

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, November 15, 2011** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Casimir, Cox, Mahon, Molesevich, Morris and Strosser; Mayor Wagner; Chief Yost; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Councilmember Baker was absent. Also present: Tammy Burk, Nada Gray, Josh Steinhurst, and Susan Warner-Mills.

CALL TO ORDER: Council President Bergonia called the meeting to order at 7:10 PM, followed by the pledge of allegiance.

APPROVAL OF MINUTES: Motion was made by Councilmember Morris, seconded by Councilmember Strosser, to approve the minutes of the regular Council meeting held October 18, 2011 and the work session November 08, 2011. Motion was unanimously approved.

PUBLIC PARTICIPATION: Susan Warner-Mills, Planning Commission member, stated the proposed zoning is being referred to as a zoning amendment, which is crazy because about 75% has been rewritten. After her group did a major rewrite, then one or two people got together and rewrote that, and then gave the Planning Commission a minimal amount of time to review it. The Planning Commission has been made to feel powerless and that is not a good message to be sending.

Councilmember Casimir responded that he, along with the Manager, was *directed* by Council to draft this zoning ordinance with their input.

Nada Gray, Planning Commission member, thanked Manager Smith and Councilmember Casimir for their work indicating this is a better document than we had, although it still needs improving.

PLANNING COMMITTEE: Councilmember Casimir made a motion, seconded by Councilmember Strosser, to approve HARB applications a, b, c, d, e, and f as submitted, and recommended by HARB. **ON THE QUESTION:** Councilmember Casimir explained one application reflects a retrospective approval. Unfortunately there isn't a good process in place for people who make major renovations without getting the proper approval, and this is definitely something that needs to be addressed in the future. Councilmember Molesevich suggested it might be time for the Central Keystone-COG to host a contractor workshop, to address the things a contractor needs to know to work in Lewisburg. Councilmember Morris commented Sunbury Borough makes contractors pay a fee to do work within their Borough, which allows the Borough to make sure the contractors know all the rules and regulations. Motion was unanimously approved.

a. Tim Goff/130 North Fourth Street/Replacement Windows. An application was submitted to and reviewed by HARB for replacement windows. A motion was made by Steve Snook, seconded by Phoebe Faden, to recommend approval of one over one double hung vinyl replacement windows in original window opening, as indicated in the HARB application under project description. Motion as unanimously approved.

b. Susan Warner-Mills&Marilyn Brill/119 South Third Street/Roof Replacement. An application was submitted to and reviewed by HARB for roof replacement. A motion was made by Mary Mastascusa, seconded by Kim Walter, to approve the application for replacement of all two-story roofing as described in the attached literature and estimate. Motion was unanimously approved.

c. Lawrence Rose/201A-201B South Front Street/Siding-Roof Replacement. An application was submitted to and reviewed by HARB for siding-roof replacement. A motion was made by Phoebe Faden, seconded by Mary Mastascusa, to recommend approval of siding-roof replacement, retrospectively, as stated in the HARB application and as shown in the photographs. (Note: This work has already been completed.) Motion was approved by a 4 to 3 vote. (Faden, Mastascusa, Wintjen and Cook voted yes/Snook, Strosser, Walter voted no).

d. Purity Candy-Marge Burfeindt/422 Market Street/Signage. An application was submitted to and reviewed by HARB for signage. A motion was made by Steve Snook, seconded by Robert Cook, to recommend approval of new hanging sign (the existing lights on the bracket will be used and fine with HARB) and vinyl lettering on the windows, as indicated in the HARB application under project description, as well as shown in the documentation attached. Motion as unanimously approved.

e. Michael Molesevich/25 South Fourth Street/Storm Door Installation. An application was submitted to and reviewed by HARB for signage. A motion was made by Phoebe Faden, seconded by Rob Cook, to recommend approval of storm door on front of building, as indicated in the HARB application under project description, as well as shown in the photo attached. Motion as unanimously approved.

f. Robert Thomas/229 South Second Street/Fence. An application was submitted to and reviewed by HARB for a fence. A motion was made by Elaine Wintjen, seconded by Robert Cook, to recommend approval of the installation of a fence, as described in the project description section of the HARB application and as shown in the diagrams attached to the HARB application, with the stipulation that the fence be painted or stained within one year. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to advertise an ordinance granting renewal of a cable television franchise to CATV Service, Inc. to operate and maintain a cable television system in the Borough; setting forth the terms and conditions accompanying the grant of the renewal franchise and providing for regulation of the cable television system; and repealing Ordinance No. 933, enacted

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION
SUSAN WARNER-MILLS

NADA GRAY

PLANNING COMMITTEE
HARB

T GOFF

**S WARNER-MILLS/
M BRILL**

L ROSE

M BURFEINDT

M MOLESEVICH

R THOMAS

CABLE TELEVISION FRANCHISE ORDINANCE TO BE ADVERTISED/ CATV SERVICE

Tuesday, November 15, 2011

September 18, 2001, for enactment at December 20, 2011 meeting. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Strosser, to advertise an ordinance granting a renewal of a cable television franchise to D & E Communications, to operate and maintain a cable television system in the Borough; setting forth the terms and conditions accompanying the grant of the renewal franchise and providing for regulation of the cable television system; and repealing the previous ordinance, for enactment at such time as there is an acceptable agreement between D & E Communications and the Borough. **ON THE QUESTION:** Solicitor Lyons indicated this is a little different than the first motion because the Borough has not heard from D & E; he will only advertise this ordinance if we have an agreement that both parties agree to. Councilmember Morris shared she heard Windstream does not want to continue to provide cable. Solicitor Lyons commented they may not renew and that may be an issue. However, they must continue to pay the franchise fee for the existing cable. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Strosser, to approve William Cameron Engine Company's use of the three globe light standard as part of a t-shirt design. (Manager Smith shared the draft design with Council.) Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Cox, to create an ad hoc committee consisting of Council President Peter J. Bergonia, Jr. and Councilmember Trey Casimir for the purpose of reviewing the current LARA Intergovernmental Agreement (IGA). **ON THE QUESTION:** Councilmember Casimir asked if a motion is necessary. Manager Smith said the Council President can request an ad hoc committee per the by-laws, or he can temporarily create an ad hoc committee due to timing requirements, but ultimately it must be ratified by Council. Motion was unanimously approved.

Councilmember Casimir indicated there is a need for an executive session to discuss the at-will employee contract negotiations, and this can occur at the end of this meeting.

Councilmember Casimir reported there are several term expirations effective December 31, 2011: Jodi Jarrett/CATV Committee; Roger Holtzapple and Alan Zeigler/LAJSA; Steve Snook and Robert Cook/HARB; Jamie Piperberg/STC; Dennis Baumwoll/ZHB; Robert Kauffman, Stacy Hinck and Susan Warner-Mills/Planning Commission; Elizabeth Burke, Samantha Pearson and Kim Wheeler/TAC. He encourages individuals interested in serving to apply, and of course, those that are already serving and wish to continue should also indicate their feelings. He would like to see everyone interested given the opportunity to serve, and asked the newspapers to share this information with the public. Manager Smith said all applications will go through the Planning Committee and come back before Council in December. Councilmember Molesevich suggested all openings be placed on the Borough's website.

POLICE COMMITTEE: No meeting.

PUBLIC WORKS COMMITTEE: There were no action items.

