The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on Tuesday, March 15, 2016 in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Cook, Cox, Derman, Frederick, Mahon, Morris and Yohn; Mayor Wagner, Solicitor Lyons; Manager Lowthert, Secretary Garrison and BVRP Chief Yost. Also present: Sam Pearson, Brian Auman and David Hines.

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 Morris, seconded by Councilmember Cook, to approve the minutes of the February 16, 2016 regular monthly meeting. Motion was unanimously approved.

PUBLIC PARTICIPATION: There were no members that wished to speak at this time.

PUBLIC WORKS/POLICE COMMITTEE: Council received the Buffalo Valley Regional Police Department’s monthly report. Chief Yost reported four officers are currently studying to attain a position as Corporal. He hopes to make two assignments in May and this will mean there will be a shift supervisor for all three shifts.

Councilmember Derman said there was an article in the Standard-Journal addressing that Tom Zorn is unable to serve on the BVRPC and then he further read that Ed Cox is not officially appointed as the alternate on the BVRPC. Mayor Wagner said there is an FY 16 Appropriateness to clarify all of this, but Councilmember Cox was officially appointed to serve on the BVRPC. She explained in November the at-large appointment of Ed Cox was made as a two-year appointment, but the at-large member per the IGA serves only for a one-year term. There was much discussion. Councilmember Mahon asked if Council would like to vote on this clarification. Manager Lowthert indicated that since the term of the at-large member is only a one year term per the IGA, he doesn’t feel a motion is required. Solicitor Lyons agreed a motion isn’t necessary, but if someone wants to make a motion, they certainly can.

Councilmember Derman made a motion, seconded by Councilmember Cox, to reduce Ed Cox’s term on the BVRPC as an at-large member from a two-year appointment to a one-year appointment, meaning Mr. Cox’s term expiration will be 01/07/17. Motion was unanimously approved.

Councilmember Mahon, made a motion, seconded by Councilmember Cook, to approve Confirmation of Assignment dated March 2, 2016 to Larson Design Group for engineering services for the 2016 Street Projects to be funded by Liquid Fuels monies, specifically North Water Street, St. George Street, St. Anthony Street Cul-de-Sacs, Fifteenth Street and North Seventh Street, in the amount of $21,180.00. Motion was unanimously approved.

Councilmember Mahon, made a motion, seconded by Councilmember Derman, to approve Confirmation of Assignment dated February 23, 2016 to Larson Design Group for engineering services for the Removal of Architectural Barriers along the St. Anthony Street Corridor, in the amount of $15,475.00. ON THE QUESTION: Councilmember Cox asked if architectural barriers are defined as curb cuts. Manager Lowthert said yes, and ramps. Motion was unanimously approved.

Councilmember Mahon, made a motion, seconded by Councilmember Cook, to grant Pennoni Associates, Inc. an extension for the Part 1-Preliminary Engineering work for the U.S. Route 15 Adaptive Signals, Agreement No. L00070, to December 31, 2016. ON THE QUESTION: Manager Lowthert explained this was at PennDOT’s request as the design portion has taken longer than anticipated. Hopefully by giving them until the end of the year to finish design, the project may be put out to bid in the spring, with construction in the fall of 2017. Motion was unanimously approved.

COMMUNITY DEVELOPMENT/PLANNING COMMITTEE: Manager Lowthert indicated that Council tabled four items pertaining to illuminated signs downtown last month, although HARB recommended Council approve the issuance of Certificates of Appropriateness held solely for the purpose of discussing this issue on Tuesday, March . We have David Hines, our Zoning Officer, from the CK-COG present with us this evening. But, first, these four items need to be tabled for Council action.

a. Wen Qing Wu (Sushihaman)/435 Market Street/Sign. An application was submitted and reviewed by HARB for an illuminated (LED) sign. A motion was made by Mary Mastascusa, seconded by Rob Cook, to recommend approval of a non-blinking illuminated sign as shown in the attachment to the HARB application (date on attachment 12/28/15). Motion was unanimously approved.

b. Rick Thomas (Pizza Piz)/316 Market Street/Signs. An application was submitted to and reviewed by HARB for two illuminated (LED) signs. A motion was made by Kim Walter, seconded by Rob Cook, to recommend approval of the placement of two signs, as requested, however 1st left sign shown in the attachment to the HARB application, must be relocated to face Market Street. Motion was unanimously approved.

c. Davide Della Pietra (Amami)/512 Market Street/Sign. An application was submitted to and reviewed by HARB for an illuminated open sign. A motion was made by Kim Walter, seconded by Elaine Wintjen, to recommend approval of this sign as shown in the attachment to the HARB application. Motion was unanimously approved.

d. David Smith (Mancini’s)/428 Market Street/Sign. An application was submitted to HARB for several illuminated signs. A motion was made by Rob Cook, seconded by Kim Walter, to recommend approval of the placement of two illuminated signs, one located on each side of the entrance door and facing Market Street; the illuminated signs shown in attachment to HARB application may be periodically changed, as long as there are only two illuminated signs as previously stated. Motion was unanimously approved.
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Councilmember Cook made a motion, seconded by Councilmember Derman, to table the four HARB applications dealing with the lighted signs downtown, specifically indicated as items a, b, c and d on our Council agenda this evening. Motion to table was unanimously approved.

David Hines, the Borough’s Zoning Officer, said he thoroughly reviewed the Borough’s Zoning Ordinance and he will share excerpts with Council: 1) Neon signs may be permitted in downtown commercial district upon recommendation by HARB, approved by Council. 2) Approval or disapproval is based on the age, architectural style of the building in relation to the use of neon. 3) The historic use of neon as it relates to building. 4) In determination of the appropriate use of neon, Council shall require submission of documentation by the applicant. (He commented he doesn’t want to get into the weeds of whether the one sign is neon or not, but it has the appearance of neon and also the appearance of an internally illuminated sign.) 5) Internally illuminated signs and façade treatment intended to draw attention to the structure or use is prohibited. (He again clarified this is what the Borough Zoning Ordinance says.) 6) Individual design elements of signs, such as lettering may be internally illuminated upon recommendation of HARB, approved by Council. 7) The purpose of this ordinance is to protect public safety by reducing potential hazards associated with signage. 8) To protect and enhance property values and to create a more attractive business climate. 9) To enhance the overall character of the Borough as a historic district. Mr. Hines said based on the Borough’s ordinance and what was presented by the businesses, his recommendation would be to deny all four of these internally illuminated signs. He further said based on the information he has in the HARB file, the purpose of the historic district is to protect the portion of the Borough which we call rich in architectural and cultural heritage of the Borough in the Commonwealth of Pennsylvania awakening in the people in the Borough an interest in the historic past and promoting the general welfare, education and culture of the Borough. The ordinance needs to accomplish this purpose by regulating the appearance of private property in order to protect the historic, architectural, and aesthetic character of the historic district, regulating the erection, reconstruction, alteration, restoration, demolition, razing the buildings and structures, within the historical district for the cultural and aesthetic benefit of the Borough.

Councilmember Derman made a motion, seconded by Councilmember Morris, to not approve the Certificate of Appropriateness for any of the four applications reflected as a, b, c and d on our agenda. ON THE QUESTION: Councilmember Cook said he likes the idea of allowing the illuminated signs to remain on. . . Solicitor Lyons said that is another issue altogether and you should act on this motion first. Mayor Wagner said if they do not get a COA, they are not grandfathered. Solicitor Lyons said no they are not grandfathered and let’s be clear, this is not a moratorium as we cannot do that. Council has the right to decide how to enforce, when to enforce and if to enforce, as long as there is consistency. In this instance it is not a question of not enforcing, it is delaying enforcement. Motion was unanimously approved.

Councilmember Morris recommended this illuminated sign matter be sent to the Community Development/Planning Committee for review/discussion, realizing there are other interested parties that need to be included in these discussions. Manager Lowthert asked if the suggestion is for a subcommittee to be formed of interested individuals. Councilmember Morris suggested this Council be responsible for determining how to structure this review. Mayor Wagner suggested it could be that all the stakeholders are invited to provide input, but they not necessarily serve on a committee. Manager Lowthert stated his only concern is that this committee is one of the busier committees, so he questions if there will be enough time for the handling of an item of this magnitude, in addition to everything else. But, if a subcommittee were to be formed to work on this, that would make a lot of sense. Council President Bergonia said he is referring the matter of reviewing changes to the sign ordinance to the Community Development/Planning Committee and he would like this committee to determine how to best handle this process, bringing their report back to Council in April. Councilmember Derman commented we have talked about public meetings, etc., so we need to be sure this is done. Councilmember Morris said members of this committee know what is expected from the Council discussions held and will honor those suggestions.

Manager Lowthert said this brings us back to the enforcement issue on the illuminated signs for these four businesses. What guidance does Council want to give our Zoning Officer? Solicitor Lyons said now that we have denied the COI for these four applicants, the applicants have ten days to appeal to the Zoning Hearing Board, if they choose. Notwithstanding that, the question is whether or not you are going to direct the Zoning Officer? Solicitor Lyons said, because your denial of the COI means take down the signs. No. If you delay enforcement for a short period, it’s not problematic, but a longer period of time may very well be; he isn’t sure what that longer period of time would be. This is a determination that Council has to make. He said next month we may have a better idea about this, but in the meantime our Zoning Officer can approach these business owners explaining what is going on and explaining that Council would like to consider changing the ordinance in the future, but right now you are in violation, so we would like you to take down or turn off your sign(s) at this point in time. Maybe there will be cooperation if they
Monday, March 14, 2016

The Borough of Stroudsburg held a public meeting to discuss the implementation of illuminated signs downtown. The meeting was called to order by Council President Bergonia, who expressed his concern about the number of illuminated signs downtown and the potential negative impact on the city's aesthetics and lighting regulations.

Council President W. Bergonia said that it is time for Council to vote on this. Solicitor Lyons said that there is no problem with this as long as everyone is on the same page, i.e., if everyone turns off their lights, we have no problem. Mr. Hines said that there is cooperation, but then everyone heard that they were permitted to turn their signs off, so they did. Manager Lowthert said that the cleanest thing to do, in his opinion, is to make it clear that everyone is on the same page knowing they are in violation of the current ordinance, Council is considering making a change, but no action is being taken at this time, but you are being notified you are in violation and Council would have the right to follow through in the future.

Manager Lowthert clarified the sense of Council appears to be that the Zoning Officer should inform all applicants of Council’s action with regard to their specific sign applications, and everyone else must be notified they are clearly in violation of the current sign ordinance, as Council did not change anything and reserves the right to enforce this ordinance if it becomes necessary, and that Council is undertaking a review of the current sign ordinance for appropriate language. No one is saying we are going to enforce anything, but everyone will be on the same page knowing they are in violation of the current ordinance, Council is considering making a change, but no action is being taken at this time, but you are being notified you are in violation and Council would have the right to follow through in the future.

Manager Lowthert affirmed that other than these four businesses, any other business that has a lighted sign on, would receive a Notice of Violation that they have to appear before HARB for the sign and a certificate of appropriateness for that sign, it then it would come before Council, be denied, as Council continues to work through the ordinance. Councilmember Morris commented she is uncomfortable allowing the sandwich boards to remain out there, when they are in violation, and then strictly enforce the illuminated sign issue. Mr. Hines said if he sends an enforcement notice, they can appeal the enforcement notice to the ZHB. The citation stage when it comes to zoning is way down the road. Solicitor Lyons said that would be the Zoning Officer should inform all applicants of Council’s action with regard to their specific sign applications, and everyone else must be notified they are clearly in violation of the current sign ordinance, as Council did not change anything and reserves the right to enforce this ordinance if it becomes necessary, and that Council is undertaking a review of the current sign ordinance for appropriate language. No one is saying we are going to enforce anything, but everyone will be on the same page knowing they are in violation of the current ordinance, Council is considering making a change, but no action is being taken at this time, but you are being notified you are in violation and Council would have the right to follow through in the future.

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Resolution No. 16-02, a resolution for the placement of two additional banners during 2016, across State Highway, Legislative Route #45 (Market Street), and submit copy to PennDOT. Motion was unanimously approved.

Manager Lowthert indicated Brian Auman and Sam Pearson are present this evening to talk about a DCNR Grant application associated with the floodplain restoration and recreation activities identified in the Bull Run Master Site Plan Project. The Borough has been working on this Bull Run Master Site Plan for quite some time. Brian Auman, who is leading this design, is trying to help to make this project happen. We are in a fortunate situation as we expect to have a very large Playworld donation at the end of 2016 for the Kidsburg Park. The yellow equipment currently in the park has reached the end of its useful life and Playworld is considering removal and replacement with all new playground equipment. The DCNR Grant comes into play because DCNR grants require matches. After several meetings, he, along with Brian Auman and Sam Pearson, have been successful in getting DCNR to allow the use of any Playworld donation later this year toward the 2017 grant that they may award us. So, we could potentially have $200,000.00 or more in funding from DCNR with the match being taken care of by the Playworld donation. Mr. Auman explained when we first approached DCNR about this, their response was no; this donation would be too early to be considered. However, their priorities were clearly for the restoration of the stream to a more aesthetic looking environment and nature play (connecting kids with nature). We still had to come up with a cohesive model and if you look at the handout, you will see what we are proposing. This is a great opportunity. Manager Lowthert said we can certainly do a lot with the amount of money we are looking at. This is backwards from how something like this normally occurs, i.e. you have the final plan first, then apply for grants, but since the Playworld donation is going to be counted, we felt Council action from how something like this normally occurs, i.e. you have the final plan first, then apply for grants, but since the Playworld donation is going to be counted, we felt Council action of this proposed resolution was in order. Mr. Auman said the final draft concept will be unveiled March at 7 PM at the William Cameron Fire Hall. Manager Lowthert indicated once the application is pulled together, he will review it and provide a copy to Council. Mayor Wagner thanked Brian Auman, Sam Pearson, and Bill Lowthert for all their hard work.

Councilmember Morris made a motion, seconded by Councilmember Derman, to adopt Resolution No. 16-03, a resolution for the Borough to submit a DCNR Grant application associated with floodplain restoration and recreation activities identified in the Bull Run Master Site Plan Project. Motion was unanimously approved.

Councilmember Morris noted the Lewisburg Neighborhoods Corporation (LNC) is still looking for an additional elected official to join Mayor Wagner, Councilmember Cox and Councilmember Derman to serve on the LNC Board of Directors. And the existing vacancies are as follows: Planning Commission with a term expiring on December 31, 2017; HARB, with a term expiring on December 31, 2018; and the Municipal and Community Advisory Committee (MACAC). Manager Lowthert reported HARB is two interested residents at the present time.

ADMINISTRATIVE/FINANCE COMMITTEE: Councilmember Cox made a motion, seconded by Councilmember Derman, to approve the payment of bills from 02/13/16 through 03/11/16 in the amount of $290,066.73. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Mahon, to approve a temporary part-time Parking Meter Attendant/Clerk position to be filled as needed. Motion was unanimously approved. Manager Lowthert reported the Manager typically fills the position; Council approves the position to be created and the Manager hires to fill it.
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**MAYOR:** Mayor Wagner reported she has been extremely busy. She wants to commend a girl scout, Rebecca, who created three little library houses in the Borough for the purpose of “take a book/drop a book.” Councilmember Cook indicated some paint on free newspaper distribution containers from the Standard-Journal created a wonderful little library.

**COUNCIL PRESIDENT:** No report.

**SOLICITOR:** Solicitor Lyons said the ordinance for placement of parking meters to be located on the east side of North Second Street, as recommended by Council, has been advertised and is presented to Council for consideration.

Councilmember made a motion Morris, seconded by Councilmember Mahon, to adopt Ordinance No. 1040, an ordinance allowing for the placement of six parking meters on the east side of North Second Street between Cherry Alley and St. John Street. Motion was unanimously approved.

**MANAGER:** Manager Lowthert indicated we have been short-staffed in the office, due to illnesses, and we are doing the best we can. He shared that his policy is that there should always be two people in the office at all times and as a result, he has had to close the office over lunch on a few days from 12 noon to 1 PM due to lack of coverage.

**OTHER COMMITTEES:** Council President Bergonia reported the BVRA is moving forward, getting ready to open the pool and have hired some additional people.

 Councilmember Morris indicated the LDP will be kicking off their fundraising campaign. The LDP participated in the 2016 Raise the Region and made about $2,800.00.

Mayor Wagner indicated no Town and Gown Committee meeting.

Sam Pearson reported things are going well with the Greenway and there are a lot of things coming up with the River Town group due to the time of the year, i.e. spring cleaning, etc.

Manager Lowthert said the Borough crew is gearing up for the STC’s Arbor Day celebration scheduled for April.

Council President Bergonia indicated things are going very well at the CK-COG; an employee in the front office took another job closer to home, so we are currently advertising for that position.

Councilmember Morris said the Community Garden Committee had a Board meeting recently and there are a lot of exciting things taking place; there are many improvements underway. Kyle Bray and Matt Varner are the two Bucknell individuals that are very active with the community garden. There will be plots for a K-12 Program working with BVRA and the two low income housing developments, Meadow View and Essex Place. And, the plant (vegetables and flowers) sale, which is a fundraiser, is going to be May.

Councilmember Cox said the last MACAC meeting was cancelled. Manager Lowthert reported that every time there is a fire incident in the Borough, the Fire Chief does contact him to inform him of the situation and he wanted to be sure Council was aware of that.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

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

**WORK SESSION:** Council President Bergonia confirmed there will be a work session on Tuesday, April to discuss the concrete barriers at the intersection of Brown and South Third Streets.

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 8:25 PM.

Respectfully submitted,

Patricia M. Garrison
Borough Secretary