

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, December 18, 2012** in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Baker, Casimir, Cox, Mahon, Morris, Robinson and Strosser; Mayor Wagner; Manager/Treasurer Smith; Solicitor Lyons; and Secretary Garrison. Also present: Matt Sauers, Nada Gray, Joe Snyder, Dan Remley, Matt Farrand, Evamarie Socha and Girl Scout Troop 60448.

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 Robinson, to approve the minutes of the regular Council meeting held November 20, 2012. Motion was unanimously approved.

CONDITIONAL USE/PUBLIC HEARINGS: Council President Bergonia adjourned the regular order of business to conduct five (5) conditional use hearings for the properties known as 219 South Sixth Street/Case No. 12-02; 204 South Seventh Street/Case No. 12-03; 206-208 South Seventh Street/Case No. 12-04; 615 St. Louis Street/Case No. 12-05; 638 St. Catherine Street, Case No. 12-06. He called the public hearing to order at 7:05 PM.

Councilmember Casimir questioned if Council should listen to each of these, and then make a motion at the end. Solicitor Lyons indicated action of Council cannot occur during the hearings; Council must go back in session to take action as a result of the hearings. Mr. Sauers questioned if we are going to lump them all into one hearing? Solicitor Lyons said absolutely; follow the order they are listed on the agenda.

Matt Sauers, Central Keystone COG, Zoning Officer for the Borough, said everyone should be in receipt of letters dated December 17th from the CK-COG; each letter details the results of an inspection conducted at each property before you. The first hearing is Case 12-02, a property owned by Darin Riehl, 219 South Sixth Street. He, along with Jim Emery, inspected this property; it is in compliance with all material for the conditional use, with the exception of off-street parking onsite. So the recommendation of the CK-COG was that this property be considered for approval to convert into a rooming or lodging house with four bedrooms conditioned upon four off-street, off-site parking spaces. His understanding is that Mr. Riehl was going to attempt to obtain off-street, off-site parking within 200 feet of his property. Mr. Riehl reported that Bucknell University provides permanent parking in their lot for students and he has proof that the current students have the appropriate permanent parking passes for this lot, which is located within 200 feet of his property. Mr. Sauers clarified that the lot referred to is located on the northeast corner of the intersection of South Sixth and St. George Streets. He asked if there are any other questions on Case No. 12-02. There were none.

Mr. Sauers said the second hearing is Case 12-03, a property owned by Levi Beachy, 204 South Seventh Street. He, along with Jim Emery, inspected this property; due to the fact that in order to gain access to one of the bedrooms you have to go through another bedroom, this property was disqualified from being converted from a single-family dwelling into a rooming or lodging house. It is the recommendation of the CK-COG that this property *not* be considered for approval, remaining a single-family home with the requirement of two off-street parking spaces. Mr. Sauers asked if there are any other questions on Case No. 12-03. There were none.

Mr. Sauers said the third hearing is Case No. 12-04, a property owned by Levi Beachy, 206-208 South Seventh Street. He, along with Jim Emery, inspected this property; this property meets the requirements of the ordinance with the exception of accessibility. You have to go through one bedroom in each of the units to get to a set of stairs that take you to two bedrooms, so that one bedroom at the base of the stairs becomes a study in each unit and that would then be permissible. It is the recommendation of the CK-COG that this property be considered for approval to convert into a rooming or lodging house, with four bedrooms at each address. They do have the required parking area in the rear of the complex. All other requirements of the conditional use application have been met. Councilmember Strosser said this is a duplex; so in theory there are three unrelated that live there now and this would allow four on each side. Mr. Sauers said correct and that is why he referred to the one room at the base of the stairs as a study. Mayor Wagner asked if there is enough parking. Mr. Sauers said there is enough parking for eleven cars in the back if they are stacked. Mayor Wagner asked if that will really happen. Mr. Sauers said he witnessed it when he was there for the inspection. Chief Yost said they are stacked there all the time. Mr. Sauers asked if there are any other questions on Case No. 12-04. There were none.

Mr. Sauers said the fourth hearing is Case No. 12-05, a property owned by IPSBG, LLC, Jeffrey Gruber, 615 St. Louis Street. He, along with Jim Emery, inspected this property; this property meets all the requirements of the ordinance. He indicated one of the investors indicated this is a five bedroom, but he has it listed as a four bedroom. Mr. Gruber explained that there are four bedrooms, but the one bedroom is very large and he

ATTENDANCE

CALL TO ORDER

APPROVAL OF MINUTES

ADJOURNMENT OF REGULAR ORDER OF BUSINESS FOR CONDITIONAL USE PUBLIC HEARINGS – CASE NUMBERS 12-02 THROUGH 12-06

**MATT SAUERS
(219 SOUTH SIXTH STREET/CASE 12-02)**

(204 SOUTH SEVENTH STREET/CASE 12-03)

(206-208 SOUTH SEVENTH STREET/CASE 12-04)

(615 ST LOUIS STREET/CASE 12-05)

Tuesday, December 18, 2012

thought it qualified under the square footage requirement. Mr. Sauers said there was one room that had two beds in it and it was well over 140 square feet. We base ours on bedrooms, not necessarily occupant load; so that is something for consideration. Mayor Wagner said there are no bedrooms in the basement or no living space in the basement? Mr. Sauers said there is a bedroom in the basement. Mayor Wagner said that floods. Mr. Sauers said there is a finished basement. Mayor Wagner stated that doesn't matter, it still floods and there is an issue of somebody being down there and not being able to get out in time. She questioned the exits from the basement. Mr. Sauers said there is one set of stairs and there is a window. Mayor Wagner said she has an issue with that. Councilmember Casimir asked if this one large room makes the 5th room or were you thinking two tenants in that room. Mr. Gruber said two tenants in that one room; the basement has stairs to a landing with an outside exit and then the stairs continue up into the interior of the house. Mr. Sauers said there were four bedrooms, but Mr. Gruber is saying they could possibly have five beds. There was adequate parking for four which we addressed, not thinking about a fifth. He commented thinking about this property, if the trampoline is moved outside, there would definitely be adequate parking. Chief Yost asked if this is the property right next to Zelda's. Mr. Sauers said yes. Chief Yost asked where the parking is in the back. Mr. Sauers said between Zelda's and the house. Councilmember Robinson said there is adequate parking "if" the trampoline is removed; will it be removed. Mr. Sauers said that would be made a condition. Mr. Gruber pointed out there is a parking lot between Bell Alley and Sixth Street (behind the Bull Run/Purcell's) and that is his parking lot as well and that is within 200 feet. There are sixty-six parking spots there and it serves the residents along Sixth Street, as well as what we allow the restaurant to use. Mr. Sauers asked if there are any other questions on Case No. 12-05. There were none.

Mr. Sauers said the fifth hearing is Case No. 12-06, a property owned by IPSBG, LLC, Jeffrey Gruber, 638 St. Catherine Street. He, along with Jim Emery, inspected this property; this property meets all the requirements of the ordinance. There is parking and there is an ample area in the rear for parking. It is the recommendation of the CK-COG that this property be considered for approval to convert into a rooming or lodging house with four bedrooms.

Councilmember Casimir questioned the one large room; our ordinance is written based on bedrooms. Does the Municipal Planning Code (MPC) or anything else talk about multiple tenants per room. Mr. Sauers said not the MPC, but possibly the International Property Maintenance Code (IPMC). There is a section there that addresses not being able to access a bedroom through any other bedroom. In this instance, when we walked in to conduct the inspection, there was a double bed on the left and another on the right; the room is rather large but there isn't a petitioned wall between the two. If one were to put a petitioned wall in, you would have to walk through one bedroom to get to the other bedroom. Solicitor Lyons commented unless you put in a hallway assuming there is enough square footage. Mr. Sauers said his thought is that it was four bedrooms, not five. Solicitor Lyons said if the applicant is approved for multi-family, it is four and above; so you are approving the conditional use, making it then a question of whether the applicant wants specific approval to break up that bedroom, and that can be done under the ordinance as it would be addressed by the Zoning Officer. Mr. Sauers commented if this was granted as four or over. Solicitor Lyons said we are not looking at specific bedrooms, we are approving a conditional use for four or more which is a multi-family dwelling. So, for conditional use purposes we approve it for four or above; if the owner wants to develop more than four bedrooms, he would then have to provide more than four and come into compliance with the ordinance and provide the necessary parking which can be addressed as a separate issue. Mr. Sauers said he would agree, especially since there are annual inspections.

