The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on Tuesday, April 18, 2017, in the Council Chambers, 55 South Fifth Street. Present: Council Vice President Mahon; Councilmembers Cox, Dereman, Frederick, Martin, Mano and Yohn; Mayor Wagner, Solicitor Lyons, Manager Lowthert and Secretary Garrison. Absent were: Council President Bergonia and BVRP Chief Yost. Also present: Matt Farrand, Teri Provost, Tedd Biernstein, Sharon Biernstein, Dean Faulk, Larry Foor, Luis Medina, Amy Collins, Sercan Ortay, Manon Colonjín-Ollur, Jim Emery and Christine Cha.

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

APPROVAL OF MINUTES: Motion was made by Councilmember Morris, seconded by Councilmember Yohn, to approve the minutes of the March 21, 2017 regular monthly meeting. Motion was unanimously approved.

PUBLIC PARTICIPATION: Teri Provost of SEDA-COG addressed Council regarding a budget modification to Union County on behalf of the Borough, to reallocate FFY 2014 CDBG monies in the amount of $49,953.00 from the Lewisburg Borough-Wide Curbcuts Project to the Borough Building Renovations Removal of Architectural Barriers (RAB) Project. She explained Council approval is needed. Manager Lowthert said the renovations at the Borough Building include a handicap accessible restroom, as well as an accessible ramp and entranceway into the building. The intent is to use CDBG funding toward this project and hopefully we may be able to do that. However, should CDBG funding not be approved for use in this project, the Borough would simply move that money into another project.

PUBLIC WORKS/POLICE COMMITTEE: Council Vice President Mahon reported there was no meeting this month. Council received the Buffalo Valley Regional Police Department's (BVRPD) monthly report. Mayor Wagner indicated Chief Yost was at a conference and unable to attend.

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE: Councilmember Morris made a motion, seconded by Councilmember Dereman, to approve HARB items a through i, as submitted and recommended by HARB per their minutes dated April 11, 2017. Motion was unanimously approved.

a. Andrea Halpern/355 North Fourth Street/Front Porch. An application was submitted to and reviewed by HARB for a front porch. Motion was made by Steve Snook, seconded by Mary Mastascusa, to recommend approval of this front porch as described in detail in the attachment to the HARB application titled, “project description” and as shown in the pictures also attached to the application. Motion was unanimously approved.

b. Jeffrey-Michelle Derr/638-640 St. George Street/Windows and Shed. An application was submitted to and reviewed by HARB for windows and a shed. Motion was made by Elaine Wintjen, seconded by Kim Walter-Makowski, to recommend approval of this request as described in detail in the project description of the HARB application, and as shown in attachments to the application, windows two over two with grilles on exterior and, no windows on shed. Motion was unanimously approved.

c. Luis-Lesby Nadal/828-830 Market Street/Windows. An application was submitted to and reviewed by HARB for windows. Motion was made by Steve Snook, seconded by Elaine Wintjen, to recommend approval of this request as described in detail in the attachments to the HARB application; windows to be Prairie style with grilles on exterior. Motion was unanimously approved.

d. CWC Rentals, LLC (Charles Cole)/138 Market Street/Windows. An application was submitted to and reviewed by HARB for windows. Motion was made by Elaine Wintjen, seconded by Kim Walter-Makowski, to recommend approval of the addition of windows as described in the project description of the HARB application, and as shown on the drawing (no grilles) and diagram attached to the application. Motion was unanimously approved.

e. Bucknell University (Galloway House)/235 South Sixth Street/Windows and Siding. An application was submitted to and reviewed by HARB for windows and siding. Motion was made by Mary Mastascusa, seconded by Fred Martin, to recommend approval of this request as described in the project description of the HARB application, and as shown in the attachments to the application, windows two over two with grilles on exterior. Motion was unanimously approved.

