The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on Tuesday, November 15, 2016, in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Cook, Cox, Derman, Frederick, Mahon, Morris and Yohn; Mayor Wagner, Solicitor Lyons, Manager Lowthert, Secretary Garrison and BVRPD Chief Yost. Also present: Reverend David Jones, Matt Farrand, Ashley Thomas, Craig Bennett, Patty Bennett, Brad Aurand, Robert Lack, Joseph Beattie, Kevin Gardner, Carolyn Conner, Denise Thompson, Sabra Karr, Greg McBride, Linda Weller and Martha Barrick.

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 Morris, seconded by Councilmember Mahon, to approve the minutes of the October 18, 2016 regular monthly meeting. Motion was unanimously approved.

PUBLIC PARTICIPATION: Reverend David Jones indicated he was present last month regarding a vehicle accident that occurred Tuesday, September . Since his car was totaled, he had requested the amount of $1,958.02 from the Borough. This accident was the Borough’s fault and created a hardship on his family (he’s adopting children and there are certain transportation requirements). The value of his car was greater than what was shown, because it was paid for, was reliable, and was the only family car he had. He was told by the Manager that Council did not take action on his request. He again provided a lot of details of the accident, the insurance transactions that took place, and shared that he believes the Borough is responsible for the payment of this $1,958.02.

Manager Lowthert said the Borough’s insurance company recommended Reverend Jones speak directly to them on this matter. He also pointed out this request is the same request Reverend Jones made last month. He explained that Council doesn’t have to make a motion and take action on this matter if they do not wish to. He asked Council if any member would like to make a motion to offer a settlement to Reverend Jones. There was no motion made.

PUBLIC WORKS/POLICE COMMITTEE: No meeting last month. Manager Lowthert indicated he would like to update Council on the discussions with East Buffalo Township (EBT) as a result of their written request, presented at last month’s Council meeting, for a joint municipal meeting. The Borough proposed to meet with EBT on November , but they declined. Since then he has been trying to work out a date. The Borough was informed by EBT that they are planning on holding a meeting this Thursday, November . However, he did share with EBT that Councilmembers were unable to meet that evening due to conflicting appointments. He was informed by EBT they are still planning on meeting regardless of the fact Council will not be present. He continues to work on a date that will work with all nine of the Borough’s elected officials, as well as EBT’s three elected officials. There still isn’t a date set for this joint municipal meeting. There is a work session scheduled for Council Tuesday, December , and although there was to be an update on the Bull Run Master Site Plan draft, which is almost ready for presentation, he feels a discussion on the Police IGA may be more important. He suggested the update on the Bull Run Master Site Plan draft occur next year. He asked Council to check their calendars. He would be happy to provide December at 7 PM as a possible joint meeting date to EBT. Also EBT indicated they are not interested in meeting here at the Borough building, as they do not believe the Council Chambers will be large enough for the amount of people that will be in attendance. It was the sense of Council that the December date at 7 PM be proposed to EBT, with a location yet to be determined. Manager Lowthert indicated he would look into a possible location.

Council received the Buffalo Valley Regional Police Department’s (BVRPD) monthly report.

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

a. Marc Thayer (Meixell-Diehl)/433 Market Street/Sign. An application was submitted to and reviewed by HARB for a sign. Motion was made by Kim Walter, seconded by Elaine Winjten, to recommend approval of the replacement exterior sign, as described in the project description of the HARB application, and as shown in the attached diagrams; COA recommended. Motion was unanimously approved.

b. Kelly Baldwin-Chris Cummings/20 Brown Street/Garage-Carriage House. An application was submitted to and reviewed by HARB for a garage/carriage house. Motion was made by Rob Cook, seconded by Mary Mastascusa, to recommend approval of a garage/carriage house, as described in the project description of the HARB application and as shown in the drawings attached; COA recommended. Motion was approved, with one abstention. (Ted Strosser abstained from voting as he is the architect of record.)

Courtesy Review: Elizabeth Capaldi of 701 Market Street appeared before HARB for a review of her options for window restoration vs. replacement, a potential new front door, and general exterior maintenance and repair work.

Councilmember Morris made a motion, seconded by Councilmember Frederick, to adopt Resolution No. 16-06, placement of 2017 banners across State Highway (Market Street) and submit to PennDOT. Motion was unanimously approved.
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Councilmember Morris made a motion, seconded by Councilmember Mahon, to adopt Resolution No. 16-07, amending in its entirety the zoning fee schedule set forth in the Code of the Borough of Lewisburg. ON THE QUESTION: Councilmember Derman asked how much has changed from the last time it was reviewed. Manager Lowthert explained that the only fees that were changed dealt with the wireless cell towers. Solicitor Lyons indicated the amount in our resolution for the cell tower fee is now what is allowed by State statute and we also incorporated other minor changes, as recommended by Cohen Law Group, a law firm that specializes in this field. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Derman, to adopt Resolution No. 16-08, amending in its entirety the plan processing fees of the subdivision and land development fee schedule set forth in the Code of the Borough of Lewisburg. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Derman, to approve a Final Lot Addition Plan submitted by Christopher Cummings and Kelly J. Baldwin, as recommended by the Planning Commission, contingent upon the applicant recording new deeds for the resultant properties with the County Recorder’s office within 90 days of this approval (Note: two neighboring parcels are receiving land from this subdivided lot, so recording of deeds for the two parcels receiving land is needed to assure that no non-conforming lots are created by this subdivision per Borough Engineer). Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Derman, to refer the proposed wireless communications ordinance amending the zoning ordinance to the County Planning Commission and the Lewisburg Planning Commission for their review and comment as required by the MPC, to direct the Solicitor to advertise for a public hearing on the said amendatory ordinance to be held Tuesday, December at 7 PM, and to further advertise the ordinance to be considered for enactment after the hearing. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to appoint Margaret Vacca to the Shade Tree Commission, term expiration 12/31/18, as recommended by the Shade Tree Commission. Motion was unanimously approved.

Councilmember Morris said the next sign sub-committee meeting is scheduled for Tuesday the at 7 PM. Manager Lowther 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.

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Cox made a motion, seconded by Councilmember Morris, to approve the payment of bills from October 15, 2016 through November 11, 2016 in the amount of $762,580.90. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Morris, to adopt the final 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, as presented to Council October 18, 2016, and authorize the Solicitor to advertise the final budget. Motion was unanimously approved.

Members of the public asked to speak with regard to the 2017 budget; Council President Bergonia granted permission for any members of the public to address Council at this time pertaining to the budget.

Kevin Gardner, P.O. Box 423, Lewisburg, said this millage equals an 8½% increase in taxes for the Borough. Over a four year period that amounts to a 51.2% increase in taxes. Manager Lowther said he agrees with the 8½%. However he disagrees with the second number which should be approximately 36% over a four year period.

Robert Lack of 29 South Second Street commented he has similar concerns about the amount of this increase and would like to know the reasons for it.

Greg McBride of 211 North Fourth Street stated he has the same concerns and wants to know how this Borough can justify these continuous increases in taxes.

Manager Lowthert explained that Council has been working on this budget for months and believes the first meeting was held early in August. All budget work sessions were advertised and open to the public. The dates of these meetings were posted on calendars, as well as on the Borough’s website. With regard to increases in the 2017 budget, they are primarily focused on roads, recreation and fire services. The Borough roads are in very bad shape, particularly those west of Route 15. Our alleys are also in very bad shape. We needed to look at putting additional funding into our roads and part of this budget increase allows the Borough to take out a debt service loan to do just that. The 0.598 mills for the Debt Service Tax will pay this loan. This loan will be approximately $500,000.00 to...
$750,000.00 used solely to improve the infrastructure of our roads/alleys. The approximate $200,000,00.00 in liquid fuels funding from the State will also be used. This accounts for 5.1% of the increase next year. A debt service loan is a specific loan and once it is paid off, which will take seven years, the tax will go away, unless a decision is made to keep it for another specific use. The next item is recreation. In the Borough’s park system there are seven parks: 1) St. Mary Street Park, which is managed by the Buffalo Valley Recreation Authority (BVRA), 2) Hufnagle Park, 3) Kidsburg, 4) the gas property, 5) Soldiers Park, 6) Wolf Field, and 7) D.F. Green Field. The funding of the St. Mary Park, and BVRA, comes from the Regional Recreation Tax. The other six parks have not been paid for by Regional Recreation Tax, but from an estate trust left by D.F. Green. The trust funds were specifically earmarked for the operation and maintenance of the Borough’s parks. Until this past year, the Borough has been successful at using the revenues generated by the D.F. Green trust to take care of the operation and maintenance of these six parks. However, we do not believe there will be enough funding next year for this, so Council increased the Regional Recreation Tax. That is why you see a millage rate of 0.640. During budget discussions, Council considered closing some of the Borough’s parks, but they felt recreation was extremely important to our residents and did not want to do that. He hopes we see more money from the trust than we are anticipating, but we will not know that until next year. Lastly, the Fire Service Tax, as well as General Tax, have gone up slightly.

Kevin Gardner said there is a lot of outside use of our parks. He also knows that Trust has been in existence for 60 plus years; is this the first time the trust hasn’t carried itself. Manager Lowthert said he reviewed 10 years of budgeting, and it appears that is the case. He also believes Council is going to have to consider assessing fees for organizations, like men’s softball, that use our fields weekend after weekend.

Greg McBride commented the excavation work done by the utilities have damaged our streets and should be better managed and he said Fourth Street is an example of this. Manager Lowthert said he has shared with our Street Foreman that this patching needs to be done correctly. But, balancing utility work in a Borough is very tricky. For example, if you set the cut fee too high, a utility may not want to replace their infrastructure, which is not good. Also, if it is too high, the cost of the lateral for new service could discourage the utility from providing service and could be passed along to the resident, which is also not good. One suggestion was to increase the degradation fee, which is the fee charged if a utility has to cut a road within the first five years of road replacement. Another suggestion was to make the utility actually pave curb to curb, which again is expensive and might make them push off infrastructure work to do work somewhere else where they can do more for less.

Rob Antanitis of 606 Market Street asked the Finance Committee how much a priority was it to not raise taxes and find another way to reach the budget requirements. Manager Lowthert interjected this is a decision of the entire Council, not just the Finance Committee. Councilmember Derman said facing the road situation was a higher priority than not raising taxes. Mr. Antanitis said there is a lot more in that budget than fixing roads. Councilmember Derman said Council looked at a lot of things. Councilmember Morris commented she has been on Council and the Finance Committee for several years and remembers the two years, 2012 and 2013, when taxes were not raised, and she recognizes that really hurt this Borough. Manager Lowthert said in 2014 there was a two mill increase. Councilmember Morris said she learned a lesson that not having a tax increase is not helpful. Manager Lowthert explained there are certain costs that have to go up and cannot be controlled. This Borough works with a shoestring staff. The Public Works crew at one point had 14 people and we now have 6. Staff is a big expense, but we aren’t in a position to cut Staff unless we decide we want to cut services. He went through this budget, tightened everything up that he could, to keep the taxes as low as we could and have a reasonable budget.

Robert Lack asked what percentage of the Borough’s operational budget is funded by these tax millages and what other sources of funding are available. Manager Lowthert said there are fees and fines that come in that help offset costs, any grants the Borough would get would help offset costs, and there are other contributions made to the Borough. About $168,000.00 per mill of actual taxes is collected, which would bring in $2,000,000.00, the General Fund budget for the Borough is about $3,000,000.00, then you would have to add the ancillary funds as well, which would be about $4,000,000.00. Mr. Lack said then the tax millage proposed tonight represents about 66-70% of the budget. Manager Lowthert said he doesn’t want to say that unequivocally because he did some quick figuring, but the tax millage is only a portion of the funds collected by the Borough.

Councilmember Cox commented he sits on the Municipal and Community Advisory Committee (MACAC) for the Borough, which is comprised of Kelly Township, East Buffalo Township, Buffalo Township and West Chillisquaque Township. Currently the fire department is being evaluated, because you all know volunteers have basically disappeared. The result is we are moving towards a regional fire department, which will be more costly, but we have to provide fire protection services to the community. He wanted to make sure everyone is aware that we will see an increase in those costs in the very near future.
Kevin Gardner asked if Bucknell University still makes an annual contribution to the Borough in lieu of taxes. Manager Lowthert said there was a loan received by the Borough on behalf of Bucknell University, so Bucknell pays the Borough annually around $55,000.00 as a result of that. Mr. Gardner said Bucknell University used to pay around $28,000.00 to the township and $35,000.00 to the Borough. Solicitor Lyons said this payment by Bucknell is the contribution to the Borough.

Linda Weller of 120 Market Street said her family has lived here for 200 years. She had moved to Sarasota, with an inter-coastal waterway, a swimming pool and a boat dock, and felt her taxes there were expensive. After a divorce she moved back to Lewisburg and found the taxes here are just ridiculous. She pays $12,500.00 in taxes a year and is hearing that they are just going to continue to go up. There has to be a limit and we haven’t even gotten to the school taxes yet. We have to live within our means, so should the Borough, and if that means you have to cut an employee, you have to cut an employee. Councilmember Derman said you don’t cut an employee without cutting a level of service. Ms. Weller said what kind of service. Councilmember Derman said there are all kinds of services, there is park maintenance, street maintenance, etc. Ms. Weller said you could find organizations and volunteers for park maintenance. Councilmember Derman pointed out the Borough can’t find volunteers to fill various committee vacancies because people are just not volunteering. Ms. Weller said no one ever asked her. Mr. Gardner said a few years ago he volunteered to come to the Finance Committee and he was here for 7 meetings out of 12, gave five well thought out suggestions for costs savings and never heard a thing back from the committee. He hears the Borough is trying to save money and then he hears the Borough bought these rocks that are out front.

Councilmember Cox made a motion to enact Ordinance No. 1042, seconded by Councilmember Derman, an ordinance levying a total real estate tax on real estate assessment with the Borough for fiscal year 2017 at a rate of 12.740 mills (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 0.840). Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Morris, to adopt Resolution No. 16-09, a resolution for the realty transfer tax, the earned income tax, the local services tax, the business privilege tax, and the per capita tax for 2017. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Derman, to adopt Resolution No. 16-10, authorizing a Tax and Revenue Anticipation Note (TRAN) in the amount of $400,000.00 for the year 2017. ON THE QUESTION: Councilmember Derman questioned the amount of time there is on this loan. Manager Lowthert said this is the Tax and Revenue Anticipation Note (TRAN) to help a municipality financially until such time as tax revenues start coming in. Solicitor Lyons commented we do not have to use it, but it is there throughout 2017 if we would need it. Manager Lowthert reminded Council that we did not have to use the 2016 TRAN. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Cook, to approve a loan in the amount of $86,063.53 to the Buffalo Valley Recreation Authority (BVRA) from the Lewisburg Loan Program funding, and to authorize the Council President to sign the loan agreement for these funds. ON THE QUESTION: Councilmember Mahon said she would like to see these monies paid back as soon as possible. Manager Lowthert explained if a loan request came in from a business, we do have the ability to loan funds to that loan program. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Derman, to direct the Solicitor to advertise the following 2017 meeting dates and times: Council Work Session – Tuesday of each month at 7 PM; Administrative/Finance Committee – Monday of each month at 7 PM; Lewisburg Planning Commission – Wednesday of each month at 6 PM; Shade Tree Commission – Thursday of each month at 7 PM; Zoning Hearing Board – Monday of each month at 7 PM; Public Works/Police Committee – Tuesday of each month at 8 AM, except for July, which will be the Tuesday at 8 AM; Administrative/Finance Committee – Monday of each month at 4 PM; Community Development/Planning Committee – Thursday of each month at 5 PM, except February, March, June and November, which will be the Thursday at 5 PM. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Morris, to direct the Solicitor to advertise changes to the tax collector ordinance as follows: 1) to authorize Borough’s tax collector to collect any fees levied by the bank and to impose and collect a service charge of $25.00 for each check or draft delivered to the tax collector in payment of taxes that is returned to the tax collector for any reason, and 2) to authorize tax collector to impose and collect a service charge of $25.00 for a tax certification. Motion was unanimously approved.

SOLICITOR DIRECTED TO ADVERTISE CHANGES TO TAX COLLECTOR ORDINANCE

MAYOR: Mayor Wagner read a Certificate of Appreciation for Citizens’ Electric Company for their $1,000.00 contribution to the Shade Tree Commission and stressed the Borough is fortunate to have such a wonderful partnership with them. She thanked David Seybold

ORDINANCE LEVYING TOTAL REAL ESTATE TAX ON REAL ESTATE ASSESSMENT FOR FISCAL YEAR 2017 (ORDINANCE NO. 1042)

RESOLUTION ADOPTING TAX RATES FOR 2017 (RESOLUTION NO. 16-09)

TRAN (RESOLUTION NO. 16-10)

BVRA LOAN IN AMOUNT OF $86,063.53 FROM LEWISBURG LOAN PROGRAM APPROVED

SOLICITOR DIRECTED TO ADVERTISE 2017 MEETING DATES/TIMES

MAYOR

L. WELLER

K. GARDNER
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for his display of artwork in our Council Chambers. She shared there will be a ribbon cutting ceremony for Iron Front Co-works, located on the second and third floors of the Chamberlin Building downtown. We are fortunate to have a wonderful downtown. She acknowledged the Susquehanna Valley Visitors Bureau for all the work they do to promote this area. Councilmember Cook indicated he was rerouted due to the filming that is taking place and asked if someone could share the amount of revenue that is expected as a result of this filming. Councilmember Derman said the figure he heard was $100,000.00. There is a crew of 30 and a cast of 6 or 7, all being put up in hotels and contributing to the local businesses, etc.

COUNCIL PRESIDENT: No report.

MANAGER: Manager Lowthert reported that Boy Scout Troop 600 will be coming in the Wednesday before Thanksgiving to bag the parking meters for this Holiday Season. He noted there will be a high school closing ceremony on Thursday the , and information should be able to be found on the school’s website. He announced that PennDOT believes they found funding for the Adaptive Signal Project, a project in which East Buffalo Township and the Borough are working cooperatively. The engineering estimate of construction costs came in $200,000.00 higher than anticipated. This project covers the traffic signals along Route 15, at Route 45, St. Mary Street and the Route 192. It now appears the final design will be completed in early in 2017, bidding by PennDOT will be in the spring, actual construction will occur in the fall, the adaptive signals will be operational by the end of 2017.

SOLICITOR: No report.

OTHER COMMITTEES: Council President Bergonia indicated the BVRA is currently working on maintaining the Rail/Trail.

Councilmember Morris indicated the LDP Board continues to reorganize. She announced that shopping passes are available for the Late Night Shoppers that will be out the Friday and Saturday after Thanksgiving.

Mayor Wagner stated nothing new to report on the reconfiguration of the Town and Gown Committee.

Councilmember Derman reported, on behalf of the LNC, that the walk to school day was a success and they are hoping to do another in the spring.

Manager Lowthert reported the Shade Tree Commission, with the appointment made tonight, now has a full complement. They should be working on the Tree City USA application, which is submitted this time every year. He doesn't believe there will be a fall tree planting this year.

Council President Bergonia reported the CK-COG continues their work.

Councilmember Morris said the Community Garden Committee will be having a retreat tomorrow at the Langone Center for the purpose of restructuring and trying to figure out how to get more community involvement.

Councilmember Cox said the MACAC continues to meet and everyone should be in receipt of a draft of the Intergovernmental Agreement.

OLD BUSINESS: None.

NEW BUSINESS: Mayor Wagner said the decorative planters are up on the light standards, which was all done by donations. The Borough did not provide any funding.

Council President Bergonia stated at this time he will resign from serving on the Buffalo Valley Regional Police Commission as an alternate. He said he would like to see a motion made for an appointment.

Councilmember Mahon made a motion, seconded by Councilmember Morris, to appoint the Manager, William Lowthert, to serve as the alternate on the BVRPC effective immediately. Motion was unanimously approved.

Mayor Wagner thanked Peter Bergonia for his service on the BVRPC.

WRITTEN REPORTS: Councilmember Mahon made a motion, seconded by Councilmember Cox, 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 he will propose to East Buffalo Township the date of December for the joint meeting to discuss the BVRPD IGA. If that date isn’t suitable to EBT, a presentation from the LNC on the Bull Run Master Site Plan will occur.
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Council President Bergonia called for a brief recess at 8:05 PM. Council returned at 8:15 PM.

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

Council entered executive session at 8:15 PM. Council returned at 8:30 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 8:30 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary