

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held at 6:30 PM on **Tuesday, October 16, 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 and Secretary Garrison. Absent: Police Chief Yost and Junior Councilmember Ezra Buonopane. Also present: Fred Martin, Peter Bergonia, Ellen Ruby, Don Steckel, Nancy Steckel and Connie Moore.

**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 Heayn, seconded by Councilmember Derman, to approve the minutes of the September 18, 2018 regular monthly meeting. Motion was unanimously approved.

**COUNCIL PRESENTATION(S):** None.

**PUBLIC COMMENT(S) ON ANY AGENDA ITEM:** Fred Martin, Market Street property owner, indicated he found colored dots painted on his sidewalk, walked Market Street to find colored dots on other Market Street property owner's sidewalks, then received a letter from the CK-COG dated September 4th that pointed out some of his sidewalk panels were uneven and needed leveled to remove the existing trip hazard. He was given until May of next year to make the necessary repairs. He shared many details of his investigation into this sidewalk repair initiative, as well as on the appeals process. This is targeted enforcement and he feels there was no transparency or courtesy extended to the residents. Although he is sure this was talked about, residents were not given this opportunity until after the fact. Residents are being asked to fix their sidewalks before the Borough has even fixed its own sidewalks. He doesn't doubt the Borough has the legal authority to proceed, but he is glad he isn't a current Borough Council member that has allowed this major initiative to begin in such an inauspicious manner.

**PUBLIC WORKS/POLICE COMMITTEE:** Council received the Buffalo Valley Regional Police Department's (BVRPD) monthly report.

Mayor Wagner said in the past year or two changes were made to the way the municipalities reimburse the BVRPD. It is now based on actual monthly expenses instead of reimbursement based upon budgeted monies. The result is that the BVRPD has had to use its cash reserves fund. BVRPD only gets 98% funding, not 100% funding. They get 48% from the Borough and 50% from East Buffalo Township (EBT). There is 2% missing, which has to come out of the BVRPD cash reserves fund. This issue has the Chief very concerned because eventually the surplus will be gone. She asked that this funding be discussed *in detail* by Council in the very near future and that Council give direction on what they would like to see done. There was **very much** discussion.

Council President Morris asked if Mayor Wagner is looking for Council direction tonight. Mayor Wagner asked the Manager what he would suggest. Manager Lowthert said it is important to know how much funding the BVRPD currently holds in its cash reserves. It is also important for Council to determine how to move forward, as it was the Buffalo Valley Regional Police Commission that approved this change to the funding. It was budget based, but the Commission agreed that it be changed to expenditure based. Mayor Wagner said this was an experiment that is not working. Manager Lowthert asked if the Commission is going to change back to the budget based funding. Councilmember Heayn asked the reason it was changed? Councilmember Mahon said it was not a unanimous decision of the Commission. Councilmember Derman said he believes it was done to help the municipalities have better cash flow. Mayor Wagner stressed it is not working. Council President Morris commented it still will not work if you go back to budget based and it is still being funded at 48% Borough and 50% EBT; there is still 2% missing. Fred Martin, Chairman of the BVRPC, reported the Police Chief has stated that in two years, there will not be a cash reserve for the BVRPD. There was **much** discussion.

Councilmember Mahon reported the active enforcement of the Borough's sidewalk ordinance continues. Letters have been sent by the CK-COG to Market Street, Seventh Street and Sixth Street property owners. CK-COG intends on evaluating the sidewalks on Third Street next. The Public Works/Police Committee is working on selecting the streets for sidewalk evaluations in the spring. There was discussion on the number of sidewalk repairs, as there are only so many concrete companies in this area. Manager Lowthert said that is the reason for the amount of time being given and CK-COG could always extend the completion dates should that become an issue.

Councilmember Comas asked if anyone is going to address Mr. Martin's comments. We are working on making repairs to the Borough's sidewalks. Manager Lowthert commented the bid for the sidewalk work came in very high, so a decision is needed whether to rebid in the spring or accept the high bid. Councilmember Comas said he would review the minutes for the timeline, but discussions/decisions were made back in July, August and September for the sidewalk enforcement to proceed. Council President Morris said that is correct; however these decisions were made in committee and there are no committee minutes. Manager Lowthert said the committee directed Staff to enforce the *existing* sidewalk ordinance; there have been no changes made to the Borough's sidewalk ordinance which gives a property owner 30 days to make sidewalk repairs. The letters that were sent out gives property owners six months to make the necessary repairs. There was **much** discussion.

**ATTENDANCE**

**CALL TO ORDER**

**APPROVAL OF MINUTES**

**COUNCIL PRESENTATION(S)**

**PUBLIC COMMENT(S) ON ANY AGENDA ITEM**  
**FRED MARTIN**

**PUBLIC WORKS/POLICE COMMITTEE**  
**BVRPD**

**BVRPD FUNDING DISCUSSION**

**SIDEWALK ENFORCEMENT UPDATE**

Tuesday, October 16, 2018

Councilmember Mahon reported James Thompson, Eagle Scout working on the flagpole project in Soldiers Park, had proposed some minor changes to his project which the committee approved: 1) elimination of the new lighting, 2) use of a white fiberglass pole vs. an aluminum pole, and 3) pole height to be 20 feet vs. 25 feet high. Council President Morris said because of the ambient lighting in the park, the flag will be lit, just not have direct lighting.

**ADMINISTRATIVE/FINANCE COMMITTEE:** Councilmember Derman made a motion, seconded by Councilmember Heayn, to approve the payment of bills from September 15, 2018 through October 12, 2018 in the amount of \$658,814.93. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Heayn, to adopt Resolution No. 18-10, a resolution appointing Russell Goodling and James Grose of All Points Land Surveys, Inc. to perform the services as the Borough's Sewage Enforcement Officer. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Heayn, to reject the proposed revised agreement with Verizon Wireless for the installation of mini-towers on the Borough owned traffic signals. ON THE QUESTION: Manager Lowthert explained that Council agreed, back in 2017, to allow Verizon to install mini-antenna on select traffic signals in the Borough with the compensation to the Borough being \$3,000.00 per traffic signal. These mini-antenna would allow Verizon users better access to high speed internet, etc. Verizon did not sign the agreement, which was signed by the Borough, but held it about a year and a half until the FCC ruled any new agreement cannot have an annual rental fee of more than \$200.00 per mini-antenna. Verizon revised the agreement accordingly and sent it back to the Borough to be signed. Manager Lowthert said the committee didn't feel that was fair, and took the position that Verizon can sign the existing agreement if they want to install their mini-antenna. Councilmember Derman pointed out there is a bill on its way to the State legislature now that mandates the compensation to be \$25.00 per pole. Manager Lowthert said unfortunately it also eliminates zoning regulation by a municipality on the location of towers. He spoke to Representative Keller at length on this matter and it is not likely this legislation will be voted upon this year. The Pennsylvania Municipal League, the Township Association, and Borough Association are all opposed to this proposed State law. Motion was unanimously approved.

Councilmember Derman reported work continues to update the Borough Council Bylaws and Rules of Order. Council President Morris reported these have been given to the Manager for his review. Councilmember Derman commented this committee is also beginning discussions on future planning efforts.

**COMMUNITY DEVELOPMENT/PLANNING COMMITTEE:** Councilmember Yohn reported there was no HARB meeting held October 9, 2018 due to lack of a quorum.

Councilmember Yohn made a motion, seconded by Councilmember Medina, to approve the reappointments as follows: Kelsey Hicks to BVRA, five year term, effective January 01, 2019 through December 31, 2023; John Driver to LAJSA, five year term, effective January 01, 2019 through December 31, 2023; Elaine Wintjen/Ted Strosser/David Heayn to HARB, three year term, effective January 01, 2019 through December 31, 2021; Elijah Farrell/Tom Egan to Planning Commission, four year term, effective January 01, 2019 through December 31, 2022; Daniel DeFebbo to the ZHB, three year term, effective January 01, 2019 through December 31, 2021; Sue Mahon to the BVRPC, two year term, effective January 08, 2019 through January 07, 2021; Michael Derman to LNC, three year term, January 01, 2019 through December 31, 2021; Jordi Comas to LNC, three year term, January 01, 2019 through December 31, 2021. Motion was unanimously approved.

Councilmember Yohn reported the committee directed the Manager to coordinate the placement of the Holiday lights in the lamppost baskets downtown at a cost of \$2,400.00 to the Borough. Parking meters located downtown will be bagged again for the upcoming Holiday Season, Thursday, November 22, 2018 through Tuesday, January 01, 2019 as requested by the Lewisburg Downtown Partnership (LDP).

Councilmember Yohn indicated a date was set for the special meeting of the Community Development/Planning Committee to discuss the Human Relations Ordinance, formerly known as the Non-Discrimination Ordinance. It will be Wednesday, November 07, 2018, 6:30 PM, at the Beaver Memorial United Methodist Church on South Third Street.

Councilmember Yohn indicated there are current vacancies on the Planning Commission, term expiration 12/31/19 and on HARB, term expiration 12/31/18; there is an upcoming vacancy on the STC, term effective 01/01/19, term expiration 12/31/23.

**PUBLIC COMMENT(S) ON ANY NON-AGENDA ITEMS:** A member of the public thanked Council for getting the special meeting for the proposed Human Relations Ordinance discussion scheduled.

**MAYOR:** Mayor Wagner asked the time for trick or treating in the Borough. Manager Lowthert said it is on Halloween, Wednesday, October 31st from 6 PM to 9 PM. Connie Moore asked if the hours could be 6 PM until 8 PM in the future. Mayor Wagner thanked everyone for their concern and for offering her rides to various places. She can attest to the excellent healthcare and physical therapy we have in our valley. She stressed she now realizes there is a serious need for public

SOLDIERS PARK  
FLAGPOLE  
UPDATE

ADMINISTRATIVE/  
FINANCE  
COMMITTEE  
PAYMENT OF  
BILLS

APPOINTMENT OF  
SEWAGE  
ENFORCEMENT  
OFFICER  
(RESOLUTION NO.  
18-10)

BOROUGH  
REJECTED  
REVISED  
AGREEMENT WITH  
VERIZON  
WIRELESS

UPDATES

COMMUNITY  
DEVELOPMENT/  
PLANNING  
COMMITTEE

REAPPOINTMENTS  
MADE: K HICKS TO  
BVRA; J DRIVER  
TO LAJSA; E  
WINTJEN/  
STROSSER/D  
HEAYN TO HARB;  
E FARRELL/T  
EGAN TO PLANNIG  
COMMISSION; D  
DEFEBBO TO ZHB;  
S MAHON TO  
BVRPC; M  
DERMAN/J COMAS  
TO LNC

HOLIDAY LIGHTS  
AND BAGGING OF  
METERS FOR  
HOLIDAY SEASON

SPECIAL  
COMMITTEE  
MEETING  
SCHEDULED FOR  
NDO/HUMAN  
RELATIONS  
PROPOSED  
ORDINANCE

UPDATES

PUBLIC  
COMMENT(S) ON  
ANY NON-AGENDA  
ITEMS

MAYOR

Tuesday, October 16, 2018

transportation in our area. Samantha Pearson shared there is a public transportation forum Tuesday, October 30th from 1 PM to 4 PM at the Union/Snyder Community Action Agency in Selinsgrove.

**COUNCIL PRESIDENT:** No report.

**MANAGER:** Manager Lowthert said the proposed 2019 budget has been completed, the millage rates are staying the same for all funds, so there is *no real estate tax increase in 2019*. You should be in a position in November to adopt the 2019 budget.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to approve the proposed 2019 budget with millage rates as follows: General Fund 10.085; Debt Service Fund 0.598; Street Lighting Fund 0.407; Fire Protection 1.010; Shade Tree Fund 0.100; Regional Recreation Fund 0.540 (total millage for 2019 is 12.740), and direct the Solicitor to advertise proposed 2019 budget for final consideration and adoption of Council on November 20, 2018. ON THE QUESTION: Manager Lowthert indicated the proposed 2019 budget will be placed on Borough website and available for review at Borough Office beginning on October 17th. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Comas, to direct Solicitor to prepare and advertise the necessary tax ordinance for 2019 reflecting millage rates as follows: General Fund 10.085; Debt Service Fund 0.598; Street Lighting Fund 0.407; Fire Protection 1.010; Shade Tree Fund 0.100; Regional Recreation Fund 0.540; total millage for 2019 is 12.740. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to direct Solicitor to prepare tax resolution regarding realty transfer tax, the earned income tax, the local services tax and the business privilege tax for 2019. Motion was unanimously approved.

Manager Lowthert indicated we let bids for sidewalk work on Market Street in front of Hufnagle Park, by the bridge on the north side of Market Street, and on North Third Street. There was only one bid received; the engineer and staff recommends this bid be rejected as it is difficult to determine if this is a fair bid and the cost appears to be twice what we current are paying for the Phase II Streets Project sidewalk work. We would let bids in the spring. Since we are using reserve funding for this work, there is no impact to our budget.

Councilmember Mahon made a motion, seconded by Councilmember Derman, to reject the bid of Bill Anskiks Company, Inc., in the amount of \$57,000.00, for the Lewisburg Borough Sidewalk Replacement Project. Motion was unanimously approved.

**BOROUGH SOLICITOR:** No report.

**JUNIOR COUNCILMEMBER:** Absent.

**OTHER COMMITTEES:** Peter Bergonia, on behalf of the BVRA, updated Council: 1) the pool has been winterized and closed; 2) a zero-turn mower was purchased that has cut mowing time in half; 3) Union County is officially taking over the rail/trail on January 1, 2019; and 4) the unPAved Event, sponsored by the Miller Center, was held on the rail/trail this past weekend and it brought approximately 600 bicyclists to our area. Councilmember Comas asked about the existing grants for the rail/trail. Councilmember Heayn said they can't be transferred to the County, so BVRA will have them and they will be used until they are complete. Also, because of the BVRA agreement with EBT, EBT can't change their funding formula for the 2019 budget.

Ellen Ruby, Executive Director of the LDP, said they are preparing for the Holiday Season and she highlighted all the upcoming events, noting they will be on the LDP website. There was some discussion.

Samantha Pearson, Executive Director of the LNC, reported she updated and emailed the proposed signage for the boat ramp area which reflects the name Lewisburg Landing. She shared details of the final proposed sign contents and sign location, noting the actual map for the sign is still being worked on. She briefly addressed the possibility of a comprehensive signage program in the future. This sign is part of the First Community Foundation Partnership Grant that the LNC received. Councilmember Comas asked about regulation signage with regard to safety, e.g. use at your own risk, etc. There was **much** discussion.

Councilmember Comas made a motion, seconded by Councilmember Derman, to approve the proposed signage for the boat ramp area, to be named Lewisburg Landing, as presented by Samantha Pearson on behalf of the LNC, said signage will include the addition of language with regard to safety, and a map for signage, modified as necessary for clarity. Motion was unanimously approved.

Ms. Pearson reported there is a lot going on and she updated everyone on various upcoming events/meetings, noting they can be found on the LNC website.

**COUNCIL PRESIDENT**

**MANAGER**

**PROPOSED 2019 BUDGET APPROVED/ SOLICITOR TO ADVERTISE (TOTAL MILLAGE 12.740)**

**SOLICITOR TO PREPARE/ ADVERTISE NECESSARY TAX ORDINANCE**

**SOLICITOR TO PREPARE NECESSARY TAX RESOLUTION**

**SIDEWALK BID REJECTED**

**BOROUGH SOLICITOR**

**JUNIOR COUNCILMEMBER**

**OTHER COMMITTEES BVRA**

**LDP**

**LNC LEWISBURG LANDING BOAT RAMP SIGNAGE**

**LEWISBURG LANDING BOAT RAMP SIGNAGE APPROVED AS PRESENTED**

Tuesday, October 16, 2018

Jordi Comas reported the STC continues their work and he shared the importance of communication moving forward, meaning we don't do a sidewalk project one week and then address trees at the same location the next week.

Peter Bergonia reported the CK-COG held their general membership meeting last week. The preliminary budget was discussed and there were some bylaw changes that were tabled due to lack of a quorum.

Peter Bergonia reported the Community Garden didn't perform quite as well this year; we calculated the volume grown to be 2000 lbs. not 3000 lbs. as done the previous year. The Lewisburg Community Garden was awarded the Blue Ribbon in the 2018 Pennsylvania Horticultural Society Gardening and Greening Contest. We were chosen out of more than 300 entries. This Saturday the Community Garden will be at Bucknell's homecoming selling miscellaneous items, e.g. aprons, bandanas, etc.

Councilmember Derman reported the transition from the William Cameron Engine Company (WCEC) to the Central Susquehanna Fire Emergency Services Board (CSFESB) has been slow. The WCEC had some concerns, which he received a copy of, and the next meeting is scheduled for the . He will provide Council with a copy of what he received and continue to 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:** Manager Lowthert said we had planned on a budget work session November 13th, but obviously that is no longer needed. A work session topic pending is the discussion of commercial vehicle parking on Borough streets. He pointed out the vehicle that brought this subject to light seems to no longer be causing an issue. Another topic for discussion could be the EIP Study which is due back any day now. Next, we were contacted by Mid-Penn Engineering, representing Matt Miller and the entity planning on building a hotel in EBT, and we were informed that FEMA required an update of the flood maps associated with that area. When Mid-Penn submitted the documents on behalf of EBT, FEMA rejected them, explaining they are proposing changes to the 100 year floodplain which impacts the Borough. As a result, FEMA will not accept their submittal unless the Borough is onboard. The new maps show an additional five Borough properties being mapped in the 100 year floodplain. The argument being made is that those properties were always there, FEMA's maps are inaccurate and Mid-Penn's work is more accurate. So, in reality these properties are in the 100 year floodplain, they are just not mapped that way currently. Mid-Penn is going to ask the Borough to approve the necessary Letter of Map Revision (LOMR) to include these five properties and formal action of Council is necessary. He noted there are a lot of steps that need to be taken for this to happen. Mid-Penn was not ready to present their plans to Council when he last spoke to them. We all know that FEMA will be redoing the maps in this area and these five properties may be mapped in eventually. There was **much** discussion. And, lastly, the BVRPD funding could also be a topic of discussion depending upon what the BVRPC does. He will not cancel the work session and he will attempt to finalize a topic for the November work session closer to that time. Should none of the above be ready for discussion, the meeting could be cancelled.

Council President Morris called for a five minute recess at 7:50 PM.

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

Council entered executive session at 7:55 PM. Council returned at 8:50 PM.

There being no further business, Councilmember Derman made a motion, seconded by Councilmember Heayn, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 8:50 PM.

Respectfully submitted,

Patricia M. Garrison  
Borough Secretary

STC

CK-COG

COMMUNITY GARDEN

CSFESB

ANY ADDITIONAL BUSINESS FROM COUNCIL

WRITTEN REPORTS

WORK SESSION DISCUSSION OF VARIOUS TOPICS

RECESS

LEGAL MATTERS

(EXECUTIVE SESSION)

ADJOURNMENT