

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, January 15, 2013** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Casimir, Cox, Mahon, Morris, and Strosser; Mayor Wagner; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Absent: Councilmember Robinson. Also present: Matt Sauers, Nada Gray, Josh Steinhurst, Dan Remley, Matt Farrand, Martha Barrick, Barbara Diehl, and Dan Greene.

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 Strosser, seconded by Councilmember Baker, to approve the minutes of the regular Council meeting held December 18, 2012. Motion was unanimously approved.

CONDITIONAL USE/PUBLIC HEARINGS: Council President Bergonia adjourned the regular order of business to conduct conditional use hearings for the properties known as 619 St. Catherine Street/Case No. 13-01 and 27 South Fifth Street/Case No. 13-02. He called the public hearing to order at 7:05 PM.

Matt Sauers, Central Keystone COG, Zoning Officer for the Borough, said the first hearing is Case 13-01, 619 St. Catherine Street, owned by Allen Rosen. He, along with Jim Emery, inspected this property; it is in compliance with all requirements for the conditional use and it is the opinion of the CK-COG that this property be considered for approval to convert into a rooming or lodging house with four bedrooms as indicated in our letter dated January 14th. He asked if there are any questions on Case No. 13-01. There were none.

Mr. Sauers said the second hearing is Case 13-02, 27 South Fifth Street owned by Saul and Larry Putterman. This application is for offsite parking to meet the zoning ordinance requirement; this was discussed with Council at December's meeting. There are 11 parking spaces needed. He pointed out there is a Planning Commission member present to speak on the conditional use applications this evening.

Josh Steinhurst, Planning Commission member, stated they are recommending approval of Case 13-01. However, with regard to Case 13-02, the Planning Commission recommends denial on both procedural and substantive grounds. Procedural concerns: the application submitted was blank and they are concerned about blank applications being submitted with details being substituted later; this is not a good policy. Also, the actual map before Council came in after the Planning Commission's meeting, so they did not get a chance to view it, and he suspects that to be true for any member of the public, which means he is not sure public notice was given. He attended the Planning Committee meeting, so he got to see the map there, and there was reference to an agreement. The Planning Commission is concerned about approving a conditional use based on an agreement that he understands doesn't exist. Substantive concerns: with growing/thriving businesses in this block of Market Street, there is concern about taking away permit parking in the metered parking lot. The spaces in the Borough lot are needed for Borough business, i.e. people working here, conducting business here, etc. He isn't sure if the Borough is legally required to meet the zoning ordinance, but it should. Last substantive concern is: it is unclear how enforcement would take place, i.e. would resident/landowner be able to call Police about cars being towed, would spaces be signed, etc. He stated he has two personal comments. Please keep in mind that the conditional use is permanent until abandoned by the property owner; presumably there would not be an indefinite agreement which could set a future Council up for a highly awkward situation should they decide they did not want to lease the spaces anymore. That would mean Codes would have to deny a certificate to the rental unit and it would be awkward kicking people out of their rental agreements. Under the current rule, there are no other arrangements that could be made. Also there is concern about the relative value of these agreements vs. what the Borough might be getting in return; he has heard vague rumors about what that might be and as a citizen he wants to be sure we are not unduly subsidizing one property owner on everyone else.

Councilmember Strosser stated he would like to speak on the applicant's behalf at this time as he is working with Mr. Putterman, who is here tonight. This parcel is a very unique one and has had a long history with the Borough in that there has been a shared lot with a gentlemen's agreement. The facts are that Mr. Putterman owns the building, there are seven apartment units in it right now and the rest of the building is commercial office use in the downtown commercial zone. Mr. Putterman has had a hard time renting the office space, as there isn't a need for professional office space downtown, but there is a high demand on the residential market. For this reason he would like to convert some of the building to residential use and obviously this use requires parking. Mr. Putterman has 13 parking spaces on his property, and would like to create 5 additional apartments bringing the total number of apartments to 12. By current ordinance, based on one parking space for every 200 sq. ft. of habitable area means 37 parking spaces are required. That is ridiculous and Council is working to correct that. Information was presented well over a month ago, a plan was sent to the Zoning Hearing Board (ZHB) for review and was also available for public review. It has been updated as a result of the

