

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, October 18, 2016**, in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Cox, Derman, Frederick, Mahon, Morris and Yohn; Mayor Wagner, Solicitor Lyons, Manager Lowthert, Secretary Garrison and BVRPD Chief Yost. Absent: Councilmember Cook. Also present: Reverend David Jones, J. Bringman, Samuel Bringman, Stacey Sommerfield 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 Mahon, seconded by Councilmember Derman, to approve the minutes of the September 20, 2016 regular monthly meeting. Motion was unanimously approved.

PUBLIC PARTICIPATION: Reverend David Jones indicated he was present regarding a vehicle accident that occurred Tuesday, September . He explained he was sitting on Market Street when a Borough leaf truck approached, crossed the yellow line, and hit the entire side of his vehicle. (He distributed pictures of his vehicle, and a document dated October from Mutual Benefit Group detailing the cost of money for repairs vs. the value of his car, and the amount of money he received.) Since his car was totaled, he is requesting \$1,958.02 from the Borough. He feels the value of this car is greater than what is shown because it was paid for, was reliable, and was the only family car he had. He mentioned he is in the process of adopting children, and is now in debt as a result of this accident, and this \$1,958.02 would be helpful and would show responsibility of the Borough Council. President Bergonia thanked Reverend Jones for his comments. Councilmember Mahon asked if our insurance will cover this. Manager Lowthert indicated it was determined the Borough was at fault, a claim was filed with our insurance company and it sounds like the insurance company settled with Reverend Jones. Reverend Jones said he received money from his insurance company, but he isn't sure this is settled between the insurance companies. Manager Lowthert said the insurance companies will work out the details. Reverend Jones asked how he will know Council's intentions regarding his request. Manager Lowthert said if Council makes a motion and a second to do something during this meeting, you will know right away that they have decided to take action. However, if Council doesn't, then that would mean they would not be taking action with regard to your request tonight. Reverend Jones said his insurance company advised him to address Council, and if Council isn't going to vote to release these funds, he would at least like Council to address their insurance company about the release of the additional \$1,958.02, because if he would have been permitted to fix the car, he could have for approximately \$7,100.00 and he is paying a lot more than that now. Manager Lowthert explained the Borough pays a lot of money for insurance so the taxpayers are not burdened when an incident like this occurs. The direction from the Borough's insurance company was for Reverend Jones to speak to the insurance company.

Councilmember Morris suggested an executive session be held at the end of this meeting to discuss this matter.

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

Manager Lowthert reminded everyone that parking meters will be covered during the upcoming Holiday Season beginning Friday, November 25, 2016 through Sunday, January 1, 2017. The committee was in favor of this and we wanted to bring it to Council's attention to make sure there were no objections. Last year the boy scouts bagged the meters on our behalf, so he will contact them to see if there is an interest in doing it again this year. If not, we will make other arrangements. Mayor Wagner thanked Council for placing the bags on the meters indicating it is a great gift from the Council.

Manager Lowthert said East Buffalo Township (EBT) sent a letter to Council asking that Council engage in a discussion of reopening the Intergovernmental Agreement of Cooperation (IGA) between the Borough and the Township which formed our Regional Police Department. (Copies of letter and summary prepared by Manager were made available to the public.) There are three items EBT wants to focus on, although their letter indicates this is not an all-encompassing list. First is the percentage of costs assessed to the municipalities. Currently the Borough pays 48% and EBT pays 52%. EBT is asking that we consider each municipality providing 50% toward services. Second, EBT would like to change the payment process. Currently the Police Commission sets a budget and the municipalities get an invoice and we pay based upon the budget. EBT believes the Police Commission has sufficient cash reserves that they shouldn't necessarily be billing on the budgeted amount, but on the actual expenses; this would allow cash reserves to be used for additional costs above what the municipalities allocated within their budgets. Third, EBT wants to discuss how the representation is determined for the Regional Police Commission. Council needs to decide if you want to have a discussion with EBT to reopen the IGA. Councilmember Derman asked when the IGA expires. Police Chief Yost indicated it is each year, after the first five years, and the first five years is up in March of 2017. If Council wanted to begin discussing this, there is important information needed. Before you

