

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held at 6:30 PM on **Tuesday, September 18, 2018** in the Council Chambers, 55 South Fifth Street, Lewisburg. Present: Council President Morris; Councilmembers Comas, Derman, Frederick, Heayn, Mahon, Medina and Yohn; Solicitor Lyons, Manager Lowthert, Secretary Garrison and Police Chief Yost. Absent: Mayor Wagner and Junior Councilmember Ezra Buonopane. Also present: Yvonne Morgan, Jim Morgan, Stacie Gaul, Christian Gaul, Carol Steckel, James Lindberg, Carolyn Conner, Ed Cox, Dan Clark, Nancy Steckel, Don Steckel, Connie Moore, Trey Casimir 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 Mahon, to approve the minutes of the August 21, 2018 regular monthly meeting. Motion was unanimously approved.

COUNCIL PRESENTATION(S): Council President Morris said Trey Casimir requested placement on the agenda to address the Inaugural Lewisburg Victorian Nutcracker event and she will recognize Mr. Casimir when he arrives.

PUBLIC COMMENT(S) ON ANY AGENDA ITEM: Nancy Steckel of 2050 Furnace Road provided a copy of a printout from the Borough's website and said it shows the Council meeting to be at 7 PM in some places and 6:30 PM in others. She asked if the website could reflect when meetings have been cancelled.

Manager Lowthert said he is looking at the printout Ms. Steckel provided and it appears she clicked on a link for a meeting in 2017; in 2017 the start time of a Council meeting was 7 PM. He commented if cancellations are known in advance, we could indicate that on the website and/or the Borough's Facebook page.

PUBLIC WORKS/POLICE COMMITTEE: Council received the Buffalo Valley Regional Police Department's (BVRPD) monthly report. Councilmember Comas said at the Regional Police Commission meeting there was discussion of an increase needed for the pension. Chief Yost said an increase is needed due to the change in the actuarial study; there is definitely going to be an increase in the budget, but he is waiting on health insurance and general insurance figures.

Councilmember Mahon made a motion, seconded by Councilmember Derman, to award the Borough's 2018 Park Tree Removal Project bid to Cutting Edge Tree Professionals, LLC in the amount of \$17,500.00 contingent upon review and approval by the Borough Engineer and the Borough Solicitor, said project to be paid for from the Borough's Recreation Funds and the Borough's General Fund. **ON THE QUESTION:** Manager Lowthert said it is dead ash trees again. Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Comas, to award the Borough's 2018 Streets and Parking Lot Improvement Project/Phase II to David Gutelius Excavating in the amount of \$308,077.00 subject to receipt of acceptable performance and payment bonds and proper insurance from the contractor and contingent upon review and approval by the Borough Engineer and the Borough Solicitor, said project to be paid for from the Borough's Debt Service Loans and the Borough's General Fund. **ON THE QUESTION:** Councilmember Derman asked if the issues on Third Street were resolved; he is not sure if they were construction or engineering issues. Manager Lowthert said if you are talking about the ramps that had to be torn out and redone, the Borough hasn't received billing for that work, so he isn't sure if Larson Design Group (LDG) or Gutelius covered those costs. There were two water issues and he heard there is a workable solution for one, the other is still being reviewed. Councilmember Derman asked if Gutelius was the problem; he is concerned about this bid award. Councilmember Heayn asked if we can wait on this award. Manager Lowthert said if we don't approve this tonight, we are going to have to call a special meeting because we are almost at the end of the paving season and if we don't do this now, we may end up not doing it this year. He questioned if we have enough information at this point to determine Gutelius to be a non-responsible bidder, meaning we reject their bid and award to the second lowest bidder. This would be more expensive. But more importantly, we had better have enough information and data so when Gutelius files suit against the Borough, we can defend ourselves in court. Councilmember Derman said it would be nice to know how they resolved these issues. Councilmember Comas said he echoes every concern Councilmember Derman raised. Motion was unanimously approved.

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Heayn made a motion, seconded by Councilmember Derman, to approve the payment of bills from August 18, 2018 through September 14, 2018 in the amount of \$422,006.96. Motion was unanimously approved.

