The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held at 6:30 PM on Tuesday, November 20, 2018 in the Council Chambers, 55 South Fifth Street, Lewisburg. Present: Council President Morris, Councilmembers Comas, Frederick, Heayn, Medina and Yohn; Mayor Wagner, Solicitor Lyons, Manager Lowthert, Secretary Garrison and Police Chief Yost. Absent: Councilmembers Derman and Mahon. Also present: Jeffrey Kwiecien, Ellen Ruby, Bonnie Poteet, Tom MacDonald, Connie Harter, Bernadine Richard, Kim Wheeler and Matt Farand.

CALL TO ORDER: Council President Morris called the meeting to order at 6:30 PM, followed by the pledge of allegiance.

APPROVAL OF MINUTES: Motion was made by Councilmember Heayn, seconded by Councilmember Medina, to approve the minutes of the October 16, 2018 regular monthly meeting. Motion was unanimously approved.

COUNCIL PRESENTATION(S): None.

PUBLIC COMMENT(S) ON ANY AGENDA ITEM: None.

PUBLIC WORKS/POLICE COMMITTEE: Council received the Buffalo Valley Regional Police Department’s (BVRPD) monthly report. Councilmember Comas updated Council on the Police pension fund as discussed at the most recent BVRPC meeting. Chief Yost said there were some changes made as recommended by the actuary. Mayor Wagner reported the bottom line is that the Police Pension Fund is healthy.

Councilmember Comas made a motion, seconded by Councilmember Medina, to accept the BVRPD’s monthly report. Motion was unanimously approved.

Councilmember Comas made a motion, seconded by Councilman Heayn, to issue a Request for Qualifications (RFQ) on or before December 4, 2018 substantially in the form presented for “A Public Safety-Public Health, Environmental, and Transportation Corridor Study for Market Street (PA Route 45) through the nine blocks of the Historic District of the Borough of Lewisburg.”

ON THE QUESTION: Council President Morris asked the members of the Market Street Steering Committee (MSSC) to introduce themselves. Present representing the committee were: Bonnie Poteet, Ellen Ruby, Gary Sojka, Bernadine Richard, Connie Harter and Kim Wheeler.

Councilmember Comas said this MSSC membership also includes Mayor Wagner, Council President Morris, Councilmember Mahon and Manager Lowthert. He explained this great group of people created this RFQ, presented it in detail to the Public Works/POLICE Committee, and he supports this. He was elected to deal with the overall quality of life in the Borough and the issue of the volume of traffic and truck traffic on Market Street falls within this realm. This document simply asks for the firms that do this kind of work to submit their proposals so the firm that is the best fit to perform this study can be selected. Manager Lowthert said it needs to be determined tonight who will be reviewing these qualification proposals once they are returned, who will be selecting the firms to be interviewed, and pointed out that it ultimately would be Council that enters into an agreement with this firm at their February regular monthly meeting. Ms. Poteet said you would have already asked the preferred firm for the cost proposal of the study so Council would know that dollar amount at that February meeting. Manager Lowthert said the group determined to deal with this in a way that would decide if the cost proposal is reasonable and if it is, negotiate with that firm, and if it is not, approach the second place firm and negotiate with them. If you accept a cost proposal from a firm, you would be making the determination it is a good value and you are willing to expend the funding necessary for this study. If you reject the proposal you would simply not move forward. The schedule in the RFQ reflects how quickly this is going to move once the RFQ is released; it is a very substantial amount of work in a very small amount of time. Ms. Poteet said you would hate to vote against something because she felt too pressured due to lack of time. The MSSC goals and objectives as a result of their many concerns, and shared much detail on this RFQ. Manager Lowthert said we haven’t talked about the cost of this and paying for this.

Mayor Wagner reported the bottom line is that changes made as recommended by the actuary. Mayor Wagner reported the bottom line is that changes made as recommended by the actuary.