Mayor Wagner said she still has an issue with a bedroom in a basement of a floodplain. Councilmember Casimir commented residential use is not a prohibited use in a floodplain so he finds it difficult to address this.

Nada Gray, member of the Planning Commission, stated she pushed the idea of making properties like these legal, i.e. if you had the proper house, the proper size and the proper parking, then it would be permitted to have more than three people live in it. She thinks the reason we did it was to be able to inspect the houses to see they were adequate and that students weren't jammed in there. This allows the opportunity to set an occupancy standard for a house, i.e. if the house has four bedrooms, the occupancy clearly states it is four. So, if the owner wants to remodel because he feels he could have a fifth person, fine, but the safety of the students needs to be considered. It is one thing if you chose to live in a floodplain yourself, but it is another to rent something because at that point a landlord has a certain responsibility to see to it that they provide safe living quarters. She questions 204 and 206-208 South Seventh Street; the parking lot there is not a conforming parking lot. You are increasing the occupancy of that parking lot by three or four cars. Therefore, this parking lot should be marked, have adequate lighting,

(638 ST LOUIS
STREET/CASE 12-
06)

NADA GRAY

Tuesday, December 18, 2012

have an exit and entrance, and have concrete barriers or something that designates parking spots available, as well as screening. Consideration should be given so that you do not degrade the neighborhood by increasing the occupancy of these properties and end up taking side yards, back yards and front yards and turn them into gravel pits. Mayor Wagner said she echoes Mrs. Gray's comments. Manager Smith said 204 South Seventh Street did not meet the requirements per Mr. Sauer's letter and the recommendation is for denial. Mrs. Gray indicated on the incomplete and poorly addressed conditional use applications, which were referred to the Planning Commission for review, she believes they double counted that parking lot for both of these properties. Solicitor Lyons said the parking is on the lot itself; it is not a separately used parking lot by anyone else other than the occupants of these buildings. Mrs. Gray said it is an off-street parking lot. Solicitor Lyons said he isn't disputing that, but it is only for the use of the occupants of the dwelling; are you going to go around to every parking lot in this town and do that? Mrs. Gray said she is going to suggest that when you increase the occupancy of substandard parking lots that you have an opportunity to improve them and as a responsible Borough Council you should look to that. Solicitor Lyons asked if we are increasing the occupancy? Mrs. Gray said yes. Solicitor Lyons asked if it is being used more than it is now. Mrs. Gray said maybe not legally. Solicitor Lyons said that is the question. Mr. Sauers said when he did his inspection there were four tenants in each side. Mrs. Gray said and there are to only be three. Mr. Sauers said with 204 South Seventh Street becoming a single-family home there is only a requirement of two parking spaces and that lessons that load by one. Solicitor Lyons said we are talking about an existing parking area. He clarified he is simply trying to find out the facts. Councilmember Casimir said if stacking is required to fit the cars in - that doesn't meet our ordinance requirement. Mrs. Gray said she is simply bringing this to Council's attention. She also would like to thank Council for giving the Planning Commission the opportunity to review these applications. There were discussions of the quality of the submissions, and in fairness to the Planning Commission she feels they should have had the opportunity to review *complete* applications. Councilmember Casimir stated when we are talking about stacking, we are talking about a car being parked, then another parking behind it, and another behind it. Mr. Sauers said that is correct and this one would be four broad and two deep. Councilmember Casimir said our ordinance doesn't allow that for residential uses; it is allowed for some non-residential uses. Councilmember Morris said she would have that at her home if she had two vehicles. Mrs. Gray said the argument kicks in after five; after five there are more stringent restrictions for off-street parking. Councilmember Casimir explained part of what we are trying to do here is address these kinds of issues that have been under the table or not by the book. Mr. Beachy explained he has a parking area between 41 and 43, but that is over 200 feet away. With 204 there is additional parking and that property is adjacent to 206-208. Councilmember Casimir said then you are indicating two of the cars from 206-208 could park at 204? Mrs. Gray said isn't that the same private parking lot that is located between all those buildings. Mr. Beachy said there are two separate lots. Mrs. Gray said there may be two separate lots, but they are all joined and are all gravel. Mayor Wagner asked if they graveled over the lawn to make parking spaces. Mr. Beachy said the gravel was there behind 206-208 as there was a foundation there were a garage once was. The area was inspected and it was approved that we place gravel over that area. Some months later we obtained a permit for 204. The boundary lines are together, so we did gravel across there, but he owns both of the properties so the gravel does run together. Councilmember Casimir said this is Council's opportunity to place some conditions on how a rooming or lodging house will be run and how it will affect the neighborhood; we could make a condition to this. Mayor Wagner commented this is very confusing when you are talking about adjoining properties and sharing spaces. Councilmember Casimir said our off-street parking has a lot of rules with regard to ingress and egress, etc. which seemed excessive to him and not necessarily pertinent to Lewisburg; but since this is addressed in the ordinance, we need to figure out how to justify it or control it because it is very similar to pulling into a driveway and then parking another car in the driveway. Councilmember Strosser said he doesn't have a problem with stacking if it can be made to work. He is concerned about possible double counting and looking at the plan submitted it is very hard to be sure they are not double counting; there are no spaces delineated on this plan. Mrs. Gray said her recommendation is that in the future the application should be rewritten to include a parking plan diagram so it can easily be seen. Mayor Wagner said it was wonderful to come up with a plan to have four or more people allowed in these larger houses through the boarding house concept; she has a problem when we are trying to slide things under the wire to make them fit, when it really doesn't fit. We have enough issues with parking. Manager Smith said the CK-COG has certified the parking was sufficient. Solicitor Lyons said we are in a hearing and we are discussing issues now that would be better addressed in the public meeting as a decision must be made on each of these applications, i.e. approve it, deny it or put conditions on it. You can't deny an application and then reconsider, but you can approve it with conditions. Councilmember Casimir said you also can't table. Solicitor Lyons said correct. Councilmember Strosser said the applicant could ask for a continuance. Solicitor Lyons said yes and we could agree, but that would not necessarily resolve the issue. Councilmember Cox commented he would hate to see Council over enforce something that seems to have been working; to place further restrictions upon an owner that is attempting to meet the Borough requirements doesn't seem right and he would have trouble with that.

Tuesday, December 18, 2012

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 7:15 PM. He reconvened to the regular order of business.

Councilmember Casimir made a motion, seconded by Councilmember Strosser, to approve Case No. 12-02, 219 South Sixth Street, to convert into a rooming or lodging house with four bedrooms, conditional upon the off-street, off-site parking being demonstrated to the satisfaction of our Zoning Officer. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Mahon, to deny Case No. 12-03, 204 South Seventh Street, meaning that this property remains a single-family home with a maximum of three unrelated individuals. Motion was unanimously approved.

Councilmember Casimir made a motion, seconded by Councilmember Cox, to approve Case No. 12-04, 206-208 South Seventh Street, to convert into a rooming or lodging house with four bedrooms at each address, conditional upon the demonstration of adequate parking via plans submitted to our Zoning Officer showing ten clearly marked parking spaces being delineated, and if this cannot be shown, that it be shown that off-site parking can be obtained so that **all** tenants have adequate parking spaces in compliance with the ordinance. Motion was unanimously approved.

Councilmember Morris stated Mr. Beachy is contributing to the quality of some of the properties in this Borough and she appreciates that; hopefully the Borough and Mr. Beachy can work together to meet each other's needs as we move forward.

Councilmember Casimir made a motion, seconded by Councilmember Morris, to approve Case No. 12-05 and Case No. 12-06, 615 St. Louis Street and 638 St. Catherine Street, to convert into a rooming or lodging house with four bedrooms, conditional upon the proof of sufficient parking for each property being provided to our Zoning Officer. ON THE QUESTION: Manager Smith said isn't the parking stacking. Mr. Sauers said yes. Councilmember Casimir commented Mr. Gruber reported he has sixty-six parking spaces available to him. Solicitor Lyons said the condition within the motion allows the Zoning Officer to determine if the parking is in compliance with the off-street parking regulations and the Zoning Officer will be able to make sure all ordinance requirements are met by applicants for each of the properties. Motion was unanimously approved.

Mrs. Gray asked that the actual conditional use application be revised to require a parking diagram. Councilmember Casimir said this is a new process and he really appreciates the detailed reports provided by our Code Enforcement Officer and Zoning Officer; these reports made this process much easier. Mayor Wagner thanked Mrs. Gray for all the work she put into this.

PUBLIC PARTICIPATION: There were no members of the public that wished to speak.

POLICE COMMITTEE: No meeting in December. Chief Yost distributed and thoroughly reviewed his November 2012 monthly activity report. There was much discussion regarding PPU tracking, call types, and time analysis information provided. Mayor Wagner stated she hears good comments about the Police being so visible. Councilmember Cox said Chief Yost is doing a great job. Chief Yost stated the BVRPD is not costing 5% more, as a recent article in the Daily Item newspaper reported; we are within one-tenth of one percent of what it would cost if we were separate. On a \$2.4 million dollar budget, we are \$10,000 give or take on the numbers. Mayor Wagner thanked Councilmember Casimir for his support; the letter Councilmember Casimir submitted to the Daily Item was wonderful. The BVRPD is meeting Thursday night to compose a response to the negative newspaper article.

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

a. Jeremy Schwartz-Kerry Richmond/226 South Fourth Street/Replace Door & Screen Door. An application was submitted to and reviewed by HARB for a replacement door and screen door. A motion as made by Phoebe Faden, seconded by Steve Snook, to approve the replacement of the door and screen door as described in the HARB application under project description, specifically both doors to be replaced with fiberglass doors with slight wood grain. Motion was unanimously approved.

b. Randall-Judith Ulmer/620-622 Market Street/Replace Windows. An application was submitted to and reviewed by HARB for replacement of four windows. A motion was made by Steve Snook, seconded by Mary Mastascusa, to approve the replacement of windows as described in the HARB application under project description, specifically vinyl one over one windows that will be in the same opening as exists now. Motion was unanimously approved.

c. Robert Lack/39-41 North Fourth Street/Demolition of Two Sheds-Placement of One Shed. An application was submitted to and reviewed by HARB for demolition of two small sheds and placement of one shed. A motion was made by Phoebe Faden, seconded by Elaine Wintjen, to approve demolition of two small sheds and the placement of a new shed as described in the HARB application under project description, within the parameters approved through zoning. Motion was unanimously approved.

CONDITIONAL USE
PUBLIC HEARINGS
CLOSED

RECONVENE REGULAR
MEETING

(219 SOUTH SIXTH
STREET/CASE 12-
02)
APPROVED

(204 SOUTH
SEVENTH
STREET/CASE 12-
03)
DENIED

(206-208 SOUTH
SEVENTH
STREET/CASE 12-
04) APPROVED
WITH
CONDITIONS

(615 AND 638 ST.
CATHERINE
STREET/CASE 12-
05 AND CASE 12-
06) APPROVED
WITH
CONDITIONS

**PUBLIC
PARTICIPATION**

**POLICE
COMMITTEE**

**PLANNING
COMMITTEE
HARB**

**J SCHWARTZ/K
RICHMOND**

R ULMER

R LACK

Tuesday, December 18, 2012

Councilmember Casimir made a motion, seconded by Councilmember Strosser, to approve a forty-five day extension for submission and Borough approval of the Stormwater Facilities Maintenance Agreement and Improvements Guaranty Agreement, as well as recording of Final Land Development Plans for Sunoco, Inc. as requested by Bergmann Associates in their letter dated December 6, 2012. ON THE QUESTION: Manager Smith clarified the final land development for Sunoco was already approved, but an extension was requested as they were fearful they could not meet the January 13, 2013 submission deadline. Motion was unanimously approved.

Councilmember Casimir indicated an executive session will need to be held at the end of this meeting to discuss personnel matters and a real estate matter.

Councilmember Casimir indicated Planning Commission members attended the last Planning Committee meeting; the meeting was very positive.

Manager Smith said the LARA Inter-Governmental Agreement was discussed at the Planning Committee meeting. Councilmember Casimir said we are proposing switching from straight millage funding to a formula, specifically a formula which includes millage and income tax population. That formula doesn't give you a number, but a percentage. We would also like to have some sort of ongoing annual increase for LARA and will need to specify what that increase will be. He has taken .23 mills as the starting number and simply put a 5% annual increase in there, but our Manager pointed out that the cost of living increase has only been about 2% for the last half dozen years. So that percentage has yet to be determined and will have to be included. Councilmember Morris questioned why a percentage increase has to be built into the IGA; there may be years they would not receive an increase. Councilmember Casimir said the point of the IGA is to have a document that is created and lasts for five years. LARA has been short and has had to ask for more money, only being guaranteed .154 mills every year. Since Council changed the contribution to .23 mills this year, LARA seems to be doing better. Councilmember Strosser commented millage goes up incrementally each year and so does the Earned Income Tax, but it isn't a raw number.

PUBLIC WORKS COMMITTEE: No meeting.

FINANCE COMMITTEE: Councilmember Casimir made a motion, seconded by Councilmember Baker, to approve payment of bills from 11/17/12 through 12/14/12 in the amount of \$209,472.02. Motion was unanimously approved.

MAYOR: Mayor Wagner commented she received so many wonderful comments about how beautiful our town looks; she thanked our Manager, Public Works crew, and Chuck Chatham. The Victorian Day Parade was great, and the tree lighting turnout was exceptional. Mayor Wagner stressed this has been a wonderful year. Councilmember Casimir said he was at Late Shoppers Night and overheard a couple sharing how pretty the town looks and how much they love it. Mayor Wagner indicated she met a couple that had been looking all over to determine where they were going to retire and they chose Lewisburg. Councilmember Baker asked how the tree light situation got resolved. Manager Smith said there were bulbs out, strands that were torn, extension cords that were bad, but thanks to Allegheny Tree Service we managed to reconfigure what we had. Councilmember Morris commented the LDP puts an enormous amount of work into their Miracle on Market Street and that is a huge contribution that really helps to make us as a community. Mayor Wagner said congratulations to Bucknell University -"Go Bison."

COUNCIL PRESIDENT: Council President Bergonia said it is **all** of these things that make Lewisburg a great place to live. He met two couples in a local establishment that had just moved here and they couldn't say enough nice things about our town.

SOLICITOR: Solicitor Lyons reported the proposed 2013 budget was duly advertised and is presented to Council for consideration.

Councilmember Baker made a motion, seconded by Councilmember Casimir, to approve the final 2013 Budget with millage rates as follows: General Fund 6.98; Street Light Fund 0.34; Fire Protection Fund 0.50; Shade Tree Fund 0.04; and Recreation Fund 0.29. ON THE QUESTION: Manager Smith said for the first time during his tenure he actually had residents comment to him they were pleased to see that there was no tax increase; he never received comments like that before. Motion was unanimously approved.

Solicitor Lyons presented Ordinance No. 1017, an ordinance levying a total real estate tax on real estate assessment with the Borough for fiscal year 2013 at the rate of 8.15 mills (General Fund 6.98; Street Light Fund 0.34; Fire Protection Fund 0.50; Shade Tree Fund 0.04; and Recreation Fund 0.29) to Council for consideration.

Councilmember Strosser made a motion, seconded by Councilmember Casimir, to adopt Ordinance No. 1017, an ordinance levying a total real estate tax on real estate assessment with the Borough for fiscal year 2013 at the rate of 8.15 mills (General Fund 6.98; Street Light Fund 0.34; Fire Protection Fund 0.50; Shade Tree Fund 0.04; and Recreation Fund 0.29), Motion was unanimously approved.

45 DAY
EXTENSION
REQUEST OF
BERGMANN
ASSOCIATES FOR
SUNOCO, INC
APPROVED

EXECUTIVE
SESSION NEEDED
FOR
PERSONNEL AND
REAL ESTATE
MATTERS

UPDATE ON LARA
INTER-
GOVERNMENTAL
AGREEMENT

PUBLIC WORKS
COMMITTEE

FINANCE
COMMITTEE

MAYOR

COUNCIL
PRESIDENT

SOLICITOR

ADOPTION OF
FINAL 2013
BUDGET

(ORDINANCE NO.
1017) REAL
ESTATE TAX
ASSESSMENT FOR
FISCAL 2012 TO
BE 8.15 MILLS

Tuesday, December 18, 2012

Solicitor Lyons presented Resolution No. 12-09, a resolution for the realty transfer tax, the earned income tax, the local services tax, the business privilege tax, and the per capita tax for 2013, to Council for consideration.

Councilmember Casimir made a motion, seconded by Councilmember Baker, to adopt Resolution No. 12-09, a resolution for the realty transfer tax, the earned income tax, the local services tax, the business privilege tax, and the per capita tax for 2013. Motion was unanimously approved.

MANAGER: Councilmember Morris made a motion, seconded by Councilmember Baker, to approve the Per Capita Tax Exonerations for 2012 in the amount of \$130.00 as submitted by the Tax Collector. Motion was unanimously approved.

OTHER COMMITTEES: Councilmember Bergonia said there is nothing new to report on LARA.

Councilmember Morris reported the LDP has been very busy getting organized for the Holiday, and suggested the LDP and the LNC be linked together since they are working together to coordinate activities.

Mayor Wagner stated she was unable to attend the last Town and Gown Committee meeting.

Councilmember Strosser said the LNC would like to be on the Council agenda next month to present the concept of the LNC expanding to cover the north side with another Neighborhood Project (Ward I Plus: Cherry Alley to the river, all the way up Buffalo Creek to the railroad tracks, back to Cherry Alley and across). He questioned if this should come before the Planning Committee first or come directly to Council. The LNC wants to hold a public meeting in February to gather interest and ideas from the citizens. The DCED recommended the LNC apply to become a Keystone Community as soon as possible as we need to designate this second neighborhood to become a Keystone Community. Manager Smith suggested this be presented at January's work session. Councilmember Strosser said he didn't believe the presentation would take very long. Councilmember Morris reminded Council that Dan Greene's position as an Elm Street Manager is only funded one more year, so we need to look for funding sources. Councilmember Strosser said he feels if the LNC's mission is expanded to another neighborhood, Council might be more likely to partially fund Mr. Greene's position. Councilmember Mahon asked if by becoming a Keystone Community we get access to other funding sources. Councilmember Strosser said for capital projects, yes, but not for salary. Mayor Wagner said you can't raise the hopes of the neighborhood we are talking about expanding to cover if we have no paid leader. Manager Smith said he strongly feels this is a work session discussion. Councilmember Strosser said the LNC's Master Planning Committee that is putting the presentation together doesn't meet until January 11th, so the January 8th work session will not work. Councilmember Casimir suggested the LNC meet with the Planning Committee in January, noting he has some hard questions he would like to ask and would rather do it at a less public meeting. Manager Smith said the Planning Committee meeting is January 10th. There was **much** discussion. It was the sense of Council that the LNC should present the concept to the Planning Committee first.

Councilmember Casimir reported the Shade Tree Commission is continuing to be as good a partner as possible with the public while dealing with dangerous trees, delinquencies, etc.

Council President Bergonia indicated the CK-COG is doing a great job and there is nothing new to report. Councilmember Casimir stated he was very impressed with the change in tone of the reports we received from the CK-COG tonight. Solicitor Lyons said that is a direct result of Matt Sauers. It was the sense of Council that the reports received were very good.

Councilmember Morris reported the community garden group has closed their year, planting oats as a winter cover. Councilmember Baker stated he thought the raised beds were to be removed. Councilmember Morris said there were discussions about leaving things there, and having personnel available should there be any flooding issues, etc.

OLD BUSINESS: Councilmember Casimir asked if the Borough received an invitation to participate in the Municipal Advisory Group for the Fire Company. Council President Bergonia indicated nothing was received yet. Mayor Wagner said there should be at least one representative from Borough Council participating on the Municipal Advisory Group.

NEW BUSINESS: None.

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

(RESOLUTION NO. 12-09) REALTY TRANSFER TAXES, EIT, LST, BPT AND PER CAPITA TAXES

MANAGER PER CAPITA TAX EXONERATIONS

OTHER COMMITTEES LARA

LDP

TOWN AND GOWN

LNC

SHADE TREE COMMISSION

CK-COG

COMMUNITY GARDEN

OLD BUSINESS

NEW BUSINESS

WRITTEN REPORTS

Tuesday, December 18, 2012

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

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

Council entered executive session at 8:40 PM. Council returned at 9:25 PM.

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

Respectfully submitted,

Patricia M. Garrison
Borough Secretary

WORK SESSION

**(EXECUTIVE
SESSION)**

ADJOURNMENT