f. Bucknell University (Bucknell Hall)/540 Loomis Street/Windows. An application was submitted to and reviewed by HARB for windows. Motion was made by Ted Stroesser, seconded by Mary Mastascusa, to recommend approval of this request as described in project description of the HARB application (grilles on exterior) and as shown in detail on the drawings attached to the application for all but five front window units and one front attic unit which should be further investigated for restoration, with an update to HARB at their next meeting scheduled for May. Motion was unanimously approved.

g. Bucknell University (Art Building)/805 Walker Street/Windows. An application was submitted to and reviewed by HARB for windows. Motion was made by Kim Walter-Makowski, seconded by Steve Snook, to recommend approval of this request as described in project description of the HARB application (no grilles), and as shown in detail on the drawings attached to the application. Motion was unanimously approved.

h. All Star Bagel (Gary Peck)/300 Market Street/Signs and Window. An application was submitted to and reviewed by HARB for signs and windows. Motion was made by Kim Walter-Makowski, seconded by Steve Snook, to recommend approval of this request as described in the project description of the HARB application, and as shown in the diagram attached to the application, with a recommendation that the main sign in the gable be changed from 62” to 48” proportionally. Motion was approved, with one abstention; Council Vice President Mahon abstained.

i. Laura Moore/41 North Third Street/Sign. An application was submitted to and reviewed by HARB for a sign. Motion was made by Steve Snook, seconded by Ted Stroesser, to recommend approval of this request as described in detail in the project description of the HARB application, and as shown in the pictures attached to the application. Motion was unanimously approved.

Courtesy Review: Brain Gockley/713 Market Street; new HVAC unit location and screening.

Project Updates: None.

Councilmember Morris made a motion, seconded by Councilmember Yohn, to approve a CDBG budget modification which would allow the reallocation of FFY 2014 CDBG monies in the amount of $49,953.00 from the Lewisburg Borough-Wide Curbcuts Project to the Borough Building Renovations Removal of Architectural Barriers (RAB) Project, and to authorize the Council President to sign said budget modification certificate to reflect this reallocation. Motion was unanimously approved.
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Councilmember Morris made a motion, seconded by Councilmember Derman, to direct the Manager to provide a letter of support to the Susquehanna Greenway Partnership for their assistance in planning recreation and/or revitalization projects. Motion was unanimously approved.

Councilmember Morris made a motion, seconded by Councilmember Martin, to direct the Manager to provide a letter of support for the Community Development Block Grant (CDBG) Program. ON THE QUESTION: Councilmember Morris clarified we are requesting this program remain in the Federal budget. Manager Lowthert said yes because it is an important program; a lot of municipalities use CDBG funds for projects within their communities and this Borough has used CDBG funding for the Seventh Street Project, the Fifth Street Project, the St. Louis Street Project, and curb ramps throughout the Borough. We hope to be use it on the Borough Building Project, as well as a South Sixth Street Project. Motion was unanimously approved.

Manager Lowthert reported it came to our attention The Smiling Chameleon, a restaurant in the Borough, was using the Borough’s three globe light standard image on their Lewisburg Light Beer cans and taps for that beverage. As you know, Council approval is required. He introduced Tedd Biernstein, owner of The Smiling Chameleon. Mr. Biernstein explained he had a beer producer in Berwick create a Lewisburg Light Lager and he wanted to use the three globe light standard image on the can. He pointed out he just started a give back to the community program, whereby five percent of the sales of this product will actually go to various local charities.

Councilmember Morris made a motion, seconded by Councilmember Martin, to approve the request of Tedd Biernstein to use the Borough’s three globe light standard image on the Lewisburg Light Lager beer cans. Motion was approved with one dissenting vote, Council Vice President Mahon voted no.

Councilmember Morris stated Steve Benion posted a history of the three globe light standard on Facebook, which is very interesting, and she asked that all Councilmembers receive a copy of this. The sign sub-committee continues to move forward with the sign ordinance. There is a Planning Commission vacancy with a term expiration date of December 31, 2017, a HARB vacancy with a term expiration of December 31, 2018, and a BVRA vacancy with a term expiration of December 31, 2018. The Planning Commission continues to work with the Borough Engineer on the review of the draft update of the Subdivision and Land Development Ordinance (SALDO).

Manager Lowthert updated Council that there was an individual interested in serving on HARB; serving on the BVRA, no letters of interest have been received.

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Councilmember Cox made a motion, seconded by Councilmember Morris, to accept the bank proposal from Jersey Shore State Bank (JSSB) for the Borough’s Debt Service Loan for 2017, fees not to exceed $500.00, with no additional conditions, for the amount of $650,000.00 for a period of ten years at 2.71%; however, if Jersey Shore State Bank cannot confirm, in writing, that this proposal is a firm offer with underwriting approval within ten business days from the date of this Council meeting, the Borough will accept the bank proposal from First Columbia Bank and Trust for the Borough’s Debt Service Loan for 2017, fees not to exceed $500.00, with no additional conditions, for the amount of $650,000.00 for a period of ten years at 2.71%, as this is a firm offer with underwriting approval, contingent upon no prepayment penalty being included with the proposal, and to direct the Solicitor to proceed to file the necessary paperwork for this Debt Service Loan, as well as prepare an ordinance for public enactment at next month’s regular Council meeting May. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Frederick, to acknowledge receipt of the 2016 Annual Audit of the Borough’s Financial Statements performed by J.H. Williams & Company, LLP. Motion was unanimously approved.

Manager Lowthert said we have been talking about changing the parking within the downtown to allow customers more time to shop, but not allow people to warehouse their cars all day. As you know, the businesses want a turnover of parking. There was an extensive review of many options, some were just too cost prohibitive, and the idea of allowing parking in excess of two hours came to light, with a final recommendation for three hour parking. The businesses are happy with this recommendation. He reminded Council that our parking lots currently allow eight hour parking and that will not change. He explained that to change the meters to allow three hour parking isn’t going to be a cheap or quick process; the best estimate is that this will cost at least $10,000.00. The ordinance must be revised, there must be a change the signage, as well as stickers and plates on/in the meters, a reprogramming machine must be rented for the meters, and then every meter must be brought into the office to be reprogrammed and then returned on the street. This means there will also be a loss of revenue, as this work will limit our ticketing ability. He pointed out the recommendation was also made to keep the same fee of $0.25 for 45 minutes. There was very much discussion.

Councilmember Cox made a motion, seconded by Councilmember Morris, to direct the Solicitor to revise the existing parking ordinance for on-street parking to allow the maximum parking time to be three-hours (Section 345-35). Motion was unanimously approved.

COUNCIL VICE PRESIDENT: No report.

MANAGER: Manager Lowthert said at the last monthly meeting Council agreed to an amendment to the IGA regarding how the billing is done by the Buffalo Valley Regional Police Department (BVRPD), specifically allowing the use the actual costs with invoices submitted to municipalities within 15 calendar days of the end of each month. At the recent Buffalo Valley Regional Police Commission (BVRPC) meeting this topic was discussed and they are asking Council to consider changing their motion to indicate that bills should be submitted to each municipality within 7 business days of the end of each month. He doesn’t know if this was before East Buffalo Township (EBT) yet. In addition, he pointed out there hasn’t been a response from the BVRPC regarding Council’s insistence that EBT be billed at 52% month, per the IGA. There was much discussion. Councilmember Cox asked Council’s representatives on the BVRPC how they felt about this request of a change from 15 calendar days to 7 business days. It was the opinion of the BVRPC representatives that this was not a problem and that it actually makes sense.

Councilmember Derman made a motion, seconded by Councilmember Morris, to amend the IGA to allow the BVRPC to use the actual expenses each month as the basis to bill municipalities, on a monthly basis, and that those bills should be submitted to each municipality within 7 business days of the end of each month. Motion was unanimously approved.

Councilmember Cox said he attended the last BVRPC meeting and clearly understood that EBT isn’t interested in paying 52%. Councilmember Morris indicated they may not want to pay that amount, but they should be billed that amount based upon the language of the IGA. Councilmember Derman said EBT claims the IGA implies they can request fewer PPU’s and that nothing in the IGA tells the BVRPD how much to bill. Mayor Wagner said there is a loophole in the IGA. Manager Lowthert asked if he understands that the BVRPC is not going to deal with the issue Council addressed to them, which is with regard to EBT being billed at 52%. Councilmember Derman said correct. Manager Lowthert said then our Solicitor would have to advise Council on the next course of action in an executive session.

Councilmember Derman made a motion, seconded by Councilmember Cox, to approve the St. Mary Street Park Stream Bank Restoration Project and authorize the Council President to sign the said project agreement with the Department of Environmental Protection (DEP), contingent upon review and approval of the Borough Solicitor. Motion was unanimously approved.
Manager Lowthert indicated a complaint/concern was received by a resident regarding the lack of enforcement of the Borough’s refuse ordinance, specifically the container requirement. Technically within our ordinance residents are required to place their refuse in a container. Many residents use bags. He has been advised that this has come up in the past and Council has acknowledged the fact this is in the ordinance, but the position has been if a resident puts out bags and the bags are not getting ripped into or garbage is not being spread around the yard, there will not be active enforcement of that component of the ordinance. Should things become messy, the Borough contacts Jim Emery, our Code Enforcement Officer, and he will go out and address the issue(s). Jim Emery explained there are certain areas where there are consistent problems and he has talked to the Manager about these areas. Manager Lowthert said in the picture provided, clearly an animal had gotten into one of the bags and the trash was scattered. He walks often and doesn’t see this being a big issue as people do not seem to be putting their trash out days in advance of their trash pick-up. There was very much discussion. Council Vice President Mahon suggested we address the recurring problems by using our green ticketing system. Councilmember Morris said she believes that for a certain period of time, whatever our Manager feels is necessary, tickets should be issued to the property owners where trash has been exposed. Manager Lowthert clarified that when we see a squirrel has dug into someone’s trash and scattered it about, you want that person ticketed. Councilmember Morris said yes, or if a person has put trash bags out there and then just haphazardly thrown trash on top of those bags. Jim Emery pointed out this Borough has revolving residents, so this should probably be done in the fall and in the spring in order to make those that are new residents aware of the regulations. Manager Lowthert said his understanding is Council doesn’t want to enforce the container requirement, but would like to see more active enforcement with regard to refuse that is scattered by animals or is simply not bagged.

Manager Lowthert reported the Liquid Fuels Tax Fund Audit was performed for period of January 1, 2014 to December 31, 2015 (no findings).

SOLICITOR: Solicitor Lyons reported that Steve Shannon’s engineer is present regarding the proposed encroachment agreement. Manager Lowthert pointed out the only change is an increase in the encroachment from three and a half inches to twelve inches, a direct result of the downspouts. This encroachment agreement was prepared by Steve Shannon’s engineer, was reviewed and revised slightly by our Solicitor, but it is conceptually the same, and action of Council is needed.

Councilmember Derman made a motion, seconded by Councilmember Frederick, to approve the encroachment agreement with Shannon Investments, L.P., for their property that abuts Ikeler Street, as reviewed and approved by our Borough Solicitor, and authorize its execution by the Council President. Motion was unanimously approved.

Solicitor Lyons reported he prepared an ordinance amending the Municipal Waste Recycling and Waste Reduction Ordinance by adding a definition for “brush” and establishing fees for the delivery of brush to the Borough’s Recycling Collection Center, it has been duly advertised and is ready for Council action.