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

ADJOURNMENT OF REGULAR ORDER OF BUSINESS FOR CONDITIONAL USE PUBLIC HEARINGS – CASE NUMBERS 13-01 AND 13-02

**MATT SAUERS
(619 ST
CATHERINE
STREET/CASE 13-
01)**

**(27 SOUTH FIFTH
STREET/CASE 13-
02)**

JOSH STEINHURST

TED STROSSER

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ZHB. The ZHB gave indication they would consider a variance for 24 parking spaces to match the old ordinance, which was 2 parking spaces per dwelling unit (12 dwelling units = 24 parking spaces). Mr. Putterman can provide 13 on his property, leaving a shortage of 11 and that is why we are here tonight. We are looking to get a conditional use for those 11 parking spaces offsite. Mr. Putterman has the legal right-of-way moving to the north from his property through the property onto Market Street. The Borough has been using those two right-of-ways for years. We have talked to codify that right-of-way and actually put that in writing as a legal right-of-way for the Borough in exchange for the use of 5 parking spaces in the Borough's lot, and in addition, Mr. Putterman will pay to rent the additional 6 spaces he needs in the municipal lot (MPL #2) adjacent to this building. None of this is in writing or fully worked out yet as this conditional use hearing is what will allow these things to happen. He clarified that the Borough lot has 17 spaces and Mr. Putterman is asking for 5 of those spaces, and the MPL #2 has 46 spaces and Mr. Putterman is looking to rent 6 of those.

Mr. Putterman explained the history of this relationship started when the Borough moved into this building. Nada Gray, the Manager then, had a gentlemen's agreement that if he had an overflow of parking he could use some of the spaces in the Borough's lot and when the Borough had a meeting they could use spaces close to his building. There has never been a problem. It is important to add people living downtown. People who work downtown and live downtown will make the downtown even better. The apartments he is adding are upscale apartments and this should be a positive thing for this Borough. He asked that the conditional use be approved so he can appear before the ZHB on Monday of next week.

Councilmember Casimir indicated the sticking point for him is turning over Borough property in perpetuity; he cannot support that, but is in favor of trying to figure out some way to help Mr. Putterman with the parking needed. He is hopeful the zoning ordinances will be changed soon so there will not be a need for so many spaces. The application shows it was filed January 3rd, but it also says hearing notices were sent out December 31, 2012; how did this get so accelerated? He understands the Planning Commission's frustration at not having an opportunity to participate. Council cannot put this off another month; we must approve or deny. Solicitor Lyons said correct. Councilmember Strosser explained the application was submitted originally in October for the November ZHB meeting; the ZHB couldn't meet, so we were postponed by the ZHB to December. We appeared at the December meeting and shortly thereafter were told we needed this conditional use hearing so we immediately filed the paperwork.

Councilmember Casimir asked if Council can discuss possible resolutions at this time or do we have to come out of this hearing and make a motion. Solicitor Lyons said this is an open hearing.