MSSC, your Staff and your Solicitor; to be able to do all of this in such a short period of time will be difficult and there will be things that will not be able to be done. Manager Lowthert said it needs to be determined who will be reviewing these qualification proposals once they are returned, who will be selecting the firms to be interviewed, and pointed out that it ultimately would be Council that enters into an agreement with this firm at their February regular monthly meeting. Ms. Poteet said you would have already asked the preferred firm for the cost proposal of the study so Council would know that dollar amount at that February meeting. Manager Lowthert said the group determined to deal with this in a way that would decide if the cost proposal is reasonable and if it is, negotiate with that firm, and if it is not, approach the second place firm and negotiate with them. If you accept a cost proposal from a firm, you would be making the determination it is a good value and you are willing to expend the funding necessary for this study. If you reject the proposal you would simply not move forward. The schedule in the RFQ reflects how quickly this is going to move once the RFQ is released; it is a very substantial amount of work in a very small amount of time. Ms. Poteet said you would hate to vote against something because she felt too pressured due to lack of time. The MSSC goals and objectives as a result of their many concerns, and shared much detail.

Manager Lowthert said this will be a substantial commitment from everyone on the MSSC, your Staff and your Solicitor; to be able to do all of this in such a short period of time will be difficult and there will be things that will not be able to be done. Councilmember Yohn said she would hate to vote against something because she felt too pressured due to lack of time. Councilmember Heayn said he shares Councilmember Yohn’s concerns. Ms. Wheeler suggested a change in the language to read proposed draft schedule, which would allow a change. Ms. Poteet said that isn’t good because the firms need to know what the schedule is to determine if they can do this. Mr. Sojka said this is a matter of public safety and there is urgency. How do you live with yourself if something happens? Ms. Poteet shared an in-depth presentation covering the many reasons the MSSC was formed, projections with regard to traffic volumes in the coming years, the MSSC goals and objectives as a result of their many concerns, and shared much detail with regard to the actual RFQ. There were many questions, many answers, and much discussion on this RFQ. Manager Lowthert said we haven’t talked about the cost of this and paying for this. Obviously this is a contract between the Borough and the selected consultant, meaning the Borough will have the financial responsibility for this and the Borough did not budget for this. The cost of this study could vary, $50,000.00/$60,000.00 is probably the base level and it could end up being six figures depending upon what you want the consultant to do and the time involved.
He understands the MSSC is interested in making contributions, but this may be an unbudgeted 2019 expense. Councilmember Comas said he doesn’t see the MSSC going for the most expensive option as they know that would probably not even be considered. Council President Morris said the MSSC already starting raising funds. Mayor Wagner said they have raised $15,000.00 and she has every confidence there will be more as the fundraising hasn’t even started; she would like to see the Borough contribute something as well to show their involvement and commitment. Solicitor Lyons commented this committee could raise enough funds to cover the entire cost. Council President Morris asked that the Borough’s contribution commitment be placed on the Administrative/Finance Committee for discussion. She said she would like every Councilmember to have the chance to comment on this. Councilmember Medina stated he definitely feels this is a good thing. Councilmember Heayn commented he likes the idea of this. One concern was the payment, which was addressed. Now his concern is the efficacy of this as he feels it to PennDOT. Representative Keller and Governor Wolf. He asks if this will result in something happening? Ms. Poteet said we believe the statistical data, which we have not had, as well as the transportation engineering firm, will allow us to advocate for solutions in the future for public safety, not only with traffic, but pedestrians, bicyclists, anyone using this corridor, and then from the historic stance, the integrity of the structures. Councilmember Yohn commented she is humbled by all the work this group has done. She has concerns with regard to the timing of the study as it has to be the perfect week. Councilmember Frederick said he reviewed the RFQ and he is definitely for this. Chief Yost said the Police Department does the enforcement side of this and he hopes you accomplish what you want. But he believes the only solution would be the restriction of truck traffic on Market Street and he is not sure that can happen. PennDOT has continuously offered the excuse they have no alternative for truck traffic and this is the cut-through they have to make. However, once the flow on both sides of this Market Street corridor is fixed, he would not think that excuse will apply. Councilmember Comas said there is much more that can come out of this. Council President Morris said she feels from the comments that Council is supportive of this. Manager Lowthert said if you want to move this to a vote, there are four things that need to be decided. First, do you want to include Ms. Wheelers’s suggestion of a proposed draft schedule? Councilmember Comas said he will not accept it as an amendment to the motion. Manager Lowthert said secondly, is Council comfortable with the role the MSSC is going to play in this. Council is taken out of the loop and doesn’t come back in until the point of either approving/rejecting the proposal, minus those Council members on the MSSC. Councilmember Comas commented because of the participation of the Mayor, Council President, and Councilmember Mahon, he doesn’t have a concern. Council President Morris said she relates this to the work done on the Bull Run Project; there was a group of citizens that did the basic work and then brought it before Council. Mayor Wagner said this is a public/private partnership that she feels is a model for the State. Manager Lowthert said thirdly, Part S, Section B in the second paragraph, page 16, reads: “The Borough reserves the right to dismiss any part or all of the contracted transportation engineering when in the sole opinion of the Steering Committee the project is not moving forward as scheduled or is hindered in any way by the action or performance of the team members.” He asked the Solicitor if the Steering Committee can fire the Borough selected engineer. Solicitor Lyons said no, because it’s a contract with the Borough. Manager Lowthert said that should then read: “The Borough reserves the right to dismiss any part or all of the contracted transportation engineering when in the sole opinion of the Borough Council the project is not moving forward as scheduled or is hindered in any way by the action or performance of the team members.” Manager Lowthert said the last question has to do with the next sentence which reads: “Unless authorized by the Borough Mayor and the Borough Manager, no other Borough employee is empowered to speak for the Borough with respect to this RFQ.” It is never good to have two points of contact. Solicitor Lyons said this should be the Borough Manager. Council President Morris said she would suggest the Borough Manager or his designee and Council all agreed that made sense. Manager Lowthert said he now believes everything that needed to be addressed, has been addressed. Motion was unanimously approved.

