

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, November 21, 2017**, in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Cox, Derman, Frederick, Mahon, Martin, Morris and Yohn; Mayor Wagner, Solicitor Lyons, Manager Lowthert, Secretary Garrison and BVRPD Chief Yost. Also present: Luis Medina, Gary Peck, Ted Strosser, Park/Linda McKissick, Marjorie Hackenberg, Agnes Hufnagle, Catherine Beaver, Stacey Sommerfield, Jordi Comas 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 Derman, seconded by Councilmember Frederick, to approve the minutes of the October 17, 2017 regular monthly meeting and the November 13, 2017 work session. Motion was unanimously approved.

PUBLIC PARTICIPATION: Mr. Park McKissick, 1020 St. Paul Street, indicated they were told numerous times, starting about six years ago, that St. Paul Street would be reconstructed and to date nothing has been done. There was a gas line put in. We are asking when this street work will be done. Manager Lowthert said design plans were drawn up by the Borough engineer for St. Paul Street west of Fairground Road and we planned to include in our Streets Project for construction in 2017. However, UGI approached the Borough indicating they wanted to put gas on St. Paul Street. There was much outreach by UGI to the residents and a public meeting was held in February where a number of St. Paul Street residents were present and indicated their desire to get gas. Council agreed to allow UGI to put the gas line in. UGI asked for the ability to cut this street for up to twelve years without having to pay any degradation fees and UGI wouldn't put the gas line in without that concession from Council. Council decided, since the St. Paul Street residents that were present indicated their desire for gas service, not to pave St. Paul Street for as long as possible as they do not want to see a newly paved street cut. There was **very much** discussion outlining the specific details that lead to Council's decision, as well as the condition of this roadway. Manager Lowthert said he doesn't believe this road will last for another ten or twelve years, so we probably will have to pave sooner and he will closely monitor St. Paul Street. Council asked the Manager to keep the Public Works/Police Committee updated on the installation work of UGI relative to gas services on St. Paul Street, as well the condition of that roadway.

PUBLIC WORKS/POLICE COMMITTEE: Council received the Buffalo Valley Regional Police Department's (BVRPD) monthly report. Chief Yost updated Council on the staffing levels of the BVRPD, as well as the truck traffic issues along Market Street. Mayor Wagner reported she received reports of speeding issues on Market Street between the hours of 4 AM and 6 AM.

Councilmember Mahon made a motion, seconded by Councilmember Cox, to direct the Solicitor to advertise an ordinance that would create a loading/unloading zone on the west side of North Third Street near Cherry Alley (this is needed to accommodate new tenants in the former CVS building). **ON THE QUESTION:** Manager Lowthert indicated that the property owner and the architect working with the property owner are both here if you have questions. This was discussed by the Committee and it was decided that the loading/unloading zone on the other side of the street near Market Street should remain. This is an attempt to work with and accommodate *all* the businesses downtown in this area. Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Derman, to award the bid for the Borough Hall Renovations Project to Gray Buildings, LLC, the lowest responsible bidder, in the amount of \$181,000.00, subject to receipt of acceptable performance and payment bonds and contingent upon the review and approval of SEDA-COG and the Project Architect. **ON THE QUESTION:** Manager Lowthert said both SEDA-COG and the Project Architect have reviewed and approved the bid submittal of Gray Buildings, LLC. We just have to receive the performance and payment bonds from the contractor. Phase I is the handicap ramp on the back of the building, the new entry door and the conversion of the Refuse Clerk's area with a security window and handicap restroom. They have 75 days to complete that component of the project. Phase II will be for a one month period, from Council meeting to Council meeting, for the necessary work in the Council Chambers and the upstairs above the Council Chambers. Phase III is the last portion of the project and is the renovation work for the office area upstairs and the office areas on the Staff side of the building; they have 75 days to complete that work. This is a 180 day contract, but we hope it will not take that long as it will be quite an inconvenience. Motion was unanimously approved.

Manager Lowthert reported that the Committee denied the request from Tom and Terin Hare for the removal of the barrier at the end of Maple Street. This request was due to the Hare's selling two parcels in Buffalo Township and wanting to connect those parcels to the end of Maple Street instead of the end of Pennsylvania Street. Earlier we talked about St. Paul Street, but for the record, the Committee denied the request from the residents of St. Paul Street to pave west of Fairground Road and affirmed the previous decision of Council to coordinate paving with the UGI Utilities' Get Gas Program. The Committee also addressed a parking concern on Dale Alley as shared by Chief Yost and agreed to the placement of additional no parking signs to better identify the parking restrictions that are in place there.