FINANCE COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Casimir, to approve payment of the bills from 10/15/11 through 11/11/11 in the amount of \$437,373.98. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Cox, to approve the proposed 2012 budget with millage rates as follows: General Fund 6.98; Street Light Fund 0.30; Fire Protection Fund 0.50; Shade Tree Fund 0.08; Recreation Fund 0.29; and to direct Solicitor to advertise proposed 2012 budget for final consideration and adoption of Council on Tuesday, December 20, 2011. **ON THE QUESTION:** Councilmember Mahon asked what the millage increase is. Councilmember Morris said ½ mill in the General Fund, and no increase in the other funds. Councilmember Casimir stressed there will also be an increase in the refuse fees. Manager Smith explained he received just today the assessed value for the Borough from Union County, and a mill went from \$174,914 to \$176,390. The carryover generated is *anticipated* to be \$248,000 which is very close to the \$250,000 he feels is needed to allow the Borough to function until taxes start coming in. There was **much** discussion. It was the sense of Council the carryover was larger than the work session documents reflected. Manager Smith explained that he continually works with the proposed budget, which continually changes. There was **much** discussion. Manager Smith stressed the \$248,000 still is not sufficient to supply the Borough's reserves and it includes nothing from the General Fund for street projects. Councilmember Morris reported for 2012 there has been a cap placed on health insurance expenses for the non-uniformed employees, which means they will have to start contributing to their healthcare. Manager Smith reminded Council that the Borough did not anticipate making a contribution to the Regional Police this year, plus carry them

CABLE TELEVISION FRANCHISE ORDINANCE TO BE ADVERTISED/ D & E COMMUNICATIONS

WILLIAM CAMERON'S USE OF THREE GLOBE LIGHT STANDARD APPROVED

AD HOC COMMITTEE CREATED FOR REVIEW OF LARA IGA

EXECUTIVE SESSION NEEDED FOR AT-WILL EMPLOYEE CONTRACT NEGOTIATIONS

UPCOMING TERM EXPIRATIONS NOTED

POLICE COMMITTEE

PUBLIC WORKS COMMITTEE

FINANCE COMMITTEE PAYMENT OF BILLS

PROPOSED 2012 BUDGET APPROVED (1/2 MILL INCREASE IN GENERAL FUND)

Tuesday, November 15, 2011

for the entire year, or making additional contributions to LARA, or the overage on South Fifth Street; all of these things have negatively impacted the Borough's carryover. This carryover needs to be rebuilt for future years. Motion was approved with two dissenting votes, Councilmembers Molesevich and Strosser voted no.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to direct Solicitor to prepare and advertise the necessary tax ordinance (General Fund 6.98; Street Light Fund 0.30; Fire Protection Fund 0.50; Shade Tree Fund 0.08; Recreation Fund 0.29). Motion was approved with two dissenting votes, Councilmembers Molesevich and Strosser voted no.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to direct Solicitor to prepare tax resolution regarding the realty transfer tax, the earned income tax, the local services tax, the business privilege tax, and the per capita tax for 2012. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Cox, to award the Manager/Treasurer a discretionary bonus in the amount of \$5,000 for superior performance above and beyond the expectations of Council and the Borough in fulfilling his role as the Manager/Treasurer. ON THE QUESTION: Councilmember Morris stressed the Manager put a lot of time into the proposed zoning ordinance and the regional police. Mayor Wagner commented without the Manager and the Chief there would be no regional police. Councilmember Strosser indicated although he was opposed to a tax increase, he is in favor of this bonus, as he feels confident we could have balanced our budget without a tax increase because of the exemplary job of our Manager. Motion was unanimously approved.

MAYOR: No report.

POLICE CHIEF: Chief Yost reported things are progressing with the Regional Police; now is the time of negotiating with the two labor unions to create one contract. He escorted Sergeant Fred Hetrick to Lancaster for the State Driving Under the Influence Convention where Sergeant Hetrick received the Top Gun Award for his efforts of promoting highway safety and DUI enforcement within our community.

COUNCIL PRESIDENT: No report.

SOLICITOR: Solicitor Lyons reported he has prepared and duly advertised as necessary several items for Council action this evening.

Councilmember Casmir made a motion, seconded by Councilmember Morris, to adopt Ordinance No. 1005, an ordinance amending the refuse collection service ordinance by condensing and rearranging the list of items to be picked up by special arrangement; and eliminating therefrom the specific service charge amounts for the said item and providing that such amounts shall be established from time to time by resolution. Motion to adopt Ordinance No. 1005 was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to adopt Resolution No. 11-10, a resolution providing for the amount of the service charge for items picked up by special arrangement. ON THE QUESTION: Manager Smith explained this fee resolution was created so when service charges need to be changed, they can be without the Borough having to incur an expense to advertise an ordinance to do so. Motion to adopt Resolution 11-10 was unanimously approved.

Councilmember Strosser made a motion, seconded by Councilmember Mahon, to adopt Ordinance No. 1006, an ordinance amending the vehicle and traffic ordinance by prohibiting parking on unimproved surfaces. Motion to adopt Ordinance No. 1006 was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Casimir, to adopt Resolution No. 11-11, a resolution appointing a liaison between the Borough and Berkheimer, the duly appointed collector of earned income tax for the district, for the express purpose of sharing confidential tax information with the district for official purposes. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to direct the Solicitor to advertise an ordinance amending the Borough's Police Retirement Plan by adding certain provisions thereto to comply with the Pension Protection Act of 2006 and the Heroes Earnings Assistance Relief Act. ON THE QUESTION: Solicitor Lyons reported this ordinance was suggested by Randy Rhoades, our pension attorney, as there are two Federal Acts that the Borough needs to comply with prior to the end of this year. Motion was unanimously approved.

SOLICITOR TO PREPARE AND ADVERTISE NECESSARY TAX ORDINANCE

SOLICITOR TO PREPARE TAX RESOLUTION

MANAGER AWARDED \$5,000 DISCRETIONARY BONUS FOR SUPERIOR PERFORMANCE

MAYOR

**POLICE CHIEF
SGT. FRED HETRICK RECEIVED TOP GUN AWARD**

COUNCIL PRESIDENT

SOLICITOR

**(ORDINANCE NO. 1005)
REFUSE SPECIAL PICK-UPS**

**(RESOLUTION NO. 11-10)
REFUSE FEES FOR SPECIAL PICK-UPS**

**(ORDINANCE NO. 1006)
PROHIBITING PARKING ON UNIMPROVED SURFACES**

**(RESOLUTION NO. 11-11)
APPOINTMENT OF LIAISON BETWEEN BOROUGH AND BERKHEIMER FOR EIT**

SOLICITOR TO ADVERTISE ORDINANCE TO COMPLY WITH PENSION PROTECTION ACT/ HEROES EARNINGS ASSISTANT RELIEF ACT

Tuesday, November 15, 2011

MANAGER: Councilmember Casimir made a motion, seconded by Councilmember Morris, to direct the Solicitor to advertise the following meeting dates and time, including the reorganization meeting that is required:

Work Session of Council: 2nd Tuesday of each month – 7:00 PM
Council Meeting: 3rd Tuesday of each month – 7:00 PM
Traffic Advisory Committee: 4th Tuesday of each month – 4:00 PM
Lewisburg Planning Commission: 1st Wednesday of each month – 6:00 PM (except July 4th; meeting will be held the following week on July 11th)
Shade Tree Commission: 2nd Thursday of each month – 7:00 PM
HARB: 2nd Tuesday of each month – 5:00 PM
Zoning Hearing Board: 3rd Monday of each month – 7:00 PM
Finance Committee: 2nd Monday of each month – 3:00 PM
Police Committee: 1st Tuesday of each month – 5:00 PM
Public Works Committee: 1st Monday of each month – 12 noon (except September 3rd; meeting will be held the following week on September 10th)
Planning Committee: 2nd Thursday of each month – 5:00 PM
Council Reorganization: 1st Tuesday of January (January 3, 2012) – 7:00 PM
Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to adopt Resolution No. 11-12, a resolution designating Chad N. Smith, Manager/Treasurer, as the agent authorized to execute all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. ON THE QUESTION: Manager Smith clarified this is FEMA Mitigation Funds due to Tropical Storm Lee. He submitted paperwork for reimbursement of labor costs, equipment, etc. and it appears we are looking at \$20,000 to \$25,000. He also noted when he met with FEMA representatives they saw firsthand the erosion of Bull Run, and they highly recommended submission of paperwork for bank restoration starting at the St. Louis Street bridge all the way to where Bull Run makes its turn. This would be considered a mitigation effort and FEMA has offered \$75,000 for this bank restoration work. There was **much** discussion. Motion was unanimously approved.

Manager Smith thanked Council for their action this evening to award him a discretionary bonus.

OLD BUSINESS: Councilmember Casimir made a motion, seconded by Councilmember Molesevich, to direct the Solicitor to advertise the proposed zoning ordinance for enactment at the December 20, 2011 regular monthly meeting, including changes discussed at the public hearing this evening, which includes the addition of the change to the rooming house/lodging house definition from one or more to four or more unrelated persons, pending confirmation with the Central Keystone-COG regarding 360-21D-1, and the correction of the error in the impervious coverage definition. ON THE QUESTION: Mayor Wagner suggested a number should be designated to show that there will be an occupancy limit established. Councilmember Strosser stated that number is clearly defined in Property Maintenance Code and is the jurisdiction of the Building Code Enforcement Officer. Councilmember Casimir explained each house already has to be conditionally approved and comply with those rules through the Code Enforcement Officer and Zoning Officer so he is hesitant to put that in there. Solicitor Lyons clarified if an applicant comes to Council for a conditional use permit and part of the criteria is establishing occupancy, and the Zoning Officer doesn't have it and the applicant doesn't have it, then there will not be a conditional use granted. There was **much** discussion. Motion was unanimously approved.

NEW BUSINESS: Councilmember Casimir acknowledged the Buffalo Valley Rail/Trail opened for business on November 5th; although it doesn't yet come into the Borough, it appears LARA and PennDOT are pushing forward with the second phase. Mayor Wagner thanked Councilmember Casimir for all his work on this Rail/Trail as it is a wonderful thing.

Councilmember Casimir noted the Shade Tree Commission had their first meeting with Kim Wheeler as the Chairwoman, and it was an efficient and orderly meeting.

Manager Smith pointed out the Borough's Christmas decorations are going up and he thanked all those involved in these efforts: Windstream, CATV, Bucknell University, Citizens Electric and the Borough crew.

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

Council President Bergonia called for a five minute recess at 8:15 PM. Council returned at 8:20 PM.

**MANAGER
SOLICITOR TO
ADVERTISE
MEETINGS FOR
2012**

**(RESOLUTION NO.
11-12)
DESIGNATION OF
MANAGER/
TREASURER AS
AUTHORIZED
AGENT FOR
FINANCIAL
ASSISTANCE
UNDER DISASTER
RELIEF AND
EMERGENCY
ASSISTANCE ACT**

**OLD BUSINESS
SOLICITOR
DIRECTED TO
ADVERTISE
PROPOSED
ZONING
ORDINANCE**

**NEW BUSINESS
BUFFALO VALLEY
RAIL/TRAIL OPEN**

**CHRISTMAS
DECORATIONS**

**WRITTEN
REPORTS**

(RECESS)

Tuesday, November 15, 2011

Councilmember Casimir made a motion, seconded by Councilmember Molesevich, to hold an executive session to discuss the at-will employee contract negotiations. Motion was unanimously approved.

Council entered an executive session at 8:20 PM. Council returned at 8:55 PM.

WORK SESSION: Council President Bergonia stressed there will not be a work session held on December 13, 2011.

There being no further business, Councilmember Casimir made a motion, seconded by Councilmember Morris, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 9:00 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

**AT-WILL EMPLOYEE
CONTRACT
NEGOTIATIONS**

**(EXECUTIVE
SESSION)**

WORK SESSION

ADJOURNMENT