Councilmember Morris made a motion, seconded by Councilmember Frederick, to adopt Ordinance No. 1045, an ordinance amending the Municipal Waste Recycling and Waste Reduction Ordinance by adding a definition for “brush” and establishing fees for the delivery of brush to the Borough’s Recycling Collection Center. Motion was unanimously approved.

Solicitor Lyons reported he prepared a resolution establishing fees for the delivery of brush by non-residents of the Borough to the Borough Recycling Collection Center and it is ready for Council action.

Councilmember Derman made a motion, seconded by Councilmember Yohn, to approve Resolution No. 17-07, a resolution establishing fees for the delivery of brush by non-residents of the Borough to the Borough Recycling Collection Center. Motion was unanimously approved.

Solicitor Lyons reported he prepared a resolution establishing the item and service charge schedule for items picked up by special arrangement; this resolution includes new items and changes certain pricing as requested, and it is ready for Council action. Manager Lowthert said we discussed the increasing cost of electronic recycling and our suspicions that much of the electronics being dropped off at the Borough’s recycling center are not by Borough residents. A decision was made to no longer accept electronics at the recycling center, but that Borough residents could still recycle electronics by contacting the Borough Office and arranging for a special pick-up. Hopefully this will control the Borough’s costs for electronic recycling and eliminate the Borough from having to pay to recycle electronics from surrounding areas. He is looking at making the last Wednesday of each month the collection day for electronics and will keep Council informed.
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Councilmember Derman made a motion, seconded by Councilmember Yohn, to approve Resolution No. 17-08, a resolution establishing the item and service charge schedule for items picked up by special arrangement. Motion was unanimously approved.

OTHER COMMITTEES: Manager Lowthert said there is an ash tree in St. Mary Park that appears to be dying; Buffalo Valley Recreation Authority (BVRA) will be talking to Scott Cary, the consulting forester who performed the emerald ash borer treatment, to determine the condition of this tree and what the warranty entails if the tree is unable to be saved. The Borough is also working with BVRA to reseal the parking lot of the pool and skate area prior to the opening of the pool for summer.

Councilmember Morris said Tere Rill, Executive Director of the Lewisburg Downtown Partnership (LDP), is working on various promotions and attempting to get the campaign kicked off again.

Mayor Wagner reported the Town and Gown Committee is still not functional and she would recommend it be removed from the agenda.

Councilmember Derman reported the Lewisburg Neighborhoods Corporation (LNC) and River Town Committee is busy; he updated Council on the upcoming work and upcoming events. Mayor Wagner said the Flood Impact Task Force continues to meet and is activating continuing their work.

Manager Lowthert reported on behalf of the Shade Tree Commission (STC) the three dead/dying ash trees were removed in Hufnagle Park, as well as their roots, and there will be three new plantings thanks to a donation of Bucknell University.

Council Vice President Mahon asked Jim Emery if there is anything he would like to share with Council on behalf of the Central Keystone-COG. Mr. Emery said he just stopped tonight, as it has been a while since he has been here, to see if there were any concerns, issues or questions. Councilmember Derman asked how many municipalities the CK-COG provides code enforcement for. Mr. Emery said the CK-COG covers 48 municipalities right now in the counties of Union, Snyder, Lycoming, Northumberland and Center. We also do property maintenance in 24 municipalities, and rental programs in 7. There are more municipalities interested in joining, so we continue to grow, and are very busy.

Manager Lowthert said he has seen a lot of Facebook posts for the Community Garden, so he knows they are active.

Councilmember Cox reported there was no meeting of the Municipal and Community Advisory Committee (MACAC) in April; next meeting is in May.

OLD BUSINESS: None.

NEW BUSINESS: None.

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

WORK SESSION: Manager Lowthert reminded Council that there will be a work session on Tuesday, May 7 PM for a presentation by Renita Brummett, Ethan Jacob Scott Associates, LLC, of the draft for the new Borough website.

There being no further business, Councilmember Morris made a motion, seconded by Councilmember Frederick, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 8:45 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary