

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, September 20, 2011** in the Council Chambers, 55 South Fifth Street. Present: Council Vice President Mahon; Councilmembers Baker, Casimir, Mahon, Molesevich, Morris, and Strosser; Mayor Wagner; Chief Yost; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Absent: Council President Bergonia and Councilmember Cox. Also present: Joe Deinlein, Tammy Burk, Tom Egan, Phil Kim and William Bonteglio.

**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 Baker, seconded by Councilmember Strosser, to approve the minutes of the regular Council meeting held August 16, 2011. Motion was unanimously approved.

Motion was made by Councilmember Strosser, seconded by Councilmember Baker, to approve the minutes of the special Council meeting held September 01, 2011. Motion was unanimously approved.

**PUBLIC PARTICIPATION:** Mayor Wagner welcomed Phil Kim, Bucknell Student Government Representative.

**PLANNING COMMITTEE:** No meeting due to flooding.

Councilmember Casimir made a motion, seconded by Councilmember Strosser, to approve HARB applications a, b, and e, as submitted and recommended by HARB. Motion was unanimously approved.

**a. Lawrence Winans/38 North Second Street/Signage.** An application was submitted to and reviewed by HARB for signage. A motion was made by Ted Strosser, seconded by Phoebe Faden, to recommend approval of this sign as indicated in the project description section of the HARB application and as shown in the pictures attached to the application; HARB's preference is that this sign be mounted under the beam and no higher than the face of the beam. Motion was unanimously approved.

**b. Peter Groff/219 South Second Street/Stone Wall-Fence-Siding.** An application was submitted to and reviewed by HARB for installation of stone wall-fence-siding. A motion was made by Mary Mastascusa, seconded by Elaine Wintjen, to recommend approval of the installation of stone wall-fence-siding as described in the project description section of the HARB application and as shown in the pictures/diagrams attached to the HARB application, with the stipulation that all materials be "smooth" side vs. "wood grain" side. (Note: A letter of approval between neighbors for the fence to be built on the property way is attached.) Motion was unanimously approved.

**c. Tedd Biernstein/235 Market Street/Signage.** An application was submitted to HARB for a sign. Tedd Biernstein was not present; therefore, no action was taken. This application will be before HARB next month for action.

**d. Michelle Yearick/326 North Fourth Street/Fence.** An application was submitted to and reviewed by HARB for a fence. HARB determined that because this fence is not visible from the street, there was no need for this to come before HARB for review. (Note: It was pointed out that the fence proposed is vinyl, and HARB doesn't recommend the placement of vinyl fences.)

**e. John T. Dawson, III/109 Brown Street/Fence.** An application was submitted to and reviewed by HARB for a fence. A motion was made by Robert Cook, seconded by Mary Mastascusa, to recommend approval of this fence as shown in the picture and diagram attached to the HARB application, with the stipulation it be painted and/or stained within one year. Motion as unanimously approved.

**POLICE COMMITTEE:** There were no action items.

**PUBLIC WORKS COMMITTEE:** Manager Smith reported SEDA-COG has indicated DCED just announced the 2011 allocations. We now know the exact amount of the Borough's allocation, which is \$106,152.

Councilmember Baker made a motion, seconded by Councilmember Casimir, to prioritize the 2011 Community Development Block Grant (CDBG) Program projects as follows: 1) South Fifth Street Reconstruction (\$85,950); 2) Union-Snyder Agency on Aging, Inc. (\$1,095); and 3) Administration (\$19,107), for a total application amount of \$106,152. Motion was unanimously approved.

Councilmember Baker said a resident is requesting Council permission to have a pot-bellied pig as a domestic pet. Although the Borough ordinance prohibits this, it does state Council can grant special *permission*. Manager Smith explained the Public Works Committee did not recommend Council approval; that is why this appears on the agenda as an FYI. He distributed an article and noted everything he has read indicates they are cute and cuddly until they grow up. There was **much** discussion. Councilmember Molesevich suggested Council take no action until the resident comes before Council as they may change their mind. Solicitor Lyons pointed out there are regulations for keeping this animal, so the resident should be part of the discussion with Council.

**ATTENDANCE**

**CALL TO ORDER**

**APPROVAL OF MINUTES**

**PUBLIC PARTICIPATION**

**PLANNING COMMITTEE**  
**HARB**

**L WINANS**

**P GROFF**

**T BIERNSTEIN**

**M YEARICK**

**J DAWSON**

**POLICE COMMITTEE**

**PUBLIC WORKS COMMITTEE**

**BOROUGH PRIORITIZES 2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM PROJECTS**

**POTBELLIED PIG WANTED AS DOMESTIC PET**

Tuesday, September 20, 2011

**FINANCE COMMITTEE:** Councilmember Morris made a motion, seconded by Councilmember Casimir, to approve payment of the bills from 08/13/11 through 09/16/11 in the amount of \$260,040.64. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to approve an additional contribution of \$15,000 to the Lewisburg Area Recreation Authority (LARA) prior to December 31, 2011. ON THE QUESTION: Councilmember Molesevich asked why. Councilmember Morris indicated this is the, "we are at the end of the year and need more money" request. Councilmember Molesevich questioned what the Borough has given LARA already. Councilmember Casimir said the Borough covered LARA's loan. Manager Smith stated the Borough also paid LARA's third and fourth quarters in advance. There was **much** discussion. Councilmember Baker indicated he is upset that this has happened for the last three years and he questions LARA's financial management. Councilmember Casimir explained that four years ago LARA simply had black bag accounting, meaning everything went into one account. LARA has since segregated their books so he believes this will be the last year LARA will need to approach the Borough at year end for additional funding. LARA representatives met with the Finance Committee wanting to revisit the Intergovernmental Agreement, and address the annual contribution. He feels the Borough needs to do this to determine what should be budgeted for LARA. LARA's operating budget is approximately \$600,000, and Lewisburg Borough and East Buffalo Township together pay less than \$100,000 to LARA. Councilmember Morris reported LARA was instructed to put together a budget as quickly as possible in an effort to tie into the Borough budgeting process for 2012, and then approach the Borough and East Buffalo Township to revisit the Intergovernmental Agreement. Again, there was **much** discussion. Councilmember Strosser asked what LARA requested previously. Manager Smith said \$17,000 in 2010 and \$15,000 in 2009. Councilmember Strosser asked if LARA approached East Buffalo Township for additional funds. Manager Smith said he believes LARA asked for \$30,000 and already received it. Councilmember Casimir noted there was uncertainty with the D.F. Green Trust Fund, so Council approved an increase to the recreation tax. The Trust Fund is performing better than expected, so this \$15,000 contribution for LARA is currently available. Also, if under the Intergovernmental Agreement Council decided to approve doubling the current contribution from \$26,000 to \$52,000, he believes the Borough is close to that amount under the current budget. Councilmember Molesevich questioned if the Manager has started the budgeting process for 2012. Manager Smith stated no.

Councilmember Molesevich made a motion, seconded by Councilmember Strosser, to table the motion on the floor regarding an additional contribution of \$15,000 to LARA for at least one more month.

On roll call the vote was as follows:

YES - Baker, Strosser, Casimir, Molesevich and Mahon

NO - Morris

Motion to table was approved by a 5 to 1 vote.

(Clarifications of roll call votes: Councilmember Baker voted to table to honor Councilmember Molesevich's request, but noted if there would be no motion to table, he would have voted for the contribution. Councilmember Casimir agreed with Councilmember Baker's reasoning and voted to table to respect his colleagues wishes, but not because there is merit to this.)

**MAYOR:** Mayor Wagner stated hours for Trick or Treating within the Borough will be 6 PM to 9 PM Monday, October 31<sup>st</sup>. This Borough did a **great** job during our recent flood emergency. She recognized/thanked the County GPS employees; Bucknell University, specifically Jason Freeburg and his public safety employees; the William Cameron Engine Company volunteers; Manager Smith; Emergency Management Coordinator Beattie; Councilmembers Cox, Mahon, Morris, Casimir; Chief Yost and his officers; the Borough crew and office staff; Dominos Pizza; and Susan Colon. Council Vice President Mahon indicated our Mayor was also here non-stop. Mayor Wagner announced she collected \$100, thanks to the Borough and Traffic Committee, in honor of Richard (Dick) McGinnis; this will go to Bucknell University to fund international study for engineering students. Mayor Wagner asked Phil Kim if he had anything to share with Council. Mr. Kim updated Council on the many Bucknell events/actions that occurred and will be occurring. Mayor Wagner said PEMA/FEMA representatives are here due to the recent flooding, and will have the opportunity to see the ten houses on Sixth Street that we are expecting demolition funding for.

Councilmember Molesevich stated the river crested at 26 feet, close to where it crested for Hurricane Ivan, but markers throughout the community were very different. Manager Smith said this was a unique storm; typically there is flash flooding and storm water runoff, but Bull Run has time to recede, so it handles the back-up of the river. During this storm it rained constantly for 48 hours and Bull Run never had the chance to recede; it was literally out of its banks when the river started backing up and that is why the distribution of the water was so different. Mayor Wagner said the Borough has a flooding data sheet showing the flooding levels from 1896 to current and asked the Manager to forward that sheet to Council.

**FINANCE  
COMMITTEE  
PAYMENT OF  
BILLS**

**LARA  
REQUESTED  
ADDITIONAL  
CONTRIBUTION**

**LARA'S REQUEST  
FOR ADDITIONAL  
CONTRIBUTION  
TABLED**

**MAYOR  
RECOGNITION  
GIVEN TO ALL  
THOSE INVOLVED  
IN FLOOD  
EMERGENCY**

**DISCUSSION OF  
TROPICAL  
STORM LEE**

Tuesday, September 20, 2011

**POLICE CHIEF:** Chief Yost reported things are coming together for the Regional Police Department. The attorneys are in place for labor negotiations and building renovations are more than 50% complete. The official patch of the Buffalo Valley Regional Police Department was presented to Council.

**COUNCIL PRESIDENT:** Absent.

**SOLICITOR:** No report.

**MANAGER:** Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve the Minimum Municipal Obligation (MMO) of \$125,589.00 for Non-Uniformed Employee Pension Plan, and \$116,565.00 for Uniformed Employee Pension Plan, for the year 2012, as detailed in the letter submitted to the Council President dated August 26, 2011. ON THE QUESTION: Councilmember Strosser asked if those were the anticipated amounts. Manager Smith said the amount was 8.5% higher for the non-uniformed and 4.6% less for the uniformed. Councilmember Casimir said this was expected because of the smoothing that was done in previous years. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve the non-uniformed four year contract (2012/2013/2014/2015) as presented by the Negotiation Committee. ON THE QUESTION: Councilmember Casimir said the union requested a \$0.50 per hour-per year raise (equates to approximately 3.2% to 2.2% of an increase), which we agreed with; they requested an increase in their boot allowance from \$100 to \$150, which we did not agree with; and they wanted a four year contract, which we agreed with. Per Council's recommendation, a cap was put on what the Borough will pay for medical expenses; it will rise by a small percentage each year, and should the actual cost exceed that, the Borough and employee would split whatever is beyond that cap. Language was included in the contract to strengthen the management of sick days, and time off, in an attempt to give the Manager and Foreman the ability to keep things running smoothly. No action was taken with regard to uniforms at this time, but the importance of their wearing the uniforms that the Borough is spending taxpayer dollars on was stressed. Councilmember Strosser asked what the annual cap is for the health insurance. Manager Smith said \$20,000 for 2012; \$20,400 for 2013; \$20,800 for 2014 and \$21,200 for 2015. Motion was unanimously approved.

Councilmember Casimir indicated he didn't expect to be talking to the Police about their contract, but due to their concerns as a result of the transitioning to the Buffalo Valley Police Department (BVPD), the Police approached the Borough indicating they will be submitting arbitration paperwork in an effort to protect everyone should the BVPD fall through. There has been a Memorandum of Understanding created that clearly gives the Police the ability to retain the right to negotiate with the Borough should there be no BVPD.

Councilmember Baker made a motion, seconded by Councilmember Casimir, to approve Resolution No. 11-09, eliminating member contributions to the Borough of Lewisburg's Non-Uniformed Pension Plan for January 01, 2012 through December 31, 2012, as negotiated in the 2012/2015 contract. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to accept the resignation of Russell E. Richard, Jr. from the Lewisburg Area Joint Sewer Authority. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve Lewisburg Downtown Partnership's request to cover all parking meters during the Holiday Season beginning Wednesday, November 23, 2011 through Monday, January 02, 2012. ON THE QUESTION: Councilmember Molesevich asked if this means the lots. Manger Smith said yes; all parking meters will be covered. Motion was unanimously approved.

Councilmember Baker made a motion, seconded by Councilmember Casimir, to direct the Manager to send a Certificate of Appreciation to the Explorer Post 2520 for their many years of recycling efforts in the Borough of Lewisburg. Motion was unanimously approved.

**OLD BUSINESS:** Councilmember Casimir said work on the zoning ordinance is moving along; the Planning Commission is holding a work session tomorrow night. Manager Smith stated the work session was publicly advertised, so anyone can attend. Bucknell University owns two parcels across from their physical plant and requested these parcels be rezoned from RT-2 District to BU District. Council can review this as part of the amendment vs. forcing them to do a curative amendment under the current zoning. The Planning Commission reviewed this request and had no issues, nor did the Zoning Officer or Borough Engineer. Councilmember Casimir said official responses should be coming in and then the required public hearing will be held. There was **much** discussion.

**POLICE CHIEF**

**COUNCIL PRESIDENT**

**SOLICITOR**

**MANAGER  
MMO'S  
APPROVED FOR  
NON-UNIFORMED  
AND UNIFORMED  
PENSION PLANS**

**NON-UNIFORMED  
FOUR YEAR  
CONTRACT  
APPROVED**

**MEMORANDUM  
OF  
UNDERSTANDING  
FOR CONTRACT  
NEGOTIATIONS  
WITH UNIFORMED  
EMPLOYEES**

**ELIMINATION OF  
MEMBER  
CONTRIBUTIONS  
TO NON-  
UNIFORMED  
PENSION  
(RESOLUTION NO.  
11-09)**

**RESIGNATION OF  
R RICHARD, JR  
FROM LAJSA**

**LDP'S REQUEST  
TO COVER  
METERS DURING  
HOLIDAY  
SEASON**

**CERTIFICATION  
OF  
APPRECIATION  
TO EXPLORER  
POST 2520**

**OLD BUSINESS**

Tuesday, September 20, 2011

It was the sense of Council the public hearing could be held in November to allow enough time for the review of responses, etc.

**NEW BUSINESS:** Councilmember Strosser reported the corridor study group met last week, and this plan is finally coming together. Councilmember Casimir shared that PennDOT's official Buffalo Valley Rail/Trail sign is up next to the high school.

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

**WORK SESSION:** Council Vice President Mahon announced there will be a work session on October 11<sup>th</sup> for 2012 budget discussions.

There being no further business, Councilmember Baker made a motion, seconded by Councilmember Casimir, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 8:15 PM.

Respectfully submitted,

Patricia M. Garrison  
Borough Secretary

**NEW BUSINESS**

**WRITTEN  
REPORTS**

**WORK SESSION**

**ADJOURNMENT**