Councilmember Casimir said he would recommend that we provide the 11 parking spots, but with the explicit understanding the ones in the Borough's parking lot are temporary until the zoning ordinance is altered and they become unnecessary. Any agreement we make for a right-of-way would be temporary as well. He can't justify giving up Borough real estate to help somebody develop a piece of property. Mr. Putterman said you are not giving up anything; we are giving you a permanent right-of-way which you do not have now. Councilmember Casimir said the right-of-way is only a convenience; we do not have the Police here any longer and do not have a need for it. This would no longer be a gentlemen's agreement, but it would be a written legal agreement once we followed through with this proposal; he is not going to move it or support, if that is the basis. If these are temporary, he would have no problem. Councilmember Mahon said she feels the same way; she doesn't like the idea of giving up Borough property, it was nice to have the access when the Police were here, but she personally doesn't think it is needed. Councilmember Morris stated she disagrees; she strongly feels that access is something the Borough needs. She agrees with the difficulty of giving up public parking spots as they are not ours, but belong to the whole community. Councilmember Casimir asked Councilmember Morris for an example of why this right-of-way is needed. Councilmember Morris said when Fifth Street was closed, the entranceway into our parking lot off St. Louis Street was closed. Manager Smith said that was a result of other factors not the street closure. Councilmember Morris said it is a convenient way to get to Market Street vs. having to drive back to St. Louis Street and all the way around. Manager Smith said Mr. Putterman has the right to offer the right-of-way at his property, but what about the right-of-way with the adjoining property; can Mr. Putterman convey that one to the Borough as well. Solicitor Lyons said he doesn't know what Mr. Putterman's deed says. Mr. Putterman handed the Solicitor his deed and commented he believes it is transferable. Solicitor Lyons clarified the Borough has a right with an adjoining landowner to allow an easement on our property in exchange for an easement on their property; there is nothing illegal about that. He commented that has nothing to do with the conditional use. Mrs. Gray asked if that right-of-way has been established long enough that it stands. Solicitor Lyons stressed it was by consent; there has always been an agreement and you can't acquire adverse use unless it is adverse. He reviewed the deed and reported Mr. Putterman's easement is one where he can convey or transfer an interest in his right-of-way, so that is not an issue. Councilmember Casimir said he is still uncomfortable with a conditional use

LARRY
PUTTERMAN

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that is dependent upon an agreement not written yet. Solicitor Lyons said that is not correct; we can issue a conditional use permit with certain conditions with which they would have to comply and prove compliance to the Zoning Officer. We have done that on many conditional uses. Obviously if there isn't an executed agreement and everyone is not on board, Mr. Putterman is not going to get his permit. Councilmember Casimir said if we follow through with some kind of temporary swap, would that be a temporary easement. Solicitor Lyons said you are asking something that he hasn't even thought of and the use of the word "temporary" is problematic; lawyers do not like that word.

Councilmember Strosser said this is a mixed use building; there are about 4000 sq. ft. we are talking about converting. If he found a tenant to rent this for office space, there could be 40 office workers in there and there would be no requirement for a single parking space. The only use in Downtown Commercial that requires parking is residential. Councilmember Casimir said this too may be an amendment we choose to look at for our zoning ordinance as it is hard to see the rationale in that. Councilmember Strosser stated it certainly seems as though the parking requirements in Downtown Commercial should be somewhat different. Mr. Steinhurst interjected that residential is 24 hours a day. There was a comment about lots not being fully utilized at night, as opposed to other times, and that people living there will be there at peak times, as well as non-peak times. Councilmember Strosser said typically people living in a Downtown Commercial zone don't have the car load that people living in more suburban-ish single family homes do. Historically, there have been 7 rented apartments in Mr. Putterman's building and he doesn't know that any of the 13 spaces have ever been full.

