

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, December 19, 2017**, in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Cox, Derman, Frederick, Mahon, Martin and Yohn; Mayor Wagner, Solicitor Lyons, Manager Lowthert, Secretary Garrison and BVRPD Chief Yost. Absent: Councilmember Morris. Also present: Sandra Cook, Matt Farrand, Jim Buck, Jordi Comas, Stacey Sommerfield and Sam Pearson.

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 Mahon, to approve the minutes of the November 21, 2017 regular monthly meeting. Motion was unanimously approved.

PUBLIC PARTICIPATION: There were no members of the public that wished to speak. Manager Lowthert indicated discussions regarding the Buffalo Valley Recreation Authority (BVRA) will take place later in this meeting.

PUBLIC WORKS/POLICE COMMITTEE: Council received the Buffalo Valley Regional Police Department's (BVRPD) monthly report. Chief Yost thanked Council for the support given to the Buffalo Valley Regional Police Department (BVRPD) this year.

Motion was made by Councilmember Mahon, seconded by Councilmember Derman, to provide a letter of support to the Lewisburg Neighborhoods Corporation (LNC) for their River Road Holiday event on River Road and North Water Street between St. John Street and Winter Farm Lane on Sunday, May 13, 2018 from 11 AM to 6 PM. Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Cox, to direct the Solicitor to advertise an ordinance for placement of no trucks sign on North Fifth Street (north of Buffalo Road and west of North Fourth Street) or Bison Alley (whatever the formal name of this street is). ON THE QUESTION: Manager Lowthert said GPS units are directing trucks onto this roadway and then they get stuck there. The hope is that no trucks signs will help. Solicitor Lyons asked if we know whether it is Bison Alley or North Fifth Street extended, as this has to be determined so it can be included in the ordinance. There was some discussion. Motion was unanimously approved.

Manager Lowthert explained the Public Works/Police Committee is currently reviewing a second round of 2018 Streets Projects, so should there be funding available in the budget, we will have street projects ready.

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE: Councilmember Mahon made a motion, seconded by Councilmember Derman, to approve HARB items a through d, as submitted and recommended by HARB per their minutes dated December 12, 2017. Motion was unanimously approved.

a. Amanda Anzueta (Owner)-Bobbie Jean Owens (Contact)/227 South Third Street/Windows. An application was submitted to and reviewed by HARB for new windows. Motion was made by Steve Snook, seconded by Elaine Wintjen, to recommend approval of the storm windows, specifically a Harvey system with a wood system as an acceptable alternate, as presented and described in the project description of the HARB application and as shown in the drawing attached to the HARB. Motion was unanimously approved.

b. John-Paula Shaw/345 North Fourth Street/Porch. An application was submitted to and reviewed by HARB for a porch renovations. Motion was made by Elaine Wintjen, seconded by Kim Walter, to approve renovation of porch as described in the project description of the HARB application and as shown in the drawing attached to the HARB application. Motion was unanimously approved.

c. Tim Turner (Owner)-34 North Front Street LLC/Windows-Siding. An application was submitted to and reviewed by HARB for a new windows, siding and shutters. Motion was made by Ted Strosser, seconded by Steve Snook, to recommend approval of the windows and new siding, specifically replacement windows must be in existing openings with one over one configuration, no shutters, window casing +- 3 1/2" and vinyl siding to be smooth/brushed with +- 5" exposure, as shown in the paperwork attached to the HARB application. Motion was unanimously approved.

d. Ken Tau (Owner)/201-203 North Front Street/Windows. An application was submitted to and reviewed by HARB for new windows. Motion was made by Fred Martin, seconded by Kim Walter, to recommend approval of the windows, specifically with simulated divided lights in six over six configuration, as described in the project description of the HARB application, and as shown in the paperwork attached to the HARB application. Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Derman, to accept the resignation of Mary Mastascusa from HARB effective immediately, with regret. ON THE QUESTION: Manager Lowthert said Ms. Mastascusa was the real estate broker on HARB, she retired, relinquishing her broker license so she can no longer serve on HARB. Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Derman, to appoint Ann Hilliard to serve on HARB to fill an unexpired term, term expiration date December 31, 2019. ON THE QUESTION: Manager Lowthert explained that Ms. Hilliard will be filling the position of real estate broker on HARB; Ted Strosser, Chairman of HARB, resoundingly endorsed Ms. Hilliard. Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Derman, to accept the resignation of Kyle Bray from the Shade Tree Commission effective immediately, with regret. ON THE QUESTION: Manager Lowthert stated Mr. Bray has indicated his responsibilities at

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION

PUBLIC WORKS/ POLICE COMMITTEE BVRPD MONTHLY REPORT

LETTER OF SUPPORT TO LNC FOR RIVER ROAD EVENT

SOLICITOR TO ADVERTISE FOR NO TRUCKS SIGN ON NORTH FIFTH STREET

SECOND ROUND OF 2018 STREETS PROJECTS UNDER REVIEW

COMMUNITY DEVELOPMENT/ PLANNING COMMITTEE HARB

A ANZUETA

J-P SHAW

T TURNER

K TAU

M MASTASCUSA/ RESIGNATION FROM HARB

A HILLIARD/ APPOINTMENT TO HARB

K BRAY/ RESIGNATION FROM STC

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Bucknell University are not allowing him to have the time needed to effectively serve on the STC. Motion was unanimously approved.

Manager Lowthert said there is an individual that may be interested in serving on the STC; he will keep Council informed.

Councilmember Mahon made a motion, seconded by Councilmember Derman, to appoint Bina Trahan to serve on the Planning Commission to fill an unexpired term, term expiration date December 31, 2017, and to reappoint Bina Trahan to serve a four year term on the Planning Commission effective January 1, 2018 with a term expiration date of December 31, 2021. ON THE QUESTION: Manager Lowthert indicated Ms. Trahan has met with the Stacy Hinck, Chairperson of the Planning Commission, and the Planning Commission is on board with this appointment. Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Martin, to appoint Jordi Comas to serve as a Council representative on the Lewisburg Neighborhoods Corporation (LNC) Board effective January 3, 2018, to fill an unexpired term, term expiration date December 31, 2018. Motion was unanimously approved.

Manager Lowthert indicated that East Buffalo Township (EBT) has made a decision to withdraw from the Intergovernmental Agreement (IGA), which forms the Buffalo Valley Recreation Authority (BVRA), per an official letter dated December 13th. There was a meeting of the BVRA last Wednesday with much discussion. Present tonight representing BVRA is the Chairperson, Sandra Cook, and the Executive Director, Stacy Sommerfield. He believes Council needs answers/research on various issues and that our Solicitor should be consulted to provide these answers. 1) Is the IGA required to be in place for the authority to exist? 2) Under the Municipal Authority's Act it is written that a municipality cannot withdraw from an authority once that authority has incurred an obligation. Now EBT's letter doesn't say they are withdrawing from the authority, they just want to withdraw from the IGA. However, if EBT were to decide to withdraw from the authority, can they? Remember, BVRA acquired the rail/trail and the bridge that crosses the river. So if EBT left the authority, what happens to the responsibilities for the rail/trail? Given the complexity, our Solicitor could advise that special counsel is needed for this and he is sure our Solicitor could provide us with a recommendation. Council should keep in mind that BVRA is not the only recreation expenditure in this Borough. In addition to the \$65,000.00 you give to BVRA each year, you also have 6 other parks on the east side of Route 15: Hufnagle Park, Kidsburg, the gas property, Soldiers' Park, Wolf Field and D.F. Green. The Borough budgets \$77,000.00 for maintenance and other activities at these 6 parks. Next year \$142,000.00 is budgeted for recreation related activities. In addition, the Borough received a \$250,000.00 DCNR Grant that allows for 50% funding for the Flood Plain Restoration Project on South Sixth Street, which includes a component of nature play. Mayor Wagner stressed people from all over come to our parks, not just Borough residents. Manager Lowthert said they are heavily used and gave examples of the groups using these parks. Ms. Cook shared many concerns and questions. Jordi Comas shared concerns and questions. Solicitor Lyons confirmed that EBT would have the ability to change their position in the future. Ms. Sommerfield said BVRA would like a continuation of the current IGA or an IGA in general. BVRA would not want to enter into separate agreements with each municipality. It was reported in the Standard Journal newspaper that EBT wants to be in a contract free/IGA free relationship with BVRA. Ms. Cook expressed her concerns that without a guaranteed revenue stream, activities that do not generate enough revenue to support/sustain themselves could potentially go away. Manager Lowthert said without the IGA and guaranteed revenue, the region could be looking at losing a pool, the St. Mary Park and the rail/trail. Ms. Cook said she believes the language of the IGA also indicates these things would default to whoever is owner of the land. Manager Lowthert said so Mifflinburg Borough would inherit the rail/trail portion in their Borough. Ms. Cook said the rail/trail is a separate entity altogether and no one is quite sure how this would work. Ms. Sommerfield said she would have to contact DCNR about the rail/trail, but the most extreme possibility would be it going back to the State with grant monies having to be repaid or it being transferred to another government entity. Manager Lowthert questioned the amount of money that went into the rail/trail. Ms. Pearson said \$3 million dollars. Manager Lowthert said then EBT and the Borough could be facing a \$3 million dollar repay, plus interest. He stressed he would like Council to direct the Solicitor to start researching this to be able to answer all the questions raised tonight. There was **much** discussion. Ms. Cook said as the Chairperson of BVRA and a resident of EBT, she wants to stress her hope that this IGA issue can be resolved, because she doesn't believe the BVRA will survive with separate contracts and/or no commitment for multi-year contracts. Manager Lowthert stressed this Council needs to be very concerned about its position with regard to liability if EBT is not part of the authority, and the authority would fold. It would be an incredible burden on the Borough's taxpayers for numerous reasons. In particular having to maintain the rail/trail out to Mifflinburg would be an incredible burden. BVRA is a great asset and he would love to see it continue, but the whole St. Mary Street complex and the rail/trail were brought forward to be a "regional" recreation asset. If the surrounding municipalities do not see the benefit of this anymore, the Borough isn't under any obligation to provide "regional" recreation to the greater Lewisburg area. This is definitely a fight by the EBT residents as they need to make it known if they support BVRA.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to direct the Solicitor to start the process to answer the many questions raised tonight with regard to the BVRA and the BVRA IGA, such as: 1) is the IGA required to be in place for the authority to exist; 2) since the Municipal Authority's Act indicates a municipality cannot withdraw from an authority once that authority has incurred an obligation, what are the examples of an obligation; 3) what

**B TRAHAN/
APPOINTMENT/
REAPPOINTMENT
TO PLANNING
COMMISSION**

**J COMAS
APPOINTED TO LNC
EFFECTIVE 01/2018**

**DISCUSSIONS
REGARDING
EBT'S DECISION TO
WITHDRAW FROM
IGA FOR BVRA**

**SOLICITOR TO
RESEARCH BVRA
AND THE BVRA IGA
IN ORDER TO
ANSWER THE MANY
QUESTIONS RAISED
TONIGHT**

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is the Borough's liability with regard to the rail/trail and the requirements that are in place by DCNR since there were grant monies used for the rail/trail acquisition. ON THE QUESTION: Solicitor Lyons said these questions cannot be answered quickly and depending upon where this goes, special counsel may be involved as there are attorneys that deal specifically with authorities; he certainly will start the process. Motion was unanimously approved.

Councilmember Martin stressed the letter from EBT needs a written response from this Council. EBT has indicated they want to change the IGA, they do not say why and they do not address the specific parts they want to change. We need to reply in writing and ask specifically what their reasons are and what the specific provisions are that they object to. This will eliminate the ambiguities and uncertainties. There was **much** discussion.

Councilmember Martin made a motion, seconded by Councilmember Derman, to direct the Manager to draft a letter to EBT to acknowledge receipt of their letter dated December 13th and to ask them specifically what their rationale is for requesting changes to the IGA, and what the **specific** provisions are that they object to and want changed, with the Council President being the signatory of this letter. Motion was unanimously approved.

There was **much** discussion relative to the BVRPD IGA and the funding per that agreement by EBT and the Borough.

Manager Lowthert said there is a bill before the House with regard to wireless broadband service and Council is being asked to oppose this bill. Specifically the wireless industry is asking for the same rights as the utilities have, meaning they want to be able to put up their infrastructure (cell towers) in the municipal right-of-ways without having to go through the zoning processes. This bill is opposed by all municipal associations and many municipalities have already taken action to oppose this. The recommendation is that a letter be sent to Representative Keller and Senator Yaw letting them know that you oppose this bill and what the wireless industry is trying to do. It was the sense of Council that the Manager should write a letter as recommended.

Councilmember Mahon reported there is a HARB vacancy with a term expiration of December 31, 2018 and a STC vacancy with an expiration of December 31, 2020. Manager Lowthert indicated we expect another STC resignation sometime in January. Manager Lowthert said there will be a meeting with the STC in the beginning of next year regarding concerns by the STC regarding the ash tree program, as well as some other issues.

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Cox made a motion, seconded by Councilmember Derman, to approve the payment of bills from October 14, 2017 through November 17, 2017 in the amount of \$239,810.88. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Yohn, to approve per capita tax exonerations for 2017 (2017-1) in the amount of \$195.00, as submitted by Tax Collector. Motion was unanimously approved.

MAYOR: Mayor Wagner stated it has been a very busy month and shared her many activities. She stated Council should have two letters before them, one is a letter to PennDOT from Representative Fred Keller which summarizes a roundtable discussion that occurred with regard to the truck issues on Market Street. The second letter is her letter to PennDOT addressing the issue of oversized/wide vehicles on Market Street. She witnessed an accident on Market Street where a truck driver could not see the trailer attached to the back of an SUV in front of him and he smashed into it. The pictures, attached to her letter, show just how dangerous it is for these oversized vehicles to be allowed to use Market Street. If a driver can't see a trailer, how are they going to see a pedestrian, and you will see that they can't even stay inside the double yellow lines. She announced that we have a student who expressed an interest in being our Junior Councilperson, Ezra Buonopane. She asked for a motion to appoint Mr. Buonopane.

Councilmember Derman made a motion, seconded by Councilmember Mahon, to accept Ezra Buonopane's application for Junior Councilperson. ON THE QUESTION: Mayor Wagner indicated our Junior Councilperson can participate in discussions, attend any of our meetings, but cannot vote or be present during an executive session. Motion was unanimously approved.

Manager Lowthert said there is a resolution that must be adopted in order for this to occur and then Mr. Buonopane can take the pledge, when the Councilmembers are sworn in, at the reorganization meeting held at 7 PM on Tuesday, January 2nd.

Mayor Wagner was pleased with the attendance for the Menorah lighting; our Jewish community is happy with the prominent location that was found. There is a ceremony honoring the Lewisburg Middle School for attaining a second gold medal and she will be presenting a Mayoral Proclamation.

Mayor Wagner said it is with great pleasure that she will now present Certificates of Appreciation to our Council President, Peter Bergonia, and our Councilmembers, Ed Cox and Fred Martin whose terms expire December 31, 2017. The service these individuals have provided has been *extraordinary*. She shared some stories for each individual and presented their certificates, thanking them for their service and dedication.

COUNCIL PRESIDENT: Council President Bergonia said this has been a great Council and he truly hopes everything goes well in the future.

LETTER TO BE SENT TO EBT IN RESPONSE TO THEIR DECEMBER 13TH LETTER

OPPOSITION OF WIRELESS BROADBAND PROPOSED BILL

MISCELLANEOUS UPDATES

ADMINISTRATIVE/FINANCE COMMITTEE PAYMENT OF BILLS

APPROVAL OF PER CAPITA TAX EXONERATIONS FOR 2017

MAYOR TRUCKS ON MARKET STREET

E BUONOPANE'S APPLICATION FOR JUNIOR COUNCILPERSON ACCEPTED

MENORAH LIGHTING

RECOGNITION OF LEWISBURG MIDDLE SCHOOL FOR SECOND GOLD MEDAL

CERTIFICATES OF APPRECIATION TO: ED COX, FRED MARTIN AND PETER BERGONIA

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MANAGER: Councilmember Derman made a motion, seconded by Councilmember Frederick, to approve a time extension request of Pennoni Associates, Inc. per their letter dated November 20, 2017, for Part 2/Final Design of the U.S. Route 15 Adaptive Signal Project to October 4, 2018 as recommended by PennDOT. ON THE QUESTION: Manager Lowthert said this time is needed for them to perform the after installation studies. Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Yohn, to enact Ordinance No. 1048, an ordinance levying a total real estate tax on real estate assessment with the Borough for fiscal year 2018 at a rate of 12.740 mills (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). ON THE QUESTION: Manager Lowthert said there will be no tax increase in the Borough next year. Motion was unanimously approved.

Councilmember Mahon made a motion, seconded by Councilmember Derman, to adopt Resolution No. 17-18, a resolution for the realty transfer tax, the earned income tax, the local services tax, and the business privilege tax for 2018. ON THE QUESTION: Manager Lowthert pointed out there is no per capita tax in 2018. Motion was unanimously approved.

Councilmember Frederick made a motion, seconded by Councilmember Martin, to enact Ordinance No. 1049, an ordinance creating a loading/unloading zone on the west side of North Third Street near Cherry Alley. Motion was unanimously approved.

Manager Lowthert updated Council on the building renovation project. Phase I (handicapped ramp, new lobby area and accessible restroom) should start January 2nd. Phase II (Council Chambers) should start the day after the February Council meeting and the Council Chambers will not be available for meetings until the day before the March Council meeting. Meetings will have to be re-advertised, rescheduled and relocated accordingly.

SOLICITOR: Solicitor Lyons indicated there needs to be an executive session regarding legal issues.

OTHER COMMITTEES: Stacey Sommerfield, Executive Director, reported other than the issue previously discussed, all is going well.

Councilmember Mahon said on behalf of the LDP, there is one more week left so come downtown and shop.

Councilmember Derman, along with Samantha Pearson, updated Council on the miscellaneous LNC projects.

Manager Lowthert reported the Shade Tree Commission met, but there are no action items.

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

Council President Bergonia stated there is nothing new to report on the Community Garden Committee.

Councilmember Cox said there is nothing new to report on the MACAC.

OLD BUSINESS: None.

NEW BUSINESS: None.

WRITTEN REPORTS: Councilmember Yohn made a motion, seconded by Councilmember Mahon, 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 the work session is scheduled for Tuesday, January , which is very early in the year. Although there are several things that we need to have extended discussions on, because we have three new Councilmembers coming onboard, and we have the reorganization meeting on Tuesday, January 2nd at 7 PM, he is doubtful there will be time to prepare for a work session in January. He reminded Council the regular monthly meeting in January will be the 16th and that work sessions and Council meetings in 2018 will begin at 6:30 PM. He will keep Council informed with regard to upcoming meetings.

Council President Bergonia called for a five minute recess at 8:30 PM.

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

Council entered executive session at 8:35 PM. Council returned at 9:25 PM.

There being no further business, Councilmember Martin made a motion, seconded by Councilmember Cox, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 9:25 PM.

Respectfully submitted,
Patricia M. Garrison, Borough Secretary

**MANAGER
EXTENSION
GRANTED TO
PENNONI
ASSOCIATES, INC.
FOR US ROUTE 15
ADAPTIVE SIGNAL
PROJECT**

**2018 TAX
ORDINANCE
APPROVED
(ORDINANCE NO.
1048)**

**REALTY TRANSFER
TAX/EIT/LST AND
BPT FOR 2018
(RESOLUTION NO.
17-18)**

**LOADING/UNLOADIN
G ZONE WEST SIDE
OF NORTH THIRD
STREET (ORDINANCE
NO. 1049)**

**UPDATE ON
BUILDING
RENOVATIONS**

SOLICITOR

**OTHER COMMITTEES
BVRA**

LDP

LNC

STC

CK-COG

**COMMUNITY
GARDEN**

MACAC

OLD BUSINESS

NEW BUSINESS

WRITTEN REPORTS

WORK SESSION

RECESS

LEGAL MATTERS

**(EXECUTIVE
SESSION)**

ADJOURNMENT