

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, December 20, 2011** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Casimir, Cox, Mahon, Molesevich, Morris and Strosser; Mayor Wagner; Chief Yost; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Also present: Tammy Burk, Renee Moist, Tom Zorn, James Hamill, and Melody Robinson, Councilmember-Elect.

CALL TO ORDER: Council President Bergonia called the meeting to order at 7:05 PM, followed by the pledge of allegiance.

APPROVAL OF MINUTES: Motion was made by Councilmember Morris, seconded by Councilmember Strosser, to approve the minutes of the public hearing held November 15, 2011, the regular meeting held November 15, 2011, and the work session held December 13, 2011. Motion was unanimously approved.

PUBLIC PARTICIPATION: Melody Robinson, Councilmember-Elect/Ward II, introduced herself indicating she was present to observe.

PLANNING COMMITTEE: Councilmember Casimir made a motion, seconded by Councilmember Strosser, to approve HARB applications a through c, as submitted and recommended by HARB. Motion was unanimously approved.

a. Adele-Jerry Spegman/140 South Third Street/Replacement Windows. An application was submitted to and reviewed by HARB for replacement windows. A motion was made by Ted Strosser, seconded by Steve Snook, to recommend approval of replacement windows, provided the windows are a one over one for both openings and fit into the original openings, as indicated in the HARB application under project description. Motion was unanimously approved.

b. Raymond/Zelda Emery, Sr./114 South Fifth Street/Siding-New Windows. An application was submitted to and reviewed by HARB for replacement windows and siding. A motion was made by Phoebe Faden, seconded by Robert Cook, to recommend approval of replacement windows and siding, provided windows are a two over two, have exterior simulated divided lights, and fit into the original opening, and the siding is smooth, as indicated in the HARB application under project description. Motion was unanimously approved.

c. Corinne Siebert/25 North Eighth Street/Signage. An application was submitted to and reviewed by HARB for a replacement sign. A motion was made by Elaine Wintjen, seconded by Mary Mastascusa, to recommend approval of the replacement sign, as stated in the HARB application and as shown in the diagram attached to the application. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Strosser, to reappoint the following individuals effective 01/01/12: Jodi Jarrett to the CATV Advisory Committee/five year term expiring 12/31/16; Alan Zeigler to the Lewisburg Area Joint Sewer Authority(LAJSA)/five year term expiring 12/31/16; Steve Snook and Robert Cook to the Historic Architectural Review Board (LAJSA)/three year terms expiring 12/31/14; Jamie Piperberg to the Shade Tree Commission (STC)/five year term expiring 12/31/16; Dennis Baumwoll to the Zoning Hearing Board (ZHB)/three year term expiring 12/31/14; Stacy Hinck and Susan Warner-Mills to the Planning Commission/four year terms expiring 12/31/14; and Samantha Pearson and Kim Wheeler to the Traffic Advisory Commission (TAC)/five year terms expiring 12/31/16. Motion was unanimously approved.

Councilmember Casimir pointed out these were not automatic reappointments, we were willing to consider new members, but there were no new applicants. Sadly Roger Holtzapple passed away, leaving another vacancy on the LAJSA. Mayor Wagner indicated Mr. Holtzapple served with distinction and will be greatly missed.

Councilmember Casimir reported the Department of Conservation and Natural Resources (DCNR) held a meeting this morning to discuss LARA, and to determine what direction the Borough plans on taking with LARA. DCNR indicated it would be best, for closing out the open grants, etc., if LARA remained unchanged as an entity for approximately six months. East Buffalo Township selected two people to be on their Inter-Governmental Agreement (IGA) Ad Hoc Committee: Peter Marshall and Jim Mathias. Councilmember Casimir reported he, along with Pete Bergonia, will be meeting these individuals over the next months to determine the best way to go forward. Manager Smith commented DCNR was aware of the recent action of LARA to remove the Executive Director, as well as the fact the Borough and the Township are considering options with regard to this Authority in an attempt for the elected body to better control the sense of direction. DCNR shared they have planning grants available and suggested the use of a mediator/facilitator who would then come back with recommendations. As a result of discussions, he included a motion with regard to submitting a letter of support to LARA to pursue a Recreation Training and Assistance Planning Grant, which is \$2,000 fully paid for Council consideration. Councilmember Casimir stressed it clearly should be the sponsoring bodies, the Borough and East Buffalo Township, that make this decision as they are the ones considering reorganizing. The Borough has its own interest in this and he is satisfied that the Ad Hoc Committee that has been formed can sit down and discuss this situation without a facilitator/mediator. There are two things outstanding with regard to LARA: the ongoing funding issue and the IGA. Four months ago when we were talking about coming back to the table. it was to discuss funding; now it is part of

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

PUBLIC PARTICIPATION
MELODY
ROBINSON

PLANNING COMMITTEE
HARB

J SPEGMAN

R EMERY, SR.