Mr. Putterman questioned what Councilmember Casimir's concern is. Councilmember Casimir said balancing what is reasonable for you, as a property owner, with what our recently amended zoning ordinance says; he wants to deal with the real situation we have here while not cutting special deals for people, because if you do that, you have to do it for everyone. His expectation is that an amendment will be made to the zoning ordinance that will remove the need for some of this parking and hopefully it will be within the next six months. After that we may look further at residential requirements in Downtown Commercial, but right now this is the law and we can't just ignore it. Mr. Putterman said maybe to try to resolve this we could have a situation where he could give the Borough the right-of-way and he could have 5 parking spaces for that right-of-way; that is fair. If the ordinance changes, he would be willing to have those 5 spaces transferred over to the adjacent lot - if and when that does happen. Councilmember Casimir said our Solicitor doesn't like the word temporary, so as long as we are legally clear that we are not transferring ownership of those 5 parking spaces on a permanent basis. Councilmember Strosser said this is a right of use in exchange for a right of use, i.e. right-of-way and parking spaces. Solicitor Lyons said his concern is that Mr. Putterman has to go back to the ZHB with a conditional use permit to satisfy the parking for the variance and he doesn't know if that will satisfy the ZHB and their Solicitor if they come back with something *temporary*. Councilmember Strosser said the word temporary will not work. Solicitor Lyons agreed that it is highly unlikely the ZHB would grant a variance on that. The reason you need parking is purely residential; there is no requirement for commercial. Councilmember Strosser said correct. The need is 24 parking spaces for 12 units and there are only 13 parking spaces available. If we put the new equation to this, the one that has been discussed, the need would go from 24 to 18, which is how we came up with the 5/6 split. Councilmember Baker asked if these will be designated spaces. Solicitor Lyons said they do not have to be designated. Councilmember Baker said he would agree with 5 parking spaces, but is cognizant of the fact that Mr. Putterman might not always have that property; we could get a bad neighbor. Solicitor Lyons said a bad neighbor could block off our use of the right-of-way, which is a concern. Whatever the Borough does, it will bind not only the Borough and Mr. Putterman, but any subsequent assignee. Councilmember Mahon asked what Council needs to decide tonight. Councilmember Casimir said the conditional use application is for offsite parking. Solicitor Lyons said when Council is back in session, action will be required. Councilmember Mahon stated she doesn't see the need for this right-of-way access. She would love to drive north on Fourth Street for convenience, but she can't. She could see something being done temporarily until the zoning ordinance is amended, but she realizes that would not be satisfactory to Mr. Putterman or the ZHB. Solicitor Lyons said he doesn't have a problem with discussions, but if you are angling for some decision now, this is not the time for a decision. Councilmember Casimir asked if there is a legal way to write this so once the zoning ordinance changes. . . Solicitor Lyons said maybe, but you are now not talking about something that should be discussed at this hearing. This could be continued at the consent of the applicant, but he doesn't know when the ZHB is scheduled to meet. Mr. Sauers said the ZHB meeting is this Monday the 21st. Solicitor Lyons explained Council needs to make a decision during the Council meeting. Council could opt to go into an executive session as there are obviously legal issues involved with this real estate. Councilmember Casimir said if we were to continue this, could we do it now or during the regular meeting. Solicitor Lyons said you can't continue without the applicant's consent, and it was just made clear by Mr. Sauers that the decision of Council is needed before Monday when the ZHB meets. Mrs. Gray said if Mr. Putterman doesn't have a decision of Council by Monday, could the ZHB ask for an extension. Solicitor Lyons said they have the same right, with the applicant's consent, to

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also continue their proceedings. Councilmember Strosser stressed we already did that once. Solicitor Lyons said he thinks you have 100 days for completion, but he doesn't know the details of the timing. Councilmember Strosser said from original application, he thinks not; it was late October. Mr. Sauers said there are 60 days to hold the hearing, then once the hearing begins there are 100 days to conclude the process. Solicitor Lyons stated you are still within that. Councilmember Strosser commented what would that get us? Councilmember Casimir said if Council is not comfortable with any of the compromises talked about and denies this application, Mr. Putterman is out the \$350 and back at square one. Councilmember Strosser asked how Council would get more comfortable in the next 30 or 60 days. Councilmember Casimir said the Solicitor's agreement or the specifics of an agreement with regard to these parking spaces in our parking lot would be something we could get more clarity on. Mr. Putterman asked if he could get 11 spaces in MPL #2, and then in six months come back to Council and look at decreasing that number in MPL #2. Councilmember Morris said a precedent has been set for that in MPL #6, specifically with the Lewisburg Hotel. Solicitor Lyons stated that is definitely another option. Councilmember Strosser said there are no exact parallels to this parcel anywhere else in this Borough, but the Lewisburg Hotel's use of that other municipal lot is probably the closest, and it obviously has worked fine for years. Councilmember Morris asked the Manager if MPL #2 is consistently filled. Manager Smith said 9 to 5 weekdays no, but on weekends it has been full and in the evenings during Music in the Park it has been full. Councilmember Morris commented that on the weekends she would image the Borough's parking lot is empty, so someone could park over here. Manager Smith asked if you are considering the 11 in MPL #2, is that permanent or per permit. Councilmember Morris stressed per permit. Manager Smith said then you are talking 9 to 5 according to the ordinance. Councilmember Strosser said his only concern is the ZHB's acceptance of this in the municipal lot; he needs these spaces to satisfy the paperwork. Is there any way this could be written that the right-of-way is in exchange for 5 parking spaces, in space, as long as they are within 200 sq. ft. of the building, and until the ordinance is changed he is going to purchase another 6, giving him a total of 11 spaces. The Borough would have the right to assign the location of those 11 spaces at its discretion. Solicitor Lyons said this is your proposal, but the Borough can decide the location of the spaces. Councilmember Strosser said yes; the Borough can decide 6 here and 5 there or all 11 over there. Solicitor Lyons said if we assume it is possible, what would the ZHB do? Councilmember Strosser said he doesn't think the ZHB would have a problem. Solicitor Lyons commented if he remembers correctly, the Lewisburg Hotel got this as part of a variance; so it's the same issue. You are asking Council to do something with the understanding or hope the ZHB will accept it to meet their requirement to grant the variance. The ZHB's direction was to get a conditional use permit, not that you have to show spaces located specifically here or there. Solicitor Lyons asked Mr. Sauers if that is correct. Mr. Sauers said yes.

Council President Bergonia asked if there is anyone else that would like to speak. No one wished to speak. Council President Bergonia declared the conditional use public hearing closed at 7:55 PM. He reconvened to the regular order of business.

Councilmember Casimir commented there are still executive session matters that need discussed. Solicitor Lyons said yes, if there are issues regarding Borough real estate, an executive session would be appropriate. However, you cannot discuss the conditional use in executive session.

*Councilmember Casimir made a motion, seconded by Councilmember Morris, to approve Case No. 13-02, Mr. Putterman's application for 27 South Fifth Street, for a conditional use for 11 offsite parking spaces by making available to him 11 permitted parking spaces in MPL #2. ON THE QUESTION: Solicitor Lyons asked if you are suggesting issuance of the conditional use permit subject to a condition that Mr. Putterman must purchase 11 permits in that parking lot. Councilmember Casimir said yes. Solicitor Lyons asked about the right-of-way and the other spaces, as there are other issues. Councilmember Casimir said he is leaving the right-of-way out of this motion. He is simply asking that Mr. Putterman pay for permits; he doesn't want any type of trading to occur because we would have to do it for everyone. If someone else wants to, they can say charge for some spaces and give some spaces for free for the right-of-way, but he will not make that motion. Councilmember Strosser said he feels the potential exchange of a right-of-way for the financial compensation for some of those permits is something that can be discussed a month from now or even next week, as it isn't tied to this conditional use hearing. Councilmember Casimir said yes. Councilmember Morris asked if we could amend it to say with discussion to follow on the trading of parking spots for the right-of-way. Councilmember Casimir said he would not accept that as an amendment. There may be some real estate issues surrounding that issue that need discussed in executive session. Solicitor Lyons agreed.

*Councilmember Casimir withdrew his motion. Councilmember Morris withdrew her second.

Councilmember Morris made a motion, seconded by Councilmember Baker, to approve Case No. 13-01, 619 St. Catherine Street, to convert into a rooming or lodging house with four bedrooms. Motion was unanimously approved.

CONDITIONAL USE
PUBLIC HEARINGS
CLOSED

RECONVENE
REGULAR
MEETING

(27 SOUTH FIFTH
STREET/CASE 13-
02)

(619 ST.
CATHERINE
STREET/CASE 13-
01) APPROVED

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Councilmember Casimir affirmed an executive session of Council would be held at the end of this meeting to discuss real estate issues.

(Note: Councilmember Mahon left the meeting at 7:55 PM.)

PUBLIC PARTICIPATION: Nada Gray thanked Council for the placement of the Union County Bicentennial banner.

Dan Greene, Elm Street Manager, reported he, along with some LNC members, are here this evening to provide a brief update on the LNC activities. Their organizational meeting was held January 4th and there are three new LNC members: Ken Baker, Ed Cox and Phoebe Faden. There were two retiring members: Peter Bergonia and Ted Strosser. The Board currently consists of 16 directors and we must find a path to new sustainability. He provided a *detailed* handout to Council dated January 15, 2013 outlining the LNC's accomplishments, noting the introduction of the Keystone Communities Program which replaces the New Communities Program by DCED, and requesting Council's consideration, input and approval for the strategic plan of the LNC to work toward the organization of a second Lewisburg neighborhood, essentially Ward I (from the river to the railroad tracks west of North Fifth Street, and from Cherry Alley north to Buffalo Creek). Both DCED and PDC representatives indicated a second neighborhood is necessary for a Keystone Communities designation. It is the LNC's intention to seek input from Ward I neighborhood residents and businesses regarding issues and opportunities in Ward I, and to develop an agreed upon vision for the neighborhood. We are hopeful of forming an organization modeled on the Elm Street Program, with neighborhood volunteers and interested parties working through neighborhood committees and the LNC, to bring about needed change, to enhance existing resources, and to preserve our unique historic character. Susan Warner-Mills shared the original charter was to be an extension of Council, trying to involve our neighborhoods in the Borough, to encourage civic participation and self-development, communication, and a sense of pride in our community. We were extremely successful with the Bull Run neighborhood. Dan Greene said the LNC works hand and glove with the Borough as an implementing organization, serving at the will of Council. Dan Remley shared it seemed the next logical place to go was the Ward I area. Councilmember Strosser said we basically lost the umbilical cord of State funding for Dan Greene's position, as this is our last year, so we are looking for Council to continue to support a part of Dan's salary and it was felt it would be a stronger sell if the LNC could serve the whole Borough vs. half of a Ward in this neighborhood, plus outside funding beyond that, i.e. a university or a health organization, etc. Dan Greene said there will be partnering that will occur as the LDP will be a Keystone Main Street Designated Program and the LNC will be a Keystone Communities Designated Program, both working very closely together on this proposed neighborhood. Samantha Pearson said their goal is to expand the support and engagement with this program. Susan Warner-Mills said this Communities Program designation seems to be a good fit and the LNC wants to move forward; even if we didn't get the designation, we would still want to move forward. Councilmember Strosser explained we need to know we have a second neighborhood that has interest and potential before we can actually submit the paperwork; this public meeting is needed to make sure we have the public participation and interest we think we will. Mayor Wagner asked what responsibility the Borough has if we endorse this. Samantha Pearson said none of this commits the Borough to anything at this point in time. Dan Greene shared that the Borough contribution for four years has been \$66,800 in total, and if you count South Fifth Street, South Sixth Street, South Seventh Street and the projects we engaged there, there is nearly \$5,000,000 worth of projects that have been leveraged in part by that \$66,800 investment, and there is still one year of operational funding available to us which gives us time to work on this Keystone Communities designation. There was **much** discussion.

Councilmember Strosser made a motion, seconded by Councilmember Cox, that Council provide support for the LNC initiating a public meeting to gage the interest of the public in the area on the north side of Market Street, specifically Ward I. **ON THE QUESTION:** Councilmember Casimir said before this application goes in, a resolution of Council will be required. Councilmember Strosser said that is two to four months away. Mayor Wagner clarified we are not committing finances at this point in time. Councilmember Morris said correct. Motion was unanimously approved.

POLICE COMMITTEE: No meeting in January. Chief Yost distributed his December 2012 monthly activity report, pointing out that he will soon be able to compare March 2012 with March 2013 and so forth. There have been quite a few thefts and burglaries, and all but two have been cleared. Our agency has been providing additional services to the School District, which is not out of our normal patrol, with regard to protecting our children. This program is throughout the State, so the State Police will be stopping at the schools in their jurisdictional areas. Mayor Wagner stated she continues to hear comments about the Police being so visible. Councilmember Cox said Chief Yost is doing a great job.

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

PUBLIC PARTICIPATION
NADA GRAY

DAN GREENE/LNC

COUNCIL SUPPORTS LNC INITIATING PUBLIC MEETING TO GAGE INTEREST OF PUBLIC ON NORTH SIDE OF MARKET STREET

POLICE COMMITTEE

PLANNING COMMITTEE
HARB

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a. David-Kristen Koconis/140 South Second Street/Demolition-Rebuild of Garage. An application was submitted to and reviewed by HARB for the demolition of an existing garage and the rebuilding of a garage. A motion as made by Robert Cook, seconded by Kim Walter, to approve the demolition of the existing garage and the overall design of the new building, as described in the HARB application under project description, specifically windows must have simulated divided lights. (Note: The Koconis' will be at next month's HARB meeting regarding siding options for both the house and garage.) Motion was unanimously approved.

b. JPF&LCF Enterprises (Elizabeth Furia)/31 North Fourth Street/Replacement Windows. An application was submitted to and reviewed by HARB for the replacement of windows. A motion as made by Phoebe Faden, seconded by Mary Mastascusa, to approve replacement and lowering (realignment) of windows (house on the right per photographs/31 North Fourth Street), as described in the HARB application under project description, specifically the windows should be one over one in the existing size opening, if shutters are to be installed they must match the opening with actual hardware that could function, and the siding should be a brushed finish. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to accept the resignation of George M. Jenks from the Traffic Advisory Committee, with regret. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to direct the Solicitor to advertise an amendment to the ordinance prohibiting use of skateboards and bicycles in the Lewisburg Area Recreation Park, except for designated area. ON THE QUESTION: Solicitor Lyons said obviously we are excluding the skateboard park where skateboarding is allowed. Councilmember Morris questioned why we are not including all our parks. Manager Smith said because there are not pavements and/or sidewalks in the other parks. There was **much** discussion. Motion was unanimously approved.

PUBLIC WORKS COMMITTEE: ******Councilmember Strosser made a motion, seconded by Councilmember Baker, to direct the Manager to install temporary stop signs on North Water Street at the intersection of St. John Street for traffic traveling north and south on North Water Street. ON THE QUESTION: Councilmember Cox asked why these are temporary. Manager Smith explained you can't immediately enforce newly placed stop signs and we like to give residents an adequate amount of time to get used to the signs being there. Solicitor Lyons clarified these signs are not enforceable until an ordinance is enacted. Manager Smith suggested we ask the Mayor, who has the authority, to direct the placement of these temporary stop signs. Mayor Wagner said she directs the Manager to install temporary stop signs on North Water Street at the intersection of St. John Street for traffic traveling north and south on North Water Street for a period of 60 days.

******Councilmember Strosser withdrew his motion. Councilmember Baker withdrew his second.

Manager Smith asked when we should direct our Solicitor to advertise an amendment to the ordinance for these stop signs. Solicitor Lyons suggested we wait to see what the public reaction is; if it appears they are working and everyone is satisfied the directive could be put on the agenda for action in March.

FINANCE COMMITTEE: Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve payment of bills from 12/15/12 through 01/11/13 in the amount of \$303,449.82. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to adopt modifications to the 2013 Final Budget (starting cash amounts and unappropriated line items) as presented on Budget Modification Summary Sheet dated January 15, 2013. Motion was unanimously approved.

MAYOR: Mayor Wagner said most of what she was going to address was already covered by the LNC discussions and the Chief's report on the BVRPD. She commended Daniel George for his Eagle Scout Award for work he did at the Dale Engle Walker House.

COUNCIL PRESIDENT: No report.

SOLICITOR: No report.

MANAGER: Manager Smith said the William Cameron Engine Company unanimously appointed Stephen M. Bolinsky as the Fire Chief at their Board meeting January 10, 2013. In light of that, Council needs to make a motion for same.

Councilmember Casimir made a motion, seconded by Councilmember Strosser, to appoint Stephen M. Bolinsky as Fire Chief of the William Cameron Engine Company to serve a two year term; expiration 12/31/14. ON THE QUESTION: Councilmember Cox asked why Council does this. Solicitor Lyons explained because of our Borough ordinance. Whoever the William Cameron Engine Company appoints as Fire Chief becomes our Borough Fire Chief. There was **much** discussion. Councilmember Casimir indicated an invitation should be received by the Borough very soon asking for a Council representative to serve on the Fire Company's Municipal Board. He would volunteer to serve on that board. Motion was unanimously approved.

D KOCONIS

E FURIA

**G JENKS/
RESIGNATION
FROM TRAFFIC
COMMITTEE**

**SOLICITOR TO
ADVERTISE
ORDINANCE
PROHIBITING
SKATEBOARDS/
BICYCLES IN
LEWISBURG AREA
RECREATION
PARK**

**PUBLIC WORKS
COMMITTEE
INSTALLATION OF
TEMPORARY STOP
SIGNS ON NORTH
WATER STREET AT
INTERSECTION OF
ST. JOHN STREET**

**ADVERTISEMENT
OF STOP SIGNS
REQUIRED IN
FUTURE**

**FINANCE
COMMITTEE
PAYMENT OF
BILLS**

**MODIFICATIONS
TO 2013 FINAL
BUDGET
APPROVED**

MAYOR

**COUNCIL
PRESIDENT**

SOLICITOR

MANAGER

**APPOINTMENT OF
STEPHEN M.
BOLINSKY AS FIRE
CHIEF**

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Councilmember Casimir made a motion, seconded by Councilmember Morris, to approve the Per Capita Tax Exonerations for 2012 in the amount of \$10 as submitted by the Tax Collector. Motion was unanimously approved.

Manager Smith indicated Steve Beattie, our Emergency Management Coordinator, provided a 2012 summary for Council's review.

OTHER COMMITTEES: Councilmember Bergonia reported LARA's Winter/Spring 2012-2013 Activity Guide has been distributed. Councilmember Casimir reported the IGA group will be meeting again next week.

Councilmember Morris reported the LDP has been very busy planning the Ice Festival and the Polar Bear Plunge which will be held the first weekend in February.

Mayor Wagner stated the next Town and Gown Committee meeting is scheduled for February 20th.

Council President Bergonia thanked the LNC for their very detailed presentation this evening.

Councilmember Casimir reported the Shade Tree Commission completed and submitted the annual Tree City USA application, which was very well received. Preparations are being made for Arbor Day, which will be April 26th, the same weekend as the Arts Festival. We are cleaning up delinquencies and continuing to work closely with the Borough on how to communicate with people about shade tree issues. A brochure has been completed that will be distributed to the local realtors and the Borough office for placement in packets being distributed to new residents.

Council President Bergonia indicated the CK-COG continues to do a great job and there is nothing new to report.

Councilmember Morris reported the community garden group has closed their year.

OLD BUSINESS: None.

NEW BUSINESS: None.

WRITTEN REPORTS: Councilmember Morris made a motion, seconded by Councilmember Morris, 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 reported there will not be a work session in February.

EXECUTIVE SESSION: Councilmember Casimir made a motion, seconded by Councilmember Morris, to hold an executive session to discuss real estate and personnel matters. Motion was unanimously approved.

Council President Bergonia called for a five minute recess at 8:55 PM. Council returned at 9:00 PM.

(Councilmember Mahon arrived at 8:55 PM.)

Council entered executive session at 9:00 PM. Council returned at 9:50 PM.

Councilmember Casimir made a motion, seconded by Councilmember Strosser, that for the duration of the current AFSCME Contract with our non-uniformed employees the Borough calculates the total cost of healthcare by deducting the previous year's dividend from the current year's premium. Motion was unanimously approved.

Manager Smith said, on behalf of the employees, thank you very much.

Councilmember Morris made a motion, seconded by Councilmember Baker, to grant a conditional use to Larry and Saul Putterman to provide for 11 offsite parking spaces, as determined at the Manager's discretion, in either the Borough parking lot or in Municipal Parking Lot #2 (MPL #2), provided that any parking spaces in MPL #2 are paid for at the cost of the *current* permit cost. Motion was approved with one abstention; Councilmember Strosser abstained from voting.

There being no further business, Councilmember Casimir made a motion, seconded by Councilmember Mahon, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 10:00 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

PER CAPITA TAX EXONERATIONS

2012 SUMMARY PROVIDED BY EMC

OTHER COMMITTEES LARA

LDP

TOWN AND GOWN

LNC

STC

CK-COG

COMMUNITY GARDEN

OLD BUSINESS

NEW BUSINESS

WRITTEN REPORTS

WORK SESSION

(EXECUTIVE SESSION)

CALCULATION FOR HEALTHCARE TO BE USED FOR DURATION OF AFSCME CONTRACT (NON-UNIFORMED EMPLOYEES)

CONDITIONAL USE GRANTED TO PUTTERMAN FOR 11 OFFSITE PARKING SPACES

ADJOURNMENT