Manager Lowthert said he’ll plan to prepare and release the RFQ tomorrow, so if there are engineering firms that should receive the RFQ, he asked they be forwarded to him tonight or tomorrow morning. He will advertise this in the newspapers, as it will then get picked up by listing services and get a wider distribution, and he will put this on the Borough’s website. If SEDA-COG indicates this, he will make sure they get a copy of it as well. If it isn’t done tomorrow, he knows that the Mayor already talked to PennDOT, Representative Keller and Governor Wolf. He questions if this will result in something happening? Ms. Poteet said we believe the statistical data, which we have not had, as well as the transportation engineering firm, will allow us to advocate for solutions in the future for public safety, not only with traffic, but pedestrians, bicyclists, anyone using this corridor, and then from the historic stance, the integrity of the structures. Councilmember Yohn commented she is humbled by all the work this group has done. She has concerns with regard to the timing of the study as it has to be the perfect week. Councilmember Frederick said he reviewed the RFQ and he is definitely for this. Chief Yost said the Police Department does the enforcement side of this and he hopes you accomplish what you want. But he believes the only solution would be the restriction of truck traffic on Market Street and he is not sure that can happen. PennDOT has continuously offered the excuse they have no alternative for truck traffic and this is the cut-through they have to make. However, once the flow on both sides of this Market Street corridor is fixed, he would not think that excuse will apply. Councilmember Comas said there is much more that can come out of this. Council President Morris said she feels from the comments that Council is supportive of this. Manager Lowthert said if you want to move this to a vote, there are four things that need to be decided. First, do you want to include Ms. Wheelers’s suggestion of a proposed draft schedule? Councilmember Comas said he will not accept it as an amendment to the motion. Manager Lowthert said secondly, is Council comfortable with the role the MSSC is going to play in this. Council is taken out of the loop and doesn’t come back in until the point of either approving/rejecting the proposal, minus those Council members on the MSSC. Councilmember Comas commented because of the participation of the Mayor, Council President, and Councilmember Mahon, he doesn’t have a concern. Council President Morris said she relates this to the work done on the Bull Run Project; there was a group of citizens that did the basic work and then brought it before Council. Mayor Wagner said this is a public/private partnership that she feels is a model for the State. Manager Lowthert said thirdly, Part S, Section B in the second paragraph, page 16, reads: “The Borough reserves the right to dismiss any part or all of the contracted transportation engineering when in the sole opinion of the Steering Committee the project is not moving forward as scheduled or is hindered in any way by the action or performance of the team members.” Manager Lowthert said the last question has to do with the next sentence which reads: “Unless authorized by the Borough Mayor and the Borough Manager, no other Borough employee is empowered to speak for the Borough with respect to this RFQ.” It is never good to have two points of contact. Solicitor Lyons said this should be the Borough Manager. Council President Morris said she would suggest the Borough Manager or his designee and Council all agreed that made sense. Manager Lowthert said he now believes everything that needed to be addressed, has been addressed. Motion was unanimously approved.