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION

REV. DAVID JONES

**PUBLIC WORKS/
POLICE COMMITTEE
BVRPD MONTHLY
REPORT**

**PARKING METERS
COVERED DURING
HOLIDAYS**

**EBT LETTER
REQUESTING
DISCUSSION TO
REOPEN THE
BVRPD IGA**

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is a summary sheet on the actual percentages of PPU's. On average the Borough has received about 47% of police services and EBT has received about 53% of police services. So, this is slightly different from the current agreement, but nowhere near the 50/50 split EBT is suggesting. There is also population and other information on this summary sheet based upon the 2010 census. He was surprised by the size of the two communities, as EBT has 86 miles of roads, while the Borough has 21 miles of roads. If you look at the square mileage, the Borough has a little less than one square mile and EBT has over 15 square miles. So, he isn't sure where EBT is coming up with the idea of a 50/50 split. He agrees that it may be good for the Borough to reopen discussions on this, but his best guess would be 45/55 split. (45% of the cost coming from the Borough and 55% of the cost coming from EBT.) Mayor Wagner commented this summary sheet doesn't reflect the millage differential between the two municipalities. Chief Yost said the initial study done by the group commissioned included all the factors addressed in this summary sheet, as well as crime rates, calls for service, etc. The percentage determined in the IGA was based on data that is now five years old, and it doesn't reflect the growth and change that has occurred in the last five years. He said the original data was pulled from 2006 and 2007 when we first conducted this study. Manager Lowthert said it is clear that EBT is expanding both residential and commercial, and the Borough is not seeing that same level of growth. So, it may be time to at least look at the funding split. There was **much** discussion. Manager Lowthert said if Council decides to meet to at least discuss opening the IGA, then all these things could be on table, but that doesn't mean they all have to change. This meeting will have to be an open public meeting with all Township Supervisors and all Councilmembers attending. Solicitor Lyons said you could create a smaller group to meet to avoid Sunshine issues, but he would think everyone is going to want to participate. Councilmember Derman asked if there is a risk to having this discussion. Manager Lowthert said no, unless you are simply not interested in reopening or changing the IGA, because if that is the case, it makes no sense to dedicate the time and effort to even meet. Councilmember Derman said in the spirit of cooperation, since they asked for a discussion, he feels we should have a discussion. It was the sense of Council to comply with EBT's request to hold a meeting for discussion of this IGA. Council President Bergonia asked the Manager to send EBT a letter, on behalf of Council, asking that they to come to the Council Chambers, at a time convenient to both municipalities. Manager Lowthert said he would take care of the letter and the necessary advertisement for the meeting.

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Derman, to approve HARB items a and d, as submitted and recommended by HARB. Motion was unanimously approved.

a. Craig Bennett/110-112 South Fifth Street/Siding-Windows. An application was submitted to and reviewed by HARB for siding and windows. Motion was made by Steve Snook, seconded by Rob Cook, to recommend approval of the siding and windows, as described in the project description of the HARB application, with new windows to match the existing in size; COA recommended. Motion was unanimously approved.

b. M&T Bank/409 Market Street/Pole Light. An application was submitted to and reviewed by HARB for a pole light. Motion made by Ted Strosser, seconded by Steve Snook, to recommend that a new design be presented with multiple fixtures to create a softer light without any spill of light beyond the sidewalk, and existing lighting fixture should be turned off immediately as it is a safety hazard. Motion was unanimously approved.

c. M&T Bank/409 Market Street/Handicap Accessible Ramp. An application was submitted to and reviewed by HARB for a handicap accessible ramp. Motion made by Rob Cook, seconded by Elaine Wintjen, to recommend that a new design for this ramp, with 1:20 sloped sidewalks, be submitted with an alternate option to consider this entry at the former drive-thru. Motion was unanimously approved.

Note: Zoning Officer should be asked to address the light spill on the wall packs at night drop.

d. Connie Moore/110 South Second Street/Accessory Garage. An application was submitted to and reviewed by HARB for an accessory garage. Motion was made by Ted Strosser, seconded by Elaine Wintjen, to recommend approval of the accessory garage, as described in the project description of the HARB application and as shown in the drawings attached, with windows added in the future; and it was noted that should the brick veneer on the retaining wall be cost prohibitive, the block should be parged; COA recommended. Motion was unanimously approved.

Councilmember Morris pointed out that items b and c will be before HARB again next month.

Councilmember Morris made a motion, seconded by Councilmember Derman, to approve reappointments as follows: Alan Zeigler to LAJSA, five year term effective January 01, 2017 through December 31, 2021; Mary Mastascusa and Kim Walter to HARB, three year term effective January 01, 2017 through December 31, 2019; Elizabeth Durden to ZHB, three year term effective January 01, 2017 through December 31, 2019; Peter J. Bergonia, Jr. to CK-COG, three year term effective January 01, 2017 through December 31, 2019; Susan Mahon to BVRPC, two year term effective January 07, 2017 through January 07, 2019; Jamie Piperberg to STC, five year term effective January 01, 2017 through December 31, 2021. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve the Beer/Wine Permit application of BVRA for a fundraising event to be held in the warming house on November 19, 2016, and to waive the \$250.00 application fee (BVRA already paid \$250.00 earlier in 2016). ON THE QUESTION: Manager Lowthert said when BVRA

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE

C BENNETT

M&T BANK

M&T BANK

C MOORE

REAPPOINTMENTS:
A ZEIGLER/LAJSA; M MASTASCUSA AND K WALTER/HARB; E DURDEN/ZHB; P BERGONIA/CK-COG; S MAHON/BVRPC; J PIPERBERG/STC

BEER/WINE PERMIT APPROVED FOR BVRA FUNDRAISER

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applied for the last permit, there was a discussion as to whether Council would waive this fee for all future fundraisers held during calendar year 2016. Although Council didn't actually make a decision, it was clear that is how Council was leaning, and why this motion is before you as written. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Yohn, to approve request of Kyle Shutt to use the Borough's street light image in matted prints and notecards to be sold by the Downtown local merchants, as shown in the photographs provided. Motion was unanimously approved

Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve request of the Lewisburg Neighborhoods Corporation (LNC) to use the Borough's street light image on their Walk It/Bike It Logo, as shown in the drawings provided. Motion was unanimously approved.

Manager Lowthert reported we have a request from Verizon Wireless to install mini-antennae on our traffic lights downtown. These are used to provide better high speed internet access for about a 300 foot radius. This takes stress off Verizon's big metal towers seen in rural areas. (Photographs of two different versions were distributed.) Verizon and their engineers spoke to our traffic light repair person from Tra Electric and you will see the one that is preferred is the one placed on the top of the traffic light itself. He isn't asking for Council permission tonight, as there are other items that will need to be reviewed and considered, such as an agreement and a rental fee. But Verizon would like to know is if this is something, conceptually, that would be considered. If not, Verizon will abandon the project and go in a different direction. Typically the fee paid by Verizon to a municipality is about \$3,000.00 per year per mini-antennae; so that means revenue coming into the Borough on a traffic light that now simply costs money. Usually when Verizon gets into a community and sees that it works, they expand to get better Verizon coverage in other areas, which means it is possible we could end up with ten mini-antennae a year from now, which could potentially be \$30,000.00 of revenue to the Borough, and more importantly, better internet access for our residents with Verizon for their phone and mobile devices. This would truly be a win/win for the Borough, but it is a Council decision. It was the sense of Council that this would definitely be something they would consider. Manager Lowthert reminded Council they have engaged Cohen Law Group out of Pittsburgh to help negotiate that agreement and that is their specialty.

Councilmember Morris made a motion, seconded by Councilmember Derman, to accept the resignation of Carl Moyer from the Shade Tree Commission effective immediately, with regret. ON THE QUESTION: Manager Lowthert indicated Carl Moyer was successful at finding an individual interested in serving the STC all year vs. his only being available for approximately 7 or 8 months of the year. This individual will be meeting with the STC and hopefully a recommendation will be made for an appointment. Motion was unanimously approved.

Councilmember Morris said the next sign sub-committee meeting is scheduled for Tuesday the at 7 PM. Manager Lowthert affirmed that this committee's recommendations will be brought before the Community Development/Planning Committee for discussion and recommendation to Council.

Councilmember Morris indicated there is a HARB vacancy with a term expiration of December 31, 2018. Manager Lowthert commented he spoke with the HARB Chairman and they have no leads.

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Cox made a motion, seconded by Councilmember Morris, to approve the payment of bills from 09/17/16 through 10/14/16 in the amount of \$520,179.68. ON THE QUESTION: Councilmember Derman noted there are no street light bills for North Second, North Water nor Front Streets. Manager Lowthert said it appears it has been this way for a long time. Councilmember Frederick commented he believes they are tied into another circuit and/or loop. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Derman, to approve an increase in the Recreation Agreement fee effective January 01, 2017 from \$30.00 to \$50.00. ON THE QUESTION: Manager Lowthert indicated this is a way to help bring additional revenue into the Recreation Fund and this amount is line with what other communities are charging. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Derman, to approve an increase in the banner fees effective January 01, 2017 from \$100.00 to \$150.00 if application is received and completed the year prior to the actual event, and from \$350.00 to \$400.00 if application is received and completed the year of the actual event. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Morris, to expand the use of the Lewisburg Loan Funds, originally acquired through the Department of Community and Economic Development (DCED) 1994 Housing and Development

K SHUTT PERMITTED TO USE STREET LIGHT IMAGE IN MATTED PRINTS/ NOTECARDS

LNC PERMITTED TO USE STREET LIGHT IMAGE FOR WALK IT/BIKE IT LOGO

DISCUSSION OF VERIZON WIRELESS REQUEST TO INSTALL SMALL ANTENNAE

C MOYER RESIGNATION/STC

SIGN SUB-COMMITTEE

HARB VACANCY

ADMINISTRATIVE/ FINANCE COMMITTEE PAYMENT OF BILLS

INCREASE IN RECREATION FEE EFFECTIVE JANUARY 2017

INCREASE IN BANNER FEES EFFECTIVE JANUARY 2017

USE OF LEWISBURG LOAN FUNDS TO BE EXPANDED FOR OTHER COMMUNITY BASED PROGRAMS/ PROJECTS

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Assistance Program Grant, for other community based programs or projects, and it should be noted that DCED provided a letter dated October 7, 2016 releasing the Borough from any remaining terms and conditions on the use of these original program grant funds. ON THE QUESTION: Councilmember Morris reported there was discussion and confirmation at the committee level that there will still be funding available should someone downtown be looking for an improvement loan. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Morris, to approve the Borough paying 20% toward the cost of an audit of the William Cameron Engine Company (WCEC), requested by Kelly Township, at a maximum cost to the Borough of \$1,000.00. ON THE QUESTION: Councilmember Cox stated during finance meetings of MACAC, discussions indicated an amount of \$1,200.00 being paid for auditing services in the past, but he has been informed that is not a final figure for auditing services and he wanted to clarify this. Motion was unanimously approved.

MAYOR: Mayor Wagner said it has been a very busy and exciting time in the Borough. She updated Council on her many activities. She reported there is a new business, Iron Front Co-works, located on the second and third floors of the Chamberlin Building downtown. She also indicated she was contacted by an individual interested in providing wireless access points across town, so she will ask our Manager to meet with this person. The basket committee meets on Friday and she believes we will be seeing the baskets up sometime in October.

COUNCIL PRESIDENT: Council President Bergonia reminded everyone that Trick or Treating will be on Halloween from 6 PM to 9 PM in the Borough.