Councilmember Heayn made a motion, seconded by Councilmember Medina, to approve the purchase of a new 2018 Ford Explorer from Sunbury Motors in an amount not to exceed \$33,000.00, said purchase to be made through a Co-Stars Program participant and paid for by Highway Equipment Depreciation Fund. **ON THE QUESTION:** Councilmember Comas asked what Co-Stars is. Manager Lowthert explained it's a State program where the State seeks competitive bids for a variety of items allowing a municipality to purchase being in full compliance with State purchase requirements. Councilmember Comas asked what employees use their own vehicles for. Manager Lowthert said employees, and Councilmembers, use their personal vehicles for training, meetings, etc. He has advocated for this ever since he was hired explaining

<u>ATTENDANCE</u>
<u>CALL TO ORDER</u>
<u>APPROVAL OF MINUTES</u>
<u>COUNCIL PRESENTATION(S)</u>
<u>PUBLIC COMMENT(S) ON ANY AGENDA ITEM</u> NANCY STECKEL
<u>PUBLIC WORKS/POLICE COMMITTEE</u> BVRPD
<u>TREE REMOVAL PROJECT AWARDED TO CUTTING EDGE TREE PROFESSIONALS</u>
<u>STREETS AND PARKING LOT IMPROVEMENT PROJECT (PHASE II) AWARDED TO GUTELIUS EXCAVATING</u>
<u>ADMINISTRATIVE/FINANCE COMMITTEE</u> PAYMENT OF BILLS
<u>PURCHASE OF 2018 FORD EXPLORER</u>

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the details of Borough liability through the eyes of the Borough's workers compensation insurance company and general insurance company. Councilmember Comas questioned who will be able to use this vehicle. Manager Lowthert said an internal policy for use of the vehicle with have to be created. Motion was approved with one dissenting vote, Councilmember Mahon voted no.

Councilmember Heayn made a motion, seconded by Councilmember Derman, to approve the purchase of a new backhoe from Cleveland Brothers in the amount of \$91,990.00, this purchase amount reflects the trade-in amount of \$18,000.00 for Borough's current backhoe, said purchase will be made through a Co-Stars program participant and paid for by Highway Equipment Depreciation Fund. Motion was unanimously approved.

Councilmember Heayn made a motion, seconded by Councilmember Mahon, to approve J.H. Williams & Company, LLC, CPA, to conduct the annual audit for the fiscal year 2018 in the amount of \$10,250.00. Motion was unanimously approved.

Councilmember Heayn made a motion, seconded by councilmember Derman, to approve J.H. Williams & Company, LLC, CPA, to submit quarterly tax payments for the fiscal year 2019 on behalf of the Borough in the amount of \$2,150.00. Motion was unanimously approved.

Councilmember Heayn indicated the committee agreed to allow the Lewisburg Downtown Partnership (LDP) to reserve Borough park(s) prior to December 31, 2018 for three events that will be held in the calendar year of 2019. This is being done on a one year trial basis.

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE: Councilmember Yohn made a motion, seconded by Councilmember Medina, to approve HARB items a, c, d and e, as submitted and recommended by HARB per their minutes dated September 11, 2018. **ON THE QUESTION:** Councilmember Yohn indicated that Ryan Grant, owner of 139 North Fourth Street, was not present at the HARB meeting, so HARB's review on this application will occur next month. Motion was unanimously approved.

a. Margavis Properties, LLC (Owner)/100 Market Street/Fence. An application was submitted to and reviewed by HARB for a fence. Motion was made by Elaine Wintjen, seconded by David Heayn, to recommend approval of the fence as presented in the project description of the HARB application and as shown in the drawings attached to the HARB application. Motion was unanimously approved.

b. Ryan A. Grant (Owner)/139 North Fourth Street/Demolition of Barn. No one was present to represent this HARB application; HARB will review this application at their October 9th meeting.

c. Katherine K. Benion (Owner)/125 South Front Street/Storage Shed. An application was submitted to and reviewed by HARB for a storage shed. Motion was made by Ann Hilliard, seconded by Ted Strosser, to recommend approval of the storage shed as described in the project description of the HARB application and as shown in the photo attached to the HARB application, recommendation is for siding to be T-111 painted, roof shingles to match the house; with the requirement the T-111 be painted within one year. Motion was unanimously approved.

d. Mark Fleisher (Owner)/139 Market Street/Sign. An application was submitted to and reviewed by HARB for a sign. Motion was made by Ann Hilliard, seconded by Elaine Wintjen, to recommend approval of the sign as shown in the photos attached to the HARB application. Motion was unanimously approved.

e. Amanda Unzueta (Owner)/227 South Third Street/Fence-Arbor. An application was submitted to and reviewed by HARB for a fence and arbor. Motion was made by Elaine Wintjen, seconded by David Heayn, to recommend approval of the fence and gate, as described in the project description of the HARB application and as shown in the pamphlet attached to the HARB application, with requirement the fence be stained after it weathers within one year. Motion was unanimously approved.

Councilmember Heayn said HARB talked about the August minutes and what HARB suggested wasn't what the owner, Vito Mazzamuto, proposed for 334 Market Street, but rather a revised plan allowing the open door but not the landing in front of it. What does that mean with regard to the vote taken last month by Council? Manager Lowthert said HARB is a recommending body, Council is the approving body, and Council approved it. Councilmember Heayn commented he had voted no anyway.

