

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held at 6:30 PM on **Tuesday, December 18, 2018** in the Council Chambers, 55 South Fifth Street, Lewisburg. Present: Council President Morris; Councilmembers Comas, Derman, Frederick, Heayn, Mahon, Medina and Yohn; Mayor Wagner, Solicitor Lyons, Manager Lowthert and Secretary Garrison. Absent: Police Chief Yost. Also present: Ellen Ruby, David Ulrich, Bud Schenck, Matt Miller, Tom Egan, Carol Steckel 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 Medina, seconded by Councilmember Heayn, to approve the minutes of the November 20, 2018 regular monthly meeting and the December 03, 2018 special 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.

Manager Lowthert stated Mid-Penn Engineering representatives are present this evening to provide an update regarding potential changes to the floodplain boundaries as a result of the Penn House Commons Development. Bud Schenck, Mid-Penn Engineering, provided history about the Penn House Commons Development as everything they are doing here relates to that project. There was a lot of floodplain mitigation done for this project, permits were obtained from the Corp of Engineers, the Department of Environmental Protection (DEP), etc. as re-grading of the entire site occurred. East Buffalo Township (EBT) has asked Mid-Penn to prepare an official Letter of Map Revision (LOMR). When the original plans were done for this development, those in charge should have required the LOMR at that point, but for whatever reason they opted not to contact the Federal Emergency Management Agency (FEMA). Now that the CK-COG is in charge of things there, EBT wants the LOMR to accurately reflect what is out there now. He explained Mid-Penn has moved forward and submitted this application to FEMA months ago, there have been technical reviews occurring, as the span of this study is from Route 15 to Fifteenth Street, which is the Penn House Commons corridor. The maps have been prepared, but the final review and approval of FEMA hasn't been received so there isn't any point in talking about specific properties, impacts, etc. What we will need from the Borough is your concurrence on the Floodplain Study prepared. We will need an MT-2 form, a standard FEMA document, to identify that the Borough has seen this information, the Floodplain Administrator has reviewed it and essentially found it to be consistent with the Borough's Floodplain ordinance. The Borough will then have to meet the requirement of public notification; anytime there is an official change to the mapping, the public must be notified of the change. Even though the Penn House Commons Development isn't within the Borough, the floodplain from Limestone Run does stretch into the Borough and that is why you are being asked to participate in this process. Once final approval and maps are obtained from FEMA, at that point Mid-Penn will be back requesting the Borough to follow through with the required actions previously noted. Manager Lowthert said the committee discussed having our Borough engineer review the analysis to make sure the Borough is comfortable with this. HRG already did this on behalf of EBT. Because FEMA is thoroughly reviewing this, our committee felt the FEMA review would be satisfactory. The Borough engineer will not be asked to review this. David Hines is the Borough's Floodplain Administrator, so if you are comfortable with the study, you will need to instruct David Hines to sign the documents for submission to FEMA. There will be changes to Borough properties, some that were in may be out of the floodplain, some that were out may be in the floodplain, and the Borough will have to perform the notification and there are three options. One, a newspaper notification; two, Mid-Penn Engineering can identify which properties are seeing a change and a letter can be sent to the property owners letting them know of the changes and that maps are available for review; three, there can be a public meeting and those properties affected could come in and meet with Mid-Penn Engineering to hear exactly what has happened so they understand. Council will need to direct him on this once we receive the information. Councilmember Yohn said no one in the Borough has the knowledge to review this information, so what happens if we do not sign this MT-2 form. Mr. Schenck said he asked FEMA that question and he was told they need something in writing from the Borough that indicates the direction of the Borough, but the mapping change will move forward without the Borough's participation. He will notify FEMA in writing of whatever position the Borough takes. There was **very much** discussion. Councilmember Comas said FEMA is going to do what they are going to do and it doesn't matter what the Borough does or doesn't do, right? Manager Lowthert said he doesn't know how to answer that as he doesn't know what would happen if you decide not to concur. Councilmember Yohn said she isn't opposed to FEMA making their decision on this, but she is opposed to the Borough saying yes, as this affects a lot of people. Council President Morris commented Council signs off on a lot of things we do not always totally understand because we are relying on those that have the expertise to guide us. Councilmember Yohn said, but the Borough did not initiate this. Mr. Schenck said the map is changing because the land that was mapped was not right. The study demonstrates there is no increase in flood elevations, if anything there are slight reductions in flood elevations associated with Penn House Commons. But the original maps were based on data acquired many, many years ago and we now have more accurate topographic data and there are portions of this floodplain that were not mapped correctly. Again, there was **much** discussion. Council President Morris asked that Mid-Penn Engineering keep the Borough updated.

<u>ATTENDANCE</u>
<u>CALL TO ORDER</u>
<u>APPROVAL OF MINUTES</u>
<u>COUNCIL PRESENTATION(S)</u>
<u>PUBLIC COMMENT(S) ON ANY AGENDA ITEM</u>
<u>PUBLIC WORKS/POLICE COMMITTEE</u> BVRPD
MID-PENN ENGINEERING DISCUSSION ON PENN HOUSE COMMONS DEVELOPMENT AND EFFECT TO FLOODPLAIN BOUNDARIES

December 18, 2018

Councilmember Mahon reported interviews are currently underway with select firms that submitted engineering proposals in association with the South Sixth Street Shared Use Path/Floodplain Restoration/Nature Play Project and the committee may have a recommendation for Council in January. Also, CK-COG will continue review of sidewalks in the spring beginning with Third Street and the committee will recommend the next street(s) for review in the spring. And, the 2018 CDBG application was submitted to the Pennsylvania Department of Community and Economic Development (DCED) by SEDA-COG.

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Derman made a motion, seconded by Councilmember Heayn, to approve the payment of bills from November 17, 2018 through December 14, 2018 in the amount of \$473,566.39. Motion was unanimously approved.

Councilmember Derman made a motion, seconded by Councilmember Heayn, to approve the use of \$10,000.00 of funds from the Borough's cash reserves for engineering services associated with the Market Street Corridor Traffic Study. **ON THE QUESTION:** Councilmember Derman said after thinking about this and hearing costs could be \$100,000.00 or \$200,000.00, he now wonders why we aren't studying the entire Borough. The goal is to sustain/maintain the historic district in Lewisburg as a safe walkable community and that isn't just Market Street. There are main thoroughfares that should be included as well. Diverting truck traffic from Market Street means that truck traffic is going to go somewhere else within the Borough. Council President Morris said Market Street is the main thoroughfare through the historic district that carries the most traffic; it is a starting point. Mayor Wagner added that Market Street is a crisis issue directly impacting the stores downtown and the safety of individuals. Solicitor Lyons said to look at recommending changes in traffic patterns for Market Street means side streets will have to be looked at as well. Councilmember Heayn said we moved forward with this because there was an urgency; however he understands Councilmember Derman's concern. Ellen Ruby stated there is an anticipation, once the bypass is done, of another increase in traffic due to more truck hubs being created in the Milton area as a result of the completion of the bypass. We need to look at it now as we aren't anticipating this will get better, but possibly worse, and we can now address all issues of safety. The recommendations will have to take into consideration the side streets. Councilmember Derman said we can assume this is what they are going to do, but as a Council we need to demand they look at the whole Borough. Tom Egan, Chairman of the Planning Commission, said it is almost time to review the County's Comprehensive Plan, meaning Council will have the ability to study anything, including traffic patterns. Councilmember Comas said when the RFQ comes back there will be a time for negotiation; maybe that is when we address the issue Councilmember Derman is raising. Councilmember Heayn said we are sticking with the Borough's contribution of \$10,000.00. Council President Morris said yes; this shows Council's support for this traffic study. There was **much** discussion. Motion was unanimously approved.

Councilmember Derman indicated the Manager was instructed to schedule a meeting with the Borough's special counsel to discuss the proposed agreement regarding the installation of the mini-towers on traffic signal poles in the downtown by Verizon Wireless. Council President Morris asked if there were any comments from the public. Tom Egan asked if there are meeting minutes. Manager Lowthert said the Borough has never provided committee meeting minutes. Tom Egan said Section 6 of the Sunshine Act of 1996 requires minutes and he has no comments as he has no idea what was discussed. Councilmember Derman explained the basics of the presentation by Verizon Wireless. There was **much** discussion. Councilmember Comas shared that he quickly researched the Act referred to by Mr. Egan and it says agencies/bodies that take official action are required to have minutes and our committees do not take action. Solicitor Lyons said the committee's recommend to Council and Council takes official action. If we have agencies that have a quorum of Council or that are independently authorized to make decisions, they have to provide minutes. Again, there was **much** discussion.

Councilmember Derman indicated the committee continues review of the revised Council By-Laws and Rules of Order with the intent of having a recommendation for Council in January. Also, the Manager was directed to work with the LDP's Executive Director on the Borough's 2019 funding release schedule. And, the Borough's server and several computers will need to be replaced early 2020 as a result of Microsoft's discontinuation of support for Windows 2007 and Windows Server 2008.

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE: Councilmember Yohn made a motion, seconded by Councilmember Medina, to approve HARB items a and b, as submitted and recommended by HARB per their minutes dated December 11, 2018. Motion was unanimously approved.

a. Ben/Sarah Wheatley/701 Market Street/Cupola Windows. An application was submitted to and reviewed by HARB for cupola windows. Motion was made by Ann Hilliard, seconded by Elaine Wintjen, to recommend approval and issuance of Certificate of Appropriateness (COA) for new windows as submitted in the project description of the HARB application, specifically 6 over 6 double hung units with exterior grilles. Motion was unanimously approved.

b. Tom McClure/40 South Water Street/Fence. An application was submitted to and reviewed by HARB for a fence. Motion was made by Kim Walter, seconded by Ann Hilliard, to recommend approval and issuance of a Certificate of Appropriateness (COA) for a fence as presented and as shown in the photos attached to the HARB application. Motion was unanimously approved.

Councilmember Yohn made a motion, seconded by Councilmember Heayn, to submit the zoning ordinance amendment regarding sign provisions, as *revised*, to the Lewisburg Planning Commission and the Union County Planning Commission for their review/comment, and to authorize Solicitor to advertise for the public hearing and enactment of the amendment for the February meeting. Motion was unanimously approved.

GENERAL
UPDATES

**ADMINISTRATIVE/
FINANCE
COMMITTEE
PAYMENT OF
BILLS**

**BOROUGH
COMMITTS \$10,000
TO MARKET
STREET TRAFFIC
STUDY**

**UPDATE ON
VERIZON
WIRELESS
DISCUSSIONS**

**REVISED COUNCIL
BY-LAWS/RULES
OF ORDER**

**COMMUNITY
DEVELOPMENT/
PLANNING
COMMITTEE
HARB**

**REVISED ZONING
ORDINANCE
AMENDMENT SENT
TO LOCAL AND
COUNTY
PLANNING
COMMISSIONS**

December 18, 2018

Councilmember Yohn made a motion, seconded by Councilmember Mahon, to direct the Manager to submit the proposed land development plan/lot consolidation for 215 South Second Street to the Borough Engineer, as well as the Lewisburg Planning Commission and the Union County Planning Commission for their review/comment. ON THE QUESTION: Councilmember Derman asked what this is. Manager Lowthert said this is basically a lot consolidation. Motion was unanimously approved.

Councilmember Yohn indicated there are current vacancies on the Planning Commission, term expiration 12/31/19 and on HARB, term expiration 12/31/20, 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: None.

MAYOR: Mayor Wagner stated she, along with the Council President, had the opportunity to see the Nutcracker Saturday night and it was a magnificent performance directed by Trey Casimir's wife, Amy. She shared that the engineering interviews for the South Sixth Street Shared Use Path-Kidsburg-Floodplain Restoration Project have been extremely informative. Also, everyone should be in receipt of a letter from Betty Cook, our town historian who lives in the William Cameron house; Ms. Cook wanted to share her thoughts on the Borough going from the black light standards to the green light standards. Council President Morris said she understands these light standards were painted green in 1997.

COUNCIL PRESIDENT: No report.

MANAGER: Councilmember Derman made a motion, seconded by Councilmember Mahon to direct the Solicitor to advertise the following 2019 meeting dates and times: Council Work Session – 2nd Tuesday of each month at 6:30 PM; Council Meeting – 3rd Tuesday of each month at 6:30 PM; Lewisburg Planning Commission – 1st Wednesday of each month at 6 PM except January and July which will be 2nd Wednesday; Shade Tree Commission – 2nd Thursday of each month at 7 PM; HARB – 2nd Tuesday of each month at 5 PM; Zoning Hearing Board – 3rd Monday of each month at 7 PM; Public Works/Police Committee – 1st Tuesday of each month at 8 AM except January which will be 2nd Tuesday; Administrative/Finance Committee – 2nd Monday of each month at 4 PM; Community Development/Planning Committee – 2nd Thursday of each month at 5 PM except May and August, which will be the 3rd Thursday of the month at 5 PM. Motion was unanimously approved.

BOROUGH SOLICITOR: No report.

JUNIOR COUNCILMEMBER: Vacant. Mayor Wagner said she is going to make a serious effort to find someone from the grades of 9 through 12 to serve in 2019.

OTHER COMMITTEES: Councilmember Heayn updated Council on the various activities of the BVRA, highlighting they are still waiting on the rail/trail transfer and still working on some accounting issues raised by Kelly Township. Unfortunately the prices that came in for the improvements to the ice rink were way too high.

Ellen Ruby, Executive Director of the LDP, updated Council on the upcoming Holiday events/activities. Preparations are underway for the Ice Festival which will be February 1st and 2nd, and there will be a Polar Bear Plunge on the 2nd. Councilmember Comas asked if the LDP can provide any historical data for the businesses, the revenues, the foot traffic downtown during this Holiday season in comparison to past Holiday seasons. Ms. Ruby said she will see what she can find.

Councilmember Derman reported the statistics for the Rivertown Team's clean-up events, shared that designs are underway for the Lewisburg Landing, and reported the sign is up at the duck pond along Fairground Road that tells people what they can feed the ducks in lieu of bread. The Walk It/Bike It meeting will be held tomorrow and there will be discussions concerning the mapping of routes provided by PennDOT vs. LNC's approach of mapping based on the crossings that will occur, and how to resolve this conflict. There was some discussion.

Mayor Wagner shared that Ward III came together to help a woman in their neighborhood who was in need. Councilmember Heayn said there was also another resident in need of equipment and it was provided.

Jordi Comas commented The Area Agency on Aging occupies the old north ward school building and had asked to remove all the shade trees along their property in order to repair their sidewalks. Not all the trees are dead there, so this is just another example of the conflict between sidewalk repair and trees. There was **much** discussion.

There was no report on the CK-COG.

Mayor Wagner said a wonderful ceremony was held in the Council Chambers on December 4th to recognize the Lewisburg Community Garden's Blue Ribbon Award for the category of Combination Garden, Flower and Vegetable.

LAND DEVELOPMENT/LOT CONSOLIDATION FOR 215 SOUTH SECOND STREET SENT TO LOCAL AND COUNTY PLANNING COMMISSIONS

VACANCY UPDATES

PUBLIC COMMENT(S) ON ANY NON-AGENDA ITEMS

MAYOR

COUNCIL PRESIDENT

MANAGER

BOROUGH SOLICITOR

JUNIOR COUNCILMEMBER

OTHER COMMITTEES BVRA

LDP

LNC

STC

CK-COG

COMMUNITY GARDEN COMMITTEE

December 18, 2018

Councilmember Derman said he provided everyone with the agreement dealing with the transition from the William Cameron Engine Company (WCEC) to the Central Susquehanna Fire Emergency Services Board (CSFESB) and he didn't receive any feedback. There are some serious capital improvements that are needed and the money from the IGA did not include these capital improvements. The CSFES will be meeting next Thursday to move this process along.

ANY ADDITIONAL BUSINESS FROM COUNCIL: None.

WRITTEN REPORTS: Councilmember Derman made a motion, seconded by Councilmember Heayn, 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 there will be a work session held Tuesday, January 8th for the EIP Study presentation.

Council President Morris called for a five minute recess at 7:40 PM.

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

Council entered executive session at 7:45 PM. Council returned at 9:00 PM.

Councilmember Derman made a motion, seconded by Councilmember Comas, to authorize the Manager to make an offer to Kim E. Wheeler and to authorize the Council President to sign the non-union employment agreement with Kim E. Wheeler for the position of Special Project Coordinator/Grant Manager with the terms as follows: a start date of January 28, 2019 (earlier if it is possible), an annual salary of \$55,000.00, 15 days of paid time off (PTO) annually, 8 days of sick time annually, and the payment of Ms. Wheeler's annual planning membership and certification (AICP) renewal to the American Planning Association in an amount not to exceed \$600.00. Motion was unanimously approved.

There being no further business, Councilmember Derman made a motion, seconded by Councilmember Mahon, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 9:15 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

CSFES

**ANY ADDITIONAL
BUSINESS FROM
COUNCIL**

WRITTEN REPORTS

WORK SESSION

RECESS

**(EXECUTIVE
SESSION)**

**SPECIAL PROJECT
COORDINATOR/
GRANT MANAGER
HIRED (KIM E.
WHEELER)**

ADJOURNMENT