C SIEBERT

REAPPOINTMENTS:

J JARRETT (CATV COMMITTEE/A ZEIGLER(LAJSA)/ S SNOOK AND R COOK (HARB)/J PIPERBERG(STC)/ D BAUMWOLL (ZHB)/ S HINCK AND S WARNER-MILLS (PLANNING COMMISSION)/S PEARSON AND K WHEELER (TAC)

LARA UPDATE

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this bigger reorganization. There are concerns as we have grants that need to be closed out and we don't have an Executive Director with the background and experience to deal with grants, and the Borough doesn't have the right to tell LARA what they should do. Mayor Wagner said although LARA is a fine organization, she is very concerned about the continuous overspending and requests for additional monies, and in general, the financial condition of LARA. Councilmember Casimir recommended the Ad Hoc Committee meet and after that he would be in a better position to know the direction the Township and the Borough feels is appropriate for LARA.

POLICE COMMITTEE: Councilmember Mahon reported there were no action items.

PUBLIC WORKS COMMITTEE: Councilmember Strosser made a motion, seconded by Councilmember Molesevich, to approve HRG, Inc. as full-time resident project representative for the Market Street/Second Street bulb-out project at a cost not-to-exceed \$18,000. Motion was unanimously approved.

Councilmember Molesevich made a motion, seconded by Councilmember Casimir, to direct the Manager to develop Request for Qualifications for the Borough's engineering services. Motion was unanimously approved.

FINANCE COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Mahon, to approve payment of the bills from 11/12/11 through 12/16/11 in the amount of \$267,237.33. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to approve an additional contribution of \$600 to the Lewisburg Downtown Partnership (LDP) for costs associated with the Holiday decorations and lights. ON THE QUESTION: Manager Smith said the wreaths had to be redone this year, and Linda Sterling, Executive Director of the LDP, assured him they would budget for this work next year. Motion was unanimously approved.

MAYOR: Mayor Wagner thanked everyone who had a part in making the Holidays wonderful this year, and wished everyone a Happy Holiday.

POLICE CHIEF: Councilmember Casimir made a motion, seconded by Councilmember Mahon, to approve a \$24,000 payment to the Buffalo Valley Regional Police Department as soon as possible in January for their 2012 operating costs. ON THE QUESTION: Chief Yost explained this will be shown as a reduction in the actual annual amount to be paid by the Borough. Motion was unanimously approved.

COUNCIL PRESIDENT: Council President Bergonia wished everyone a Merry Christmas and a Happy New Year.

SOLICITOR: Solicitor Lyons reported he has prepared and duly advertised, as required, several items for Council action this evening.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to adopt the final 2012 budget as presented to Council dated December 20, 2011, and to authorize the Solicitor to advertise same. ON THE QUESTION: Manager Smith indicated the budget presented last month contained an error in the conversion of the proposed millage to an actual figure, which has been corrected and is reflected in the document before you. For clarification, no millage has changed; the only thing that changed is the net value of what the Borough receives in taxes, which is reflected as 92% of what is anticipated. The carryover figure is \$160,000 and that *is* optimistic. Should we find ourselves in a tight financial situation, we could borrow money from other funds, as we have before. Motion was approved with two dissenting votes, Councilmembers Mahon and Strosser voted no.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to enact Ordinance No. 1007, an ordinance levying a total real estate tax on real estate assessment within the Borough for fiscal year 2012 at the rate of 8.15 mills (General Fund 6.98; Street Light Fund 0.30; Fire Protection Fund 0.50; Shade Tree Fund 0.08; Recreation Fund 0.29). Motion was approved with three dissenting votes, Councilmembers Mahon, Molesevich and Strosser voted no.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to adopt Resolution No. 11-15, a resolution for realty transfer tax, the earned income tax, the local services tax, the business privilege tax, and the per capita tax for 2012. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Casimir, to enact Ordinance No. 1008, an ordinance amending the Borough's Police Retirement Plan by adding certain provisions thereto to comply with the Pension Protection Act of 2006 and