Councilmember Yohn reminded everyone there is a vacancy on the Planning Commission, as well as on the HARB. Council President Morris said last meeting the Planning Commission did not have a quorum, so we really need another person to serve.

PUBLIC COMMENT(S) ON ANY NON-AGENDA ITEMS: Council President Morris indicated Trey Casimir has arrived and would like to address the Inaugural Lewisburg Victorian Nutcracker event. Trey Casimir said he, along with his wife, decided to hold this Victorian Nutcracker event, somewhat to replace the Victorian Parade that ended a few years ago. We have had lots of support for this. He will be back next month asking permission to use the Borough's three globe street light standard in the logo to be used for this event. He detailed some of the plans, including a parade of notables walking across the apron of the stage on their way to the party scene and inquired if anyone would be interested in participating. You could be dressed in Victorian costumes or maybe not. The event is December 15th at 7 PM at the Greenspace building.

Council President Morris indicated Yvonne Morgan is present to address the proposed Human Relations Ordinance. Yvonne Morgan said we have been going round and round about this proposed Non-Discrimination Ordinance (NDO) and she found out the State has made some changes to their ordinance. She hopes the State can take this over and we can cooperate with them. Everything isn't perfect, but she feels it is a good start. She has had some assurances that this is not going to be challenged by the legislature. We all want the same thing and she is asking that Council consider working with the Pennsylvania Human Relations Commission Guidelines

PURCHASE OF 2019 BACKHOE

2018 ANNUAL AUDIT TO BE PERFORMED BY JH WILLIAMS & COMPANY

2019 QUARTERLY TAXES SUBMITTED BY JH WILLIAMS & COMPANY

LDP PERMITTED TO RESERVE BOROUGH PARKS IN ADVANCE

COMMUNITY DEVELOPMENT/ PLANNING COMMITTEE HARB

MARGAVIS PROPERTIES

R GRANT

K BENION

M FLEISHER

A UNZUETA

V MAZZAMUTO/334 MARKET STREET

CURRENT VACANCIES

PUBLIC COMMENT(S) ON ANY NON-AGENDA ITEMS
TREY CASIMIR

YVONNE MORGAN

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on Discrimination on the Basis of Sex under the Pennsylvania Human Relations Act (everyone received a copy of this document). Council President Morris said since we just received the document tonight, she suggests Councilmember Comas take a look at this. Councilmember Medina asked who sent this to Ms. Morgan. Ms. Morgan said Representative Fred Keller. There was **much** discussion. Councilmember Comas commented when it is said that we are all working for the same thing and we want the same thing, that isn't fair to say because we don't want the same thing. The devil is in the details and what he wants is a clear ordinance. Ms. Morgan said we all believe in equality and treating everyone with respect. Council President Morris stated we are still are working on a date for this meeting.

MAYOR: Absent.

COUNCIL PRESIDENT: No report.

MANAGER: Manager Lowthert said there are a few more items shown on the agenda that need Council attention.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to approve the Minimum Municipal Obligation (MMO) of \$166,425.00 as detailed in the letter submitted to the Council President dated September 10, 2018. ON THE QUESTION: Manager Lowthert said this is basically what the Commonwealth says is the minimum amount of money the Borough needs to put into the Borough's pension plan in 2019. This amount is offset by an amount of State Aid, however we do not know that amount yet; the State Aid in 2017 was \$64,235.54. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to approve the submission of an amendment of the zoning ordinance with respect to signs to the Union County and Lewisburg Planning Commissions for their thirty day review pursuant to the MPC, and to direct the Borough Solicitor to prepare the ordinance, schedule the public hearing, and advertise for the public hearing and ordinance enactment. ON THE QUESTION: Manager Lowthert said this was worked on for quite some time by Councilmember Derman and his group and they feel it is ready for action. Solicitor Lyons pointed out there is a thirty day review period so this will not be before the public and Council until the November meeting. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Heayn, to reject all engineering proposals received in association with the Bull Run Floodplain Restoration/Nature Play Area (Kidsburg) Project. ON THE QUESTION: Manager Lowthert indicated this is the project LNC has been working on. We put out Request for Proposals (RFP's) and while reviewing these proposals, we heard PennDOT also funded this project in the amount of \$1,000,000.00. At the kick-off meeting, PennDOT indicated the RFP we put out doesn't meet PennDOT requirements. We do need to reject these proposals and put out a new RFP that meets PennDOT requirements. Motion was unanimously approved.

Manager Lowthert explained every time there is a census, boundary survey paperwork is sent to all municipalities for completion as they need to be sure when counting people, they are counting people in the correct community. Union County offered to do this on behalf of all municipalities as they have the GIS and mapping information. There is no reason for the Borough to not allow Union County to do this. It was the sense of Council that Union County be notified of the Borough's desire for them to process the necessary census boundary survey paperwork.

Manager Lowthert said at the last meeting a member of the public asked that the agenda be posted on the Borough's website 24 hours in advance of the meeting; Council approved that. We posted the agenda this month, but a member of the public requested being added to the agenda after the posting occurred, and then there were several items we had to add to the agenda. As a result, the agenda posted is not the one before you tonight. Council President Morris asked if it was labeled a draft. Manager Lowthert said yes, but he wanted to bring this to Council's attention and ask if Council wants a cut-off time on this posting. He realizes a person doesn't have to be listed on the agenda to speak, but he is looking for clarification. There was **much** discussion. It was the sense of Council that the cut-off for a member of the public to be placed on the Borough's agenda to speak be 4:00 PM the day before the Council meeting and it should be made very clear on the website that the agenda posted is a draft.

BOROUGH SOLICITOR: No report.

JUNIOR COUNCILMEMBER: Absent.

OTHER COMMITTEES: Councilmember Medina said the BVRA budget for 2019 has been approved and the agreement with East Buffalo Township (EBT) has been signed. Manager Lowthert said Stacey Sommerfield will be at our next budget work session. Councilmember Medina commented the Board has gotten larger with the addition of the four members from Kelly Township. Councilmember Comas said there are now four members representing a township that contributes no money. Council President Morris pointed out that residents of Kelly Township do pay more to participate in the programs as they are not a contributor to the authority. There was **very much** discussion.

Council President Morris reported the LDP's event Saturday went extremely well. Councilmember Comas asked when the LDP is moving into this building. Council President Morris said there was

MAYOR

COUNCIL PRESIDENT

MANAGER

2019 MMO APPROVED IN AMOUNT OF \$166,425.00

AMENDMENT TO ZONING FOR SIGNAGE TO UNION COUNTY AND LEWISBURG PLANNING COMMISSIONS FOR REVIEW/COMMENT; SOLICITOR TO PREPARE/ ADVERTISE

RFP'S FOR BULL RUN FLOODPLAIN RESTORATION/ NATURE PLAY PROJECT REJECTED

UNION COUNTY TO PROCESS CENSUS BOUNDARY PAPERWORK FOR BOROUGH

DEADLINE FOR COUNCIL AGENDA POSTING ON WEBSITE

BOROUGH SOLICITOR

JUNIOR COUNCILMEMBER

OTHER COMMITTEES BVRA

LDP

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an issue with the lease at the bank, and there really isn't enough room upstairs, given they have so many volunteers. So, they will stay where they are for right now.

Councilmember Derman said there will be a general input meeting on the Kidsburg Project in November. Councilmember Comas questioned why Walk It/Bike It isn't on the agenda under LNC as they are quite active. Councilmember Derman said he would address this question with Sam Pearson.

Jordi Comas updated Council on the work the STC is doing. We are working on permits that were granted in the past, but not followed up on, we are working on long range planning, and we are continuing to review the Borough's current shade tree ordinance. There was some discussion.

There was no report on the CK-COG.

There was no report on the Community Garden.

Councilmember Derman reported the Fire Chief gave a presentation today explaining the information they were looking for with regard to the transfer of assets from William Cameron Engine Company to the Central Susquehanna Fire Emergency Services Board has been received. He indicated West Chillisquaque Township doesn't want to be a participating municipality, but will want contracted services, so there is a lot of research being done to determine their usage over the past several years. He will keep Council informed.

ANY ADDITIONAL BUSINESS FROM COUNCIL: None.

WRITTEN REPORTS: Councilmember Derman made a motion, seconded by Councilmember Heayn, 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: Council President Morris indicated there will be a work session held on Tuesday, October 9th for continued discussion of the proposed 2019 budget. Manager Lowthert said the next budget work session is September 26th at 6 PM.

Council President Morris called for a five minute recess at 7:30 PM.

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

Council entered executive session at 7:40 PM. Council returned at 8:55 PM.

Councilmember Derman made a motion, seconded by Councilmember Comas, to authorize the purchase of a seven camera security system from Keystone Communications, a Co-Stars program participant, at a cost of approximately \$13,000.00, to be paid for from the Borough's Building Depreciation Fund. Motion was unanimously approved.

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 9:00 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

LNC

STC

CK-COG

**COMMUNITY
GARDEN
COMMITTEE**

CSFES BOARD

**ADDITIONAL
BUSINESS FROM
COUNCIL**

WRITTEN REPORTS

WORK SESSION

RECESS

**PERSONNEL/
LEGAL/SECURITY
MATTERS**

**(EXECUTIVE
SESSION)**

**CAMERA SECURITY
SYSTEM PURCHASE**

ADJOURNMENT