

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, October 18, 2011** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Casimir, Cox, Mahon and Molesevich; Mayor Wagner; Chief Yost; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Councilmember Morris arrived at 7:35 PM. Councilmember Strosser was absent. Also present: Joe Deinlein, Tammy Burk, Paul Mauger, Tom Egan, Jim Sprouse, Matt Farran, Stacy Hinck, Larry Erdley, and Judy Peeler.

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 Casimir, to approve the minutes of the regular Council meeting held September 20, 2011 and the work session October 11, 2011. ON THE QUESTION: Councilmember Casimir clarified the September 20th minutes. Although he is shown as saying, "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,*" he may have said that, but he certainly *doesn't* believe that; segregating the books made it more apparent for LARA to see where the shortfalls lie, but unless the Borough changes the Intergovernmental Agreement, LARA likely will continue to come back for additional funding. Motion was unanimously approved.

PUBLIC PARTICIPATION: Paul Mauger, Zoning Hearing Board (ZHB) Chairman and resident, thanked Council for the opportunity to speak. As a member of the ZHB he applauds all efforts to move the proposed zoning ordinance to adoption. He is appreciative of a number of changes represented in the revised document as they will help the ZHB make thoughtful, consistent decisions during future zoning hearings. He expressed his concerns, as a private citizen, about the effects of a proposed change to increase density in the Borough. Many reside in a "suburban setting" with front yards, side yards and back yards and conforming setbacks. That is not true in the downtown neighborhoods. His property was surveyed and his side property lines butted right up to his neighbors' foundations on either side, so looking down the property line he sees his neighbors' sidings and window sills extending over his property line. This is not uncommon, and it is the nature of an older, high density neighborhood. His personal experiences lead him to recognize good reasons to control density. He provided several basic examples for his concerns, and asked Council to table any density portion of the proposed zoning ordinance until a clearer picture of its impact can be presented publicly and two questions can be answered: 1) will increasing neighborhood density have a positive impact upon the quality of life and 2) will increasing neighborhood density maintain or increase property values.

Stacy Hinck, Planning Commission Chairwoman, said she is speaking on behalf of the Planning Commission on the proposed zoning ordinance. The Planning Commission met several times to review the zoning ordinance, but was unable to complete their review. The details of the revisions thus far have been forwarded to Councilmember Casimir. The five pages of revisions include: grammatical flaws, inconsistencies between definitions and regulations, and organizational problems. We are asking for additional time, until our next meeting on November 2nd, to complete the review. She pointed out some of the more serious flaws in the document, i.e. definition of rooming house, which is to control the rental properties that house more than three unrelated persons, and also expressed concern about the density issue.

Councilmember Casimir said he will talk about the zoning ordinance revisions under Planning Committee report.

Larry Erdley, Fire Board Chairman, asked Council to approve a letter of intent which will be submitted to the Governor's Center for Local Government Services of the Department of Community and Economic Development (DCED) for outside assistance to advance the William Cameron Engine Company's strategic planning process.

Manager Smith explained this is a DCED requirement to be sure a municipality is supportive of the efforts.

Councilmember Molesevich made a motion, seconded by Councilmember Baker, to approve submittal of a letter of intent by the William Cameron Engine Company to DCED for technical assistance for emergency services strategic planning. Motion was unanimously approved.

Councilmember Molesevich commented Mr. Erdley just heard comments from two individuals regarding increasing neighborhood density; he asked Mr. Erdley to share his feelings from a fire protection/response perspective. Mr. Erdley indicated access to alleys is extremely difficult and he briefly explained the White Pine Alley fire issues.