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION

PARK MCKISSICK REGARDING ST PAUL STREET RECONSTRUCTION (WEST OF FAIRGROUND ROAD)

PUBLIC WORKS/POLICE COMMITTEE BVRPD MONTHLY REPORT

SOLICITOR TO ADVERTISE FOR LOADING/ UNLOADING SIGN WEST SIDE OF N THIRD STREET NEAR CHERRY ALLEY

BOROUGH HALL RENOVATION PROJECT AWARDED TO GRAY BUILDINGS, LLC

REMOVAL OF BARRIER AT END OF MAPLE STREET DENIED

PAVING OF ST PAUL STREET (EARLIER THAN PLANNED) DENIED

Tuesday, November 21, 2017

DEVELOPMENT/PLANNING COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Derman, to approve HARB items a through e, as submitted and recommended by HARB per their minutes dated November 14, 2017. Motion was unanimously approved. Councilmember Morris said items f and g are for informational purposes only.

a. 44 Market, LLC/38 North Seventh Street/Siding-Windows-Door. An application was submitted to and reviewed by HARB for siding/windows/doors. Motion was made by Ted Strosser, seconded by Steve Snook, to recommend approval of the siding/windows/doors as presented and described in the project description of the HARB application and as shown in the drawings attached to the HARB application, with two modifications: 1) wood block siding to be prepared and painted and no vinyl siding on the front; 2) windows on front to be one over one double hung or if two over two simulated divided lite. Motion was unanimously approved.

b. Bradley Gill (Owner)-Abrana Renn (Tenant Agent)/48 North Second Street/Sign. An application was submitted to and reviewed by HARB for a sign. Motion was made by Steve Snook, seconded by Fred Martin, to approve placement of a sign as described in the project description of the HARB application and as shown in the attached drawing. Motion was unanimously approved.

c. Robert Lack (Owner)-Angie Brouse (Contact)/230B Market Street/Sign. An application was submitted to and reviewed by HARB for a sign. Motion was made by Kim Walter, seconded by Elaine Wintjen, to recommend approval of the sign as described in the project description of the HARB application and as shown in the attached drawing. Motion was unanimously approved.

d. Gary Peck (Owner)-Daniel Langan (Tenant)/9 North Third Street/Sign. An application was submitted to and reviewed by HARB for a sign. Motion was made by Ted Strosser, seconded by Steve Snook, to recommend approval of the sign as described in the project description of the HARB application, and as shown in the drawing attached to the HARB application, contingent upon zoning review and approval of size. Motion was unanimously approved.

e. Pam Whiteman (Owner)-Scott Herman (Contact)/122-124-126-128 North Third Street/Windows-Porches. Applications were submitted to and reviewed by HARB for window and porch renovation work. Motion was made by Mary Mastascusa, seconded by Elaine Wintjen, to recommend approval of windows as presented, though windows should be one over one lights with no grills between the glass, brick on face of new stoops, attic windows to remain as is, and railing shall be fairway aluminum with square balusters, as described in the project description of the HARB applications and as shown in the brochures attached. Motion was unanimously approved.

f. Amanda Anzqueta (Owner)-Bobbie Jean Owens (Contact)/227 South Third Street/Windows. No one was present to address this application. No action was taken by HARB.

Courtesy Review:

g. Lewisburg Cemetery Association/Relocation of Small Office Building. Steve Beattie, representing the Lewisburg Cemetery Board of Managers, asked for HARB's guidance/input on the relocation of the existing Lewisburg Cemetery office building to an area on the north side of the main cemetery drive. HARB had positive comments on the relocation of this office building.