MANAGER: Manager Lowthert reported there are a lot of items on the agenda under Manager and they are all related to the budget. We have held work sessions the last several months to talk about the proposed 2017 budget. Before you is what Council believes is a very good 2017 budget. This proposed 2017 budget will be available in the Borough office and on the Borough's website. The motions listed cover everything that needs to be done to allow Council, at next month's meeting, to adopt the final budget. Council has indicated very clearly that roads are the highest priority. In the budget before Council, we have the potential to put almost \$750,000.00 into our roads next year through a loan. This debt service tax will generate the monies used to payback that loan over a period of 5 to 7 years. This is a huge step and Council should be applauded for this action. Council has indicated they want to set aside monies for the DCED grant match to allow for the Early Intervention Program Study (EIP), which was originally the consolidation study with EBT that they backed out of earlier this year. This is a very good move going forward. And, building up the Borough cash reserves is a very prudent thing for Council to do, as we ended 2015 with very little cash reserve in the General Fund, and certainly way too little to handle any kind of an emergency. Council also wanted to continue with the Streambank Restoration Project of Bull Run, specifically in the upper area of the St. Mary Park, so money has been allocated there.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve proposed 2017 budget with millage rates as follows: General Fund 10.135; Debt Service Fund 0.598; Street Lighting Fund 0.457; Fire Protection 0.810; Shade Tree Fund 0.100; Regional Recreation Fund 0.640, and direct the Solicitor to advertise proposed 2017 budget for final consideration and adoption of Council on November 15, 2016. ON THE QUESTION: Councilmember Derman pointed out that although the total millage has gone up, some of the individual taxes were decreased. Manager Lowthert said that is correct; the Street Lighting Fund has decreased by 0.008 mills, the General Fund has increased by 0.140 mills, the Fire Protection Fund has increased by 0.070 mills, and the Regional Recreation Fund has increased by 0.200 mills. The increase in the Regional Recreation Fund was partly a result of an increased funding request from BVRA, but mostly because the Trust Funds that we have relied upon for years to maintain the parks just isn't giving us the amount of revenue needed any longer. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Frederick, to direct the Solicitor to prepare and advertise the necessary tax ordinance for 2017 reflecting millage rates as follows: General Fund 10.135; Debt Service Fund 0.598; Street Lighting Fund 0.457; Fire Protection 0.810; Shade Tree Fund 0.100; Regional Recreation Fund 0.640; total millage for 2017 is 12.740. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to direct the Solicitor to prepare the tax resolution regarding realty transfer tax, the earned income tax, the local services tax, the business privilege tax, and the per capita tax for 2017. Motion unanimously approved.

SOLICITOR: Manager Lowthert indicated our Solicitor is working on the necessary fee resolutions to increase the zoning fees and the subdivision fees, as talked about previously, in hopes of being before Council for consideration in November.

OTHER COMMITTEES: Council President Bergonia indicated Stacey Sommerfield, Executive Director of BVRA, is present. Ms. Sommerfield shared with Council the BVRA upcoming events.

CONTRIBUTION TOWARD WCEC AUDIT AT MAXIMUM COST OF \$1,000

MAYOR

COUNCIL PRESIDENT

MANAGER PROPOSED 2017 BUDGET

SOLICITOR DIRECTED TO ADVERTISE FOR FINAL CONSIDERATION/ ADOPTION IN NOVEMBER

SOLICITOR TO PREPARE AND ADVERTISE TAX ORDINANCE FOR 2017 WITH TOTAL MILLAGE OF 12.740

SOLICITOR DIRECTED TO PREPARE NECESSARY TAX RESOLUTION

SOLICITOR

OTHER COMMITTEES BVRA

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Councilmember Morris indicated the LDP Board approved Ellen Ruby, Special Project Coordinator, to be the interim Executive Director for the remainder of this year. She commented the LDP is very disappointed that Dan Bevis left so quickly, but he provided us with a very appropriate and valuable document in terms of how the LDP needs to step outside the box and brand ourselves, and we are thankful for that.

Mayor Wagner stated Dennis Swank continues his work on the reconfiguration of the Town and Gown Committee.

Council President Bergonia stated Samantha Pearson, Executive Director of the LNC, is here if anyone has any questions pertaining to the LNC, River Town Committee or Flood Impact Task Force. There were none.

Manager Lowthert reported the Shade Tree Commission has a new Chairperson, Barbara Kalin.

Council President Bergonia reported the CK-COG had their annual meeting last week and there were 75 municipalities represented.

Councilmember Morris said there is no report on the Community Garden Committee.

Councilmember Cox said the MACAC continues to meet.

OLD BUSINESS: None.

NEW BUSINESS: None.

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

WORK SESSION: Manager Lowthert said since the budget has been approved for advertisement, he sees no need at this time for a work session in November. However, if something changes, he will notify Council. Councilmember Mahon pointed out that November is Election Day.

Council President Bergonia called for a five minute recess at 8:00 PM. Council returned at 8:05 PM.

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

Council entered executive session at 8:05 PM. Council returned at 8:15 PM.

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

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

LDP

TOWN AND GOWN
COMMITTEE

LNC
RIVER TOWN
COMMITTEE
FLOOD IMPACT TASK
FORCE

STC

CK-COG

COMMUNITY
GARDEN
COMMITTEE

MACAC

OLD BUSINESS

NEW BUSINESS

WRITTEN REPORTS

WORK SESSION

RECESS

LEGAL MATTER

(EXECUTIVE
SESSION)

ADJOURNMENT