ATTENDANCE

CALL TO ORDER

**APPROVAL OF MINUTES
CLARIFICATION TO SEPTEMBER MINUTES**

**PUBLIC PARTICIPATION
PAUL MAUGER**

STACY HINCK

LARRY ERDLEY

LETTER OF INTENT TO DCED BY WILLIAM CAMERON ENGINE COMPANY

Tuesday, October 18, 2011

Jim Sprouse, a resident of McClay Avenue, explained he is present this evening to make a case for the possibility of one day owning a pot-bellied pig as a pet. The woman he loves has had a dream to someday have a pot-bellied pig, and he would like to help her realize her dream. He purchased a home here in Lewisburg, hopes to be here for a while, so he did some research with the Borough Code, which seems to be in place to prohibit farm-like activity within the Borough. A pot-bellied pig isn't livestock, but a pet. The U.S. Department of Agriculture declared pot-bellied pigs as pets and in 1998 Governor Ridge declared March 1st to be pot-bellied pig day in Pennsylvania in recognition of their success as a unique and ideal pet. He provided an enormous amount of information to Council which he acquired through internet articles and also through a woman named Rebecca DeNolfi, who is an expert on pigs and has a great deal of experience in court cases where the ownership of pet pigs have been challenged. It's been reported that pigs are highly intelligent, readily trainable, affectionate and social, and quite clean. They learn as fast as, if not faster, than dogs, can be leashed trained and litter trained, and the noises they make aren't as loud as the bark of a dog. In size they are comparable to large breed dogs. A final point, he found it difficult to find any information relative to pot-bellied pig attacks and did not find one single account of a pot-bellied pig attack fatality. He provided all the information he gathered to the Manager.

Councilmember Molesevich made a motion, seconded by Councilmember Mahon, to grant special permission to Jim Sprouse to have a pot-bellied pig as a pet. ON THE QUESTION: Councilmember Casimir said it is theoretical, as you don't have plans to get one right now. Mr. Sprouse commented first he has to convince his girlfriend to marry him and move here. Motion was approved, with one dissenting vote, Councilmember Baker voted no.

PLANNING COMMITTEE: (Councilmember Morris arrived at 7:35 PM.) Councilmember Casimir made a motion, seconded by Councilmember Molesevich, to approve HARB applications a and b, as submitted and recommended by HARB. ON THE QUESTION: Councilmember Cox questioned what type of sign is being talked about on Market Street, as he doesn't want to see a sandwich board. Manager Smith clarified it is a free-standing sign for a menu. Councilmember Baker stressed he is an advocate of having a plan to address all the illegal signage in the Borough as he would like to see it cleaned up once and for all; this Borough has simply become too lenient. Councilmember Casimir said this is part of the urgency to get the zoning ordinance passed, as the signage was cleaned up quite a bit. Manager Smith said the Borough has been lenient, but over the past month there has been increased enforcement. This came before HARB, and now it must go through zoning. There was **much** discussion regarding the signage in this Borough. Solicitor Lyons stressed that HARB doesn't approve a sign; they simply approve the concept of a sign in the historic district. Dimensions of the sign, etc. are a zoning matter and the only way you get a zoning permit is to first go before HARB when in the historic district. Councilmember Baker questioned if this matter could be tabled. Solicitor Lyons said no; Council can take action to deny, but to take no action would be a deemed approval. Motion was approved, with three dissenting votes; Councilmembers Baker, Cox, and Mahon voted no.

a. Tedd Biernstein/235 Market Street/Signage. An application was submitted to and reviewed by HARB for signage. A motion was made by Phoebe Faden, seconded by Ted Strosser, to recommend approval of both signs as indicated in the HARB application under project description, as well as shown in the photo attached, pending zoning approval. (HARB recommended the sign be brought in at night.) Motion as unanimously approved.

b. Stephen Kalberer/231 North Third Street/Replacement Windows. An application was submitted to and reviewed by HARB for replacement windows. A motion was made by Ted Strosser, seconded by Elaine Wintjen, to approve the replacement windows as indicated in the HARB application under project description, as well as described in the attached literature; windows should match the original opening and all windows should be one over one. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to change the structure of the Traffic Advisory Committee to allow for five (5) Borough residents at-large and one (1) non-resident member; making the Traffic Advisory Committee consist of: one (1) Councilmember, the Mayor, five (5) Borough residents at-large and one (1) non-resident member. ON THE QUESTION: Mayor Wagner reported Ms. Oswald is with Bucknell University, wanted to serve and has expertise with traffic, similar to Dr. McGinnis, and would be an asset to the committee. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to appoint Michelle Oswald to the Traffic Advisory Committee as the non-resident member; term expiration 12/31/12. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to approve the Peter S. Groff/Robert G. & Jill M. Thomas Final Add-On Subdivision Plan (property located at 225-227 South Second Street); reviewed and recommended by the Lewisburg Planning Commission, and reviewed with no exception by the Borough Engineer and Zoning Officer. Motion was unanimously approved.