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Councilmember Comas made a motion, seconded by Councilmember Heayn, to authorize the Solicitor to amend the Borough’s sidewalk and curb ordinance to reflect the PennDOT specifications and to advertise for enactment at a future Council meeting. ON THE QUESTION: Manager Lowthert indicated it was recently discovered that there is a difference between the Borough and PennDOT specifications for curbs. The Borough engineer has indicated it would be best to change the Borough’s ordinance to comply with the most up to date PennDOT specifications. Motion was unanimously approved.

Councilmember Frederick made a motion, seconded by Councilmember Comas, to approve Change Order No. 01 from Wolyniec Construction, Inc., an increase in the amount of $4,950.00, in order to reconcile final quantities for the South Sixth Street Streetscape (Revitalization) Project. Motion was unanimously approved.
Councilmember Comas made a motion, seconded by Councilmember Medina, to approve a time extension until the end of January 2019 for Cutting Edge Tree Professionals to perform tree removal contract work due to wet ground conditions in the Wolfe Field Recreation Complex. Motion was unanimously approved.

Councilmember Frederick made a motion, seconded by Councilmember Comas, to authorize the Manager to approve a Change Order in an amount of up to $17,000.00 for the Borough Streets Project/Phase II to address water lateral requirements from Pennsylvania American Water Company (PAWC) and to address a degraded storm sewer pipe identified during construction. ON THE QUESTION: Manager Lowthert explained there are two issues. One, there was a storm sewer pipe near the St. Catharine Street/Hahn Alley intersection found to be deteriorated so it must be replaced at a cost of about $2,000.00. Second, when the contractor put in the PA One Call, Pennsylvania American Water Company (PAWC) notified the contractor they have to replace the lateral from the water main to the curb stop and there is a requirement for a two foot separation minimum between the storm sewer line and the water line. That change order is estimated to be about $15,000.00. If we want to do this project we really do not have a choice. Motion was unanimously approved.

Manager Lowthert reported discussions are underway to change the parking ordinance so parking tickets can only be issued every three hours; currently the ordinance allows ticketing every hour at a metered space. Also under consideration is the re-graveling of the Wolfe Field parking lots and the graveling of the loop road that leads to the brush pile. Borough Staff and the Borough Engineer were tasked with identifying the Borough owned sidewalks that will need to be replaced in 2019.

**ADMINISTRATIVE/FINANCE COMMITTEE:** Councilmember Heayn made a motion, seconded by Councilmember Medina, to approve the payment of bills from October 13, 2018 through November 16, 2018 in the amount of $544,306.22. Motion was unanimously approved.

Councilmember Heayn made a motion, seconded by Councilmember Medina, to forward revised Council By-laws and Rules of Order to the Solicitor for review with the intent of Council adopting at a future public meeting. Motion was unanimously approved.

**COMMUNITY DEVELOPMENT/PLANNING COMMITTEE:** Councilmember Yohn reported this committee did not meet. Manager Lowthert indicated there are several items requiring Council attention. Items a and b were recommended by HARB for approval, no one was present at the HARB meeting to address item c, so HARB will review this at their December meeting. Also, item d was simply a project update by a previous applicant indicating necessary reconstruction changes and HARB acknowledged these changes.

Councilmember Heayn made a motion, seconded by Councilmember Yohn, to approve HARB items a and b, as submitted and recommended by HARB per their minutes dated November 13, 2018. Motion was unanimously approved.

