

A regular meeting of Bloomsburg Town Council was held Monday, April 22, 2013, beginning at 7:35 p.m. in Council Chambers, Town Hall, 301 East Second Street, Bloomsburg, PA. Prior to the regular meeting, Town Council held a Public Hearing at 6:00 p.m. concerning the inter-municipality transfer of a liquor license request of Marlene Butters for 18 West Main Street. Present were Mayor Dan Knorr; Council Members Diane Levan, Sylvia Costa, W. Carey Howell, William Kreisher, Fred Trump and Eric Bower; Chief of Police Leo Sokoloski; Town Administrator William Lowthert; Assistant Town Administrator Lauren Martz; Solicitor Jack Mihalik and Administrative Assistant Amy Seamans. A stenographer was present to record the following proceeding.

PUBLIC HEARING – INTER-MUNICIPALITY TRANSFER OF A LIQUOR LICENSE – MARLENE BUTTERS – 18 WEST MAIN STREET

Solicitor Mihalik stated that the previous law has changed and it now reads that a municipality may approve the request taking input from citizens instead of holding a formal hearing. It's within Council's discretion to take input and make a decision. Council can either say yes, no, or yes with conditions. If conditions are imposed, it's on the local municipality to enforce, not Liquor Control Enforcement. Council needs to make a decision within 45 days of the submission date.

Present were Attorney Greg Moro representing the applicant, Marlene Butters, and Pat O'Connell, co-counsel representing the landlord, Sante D'Ambrosio.

Ms. Butters stated that she plans to open a gastro pub called Marlene's at 18 West Main Street. The building owner, Sunset Holding, came to her looking to fill the vacancy when Marley's moves out. She would continue the bar/restaurant catering to an over thirties crowd.

Mr. Moro stated that a bar/restaurant has been at this location for fifty years or more. This license transfer is basically a one in/one out.

Mr. Butters stated that she has a business at 45 East Main Street, known as the Capitol Restaurant. For the past two and a half years she has served lunch and dinner at this location as well as hosting meetings. At Marlene's, she would like to take comfort foods and up-scale them and then pair them with imported and micro beers. She would also have live acoustical bands that would play folk and bluegrass music. The existing bar would remain and she does not anticipate making any interior changes. Ms. Butters expects to hire approximately 20 employees and when asked if she would do any catering from this location, she stated no, that this would remain at the Capitol.

S. Costa asked where the license was coming from and Ms. Butters stated, from the Villa Capri in Berwick.

B. Kreisher asked if Council were to limit the amount of food versus alcohol, would this be a problem and Ms. Butters expressed no.

Mayor Knorr expressed that Council had heard that if the license was brought into Town, it might be moved to Sixth Street because the locations are owned by the same developer. He is fine with restricting the license to 18 West Main Street because he feels this is a continuance of what already exists but would not be in favor of it being moved to Sixth Street.

Solicitor Mihalik stated that the current legislation put no limit on the amount of transfers.

Chief Sokoloski spoke about the licensed establishment at 45 East Main Street. Ms. Butters and her partner Mr. Berger have always been receptive with law enforcement, have always been in compliant and keep constant dialogue with third shift police officers. When issues arise, they are addressed immediately.

Bob Rupp, 874 Barton Street, stated that he has always had a great working relationship as Fire Chief with Ms. Butters. Eight or nine years ago, the fire department started inspecting bars and there were nine. Today, there are 17 and he's worried if this number continues to grow. Personally, he's concerned about the late night activity that happens on Main Street.

Steve Coladonato, West Third Street, asked Ms. Butters what the hours of this establishment would have and she expressed they would be open from 11:00 a.m. to 2:00 a.m. Mr. Coladonato then read a prepared statement.

Ms. Butters stated that she doesn't feel the Capitol is a college bar. They have a very diverse age group.

D. Levan expressed that there were promises made at the hearing for the license transfer for the Capitol that have not been kept. She also pointed out that if this restaurant does not succeed, the license cannot leave for five years.

B. Kreisher likes the 50/50 alcohol/food condition.

S. Costa stated it would be impossible to police if conditions were put on the license.

E. Bower stated he would be in favor of putting a condition on the license tying it to this location.

DENIAL OF INTER-MUNICIPALITY TRANSFER OF A LIQUOR LICENSE

On a motion by F. Trump, seconded by D. Levan and voted on Four (4) (F. Trump, D. Levan, S. Costa and C. Howell voting "Yes") to Three (3) (D. Knorr, B. Kreisher and E. Bower voting "No"), Council denied the request of Marlene Butters for an inter-municipality transfer of a liquor license to 18 West Main Street.

Being no further discussion, Mayor Knorr adjourned into an Executive Session to discuss pending litigation at 7:24 p.m. and reconvened the regular meeting of Bloomsburg Town Council at 7:35 p.m.

Present were Mayor Dan Knorr; Council Members Diane Levan, Sylvia Costa, W. Carey Howell, Bill Kreisher, Fred Trump and Eric Bower; Town Administrator William Lowthert; Assistant Town Administrator Lauren Martz; Chief of Police Leo Sokoloski; Code Enforcement Officer Ed Fegley; Solicitor Jack Mihalik and Administrative Assistant Amy Seamans.

PROCLAMATION – NATIONAL ARBOR DAY

Mayor Knorr proclaimed April 26, 2013 as National Arbor Day in the Town of Bloomsburg and presented the proclamation to Cristina Mathews, Chair of the Bloomsburg Shade Tree Commission. Twelve trees will be planted on Wednesday along Fifth and East Streets in recognition of National Arbor Day.

CITIZEN TO BE HEARD – ROB STAIB, PRESIDENT OF BLOOMSBURG LITTLE LEAGUE

Rob Staib, President of Bloomsburg Little League, was present to ask permission to build a softball field at Town Park. They would incorporate an extendable fence to accommodate softball and baseball. In the off season they would also like to hold tournaments and the size of the current fields do not meet the requirements. Mr. Staib stated that they are aware that a future field exists in the Streater Fields Master Site Plan but this location would not work because it would be too far away from their maintenance equipment and concession stand. The ideal location is where a soccer field currently exists at Town Park. Mayor Knorr directed Mr. Staib to attend the next Public Works Committee meeting for further discussion.

MAYOR'S UPDATE

Mayor Knorr reported that the federal government had set aside 27 million in 2012 and has now set aside 29 million in 2013 to help the counties that were affected by Hurricane Irene and Tropical Storm Lee. He expressed that the Town will continue to pursue the funding to help the affected residents.

2012 FINANCIAL REPORT UPDATE

Mayor Knorr gave an overview of the 2012 Financial Report prepared and issued by Boyer & Ritter highlighting the assets, liabilities and debt. Actual expenditures exceeded the budget by \$904,821 due to legal fees, extended consulting services, 1.5% local buy-out share of the 900

block of West Main Street HMGP and the 2011 flood cleanup at Town Park was approximately four times of what was expected. Actual revenue exceeded the budget by \$1,052,416 due to the switch to Berkheimer for tax collection, additional amusement tax from the Bloomsburg Fair Association increasing their admission and the Police, Code Enforcement, Public Works and Fire Department's being under budget. Mayor Knorr also reviewed revenues over expenses from 2008 through 2012 and current and future budgetary challenges.

APPROVAL OF APRIL 8, 2013 COUNCIL MEETING MINUTES

On a motion by D. Levan, seconded by C. Howell and voted on unanimously, Council approved the April 8, 2013 Council meeting minutes with no additions or corrections.

APPROVAL OF PAYMENT TO FIRST COLUMBIA BANK AND TRUST CO. FROM THE POLICE AND EMPLOYEES PENSION PLANS FOR QUARTERLY TRUSTEES FEES

On a motion by C. Howell, seconded by D. Levan and voted on unanimously, Council approved payment to First Columbia Bank and Trust Co. from the Police Pension Plan in the amount of \$3,863.02 and \$3,100.33 from the Employees Pension Plan for quarterly trustee fees.

APPROVAL OF POOL MANAGER CONTRACTUAL AGREEMENT FOR 2013

On a motion by D. Levan, seconded by S. Costa and voted on unanimously, and on the recommendation of the Norris E. Rock Memorial Swimming Pool Operating Board, Council approved a Pool Manager contractual agreement with Chuck LaCroix for 2013.

APPROVAL OF ASSISTANT POOL MANAGER CONTRACTUAL AGREEMENT FOR 2013

On a motion by D. Levan, seconded by S. Costa and voted on unanimously, and on the recommendation of the Norris E. Rock Memorial Swimming Pool Operating Board, Council approved an Assistant Pool Manager contractual agreement with Korin LaCroix for 2013.

APPROVAL OF PAYMENT ON INVOICE TO SEDA-COG

On a motion by D. Levan, seconded by S. Costa and voted on unanimously, Council approved payment of an invoice to SEDA-COG in the amount of \$7,830 for administration of the Town's FFY 2012 CDBG program with CDBG funds.

Being no further business, the meeting adjourned at 8:20 p.m.

WILLIAM LOWTHERT
Town Administrator and Secretary