**POLICE
COMMITTEE**

**PUBLIC WORKS
COMMITTEE**
HRG, INC. RESIDENT
PROJECT
REPRESENTATIVE
MARKET/SECOND
STS BULB-OUT
PROJECT

REQUEST FOR
QUALIFICATIONS FOR
ENGINEERING
SERVICES

**FINANCE
COMMITTEE**
PAYMENT OF
BILLS

PAYMENT OF \$600
TO LDP FOR
HOLIDAY
DECORATIONS/
LIGHTS

MAYOR

POLICE CHIEF
APPROVAL OF
PAYMENT OF
\$24,000 TO BVRPD
IN JANUARY

**COUNCIL
PRESIDENT**

SOLICITOR

ADOPTION OF
FINAL 2012
BUDGET/
SOLICITOR TO
ADVERTISE

(ORDINANCE NO.
1007) REAL ESTATE
TAX ASSESSMENT
FOR FISCAL 2012 TO
BE 8.15 MILS

(RESOLUTION NO. 11-
15) REALTY
TRANSFER TAXES,
EIT, LST, BPT AND
PER CAPITA TAXES

(ORDINANCE NO.
1008) POLICE
RETIREMENT PLAN
AMENDMENT-PPA
AND HEART ACT
AMENDMENT

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the Heroes Earnings Assistance Relief Act. ON THE QUESTION: Councilmember Molesevich questioned this ordinance. Solicitor Lyons indicated this was recommended by the Borough's pension attorney, Randall Rhoades, and covers changes required by two federal tax acts passed in the last several years which the plan must comply with in operation, but for which amendments were not required until this year. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Mahon, to enact Ordinance No. 1009, an ordinance granting a renewal of a cable television franchise to CATV Services to operate and maintain a cable television system in the Borough; setting forth the terms and conditions accompanying the grant of the renewal franchise and providing for regulation of the cable television system; and repealing Ordinance No. 933 enacted September 18, 2001. Motion was unanimously approved.

Solicitor Lyons reported he has not heard anything from D & E Communications, so he doesn't know what their intent is. His guess is that they will continue to pay the franchise fee (for use of the Borough's right-of-ways) as long as they provide the service, regardless of whether we have an agreement or not. There was **much** discussion.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to adopt Resolution No. 11-16, a resolution amending fees for the collection and disposal of refuse placed for collection at ground level. ON THE QUESTION: Manager Smith reported the cost is going from \$48/quarter to \$54/quarter. Motion was unanimously approved.

Solicitor Lyons reported the Borough's newly amended zoning ordinance has been duly advertised, the required public hearing was held, and it is being presented for Council action.

Councilmember Casimir made a motion, seconded by Councilmember Strosser, to enact Ordinance No. 1010, the Borough's substantially amended zoning ordinance. Motion was unanimously approved.

Councilmember Casimir questioned when this ordinance is effective. Solicitor Lyons said immediately. Councilmember Molesevich asked the Manager to contact the Zoning Officer to put all rental properties with permanent "for rent" signs on notice. Councilmember Casimir said signs will be one of the first things the Manager discusses with the Zoning Officer.

MANAGER: Councilmember Mahon made a motion, seconded by Councilmember Morris, to approve the per capita tax exonerations for 2011 in the amount of \$120, as submitted by the Tax Collector.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to approve Resolution No. 11-13, placement of 2012 banners across State highway (Market Street) and the submittal of same to PennDOT. Motion was unanimously approved.

Councilmember Molesevich made a motion, seconded by Councilmember Casimir, to adopt Resolution No. 11-14, a resolution outlining sewage permit fees charged to the public, authorize the Council President to sign agreement between Borough and Central Keystone-COG for 2012 Sewage Enforcement Services, and name Gerald W. Kilgus as primary Sewage Enforcement Officer, and Russell Goodling as alternative Sewage Enforcement Officer. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to approve Resolution No. 11-17, eliminating member contributions to the Borough of Lewisburg's Uniformed Pension Plan for January 01, 2012 through December 31, 2012. ON THE QUESTION: Manager Smith reported Council approves the contribution level of employees to the pension plan and it normally follows contract negotiations. Recognizing an agreement has not been reached with the Police, he contacted Randy Rhoades, our Pension Attorney, and although Act 600 allows the Borough to enforce up to a 5% contribution, Mr. Rhoades recommends this remain as it currently is, which is zero. This resolution is required prior to December 31st, so action is necessary tonight. Councilmember Casimir stated the offer to the Police was the same as the offer made to the Non-Uniformed staff, i.e. cap on the healthcare, but no contribution to the pension. Motion was unanimously approved.

Manager Smith wished everyone a Happy Holiday.

Solicitor Lyons reminded everyone of the Reorganization meeting Tuesday, January 3rd at 7 PM.

(ORDINANCE NO. 1009) RENEWAL OF CABLE TELEVISION FRANCHISE TO CATV SERVICES

D&E COMMUNICATIONS

(RESOLUTION NO. 11-16) AMENDING FEES FOR COLLECTION / DISPOSAL OF REFUSE - INCREASE FROM \$48/QTR TO \$54/QTR

(ORDINANCE NO. 1010) SUBSTANTIALLY AMENDED ZONING ORDINANCE

MANAGER PER CAPITA TAX EXONERATIONS APPROVED

(RESOLUTION NO. 11-13) PLACEMENT OF BANNERS ACROSS MARKET STREET IN 2012

(RESOLUTION NO. 11-14) SEWAGE PERMIT FEES/SEWAGE ENFORCEMENT SERVICES

(RESOLUTION NO. 11-17) ELIMINATION OF MEMBER CONTRIBUTIONS TO UNIFORMED PENSION PLAN

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OLD BUSINESS: Council President Bergonia thanked Councilmember Molesevich for his contributions while on Council, as this is his last meeting.

Mayor Wagner thanked Councilmember Molesevich for his service many times over as Mayor and Councilmember, and asked if he had anything to say. Councilmember Molesevich said there are a couple issues he feels the Borough should continue working on: 1) pedestrian/sidewalk issues; 2) rental properties, through the Central Keystone-COG for their inspections, etc.; 3) continuing with flood mitigation project and redevelopment of South Sixth Street; 4) double checking rentals that may be slipping through the cracks, because if it is not homeowner occupied, it **is** a rental; 5) continuing to work with East Buffalo Township, as we share so many things and duplicate so many services it makes you stop and think - could we be one municipality; 6) continue to increase efficiency of Borough and not cut services as so many other elected officials do; and 7) look at new areas of revenue. Mayor Wagner extended an invitation to Councilmember Molesevich to participate with the Traffic Advisory Committee, because of his interest in pedestrian issues, noting that meeting is the fourth Tuesday of each month at 4 PM.

NEW BUSINESS: Councilmember Morris stated as Council's representative on the LDP, she would like representatives from the LDP to be asked to attend a work session so they can share with Council what they are doing; she is impressed with what she has heard. Manager Smith stated during a Police Committee meeting, there were discussions about having a work session for all Boards, Commissions, and Authorities to come in and report on a regular basis. Councilmember Morris commented she feels it is important for Council to be aware of what these groups are doing. It was suggested the groups provide written reports to Council on a regular basis as a means of keeping Council updated. There was **much** discussion. Chief Yost indicated he participates in a community group held at the Federal Prison about four times a year where everyone attending has received an invitation and everyone basically sits around a table sharing whatever it is that is going on within each organization. Mayor Wagner commented this would be a great thing for the Borough to do.

Manager Smith said he has been here for nine years and this is probably one of the best years we have had as far as accomplishments; he thanked Council. We did an enormous amount of work this year, i.e. Regional Police, zoning, projects, and all with a very limited funding.

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

WORK SESSION: Council President Bergonia stated there will not be a work session in January.

Councilmember Casimir made a motion, seconded by Councilmember Molesevich, to hold a brief executive session to discuss a personnel issue. Motion was unanimously approved.

Council President Bergonia called for a five minute recess at 8:15 PM. Council returned at 8:20 PM.

Councilmember Casimir made a motion, seconded by Councilmember Molesevich, to hold an executive session to discuss the at-will employee contract negotiations. Motion was unanimously approved.

Council entered an executive session at 8:20 PM. Council returned at 8:55 PM.

There being no further business, Councilmember Molesevich made a motion, seconded by Councilmember Morris, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 8:55 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

OLD BUSINESS

COUNCIL-MEMBER MOLESEVICH SHARES ISSUES HE FEELS THE BOROUGH SHOULD CONTINUE TO PURSUE

NEW BUSINESS

DISCUSSION RELATIVE TO INFORMATION SHARING BY BOARDS/ COMMISSIONS/ AUTHORITIES, ETC.

MANAGER COMMENDS COUNCIL ON ACCOMPLISHMENTS IN 2011

WRITTEN REPORTS

WORK SESSION

DISCUSSION ON PERSONNEL ISSUE

RECESS

(EXECUTIVE SESSION)

ADJOURNMENT