**a. Jeremy Hazlak/130 St. Anthony Street/Roof Change.** An application was submitted to and reviewed by HARB for a roof change on an existing roof (flat rubber roof). Motion was made by David Heayn, seconded by Ann Hilliard, to recommend approval of a new roof as shown, with the understanding if it is metal it must be standing seam/concealed fasteners, or shingles, and said roof construction should be as shown in the drawings attached to the HARB application. Motion was unanimously approved.

**b. Scott Bonomo/339 Market Street/Signs.** An application was submitted to and reviewed by HARB for a signage request of John Rowe of CrossFit Lewisburg to use the Lewisburg three globe light standard image in his business’ logo. ON THE QUESTION: Councilmember Comas questioned the three globe light standard use regulations/boundaries for logos? Manager Lowthert said the Borough has always been very protective of the use of the three globe light standard. Solicitor Lyons......
explained we want to be sure users meet our standards and this is how we maintain control since we have a copyright. Councilmember Comas said he also feels there should be a specific green color assigned to the Borough. Motion was unanimously approved.

Councilmember Yohn made a motion, seconded by Councilmember Heayn, to approve the request of Scott Bonomo of Society Hill Dental to use the Lewisburg three globe light standard image in his business’ logo. ON THE QUESTION: Mayor Wagner said she would prefer the globes be green not red. Councilmember Heayn said the red matches the outline of the signs and the building. Councilmember Comas clarified his concern about the green because he wants a designated green for the Borough’s use. He doesn’t want to dictate the color a person uses in their sign. Motion was unanimously approved.

Manager Lowthert said he feels Council discussion is needed with regard to the responses to the questions raised at the special Community Development/Planning Committee meeting held November 7th at the Beaver Memorial United Methodist Church to discuss the Human Relations Ordinance. Eventually Staff will get answers and we will need to know when we put them on the website if we are showing them as a response from Council or from the Community Development/Planning Committee or from Councilmembers Comas and Medina. Councilmember Comas said there were questions raised that he cannot answer. Council President Morris said you can always say you do not have an answer. There was much discussion. Councilmember Comas said he plans on preparing an FAQ sheet as he would rather not answer every question and he doesn’t feel obligated to answer every question. Councilmember Yohn said she asked both Councilmembers Comas and Medina at the meeting how they wanted to address the questions and she was told that you would answer them. Councilmember Comas said he didn’t know what the questions were going to be. Councilmember Medina said if they do not know the answer to a question they will simply state that. Again, there was much discussion. Councilmember Heayn stressed the answers should clearly reflect they are the answers being provided by Councilmember Comas and Councilmember Medina.

Councilmember Yohn indicated there are current vacancies on the Planning Commission, term expiration 12/31/19 and on HARB, term expiration 12/31/18 and there is an upcoming vacancy on the STC, term effective 01/01/19, term expiration 12/31/23.

PUBLIC COMMENT(S) ON ANY NON-AGENDA ITEMS: Grace Mahon, a resident of the Borough with a business on Market Street and an employee of the First National Bank, said she is here regarding a discussion she recently had on the Holiday lighting downtown with several LDP board members. She asked why there will not be Holiday lighting. Council President Morris said Ellen Ruby has put together a very detailed summary of what has happened and it has gone out to all merchants. She asked that Grace Mahon be provided with that summary. She also said Ellen Ruby has put together a very detailed summary of what has happened and it has gone out to all merchants. She asked that Grace Mahon be provided with that summary. She also suggested Ms. Mahon contact the Manager if she would like more details. There was much discussion. Council President Morris said the Holiday lighting will continue to be discussed for 2019.

MAYOR: Mayor Wagner reminded Council that tree lighting ceremony in Hufnagle Park will take place Thursday, December 29th. She shared that Steve Lindenmuth commissioned Brad Shoemaker for 250 prints of the hanging baskets downtown and if they all sell on Late Shoppers Night, December 7th, it will generate $17,500.00 to be used to fund these baskets. We are very fortunate to have residents/citizens willing to work with the Borough.

COUNCIL PRESIDENT: No report.

MANAGER: Manager Lowthert said Council needs to take action to adopt the final 2019 budget this evening and he noted that there will be no millage increase to Borough taxpayers in 2019.

Councilmember Medina made a motion, seconded by Councilmember Yohn, to adopt the final 2019 budget with millage rates as follows: General Fund 10.085; Debt Service Fund 0.598; Street Lighting Fund 0.407; Fire Protection 1.010; Shade Tree Fund 0.100; Regional Recreation Fund 0.540; total millage for 2019 is 12.740. Motion was unanimously approved.

Councilmember Yohn made a motion, seconded by Councilmember Medina, to adopt Resolution No. 18-12, retaining the realty transfer tax, earned income tax, local services tax and business privilege tax for 2019. Motion was unanimously approved.

Manager Lowthert indicated that a request was made by Brookside Landscaping for reimbursement of $50.00, the charge from M&T Bank for the reissuance of a bank check. They claim they submitted this bank check as part of their bid for the Tree Removal Project. Neither the Borough nor the Borough Engineer have this check, and there is no recollection of submission of this check, which has not been cashed to date. Brookside Landscaping feels the Borough should pay this $50.00 because they feel the Borough lost the check. There was much discussion. Council President Morris asked if anyone would like to make a motion. There was no motion made.

SOCIETY HILL DENTAL/USE OF BOROUGH THREE GLOBE LIGHT STANDARD APPROVED

RESPONSES TO SPECIAL COMMUNITY DEVELOPMENT/PLANNING COMMITTEE MEETING ON THE HRO

CURRENT VACANCIES

PUBLIC COMMENT(S) ON ANY NON-AGENDA ITEM

GRACE MAHON

MAYOR

COUNCIL PRESIDENT

MANAGER

2019 FINAL BUDGET ADOPTED/TOTAL MILLAGE 12.740 (NO INCREASE)

2019 TAX ORDINANCE APPROVED (ORDINANCE NO. 1054)

REALTY TRANSFER TAX/EIT/LST AND BPT FOR 2019 (RESOLUTION NO. 18-12)

BROOKSIDE LANDSCAPING BANK CHECK DISCUSSED
November 20, 2018

BOROUGH SOLICITOR: No report. Solicitor Lyons indicated there is a need for an executive session on a legal matter.

JUNIOR COUNCILMEMBER: Vacant.

OTHER COMMITTEES: Councilmember Heayn said BVRA is still waiting on the rail/trail transfer, which should occur as of January 1, 2019. He updated Council on some playground repairs that are needed, some accounting issues that were discussed at their last meeting, and improvements to the ice rink. He is looking to change the BVRA By-Laws and will bring information on this to Council in the very near future.

Ellen Ruby, Executive Director of the LDP, updated Council on all of the upcoming Holiday events/activities that are on their website: lewisburgpa.com. She thanked the Borough for the snow removal on Market Street and the side streets.

There was no report from the LNC.

Jordi Comas updated Council on the STC’s work. He asked if Council feels it is important to be a Tree City. Mayor Wagner said yes, the Borough has been designated a Tree City for many, many years making us eligible for different programs.

Jim Emery from the CK-COG reported they are very busy.

Mayor Wagner said there will be an upcoming ceremony for the Lewisburg Community Garden’s Blue Ribbon award and she will keep Council posted on that event.

Councilmember Derman was absent, so there was no update on the transition from the William Cameron Engine Company (WCEC) to the Central Susquehanna Fire Emergency Services Board (CSFESB).

ANY ADDITIONAL BUSINESS FROM COUNCIL: None.

WRITTEN REPORTS: Councilmember Heayn made a motion, seconded by Councilmember Medina, to acknowledge receipt of the Budget Index, the monthly parking report, the monthly Code Enforcement Officer’s report, and the monthly Zoning Officer’s report. Motion was unanimously approved.

WORK SESSION: Manager Lowthert said he was informed the EIP Study presentation will not be ready for presentation in December, but it will be ready in January. He doesn’t believe there is anything that requires attention at the work session in December. It was the sense of the Council that the work session for December be cancelled.

Council President Morris called for a five minute recess at 8:45 PM.

Councilmember Comas made a motion, seconded by Councilmember Heayn, to hold an executive session on legal matters. Motion was unanimously approved.

Council entered executive session at 8:50 PM. Council returned at 9:10 PM.

There being no further business, Councilmember Medina made a motion, seconded by Councilmember Heayn, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 9:10 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary