business, Councilmember Mahon made a motion, seconded by Councilmember Morris, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 8:35 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

**TRAFFIC
COMMITTEE**

OLD BUSINESS

NEW BUSINESS

WRITTEN REPORTS

WORK SESSION

RECESS

**SOUTH SIXTH STREET
DEMOLITION/REAL
ESTATE UPDATE AND
PERSONNEL ISSUE**

**(EXECUTIVE
SESSION)**

ADJOURNMENT