JIM SPROUSE

COUNCIL
GRANTED SPECIAL
PERMISSION FOR
RESIDENT TO
HAVE POT-BELLIED
PIG AS A PET

PLANNING
COMMITTEE
HARB

T BIERNSTEIN

S KALBERER

CHANGE IN
STRUCTURE OF
TRAFFIC
ADVISORY
COMMITTEE

MICHELLE
OSWALD (NON-
RESIDENT)
APPOINTED TO
TRAFFIC
ADVISORY
COMMITTEE

GROFF/THOMAS
FINAL SUBDIVISION
AT225-227 SOUTH
SECOND STREET
APPROVED

Tuesday, October 18, 2011

Councilmember Casimir made a motion, seconded by Councilmember Morris, to approve the cable franchise agreement with CATV Service, Inc. for a period of ten (10) years, with an increase in the franchise fee from 3% to 4%. ON THE QUESTION: Councilmember Molesevich asked how this came about. Solicitor Lyons said when television cable became prominent they wanted to put their lines in Borough right-of-ways and on poles so they asked for the Borough's consent. Federal legislation allowed the entering into a franchise agreement for this communication service; the Borough is preempted from everything else except cable franchise agreements. This document appears to be the same contract that was drafted years ago. He pointed out Service Electric Cablevision bought CATV Service, Inc., and they volunteered this increase, which is consistent with what they are paying other municipalities. Mayor Wagner commented this fee is passed on to and paid for by the customer. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to direct the Manager to submit a cable franchise agreement to Windstream Corporation for a period of ten (10) years, with an increase in the franchise fee from 3% to 4%. ON THE QUESTION: Solicitor Lyons commented Windstream may be non-responsible as they appear to be getting out of that business. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to approve the use of the three-globe light standard by LARA for the Frosty 5 K Run. Motion was unanimously approved.

Councilmember Casimir reported he took the five pages of comments received from the Planning Commission on the proposed zoning ordinance and incorporated some of these into the document. He did not incorporate suggestions that would have radically reorganized the document, i.e. a couple of suggestions for definitions. We are left with the question regarding two primary uses on a lot. One member of the Planning Commission gave information on accessory dwelling units, which is different than what was previously written. It wouldn't be two primary uses, one would be primary and the other an accessory use and it would be limited to residences. The idea to make it more possible for another Champion Shoe Store would be negated by this. To summarize, we have three options. The first option, and the most expeditious if we want to keep with the schedule of being ready by January 1st, is to go forward with no reference at all to two primary uses or accessory dwelling units; we could remove that paragraph. The Planning Commission may have some arguments with the things he left out, but the document is ready to go. The second option would be to delay for a month in order to add in the idea of accessory dwelling units, which would require making a whole additional section, meaning major alterations to the document both in reorganization and reformatting. The final option would be to delay a month and to stick with the two primary uses on a primary lot, but as Stacy Hinck indicated, it is not organized properly as it must be put into each zoning district to be allowed, there would have to be conditions, etc. He explained that Stacy Hinck did ask at the last Planning Committee meeting for a delay until the end of October to give the Planning Commission a chance to complete their review. He along with Councilmember Strosser indicated they would pass this request along with the follow-up that they, along with the Manager, go over the Planning Commission's final review and prepare the document for approval for a public hearing in November. Since that time he has heard more from the Planning Commission and there seems to be disagreement within the Planning Commission about some of these things, i.e. accessory dwelling units, so he doesn't see much sense in sending it back for two more weeks because he doesn't believe they will speak in a single voice. Councilmember Mahon said she favors leaving out the controversial section, meaning no reference at all to two primary uses or accessory dwelling units; that could be incorporated into the document later. Councilmember Casimir said that was his first recommendation. There was **much** discussion.

Councilmember Baker made a motion, seconded by Councilmember Casimir, to direct the Solicitor to advertise a public hearing on the proposed zoning ordinance, as written, minus Section 360-23B which deals with two primary uses or accessory dwelling units. ON THE QUESTION: Solicitor Lyons asked if there will be any significant changes between now and the public hearing in November. Councilmember Casimir said he is suggesting the formal review is finished. Solicitor Lyons said we could have the hearing on the ordinance as proposed, as long as there are no significant changes. Council can then decide whether to enact at that November meeting or enact at the December meeting depending upon changes. He doesn't want to advertise it for enactment and then find out there are significant changes, as he would have to advertise it again; this would cost the Borough double and this is not a cheap advertisement. We simply have to have the proposed ordinance available for public inspection, and this means it would have to be minus Section 360-23B. Councilmember Casimir said that section will be removed and the numbers will be reformatted. It was the sense of Council that the Solicitor be directed to advertise the public hearing for Tuesday, November 15th at 6:30 PM. Motion was unanimously approved.

APPROVAL OF
CABLE
FRANCHISE
AGREEMENT
WITH CATV
SERVICE, INC.

MANAGER
DIRECTED TO
DRAFT CABLE
FRANCHISE
AGREEMENT
WITH
WINDSTREAM
CORPORATION

LARA/FROSTY 5K
RUN/ALLOWED
USE OF THREE
GLOBE LIGHT
STANDARD

DISCUSSION OF
PROPOSED
ZONING
ORDINANCE

SOLICITOR
DIRECTED TO
ADVERTISE
PUBLIC HEARING
FOR PROPOSED
ZONING
ORDINANCE

Tuesday, October 18, 2011

Manager Smith respectfully requested all changes be forwarded to him as quickly as possible so he can do the necessary reformatting. Councilmember Molesevich suggested the proposed zoning ordinance be placed on the Borough's website.

Councilmember Casimir reminded Council that next year is a reorganization year, so performance reviews for the Manager and Secretary will be circulated to Council; he asked they be returned as soon as possible so an executive session could be held in November.

Councilmember Casimir stated there are still vacancies on the Vacancy Board, the Lewisburg Area Recreation Authority, and the Lewisburg Area Joint Sewer Authority; anyone interested should submit their letter or email of interest to the Borough Secretary.

Mayor Wagner said there are three vacancies (three-year terms) available on the Lewisburg Neighborhood Corporation (LNC). Anyone interested could forward their letter of interest to the Borough Secretary. (LNC Review Committee consists of Dan Remley, Nada Gray, and Mayor Wagner.)

POLICE COMMITTEE: Councilmember Mahon indicated there were no action items. Chief Yost reported The Buffalo Valley Regional Commission (BVRC) is currently reviewing the union contracts in an attempt to design a contract suitable to everyone. The building renovations are scheduled for completion by early November.

PUBLIC WORKS COMMITTEE: Councilmember Baker made a motion, seconded by Councilmember Mahon, to direct the Solicitor to advertise an amendment to the vehicle and traffic ordinance, as drafted, which would prohibit parking on unapproved surfaces. ON THE QUESTION: Councilmember Casimir commented the definition of improved surface should also include packed gravel or compacted gravel. Solicitor Lyons said he would include "compacted gravel and/or stone" and that should cover everything. Manager Smith said there was some confusion about the administrative charge and penalty clause. Solicitor Lyons explained you have to look at the entire ordinance as there is a penalty provision in the ordinance; this is only an amendment to that ordinance. The administrative charge is similar to a citation, meaning if they pay it and correct it, there is no penalty. The last sentence of section one, paragraph three, indicates if owners neglect, fail or refuse to comply with notice within the required period of time, such owner shall be in violation of the provision of the article and shall be cited. The actual fine is up to \$600 for each day of the actual violation. There was **much** discussion. Solicitor Lyons stated he will change the administrative fee from \$10 to \$40, and change motor house to motor home, as requested by Council. (Note: This motion replaced by following motion.)

Councilmember Morris made a motion, seconded by Councilmember Casimir, to direct the Solicitor to advertise an amendment to the vehicle and traffic ordinance prohibiting parking on unapproved surfaces, as drafted, *with the following amendments:* to include adding to the definition of improved parking surface, the language "compacted gravel and/or stone"; to change motor house to motor home; and to change the administrative fee from \$10 to \$40. Motion was unanimously approved.

