

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, December 16, 2014** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Cook, Cox, Mahon and Morris; Mayor Wagner, Solicitor Lyons, Manager Smith, Secretary Garrison and BVRP Chief Yost. Absent: Councilmembers Baker, Faden and Strosser. Also present: Matt Farrand, Samantha Pearson, Tom Egan, Jaedon Trewitz, Dan Remly, Elvin Zimmerman and Michele Kittell.

CALL TO ORDER: Council President Bergonia called the meeting to order at 7:00 PM, followed by the pledge of allegiance.

APPROVAL OF MINUTES: Motion was made by Councilmember Mahon, seconded by Councilmember Cox, to approve the minutes of the November 18, 2014 regular meeting. Motion was unanimously approved.

PUBLIC HEARING/CONDITIONAL USE: Council President Bergonia adjourned the regular order of business to conduct a conditional use hearing for the property known as 625 St. Catherine Street. He called the public hearing to order at 7:05 PM.

Matt Sauers, Zoning Officer, reported that this is Case No. 14-03 for 625 St. Catherine Street. The notice was properly advertised, following the public notice, and the property was posted. He commented Mr. Zimmerman is here this evening if anyone has any questions for him. He indicated Council received his detailed inspection report findings in a letter dated December . He said the unit was inspected by the Central Keystone-Council of Governments (CK-COG) and the structure was found to be in compliance with the Borough's ordinance. The applicant is proposing to use two off-street parking spaces in an existing garage and then use two Bucknell parking spaces that are approximately 200 feet from the structure. It is the opinion of the CK-COG that this property be considered for approval to be converted into a rooming or lodging house. He pointed out that the Lewisburg Planning Commission, at their meeting held December , recommended this application be denied due to insufficient parking.

Councilmember Morris commented we have approved of the use of Bucknell student parking before, so she isn't sure why this would be an issue this time; 200 feet is relatively close. Councilmember Cox stated that was the sole reason for the Planning Commission's recommendation for denial.

Council President Bergonia asked if anyone else wished to speak.

Tom Egan, a member of the Planning Commission, shared that the Planning Commission understands that no parking at Bucknell University is *reserved* parking; therefore there is no guarantee of any spot in any given lot. As a result, they do not feel any Bucknell parking meets the criteria. Mayor Wagner questioned the location of the parking being referred to. Mr. Egan said it is located off South Sixth Street. Mr. Sauers said the intersection of South Sixth Street and James Alley by the creek. Councilmember Cook said Mr. Sauers went out, subsequent to the Planning Committee meeting, and measured the distance to be sure it met the criteria and it does. Dan Remly commented these lots are not full, they are utilized by any student with student parking, and will remain student parking for perpetuity. These lots will never switch over to faculty parking. Mayor Wagner clarified that the Planning Commission is recommending against this application. Mr. Egan said yes they are recommending against this parking scenario.

Council President Bergonia asked if there is anyone that would like to speak regarding this property. No one wished to speak. Council President Bergonia declared the conditional use public hearing closed at 7:10 PM. He reconvened to the regular order of business. He asked if someone on Council would like to make a motion now.

Councilmember Morris made a motion, seconded by Councilmember Cook, to approve Case No. 14-13, for the property of 625 St. Catherine Street to be converted into a rooming or lodging house as recommended by the CK-COG in their letter dated December 16, 2014. Motion was unanimously approved.

PUBLIC PARTICIPATION: Mayor Wagner presented Jaedon Trewitz, a boy scout representing Troop 509, with a Certificate of Appreciation in recognition of the troop's exemplary efforts to cover all 348 parking meters located within the Borough for this 2014 Holiday season.

Samantha Pearson, Director of the Lewisburg Neighborhoods Corporation (LNC), updated Council on the LNC projects. She prepared a Request for Proposal for the Bull Run Greenway/South Sixth Street Plan, but noted that DCNR isn't ready for it as no project number has been assigned; she will keep everyone informed. The Flood Impact Task Force is moving forward and getting down to intricate details. She attended a PDC Program today in Harrisburg and they are questioning whether we are going to apply for designation, which we can talk about in the coming year. Currently we are designated through the middle of next year. DCED was there providing updates, but unfortunately their funding isn't recovering yet, so they will not be one of the supplemental matches for the DCNR Grant.

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

**(PUBLIC HEARING)
CONDITIONAL USE
HEARING FOR
625 ST. CATHERINE
STREET**

MATT SAUERS

TOM EGAN

**(PUBLIC HEARING
CLOSED)**

**CONDITIONAL USE
FOR 623 ST
CATHERINE STREET
APPROVED**

**PUBLIC
PARTICIPATION
RECOGNITION OF BOY
SCOUT TROOP
509/REPRESENTED BY
JAEDON TREWITZ**

**SAMANTHA
PEARSON**

December 16, 2014

Michele Kittell, 206 Market Street, indicated she is following up on her letter from last week regarding Soldiers Park. She previously talked to Councilmembers Cook, Mahon and Faden, sent numerous emails, and now wants to hear from Council on whether they want to be a community that chooses convenience over strategic and ethical planning for natural areas and green space. She understands Sam Pearson, along with some others with the River Town group, are already working on a plan for Soldiers Park. Councilmember Cook commented the answer no, we don't want to be a community like that, but a thoughtful community. He believes the recent River Town meeting was a productive meeting giving appropriate direction for moving forward. Councilmember Morris said we have talked to our Manager and agreed we will be looking at issues as a group vs. let's do this because it is convenient. Mayor Wagner said it isn't just our Manager as we are talking about the whole concept of the Soldiers Park area. She said it isn't just the Borough's site down there, but the Buffalo Valley Recreation Authority (BVRA) site that sustained work recently making a not very attractive entrance to the Borough. Ms. Kittell said she served on the Shade Tree Commission (STC) and it took months to have a tree removed, so for that area to be flattened was ridiculous. Mayor Wagner said we all need to work together to bring forth the beauty at that park. Ms. Kittell stressed she wants a policy in place so there is accountability and so this doesn't happen again; she also wants to know that before she or anyone else puts anymore of their personal time into this. Councilmember Cook stressed again this was all addressed very clearly last night. Ms. Kittell asked for a pause on the work down there. Mayor Wagner asked if Ms. Kittell is referring to BVRA's work. Ms. Kittell said no, that isn't a concern as BVRA was part of the stakeholder's group last night. She explained she intends on putting together a cohesive plan for that area and noted details of what she hopes to accomplish within this plan, which will also point out the funding sources needed. She is hoping she adds leadership to this stakeholder's group and realizes that nothing moves forward without Council approval. She runs a non-profit conservation/education organization and has lots of experience writing grants, finding grants, and working with professionals in the field of watershed management, ecology and biology. Mayor Wagner commented she likes the idea of it being a meditative space. Ms. Kittell said there are other options though and she is thinking mixed use. Mayor Wagner indicated she has a lot of information she is willing to share and suggested Ms. Kittell meet with her. Ms. Pearson stated there is no intention of stopping BVRA from doing the necessary maintenance down there, as they had planned to do this necessary work. Councilmember Cook suggested Ms. Kittell make arrangements to meet our Manager. Councilmember Morris stated she wants to share the fact that there are people who are pleased with the way Soldiers Park looks because they can now see the river. Mayor Wagner said we all want a beautiful responsible space and there is no disagreement on that. Councilmember Cox said he thought our Manager was going to attend the meeting last night. Manager Smith said he talked with Ms. Pearson and it was felt it would be best that he be brought into this later, once the focus was determined. Ms. Kittell pointed out she will attend whatever meetings Council feels are necessary.

POLICE COMMITTEE: Council President Bergonia said there was no meeting in December and everyone should have received the Chief's monthly report. Chief Yost reported he has one new hire on board, Daniel Baumwoll, and the second new hire, Tammy Smith, will be here January . Mayor Wagner said the Chief did a great job with the whole civil service process; we have a great Civil Service Commission that consists of Swan Stull, Chairwoman; Richard Rogers and Susan Pulgieste.

PLANNING COMMITTEE: Councilmember Cook made a motion, seconded by Councilmember Mahon, to approve HARB letter a, as submitted and recommended by HARB. Motion was unanimously approved.

Councilmember Cook made a motion, seconded by Councilmember Mahon, to approve HARB letter b, as submitted and recommended by HARB. Motion was unanimously approved.

Councilmember Cook said letter c was a courtesy review so no action is needed.

a. Jacqueline Domzalski/216 Market Street/Sign. Ms. Domzalski was present with drawings showing a sign that she wanted to place flush on the building, and one that she wanted to hang above the door. She shared the drawings with HARB for their review. A motion was made by Ted Strosser, seconded by Steve Snook, to recommend approval of hanging one sign flush above the bay window and one perpendicular hanging sign above the door, as depicted on the drawing labeled page 1, with the hanging sign being placed on a bracket as shown on the drawing labeled page 2, conditional upon no illumination of either sign and upon acquiring any necessary permits from the CK-COG. Motion was unanimously approved.

An application was submitted to and reviewed by HARB for a new sign. A motion was made by Mary Mastascusa, seconded by Elaine Wintjen, to recommend approval of the new sign, which will be attached to the building in the same manner as the existing sign, with no lighting, per the HARB application and the photos provided. Motion was unanimously approved.

b. Misha Kryzgtski/124 North Fourth Street/Renovations. Mr. Kryzatski was present with pictures of his property and indicated he wanted to remove a door to a side porch and replace it with a window. He shared the pictures with HARB for their review. A motion was made by Phoebe Faden, seconded by Rob Cook, to recommend approval of removing the door located to the side of the porch and replacing it with a window that matches the existing windows, conditional upon the acquiring any necessary permits from the CK-COG. Motion was unanimously approved.

c. Bob-Pam Conner/737 Market Street/Fence. The Conner's were present to ask HARB what kind of fence would look appropriate at this location; HARB's view on replacement siding, as well as window replacement. It was explained by the HARB that no vinyl fencing is permitted and that Azek would be ok if painted. With regard to the siding, smooth vinyl would be appropriate. And, with regard to the windows, it was explained that they can be replaced with new windows if the grill pattern is maintained.

MICHELE KITTELL

POLICE COMMITTEE

PLANNING COMMITTEE
HARB

J DOMZALSKI

M KRYZGTSKI

B CONNER

December 16, 2014

Councilmember Mahon made a motion, seconded by Councilmember Cook, to appoint Phoebe Faden as Council's representative on the Traffic Advisory Committee; term expiration 12/31/15. Motion was unanimously approved.

PUBLIC WORKS COMMITTEE: No meeting.

FINANCE COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve the payment of bills from 11/15/14 through 12/12/14 in the amount of \$359,949.73. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Cox, to approve the final 2015 budget with millage rates as follows: General Fund 9.430; Street Light Fund 0.465; Fire Protection Fund 0.500; Shade Tree Fund 0.165; Recreation Fund 0.340; total millage of 10.900 as presented to Council 11/18/14. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to enact Ordinance No. 1030, an ordinance levying a total real estate tax on real estate assessment with the Borough for fiscal year 2015 at the rate of 10.900 mills (General Fund 9.430; Street Light Fund 0.465; Fire Protection Fund 0.500; Shade Tree Fund 0.165; Recreation Fund 0.340). Motion was unanimously approved.

*Councilmember Morris made a motion, seconded by Councilmember Mahon, to adopt Resolution No. 14-13, a resolution for realty transfer tax, the earned income tax, the local services tax, the business privilege tax, and the per capita tax for 2015. ON THE QUESTION: Manager Smith indicated he contacted Berkheimer Associates, as directed by our Solicitor, and found out the total business privilege tax collected is approximately \$105,000.00 and of that amount \$6,000.00 is associated with rentals. Solicitor Lyons reminded Council that the Commonwealth Court made a decision on a landlord case against a municipality, Lower Merion Township. A landlord was contesting whether a business privilege tax could include rental income pursuant to the business privilege statute. The Court found in favor of the landlord and ordered the Township to refund the money and revise their ordinance. Now, our ordinance is not written the same way and we would not need to revise it; however, Berkheimer Associates (and before them, Central Tax Bureau) has always interpreted it as gross receipt revenues including landlord/tenant rental income. So, this has always been collected by our collectors. There is an appeal, but he doesn't know if it will be accepted. At present this is in limbo. Berkheimer Associates has taken the position they will continue to collect this, but it is subject to each municipality deciding what they want to do. His recommendation, because the appeal is pending and we could be directed to return monies for this year (it cannot be retroactive) is that we escrow the monies from the rentals for the business privilege tax until the final determination is made. The Supreme Court will make a determination within the next three months, but the final decision could take up to one or two years. Councilmember Morris agreed to a friendly amendment to her previous motion to include the Solicitor's recommendation and Councilmember Mahon concurred. So, the motion was restated including the amendment as follows:

*Councilmember Morris made a motion, seconded by Councilmember Mahon, to adopt Resolution No. 14-13, a resolution for realty transfer tax, the earned income tax, the local services tax, the business privilege tax, and the per capita tax for 2015, with a stipulation that due to a recent Commonwealth Court decision, that the business privilege tax collected on rental property incomes be placed in escrow until a final decision is made. Motion was unanimously approved.

Councilmember Morris indicated an executive session is needed at the end of this meeting on a personnel matter.

MAYOR: Mayor Wagner said the Buffalo Valley Regional Police had a very successful year having moved into a new building and having hired two new officers; the BVRPC is very proud of our efforts. The Borough is finishing the year in fine fashion as there have been many positive comments about our town. It was unfortunate that the Victorian Parade couldn't be held because of the weather. The Packwood House is continuing to operate and looking forward to next year; any support to the Packwood House would be greatly appreciated. The late night shoppers' event was wonderful, and the lighting of the Christmas tree was well attended. Unfortunately, the Christmas tree lights are not in good shape. Manager Smith explained the lights are in this tree year round and can't withstand the strength of the tree when it is windy and the branches are blowing. The strings of lights throughout the tree are being ripped and torn apart, and the lights are very brittle because they are out there in all kinds of weather. The cost for the necessary routine repair work is too big for our budget. Councilmember Mahon said every year we hear this and we need to do something about this before next year. Mayor Wagner said Councilmember Cox suggested sending letters to surrounding municipalities to see if they would be willing to chip in for the maintenance of the Christmas tree lights and the rewiring that is needed every two or three years. Councilmember Cox said some of our bigger businesses in the area should be asked to donate to the Borough's Christmas tree as it is enjoyed by everyone. If each Councilmember would solicit a business, we may get the money needed. Mayor Wagner said this would be a good time to do it as it is an

P FADEN APPOINTED TO TAC/COUNCIL REPRESENTATIVE

PUBLIC WORKS COMMITTEE

FINANCE COMMITTEE
PAYMENT OF BILLS

FINAL 2015 BUDGET APPROVED (TOTAL MILLAGE RATE 10.900)

ORDINANCE LEVYING REAL ESTATE TAX ON REAL ESTATE ASSESSMENTS FOR 2015

(ORDINANCE NO. 1030)

RESOLUTION ADOPTING TAX RATES FOR 2015

(RESOLUTION NO. 14-13)

MAYOR

December 16, 2014

iconic tree for our Borough. Councilmember Mahon suggested we put together a committee because she doesn't want to have this discussion again next year. Manager Smith reminded everyone that this is an ongoing issue that just one year of funds won't fix; continuous giving is needed. There was **much** discussion. Councilmember Mahon and Councilmember Cox said they would be a part of a committee for the tree. Council President Bergonia said he would be willing to Chair a committee, if that is needed.

COUNCIL PRESIDENT: Council President Bergonia stated he is in agreement with our Mayor, this is a great town to live in.

SOLICITOR: Solicitor Lyons indicated he circulated the proposed amendment to the zoning ordinance dealing with technical changes being made and if you agree, a motion to authorize the advertisement of the ordinance, as well as the public hearing, is needed.

Councilmember Mahon made a motion, seconded by Councilmember Cook, to direct the Solicitor to advertise amendments to the zoning ordinance by changing the definition of "rooming house or lodging house" and also changing the zoning map by expanding the open space zoning district to include all the area from Market Street south to James Alley and from the east side of South Sixth Street to Bull (Limestone) Run, and also advertise for a public hearing to be held Tuesday, January 20, 2015 for same. **ON THE QUESTION:** Councilmember Morris asked if the house that is still there is ok with us designating the area as open space. Solicitor Lyons said it will be coming down in the spring, so there isn't an issue. Motion was unanimously approved.

MANAGER: Councilmember Mahon made a motion, seconded by Councilmember Cook, to untable the award of the Ash Tree Removal Project Bid (removal of 125 ash trees in Hunt Park). Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Cook, to reject any/all bids received for the Ash Tree Removal Project Bid (removal of 125 ash trees in Hunt Park). **ON THE QUESTION:** Manager Smith explained at the request of Council, he, along with Trey Casimir (STC Chairman) and Scott Carey (forester), reviewed the possibilities with regard to the ash tree removal. After much discussion and consideration, it was determined a logger would be better suited to deal with our trees initially, with a tree trimmer dealing with what's left. The forester was able to obtain a quote for removal of the valuable wood, as well as some of the smaller wood and it appears we can get the entire park done for a *nominal cost* - yet to be developed. This is the reason for this motion. Motion was unanimously approved.

******Councilmember Morris made a motion, seconded by Councilmember Mahon, to install temporary stop signs (with required blinking lights) on South Third Street at St. Catherine Street for traffic travelling north and south on South Third Street. **ON THE QUESTION:** Manager Smith said the Sheriff's Department contacted the Borough about this intersection because of the numerous close calls there. It is one of our more unique intersections without a stop sign. After speaking with Council, and the Mayor, who has the right to establish this on a temporary/trial basis of not more than 90 days, it was the consensus this should be done with the intent to make it official in the very near future. He suggested the Solicitor be directed to draft the appropriate ordinance in January and advertise for action of Council in February. Solicitor Lyons offered that he be directed to draft the ordinance and advertise for review and possible action at January's meeting. Council could change the "enactment" date from January's meeting date, if they wanted to. He thinks everyone will want to take action to enact in January, but it can be determined in January. Councilmember Morris agreed to a friendly amendment to her previous motion to include the Solicitor's recommendation and Councilmember Mahon concurred. So, the motion was restated including the amendment as follows:

******Councilmember Morris made a motion, seconded by Councilmember Cook, to install temporary stop signs (with required blinking lights) on South Third Street at St. Catherine Street for traffic travelling north and south on South Third Street, and direct the Solicitor to draft an ordinance for same and advertise for action of Council at the January 20, 2015 regular monthly meeting. Motion was unanimously approved.

OTHER COMMITTEES: Council President Bergonia said the BVRA is currently conducting interviews for a director.

Councilmember Morris indicated the LDP is very involved in their seasonal activities. As a result of Renelle Spagnoletti retiring, Ellen Ruby is now the Special Projects Coordinator.

Councilmember Morris indicated there wasn't a Town and Gown Committee meeting.

Council President Bergonia said we heard from the LNC earlier this evening.

Council President Bergonia commented there isn't a report from the STC.

CHRISTMAS TREE DISCUSSIONS
<u>COUNCIL PRESIDENT</u>
<u>SOLICITOR</u>
SOLICITOR DIRECTED TO ADVERTISE AMENDMENTS TO ZONING ORDINANCE AND HEARING FOR CONSIDERATION OF COUNCIL IN JANUARY
<u>MANAGER</u> AWARD OF ASH TREE REMOVAL PROJECT BID UNTABLED
ASH TREE REMOVAL PROJECT BID REJECTED
INSTALLATION OF TEMPORARY STOP SIGNS ON S THIRD STREET AT ST CATHERINE STREET APPROVED/ SOLICITOR TO DRAFT AND ADVERTISE APPROPRIATE ORDINANCE
<u>OTHER COMMITTEES</u> <u>BVRA</u>
<u>LDP</u>
<u>TOWN AND GOWN COMMITTEE</u>
<u>LNC</u>
<u>STC</u>

December 16, 2014

Council President Bergonia reported there is nothing new to report on the CK-COG. Manager Smith indicated he received notice today from the CK-COG as they are entertaining the idea of an annual membership fee of \$250.00 for 2016. They have asked for a response by March of 2015, so he will bring this before the Public Works Committee for discussion. Councilmember Mahon commented they charge us hourly for the work they do. Manager Smith said yes, but this is a more universal membership fee over and above their cost for services.

Councilmember Morris stated the Community Garden hasn't met, but the calendar they produced is absolutely beautiful.

Ms. Pearson stated there are two stop signs requests from the TAC that Council hasn't acted upon, one at St. Anthony and North Water Streets and the other at South Fourth and St. George Streets. Solicitor Lyons commented they are the last remaining through streets. Ms. Pearson said she and the Manager have been in contact with PennDOT regarding the concerns of Water and Market Streets. There were also concerns noted at the River Town meetings for accessibility, outside the Borough, across the Route 15/Route 45 intersection into East Buffalo Township. Concerns will be brought before the Planning Committee to see if there can be some dialogue with East Buffalo Township.

Mayor Wagner indicated the Lewisburg Area High School Repurposing Committee didn't meet in December, but the School Board approved the Request for Proposal (RFP) developed by Bill Fontana's group. Hopefully that will be distributed in January.

Councilmember Cook said the Flood Impact Task Force was discussed earlier this evening.

OLD BUSINESS: None.

NEW BUSINESS: None.

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

WORK SESSION: Council President Bergonia indicated there will not be a work session January 13, 2015.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to hold an executive session to discuss a personnel issue. Motion was unanimously approved.

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

Council entered executive session at 8:05 PM. Council returned at 8:20 PM.

There being no further business, Councilmember Cook made a motion, seconded by Councilmember Mahon, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 8:20 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

CK-COG

COMMUNITY GARDEN

TRAFFIC ADVISORY COMMITTEE

REPURPOSING COMMITTEE

FLOOD IMPACT TASK FORCE

OLD BUSINESS

NEW BUSINESS

WRITTEN REPORTS

WORK SESSION

PERSONNEL ISSUE

RECESS

(EXECUTIVE SESSION)

ADJOURNMENT