

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, October 17, 2017**, in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Cox, Derman, Frederick, Mahon, Martin, Morris and Yohn; Mayor Wagner, Solicitor Lyons, Manager Lowthert, Secretary Garrison and BVRPD Chief Yost. Also present: Tere Rill, Luis Medina, Ted Strosser, Martha Barrick, Eric Scicchitano, and Matt Farrand.

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 Frederick, seconded by Councilmember Mahon, to approve the minutes of the September 19, 2017 regular monthly meeting. Motion was unanimously approved.

PUBLIC PARTICIPATION: There were no members of the public that wished to speak.

PUBLIC WORKS/POLICE COMMITTEE: Council received the Buffalo Valley Regional Police Department's (BVRPD) monthly report. Chief Yost reported a new Police Officer was hired on October 2nd and his name is Martez Faulkner. He is assigned to a Field Training Officer to learn the department policies and procedures and he is pleased to add him to our staff.

Councilmember Mahon made a motion, seconded by Councilmember Yohn, to accept the proposal from Larson Design Group, dated August 07, 2017, in the amount of \$14,750.00 for engineering services associated with the CDBG funded South Sixth Street Project (project already approved by DCED). Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Derman, to accept the proposal from Larson Design Group dated September 08, 2017/Revised September 29, 2017, in the amount of \$40,500.00 for engineering services associated with the 2018 Borough of Lewisburg Streets Project. Motion was unanimously approved.

Councilmember Mahon reported that the parking meters located downtown will be bagged for the upcoming Holiday Season, Friday, November 24, 2017 through Monday, January 01, 2018. Manager Lowthert said this bagging will occur thanks to Boy Scout Troop 538.

Councilmember Derman commented Wolfe Field has piles of asphalt from our alleys; what is happening with that. Manager Lowthert stated our Streets Foreman wanted this milling material, so he assumes he will be using this as base for filling potholes or for filling in some of the gravel road areas.

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Derman, to approve HARB items a, b, c and e, as submitted and recommended by HARB per their minutes dated October 10, 2017. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve HARB item d, as submitted and recommended by HARB per their minutes dated October 10, 2017. Motion was approved with one abstention; Councilmember Derman abstained.

a. Amanda Unzueta/227 South Third Street/New Roof Shingles. An application was submitted to and reviewed by HARB for new shingles. Motion was made by Elaine Wintjen, seconded by Mary Mastascusa, to recommend approval of the new shingles as described in the project description of the HARB application and as shown in the brochure attached. Motion was unanimously approved.

b. Seigel Properties, LLC/26 St. John Street/Front Porch Update-Found Structural Damage. A previous application was submitted, reviewed and recommended for approval by HARB for renovation work. During the renovations, it was determined that there was more work needed to the existing porch and stoop than just a facelift. Motion was made by Fred Martin, seconded Kim Walter, to recommend approval of the removal of the rotted wood porch, which was only 4 ½ feet deep, to be replaced decorative portico, as described in the document dated September 25, 2017 attached to the HARB application, and as shown in the photos attached. Motion was unanimously approved.

c. Bucknell University (Judd House)/79 University Avenue/Windows. An application was submitted to and reviewed by HARB for window replacements. Motion was made by Mary Mastascusa, seconded by Elaine Wintjen, to recommend approval of the window replacement, 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.

d. Patricia Parker-Michael Derman/211 North Second Street/New Roof Shingles. An application was submitted to and reviewed by HARB for new shingles. Motion was made by Kim Walter, seconded by Fred Martin, to recommend approval of new shingles on the front half of roof, as described in the project description of the HARB application, and as shown in the photo attached to the HARB application. Motion was unanimously approved.

e. John Lewis/117 North Water Street/New Siding-Windows. An application was submitted to and reviewed by HARB for renovation work. Motion was made by Fred Martin, seconded by Elaine Wintjen, to recommend approval of renovations, specifically new replacement windows (one over one, double hung with NO grilles between the glass) and new siding that is smooth or brushed finish, as described in the project description of the HARB application, and as shown in the brochures attached. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Derman, to approve the use/possession/consumption of beer and/or wine permit application for the Lewisburg Downtown Partnership (LDP) Music Festival scheduled for Saturday, October 21, 2017 from 12 PM to 5 PM. **ON THE QUESTION:** Manager Lowthert indicated the application fee was received, as well as the Certificate of Insurance. Motion was unanimously approved. Mayor Wagner thanked Ted Strosser for his work on this event.

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION

PUBLIC WORKS/POLICE COMMITTEE BVRPD MONTHLY REPORT

LDG ENGINEERING SERVICES PROPOSAL FOR SOUTH SIXTH STREET PROJECT APPROVED

LDG ENGINEERING SERVICES PROPOSAL FOR 2018 STREETS PROJECT APPROVED

METERS BAGGED FOR HOLIDAY SEASON

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE HARB

A UNZUETA

SEIGEL PROPERTIES

BUCKNELL UNIVERSITY

P PARKER/M DERMAN

J LEWIS

ALCOHOL PERMIT ISSUED TO LDP FOR MUSIC FESTIVAL

Tuesday, October 17, 2017

Councilmember Mahon introduced Tere Rill, the LDP Executive Director, for those who may not have had a chance to meet her.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve reappointments as follows: Rodney Hepner to LAJSA, five year term, effective January 01, 2018 through December 31, 2022; Steve Snook to HARB, three year term, effective January 01, 2018 through December 31, 2020; Abhijit Nagaraj to Planning Commission, four year term, effective January 01, 2018 through December 31, 2021; Mark Spiro to STC, five year term, effective January 01, 2018 through December 31, 2022; Trey Casimir to Vacancy Board (Chairman), two year term, January 01, 2018 through December 31, 2019; and Steven Beattie to the ZHB, three year term, January 01, 2018 through December 31, 2020. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Derman, to appoint Gary Frederick as the "Borough Council representative" serving on BVRA, term expiration date December 31, 2019, and to appoint Peter Bergonia as the "Borough resident" serving on the BVRA, term expiration date December 31, 2020. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Derman, to clarify Council's willingness to allow Peter Bergonia to continue to serve as the Borough's representative on the Lewisburg Community Garden, no term limit, conditional upon his updating Council regularly on their endeavors. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Derman, to clarify Council's willingness to allow Peter Bergonia to continue to serve as the Borough's representative on the CK-COG, term expiration December 31, 2019, conditional upon his updating Council regularly on their endeavors. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Yohn, to change the start time of the Council work sessions, held second Tuesday of each month, and the regular Council meetings, held the third Tuesday of each month, to 6:30 PM effective January 01, 2018. ON THE QUESTION: Manager Lowthert explained an earlier start time will get everyone home earlier; there was concern about a 6:00 PM start time being too early for those that work. This could always be changed if it poses a problem. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Derman, adopt Resolution No. 17-16, placement of banners across S.R. 45, Market Street, in 2018, and to submit resolution to PennDOT. Motion was unanimously approved.

Councilmember Morris reported the Committee has recommended that no changes be made at this time to the current meeting days/times of the Council Committees for 2018. There would be no point until we see the schedules of the new members of Council.

Manager Lowthert stated discussions are needed with regard to a tentative schedule for the review/necessary meetings for the proposed Subdivision and Land Development Ordinance (SALDO). This is a very important document, which needs Council's thorough review. The Planning Commission is offering to present and explain their thought process on the changes made to this document. He believes the new Councilmembers should also be afforded the opportunity to hear this, as they will be dealing with this in the future. Although the Planning Commission wants to see action on this SALDO expedited, he truly believes more time should be allowed for this review. The Zoning Hearing Board (ZHB) Chairman, the Historic Architectural Review Board (HARB) Chairman, the Borough's Zoning Officer, the Borough's Engineer and the Borough Solicitor all need to be given time to review this document, plus it is required that this be sent to the Union Council Planning Commission for their review and comment. Also, before we send this around, Council must have had a chance to review and make changes, because we do not want to have people review this again and again. He asked for Council direction. There was **much** discussion. Manager Lowthert said, based on the comments, January's work session will be for the review of the SALDO.

Councilmember Morris reminded Council there are two vacancies on the Planning Commission, as well as a HARB vacancy. Manager Lowthert said we are still looking to create an alternate member to serve on the Zoning Hearing Board. These vacancies really need to be filled to allow the Boards and Commissions to be able to do their jobs.

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Cox made a motion, seconded by Councilmember Morris, to approve the payment of bills from September 16, 2017 through October 13, 2017 in the amount of \$788,712.90. Motion was unanimously approved.

Councilmember Cox reported the Manager presented the third quarter financial update at our last committee meeting. Councilmember Morris suggested all members of Council try to attend these meetings when the quarterly financials are shared; they are very informative.

MAYOR: Mayor Wagner updated Council on all of the events she participated in this past month. She indicated Bob Garrett, CEO of the Greater Susquehanna Valley Chamber of Commerce, and Representative Fred Keller, are trying to coordinate a meeting with PennDOT officials to further discuss the truck traffic situation we are continuously dealing with.

INTRODUCTION OF
TERE RILL/LDP
EXECUTIVE DIRECTOR

REAPPOINTMENTS:
R HEPNER/LAJSA; S
SNOOK/HARB; A
NAGARAJ/PLANNING
COMMISSION; M
SPIRO/STC; T
CASIMIR/VACANCY
BOARD; S
BEATTIE/ZHB

BVRA SWITCH: G
FREDERICK/
COUNCIL
REPRESENTATIVE; P
BERGONIA/
BOROUGH
RESIDENT
REPRESENTATIVE

P BERGONIA/
CONTINUE TO
SERVE ON
COMMUNITY
GARDEN

P BERGONIA/TO
CONTINUE TO
SERVE ON CK-COG

WORK SESSIONS
AND COUNCIL
MEETING START
TIME 6:30 PM
EFFECTIVE 01/01/18

2018 BANNER
PLACEMENT/
RESOLUTION NO.
17-16

NO CHANGES TO
COMMITTEE
MEETING
DAYS/TIMES FOR
2018

NEW SALDO
DISCUSSED/REVIEW
AT JANUARY 2018
WORK SESSION

VACANCIES

ADMINISTRATIVE/
FINANCE
COMMITTEE

MAYOR

Tuesday, October 17, 2017

COUNCIL PRESIDENT: No report.

MANAGER: Manager Lowthert reported we started the budget review process in July and at the work session last week the proposed 2018 budget was recommended to Council for action.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to approve the *proposed* 2018 budget with millage rates as follows: General Fund 10.285; 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 2018 is 12.940), and direct the Solicitor to advertise the *proposed* 2018 budget for final consideration and adoption of Council on November 21, 2017. ON THE QUESTION: Manager Lowthert indicated his early estimate of the increase in fire protection millage was 0.20 mills and that is the exact increase proposed in this budget. We balanced out increases in some funds with decreases in other funds, but the overall increase is the 0.20 millage increase in the Fire Protection Fund. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to direct Solicitor to prepare and advertise the necessary tax ordinance for 2018 reflecting millage rates as follows: General Fund 10.285; 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 2018 is 12.940. 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, the business privilege tax, and the per capita tax for 2018. Motion was unanimously approved.

Manager Lowthert said congratulations; this Council has done a phenomenal job working on the proposed 2018 budget. There was a lot of time spent on this, but it is his opinion is that this is one of the most important jobs for Elected Officials, to determine the direction of the Borough each year and then how we are going to pay for the Borough services offered to our residents.

SOLICITOR: No report.

OTHER COMMITTEES: Council President Bergonia reported the BVRA is hoping to be able to make the move to our new gymnasium sometime around the second week of November.

Councilmember Morris commented the LDP's Music Festival is Saturday, October 21st and there will be a Let's Celebrate Lewisburg event on Wednesday, November 1st, 5:30 to 7:30 PM.

Councilmember Derman said the Rivertown group met yesterday and there will be a community cleanup along the railroad tracks and waterways on October 29th from 2:00 to 4:00 PM. Mayor Wagner said she doesn't have anything new to report on the Flood Impact Task Force.

Manager Lowthert reported there are no specific projects coming out of the Shade Tree Commission (STC) this month.

Council President Bergonia stated the Central Keystone-COG had their annual membership meeting last week. Also, another Zoning Officer has been hired, Makenzie Stover.

Council President Bergonia stated the Community Garden is closing this Saturday.

Councilmember Cox said a meeting was held regarding the IGA on the different issues raised by the attorneys. Hopefully a final document will be available for all municipalities to review and sign off on in the very near future. It has also been suggested this be adopted by an ordinance and not a resolution. Solicitor Lyons suggested a joint meeting be held with the Fire Chief, MACAC representatives, and the attorneys, to finalize those few open ended items. If you do not streamline this, it will be next year until we have a signed finalized document.

OLD BUSINESS: None.

NEW BUSINESS: None.

WRITTEN REPORTS: Councilmember Morris made a motion, seconded by Councilmember Frederick, to acknowledge receipt of the Budget Index, Parking Report, Code Enforcement Officer's report and Zoning Officer's report. Motion was unanimously approved.

WORK SESSION: Council President Bergonia reported there will be a work session Tuesday, November 14th to discuss the union contract negotiations. Hopefully, we will have a union contract for review at that meeting.

Council President Bergonia called for a five minute recess at 7:45 PM.

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

Council entered executive session at 7:50 PM. Council returned at 9:00 PM.

COUNCIL PRESIDENT

**MANAGER
PROPOSED 2018
BUDGET**

**SOLICITOR
DIRECTED TO
ADVERTISE FOR
FINAL
CONSIDERATION/
ADOPTION IN
NOVEMBER**

**SOLICITOR TO
PREPARE AND
ADVERTISE TAX
ORDINANCE FOR
2018
WITH TOTAL
MILLAGE OF 12.940**

**SOLICITOR
DIRECTED TO
PREPARE
NECESSARY TAX
RESOLUTION**

SOLICITOR

**OTHER
COMMITTEES
BVRA**

LDP

LNC

STC

CK-COG

**COMMUNITY
GARDEN**

MACAC

OLD BUSINESS

NEW BUSINESS

WRITTEN REPORTS

WORK SESSION

RECESS

**REAL
ESTATE/LEGAL
MATTERS**

**(EXECUTIVE
SESSION)**

Tuesday, October 17, 2017

Councilmember Morris made a motion, seconded by Councilmember Martin, to authorize the Borough Solicitor to proceed with execution on the judgement against the Trestle properties located on St. Mary Street and North Fifth Street. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Morris, to reference the proposed settlement letter, regarding T.K. Witch & Company also d/b/a That Kitchen Witch, provided by Attorney Kula dated October 5, 2017, and authorize Borough Solicitor to agree to Items 3 and 4 as written, and agree to Item 1, provided any use of the food truck, as a food truck on the property, be with the permission of Council, and agree to Item 2, provided any use of the food truck off the property would be in accordance with the Borough's current ordinance. Motion was unanimously approved.

(The following are Items 1, 2, 3 and 4 as written in Attorney Kula's October 5, 2017 letter: "1) T.K. Witch & Company shall not operate its food truck on the premises of the former Lewisburg High School without a valid permit obtained from the Borough of Lewisburg. My client will not utilize the food truck as a "pickup window" in the parking lot during its normal business operations unless it has a permit as described below. 2) Any use of T.K. Witch & Company's food truck on the property will be subject to its acquisition of a valid permit from the Borough with reasonable time and place restrictions, such as special events. T.K. Witch & Company will pay the customary fee for the permit application each time it applies for a permit to utilize the food truck on the property or elsewhere within the Borough. 3) T.K. Witch & Company is permitted to load and unload its food truck in the parking lot for the purpose of taking the food truck offsite as part of its catering services. 4) T.K. Witch & Company is permitted to offer pre-packaged "carryout" or "to go" style meals for sale to the general public, provided that customers either enter the building to pick-up the food, or that the food is delivered out to the customers' vehicles in the parking lot. The Borough of Lewisburg agrees that T.K. Witch & Company's sales may be to the general public and shall not be limited to "tenants and their employees, but not to the general public" as stated in the Decision of the Lewisburg Borough Zoning Hearing Board entered on June 2, 2017.")

Councilmember Derman made a motion, seconded by Councilmember Mahon, to authorize Borough Solicitor and special counsel Lucas to respond to proposal made by the owner of the property, GSLHS Development, LLC, to reclassify the uses 1 through 10, as listed in the email from Attorney Williams to Attorney Lucas and Borough Solicitor dated October 13, 2017, to Class I provided it doesn't include any adult uses, it is subject to Section 360-6 dealing with permits of the Zoning Ordinance, subject to compliance with any regulations in the Zoning Ordinance including, but not limited to, Section 360-21E regarding commercial uses. ON THE QUESTION: Councilmember Morris asked if there is a definition of adult uses in our ordinance. Solicitor Lyons said yes there is. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to authorize the Borough attorneys, Borough Solicitor and special counsel Lucas, to respond to the proposal of GSLHS Development, LLC, by agreeing to one single pole antennae up to 10 feet in height, with two directional disks attached, provided that the diameter of both the antennae and disk are established, and Council has the ability to approve the diameter and the location of the antennae and disk. ON THE QUESTION: Council President Bergonia said might be more than a single pole. Solicitor Lyons said not according to them; they are going to be held to what they proposed. Councilmember Derman asked if it is implicit this only applies to this building. Solicitor Lyons said we are only dealing with this appeal which deals with this structure. Motion was unanimously approved.

There being no further business, Councilmember Morris made a motion, seconded by Councilmember Frederick, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 9:15 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

**BOROUGH SOLICITOR
AUTHORIZED TO
EXECUTE JUDGEMENT
AGAINST TRESTLE
PROPERTIES**

**BOROUGH
SOLICITOR
AUTHORIZED TO
RESPOND TO T.K.
WITCH &
COMPANY/ZONING
HEARING BOARD
APPEAL**

**BOROUGH
SOLICITOR
AUTHORIZED TO
RESPOND TO
PROPOSAL OF
GSLHS
DEVELOPMENT, LLC
FOR
RECLASSIFICATION/
ZONING HEARING
BOARD APPEAL**

**BOROUGH
SOLICITOR
AUTHORIZED TO
RESPOND TO
PROPOSAL FO
GSLHS
DEVELOPMENT, LLC
FOR POLE
ANTENNAE/ZONING
HEARING BOARD
APPEAL**

ADJOURNMENT