FINANCE COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Baker, to approve payment of the bills from 09/17/11 through 10/14/11 in the amount of \$928,979.68. ON THE QUESTION: Council President Bergonia asked why the amount is high. Councilmember Morris said this is due to transfers, the Fifth Street Project payments, and the North Eighth Street/Hufnagle Boulevard Project payments. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to direct the Solicitor amend the Borough's Solid Waste Ordinance to eliminate the special pick-up charges and create a corresponding resolution which would establish the special pick-up charges, as proposed, and as adopted from time to time by Council. Motion was unanimously approved.

Councilmember Morris reported the proposed 2012 budget has been distributed to Council and this will be discussed at the work session Tuesday, November 8th.

MAYOR: Mayor Wagner extended an invitation to everyone for the ribbon cutting ceremony for South Fifth Street, an amazing project we should be very proud of, at 12 noon on Wednesday, November 2nd right outside this building.

POLICE CHIEF: Chief Yost reported the Pennsylvania Liquor Control Board Grant for next year was awarded, and it is just shy of \$15,000; the Alcohol Aggressive Driver Grant for November was also funded. There have been daytime residential break-ins this past week, and he asked that everyone be diligent in locking doors, securing vehicles, etc.

**MANAGER/
SECRETARY
EVALUATIONS**

**EXISTING
VACANCIES
ANNOUNCED**

**LNC VACANCIES
ANNOUNCED**

**POLICE
COMMITTEE**

**PUBLIC WORKS
COMMITTEE**

**SOLICITOR TO
ADVERTISE
AMENDMENT TO
VEHICLE AND
TRAFFIC
ORDINANCE TO
PROHIBIT
PARKING ON
UNIMPROVED
SURFACES**

**FINANCE
COMMITTEE
PAYMENT OF
BILLS**

**SOLICITOR
DIRECTED TO
AMEND SOLID
WASTE ORDINANCE/
REMOVAL OF FEES
WITH FEES TO BE
DRAFTED WITHIN A
RESOLUTION**

**2012 PROPOSED
BUDGET
DISTRIBUTED FOR
REVIEW**

**MAYOR
RIBBON CUTTING
CEREMONY FOR
SOUTH FIFTH
STREET**

POLICE CHIEF

Tuesday, October 18, 2011

COUNCIL PRESIDENT: Council President Bergonia reported that Council representation on the Lewisburg Downtown Partnership (LDP) will be Kathryn Morris and Council representation on the Town and Gown Committee will be Susan P. Mahon. Councilmember Mahon explained she can no longer make the LDP meetings on Monday mornings, thus the reason for this switch.

Council President Bergonia reported the grand opening of the Rail/Trail will be held 11 AM on Friday, November 4th at Route 45 and Reitz Boulevard.

SOLICITOR: No report.

MANAGER: Councilmember Baker made a motion, seconded by Councilmember Morris, to approve J.H. Williams & Company, LLP, Certified Public Accountants, to conduct the annual audit for the Fiscal Year 2011 in the amount of \$9,950.00, as well as prepare all quarterly taxing forms for Fiscal Year 2012 in the amount of \$2,045.00. Motion was unanimously approved.

OLD BUSINESS: None.

NEW BUSINESS: Councilmember Casimir reported Kim Wheeler, the newest Shade Tree Commission member, has been appointed Chairwoman. She should do an excellent job with her organization experience and her background in landscape architecture.

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 President Bergonia stressed there will be a work session on November 8th for 2012 budget discussions.

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

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

COUNCIL PRESIDENT
COUNCIL REPRESENTATIVES:
LDP/KATHRYN MORRIS AND TOWN AND GOWN/SUSAN MAHON

SOLICITOR

MANAGER
J.H. WILLIAMS, CPA, TO PERFORM ANNUAL AUDIT FOR 2011 AND PREPARE TAXING FORMS FOR 2012

OLD BUSINESS

NEW BUSINESS
KIM WHEELER/STC CHAIRWOMAN

WRITTEN REPORTS

WORK SESSION

ADJOURNMENT