Councilmember Morris made a motion, seconded by Councilmember Derman, to reappoint Judy Wagner to serve as a Borough Council representative on the Buffalo Valley Regional Police Commission (BVRPC), two year term, January 07, 2018 through January 07, 2020. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to appoint Fred Martin to serve as the Borough's at-large/alternating yearly member on the BVRPC, term January 07, 2018 through January 07, 2019. ON THE QUESTION: Councilmember Cox said he thought this position had to be an elected official. Manager Lowthert said he reviewed the agreement and that is not a condition for this appointment. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to reaffirm appointment of Peter J. Bergonia, Jr. to continue to serve on the Union County Tax Collection Committee, no term expiration. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Martin, to appoint Elijah Farrell to serve on HARB, three year term, effective January 01, 2018 through December 31, 2020. ON THE QUESTION: Manager Lowthert said he confirmed that Mr. Farrell is interested in serving on both the HARB and the Planning Commission. Should serving on both prove to be too much for Mr. Farrell, Council can always take appropriate action based at a later date. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Derman, to appoint Elijah Farrell to serve on the Planning Commission, filling an unexpired term, term expiration December 31, 2018. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve the Buffalo Valley Recreation Authority's (BVRA) Use/Possession/Consumption of Beer and/or Wine Permit application for their craft events being held at the warming house on November 27, 2017 and December 07, 2017, fee to be waived due to the receipt of \$250.00 payment made earlier this year. Motion was unanimously approved.

Stacey Sommerfield updated Council on the progress of BVRA with regard to gymnastics, a new after school program in January in partnership/collaboration with the Children's Museum, etc. Councilmember Cox asked if there is any record of where the kids are from that are attending the BVRA activities. Ms. Sommerfield said there are more kids participating from East Buffalo Township than Lewisburg Borough, but she believes that is due to the amount of people in EBT and the fact there are more young families there. She gave averages for children attending of 60% EBT, 35% Borough, and remaining scattered around. The Borough is the

Tuesday, November 21, 2017

COMMUNITY DEVELOPMENT/ PLANNING COMMITTEE HARB
44 MARKET LLC
B GILL
R LACK
G PECK
P WHITEMAN
A ANZUETA
LEWISBURG CEMETERY
J WAGNER REAPPOINTED TO BVRPC (2 YEAR TERM)
F MARTIN APPOINTED TO BVRPC AS AT-LARGE/ ALTERNATING MEMBER (1 YEAR TERM)
P BERGONIA TO CONTINUE TO SERVE ON U/C TAX COLLECTION COMMITTEE
E FARRELL APPOINTED TO HARB
E FARRELL APPOINTED TO PLANNING COMMISSION
BVRA'S BEER AND/OR WINE PERMIT APPROVED
UPDATE FROM S SOMMERFIELD, BVRA EXECUTIVE DIRECTOR

second largest in children participation, with Kelly Township being next. Our gym attendance is very different as we draw a very wide audience. There are people coming for our gym program from north of Williamsport, south of Harrisburg, Bloomsburg, etc. for the older children. She said with regard to adult driven activities, it is more of a 50% EBT and 50% Borough. She stated they continue to be very active with fundraisers and sponsorships, and shared that they recently bought some gym equipment from Woodward at a 40% discount, as well as flooring, noting that Woodward buys new equipment every year.

Manager Lowthert reported the Committee agreed to the placement of a Menorah display near Hufnagle Park during the Holiday season. We found a very visible location at the corner of South Sixth and Market Streets that we hope will work and everyone seems pleased with this location. Should it should become a problem location due to the proximity of Bull Run and the Town Tavern, the Borough will find another suitable location next year. The Committee recommended the Manager send a thank you letter to Creative Landscapes, the LDP Design Committee, and Steve Lindenmuth for the 2017 street light post decorative baskets. There is a HARB vacancy with a term expiration of December 31, 2018 and a Planning Commission vacancy with a term expiration of December 31, 2017. We did have an interested person for the Planning Commission vacancy, so we may be able to fill that vacancy next month.

Manager Lowthert indicated lights on the street light posts is a project being spearheaded by the downtown businesses. An example of what this will look like is at the end of Fifth Street near Black Dog Jewelers. Once the Borough has the lights from the businesses, the Borough will perform the installation work. Councilmember Mahon said she hopes this will be for *all* the light posts, not just one here and there. Manager Lowthert commented he would not like to see anything less than a full block at a minimum.

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Cox made a motion, seconded by Councilmember Morris, to approve the payment of bills from October 14, 2017 through November 17, 2017 in the amount of \$854,547.17. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Morris, to adopt a policy for Procedures for Compliance with the Professional Services Contract Provisions of Act 44 of 2009 and direct the Council President to sign this policy, which will become effective immediately. ON THE QUESTION: Manager Lowthert indicated the pension auditors are requiring an official written policy, which is what we follow anyway. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Morris, to appoint the following elected and appointed officials to be the official signatories for the Borough's checking accounts with Mifflinburg Bank and Trust: Peter J. Bergonia, Jr., Council President; Susan P. Mahon, Council Vice-President; William Lowthert, Borough Manager/Treasurer; Patricia M. Garrison, Borough Secretary. ON THE QUESTION: Manager Lowthert indicated this is a requirement and this will all need to be redone come January. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Morris, to accept a proposal from Jersey Shore State Bank (JSSB) for the Borough's \$200,000.00 Debt Service Loan in 2018 and to direct the Borough Solicitor to proceed with the approval process for this through the Pennsylvania Department of Community and Economic Development (DCED). ON THE QUESTION: Manager Lowthert said this \$200,000.00 loan will be for street work and was a decision of Council during the budget preparation meetings. Solicitor Lyons asked if the ordinance for this should be prepared for enactment at December's meeting or is this something to be done next year. Manager Lowthert said he would look for this to occur early in 2018. Motion was unanimously approved.

Manager Lowthert said we all know Union County indicated they are no longer going to be providing the per capita tax bills to any municipalities or school districts or maintaining the lists for these taxes. Based upon the revenue, which is a little over \$6,000.00 a year, minus the cost of the expenses and commissions, this is a relatively small amount of money and a rather extensive amount of work. The recommendation of the Committee is for the Borough to abandon the per capita tax effective January 2018. Solicitor Lyons asked if the School District is doing the same thing. Matt Farrand interjected the School District decided last week that they were abandoning per capita taxes as well. Manager Lowthert said you will see later on the agenda that the per capita tax has been eliminated from the resolution establishing the taxes to be collected in 2018.

MAYOR: Mayor Wagner stated she has been very busy and she shared with Council her many activities of this past month.

COUNCIL PRESIDENT: Council President Bergonia reminded everyone of the tree lighting ceremony to be held in Hufnagle Park on Thursday, November 30th at 7 PM.

MANAGER: Manager Lowthert reported the proposed 2018 budget was recommended to Council for action October 17, 2017. Due to various decreases in costs, Council has a revised version of the General Fund portion. This was recommended by the Administrative/Finance Committee and reflects a decrease of .200 mills in the General Fund, which means there is **no millage increase to the Borough taxpayers in 2018**. If you take into consideration the elimination of the per capita taxes and the no tax increase in the real estate taxes, there is an

**CHANUKAH
DISPLAY IN AREA
OF HUFNAGLE
PARK**

**MISCELLANEOUS
UPDATES**

**STREET LIGHT
POSTS TO HAVE
LIGHTS FOR
HOLIDAY**

**ADMINISTRATIVE/
FINANCE
COMMITTEE
PAYMENT OF BILLS**

**POLICY FOR
PROCEDURES FOR
COMPLIANCE WITH
PROFESSIONAL
SERVICES CONTRACT
PROVISIONS OF ACT 44
of 2009 ADOPTED**

**OFFICIAL
SIGNATORIES
ASSIGNED FOR
CHECKING
ACCOUNTS WITH
MIFFLINBURG BANK
AND TRUST**

**PROPOSAL FROM
JERSEY SHORE
STATE BANK FOR
\$200,000 DEBT
SERVICE LOAN IN
2018 APPROVED**

**ELIMINATION OF
PER CAPITA TAXES
EFFECTIVE
JANUARY, 2018
APPROVED**

MAYOR

**COUNCIL
PRESIDENT**

**MANAGER
PROPOSED 2018
BUDGET**

overall tax decrease in the Borough for 2018. Mayor Wagner said thanks to the Manager and Council for the good fiscal management. This Borough is in better financial shape now then it has been for a long time.

Councilmember Derman made a motion, seconded by Councilmember Frederick, to adopt the final 2018 budget, as revised, 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 2018 is 12.740). ON THE QUESTION: Manager Lowthert said there were budget adjustments made for police services, expenses came in less than anticipated, and we adjusted the Tax Collector's commission due to the per capita taxes. He stated he is very comfortable with this budget. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Martin, to direct Solicitor to prepare and advertise for enactment at the regular monthly meeting of Council on Tuesday, December 19, 2017, the necessary tax ordinance for 2018 reflecting 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 2018 is 12.740. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to direct Solicitor to prepare for enactment at the regular monthly meeting of Council on Tuesday, December 19, 2017, the tax resolution regarding realty transfer tax, the earned income tax, the local services tax, and the business privilege tax for 2018. (Note: No per capita tax included.) Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Morris, to direct the Solicitor to advertise the following 2018 meeting dates and times: Council Work Session – Tuesday of each month at 6:30 PM; Council Meeting – Tuesday of each month at 6:30 PM; Lewisburg Planning Commission – Wednesday of each month at 6 PM, except July, which will be the Wednesday of the month at 6 PM; Shade Tree Commission – Thursday of each month at 7 PM; HARB – Tuesday of each month at 5 PM; Zoning Hearing Board – Monday of each month at 7 PM; Public Works/Police Committee – Tuesday of each month 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, August and November, which will be the Thursday of the month at 5 PM; and the reorganizational meeting of Council, which will be held on January at 7 PM. Motion was unanimously approved.

SOLICITOR: Solicitor Lyons indicated there needs to be an executive session regarding legal issues. Also, the Commonwealth is now willing to license up to ten Category 4 Mini-Casinos anywhere in Pennsylvania unless a municipality decides to opt-out. If you do nothing you are in as of January 1, 2018. If you want to opt-out, you must notify the Pennsylvania Gaming Control Board before December 31, 2017. These do produce revenue, but there are all kinds of side effects; in our case there really is nowhere to put one, there is no parking, and our population is small. There has been a resolution prepared for Council consideration if you decide to opt-out; action can be taken tonight or at December's meeting if you want to think about it. And, if Council decides differently in the future, this could be changed.

Councilmember Mahon made a motion, seconded by Councilmember Martin, to adopt Resolution No. 17-17, a resolution prohibiting the placement and operation of a Category 4 licensed facility within the boundaries of the Borough of Lewisburg. ON THE QUESTION: Council President Bergonia called for a roll call vote. Manager Lowthert clarified if you vote yes for this resolution, you are voting to prohibit Category 4 Mini-Casinos in the Borough.

On roll call the vote was as follows:

YES - Cox, Derman, Frederick, Mahon, Martin, Morris and Yohn

NO - Bergonia

Motion to adopt Resolution No. 17-17 was approved by a 7 to 1 vote.

OTHER COMMITTEES: Council President Bergonia said the BVRA was discussed earlier.

Councilmember Morris said the "ask" letters sent by LDP went out last week and there have been several responses already; this is a good sign.

Councilmember Derman said he has nothing to report with regard to the LNC.

Manager Lowthert reported the Shade Tree Commission met, but he has no report.

Council President Bergonia stated there is nothing new at the Central Keystone-COG.

Council President Bergonia stated the Community Garden Committee held their last meeting of this year and the next meeting will be in February. Councilmember Morris said Kyle Bray was looking for someone to attend a garden workshop with him and Pete Bergonia, who has been involved with the community garden from the beginning, has volunteered.

Councilmember Cox said the next MACAC is November 30th.

Tuesday, November 21, 2017

OLD BUSINESS
JUNIOR
COUNCILMEMBER
DISCUSSION

NEW BUSINESS

OLD BUSINESS: Mayor Wagner reminded everyone that Junior Councilmember applications are available and anyone interested should provide a letter of interest or the application to the Manager to be forwarded to the Community Development/Planning Committee for review. Hopefully Council will be presented with a recommendation in December.

NEW BUSINESS: None.

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

WORK SESSION: Manager Lowthert said we have talked about a lot of topics for upcoming work sessions, but none have been scheduled for December. At this point it appears we will not have a meeting, but it is an advertised meeting, and he will inform Council if something comes up. Council President Bergonia stated as of now, there will not be a work session Tuesday, December 12th.

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

Councilmember Mahon made a motion, seconded by Councilmember Frederick, to hold an executive session on several legal matters and a personnel matter. Motion was unanimously approved.

Council entered executive session at 8:25 PM. Council returned at 9:20 PM.

There being no further business, Councilmember Morris made a motion, seconded by Councilmember Mahon, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 9:20 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary