

**BANGOR BOROUGH COUNCIL MEETING
HELD AT 197 PENNSYLVANIA AVENUE, BANGOR, PA**

MINUTES

JUNE 24, 2024, 6:30 PM

CALL TO ORDER AND PLEDGE TO FLAG

ROLL CALL

Members Present:

James W. Kresge
Marissa Donnelly
Joanna Paulson
Rosemarie Capone
Marc Sperling
Barry Schweitzer
James Augustine

Others Present:

Stephen Reider, Borough Manager
David J. Ceraul, Esq., Solicitor
Mary Ellen DeFranco, Mayor
Jeffrey Ott – Ott Consulting, Inc.
Bernadette Kearney – HRMM&L

PUBLIC COMMENTS:

1. Brooke Bond was present to discuss her Girl Scout project with Council. Brooke would like to make poster boards and have them at the park to display information about the park and borough. A **MOTION** was made by Donnelly, seconded by Capone to approve the Girl Scout project as presented in coordination with the Borough Manager. All were in favor. **MOTION** carried.
2. David Carhart was present from 139 Market Street to voice his support for the Slate Belt Veterans Project.
3. Denise Albert was present from 223 Park Avenue to suggest having the borough administration office available to the elderly and less fortunate to cool off when the weather is excessively hot. She also commented that Council should work together.

ACTION ITEMS:

1. A **MOTION** to approve payment of the bills totaling \$487,095.42 was made by Donnelly, seconded by Capone. All were in favor. **MOTION** carried. Mayor DeFranco had questions regarding engineering payments and escrow accounts. Council Member Paulson inquired about the Park Board reconciliation report. Manager Reider stated that the Park Board account statement will be included in the next Council meeting packet.
2. Manager Reider stated that the pool is fully staffed, and Council discussed increasing the pool pass fees back to the original rate moving forward. After Council discussion the fee will remain the same for this year.
3. Manager Reider provided Council with a draft of the Ordinance to repeal the per capita tax. A **MOTION** was made by Sperling, seconded by Donnelly to approve the Ordinance for advertisement. Vote: 5-2, Nay-Paulson, Schweitzer, **MOTION** carried.

4. Manager Reider stated that several business/property owners downtown would like Murray Street to remain closed. Council had a discussion regarding Murray Street. Resident and business owner Scott Schmutz was present from 52 Broadway to give his opinions/suggestions. The business owner of the brewery was present to address Council and answer questions. A **MOTION** was made Donnelly, seconded by Sperling to leave the alley as is but to research other options to block it off. Vote: 5-2, Nay -Paulson, Schweitzer. **MOTION** carried.
5. Manager Reider and Council continued their discussion regarding the disabled parking sign application that was received for 44 Kline Street. A **MOTION** was made by Augustine to approve the application. A **MOTION** was made by Donnelly, seconded by Capone to table the application approval. Vote 6-1, Nay-Kresge. **MOTION** carried.
6. Manager Reider and Council continued their discussion regarding the SALDO application for Slate Belt Veterans Association, Inc. (428 Market Street). Manager Reider provided Council with a draft Resolution and Declaration that included the Council recommendations from the June 10, 2024 Council Meeting. Alternate Solicitor Kearney discussed the changes made to the Resolution and answered questions from Council. Council reviewed the waiver requests:

3.a) The Applicant is requesting a waiver from Section 304.F of the Bangor Borough Subdivision and Land Development Ordinance (the "SALDO") which requires a plan depicting the existing features within one hundred feet (100') of the Property's boundaries.

A **MOTION** was made by Donnelly, seconded by Augustine to grant this waiver request. Vote: 5-2, Nay-Paulson, Schweitzer. **MOTION** carried.

b) The Applicant is requesting a waiver from SALDO Section 306 which requires separate preliminary and final plan approvals. The Applicant is requesting a combined preliminary/final plan approval.

A **MOTION** was made by Augustine, seconded by Sperling to grant this waiver request. Vote: 5-2, Nay-Paulson, Schweitzer. **MOTION** carried.

c) The Applicant is requesting a waiver from SALDO Section 406.B to disturb more than thirty percent (30%) of steep slopes, where a maximum of thirty percent (30%) disturbance is otherwise permitted; and to disturb more than twenty percent (20%) of very steep slopes, where a maximum of twenty percent (20%) disturbance is otherwise permitted.

A **MOTION** was made by Sperling, seconded by Augustine to grant this waiver request conditioned on, at applicant's cost, a structural or geotechnical engineer reviewing the Plans, prior to recording, as to the retaining wall to be removed and shall visit the Property to ensure that the removal of the retaining wall does not adversely impact the stability of neighboring properties and/or homes. Vote: 5-2, Nay-Paulson, Schweitzer. **MOTION** carried.

d) The Applicant is requesting a waiver from SALDO Section 417 to relieve it of the obligation to offer additional right-of-way for dedication and to allow the existing rights-of-way to be classified as ultimate rights-of-way. South Fourth Street, South Fifth Street and Market Street have existing forty feet (40') wide rights-of-way. Broadway has an existing fifty feet (50') wide right-of-way. SALDO Section 417 otherwise requires a fifty feet (50') wide right-of-way for local roads, and a sixty feet (60') wide right-of-way for collector roads.

A **MOTION** was made by Augustine, seconded by Donnelly to grant this waiver request. Vote: 5-2, Nay-Paulson, Schweitzer. **MOTION** carried.

e) The Applicant is requesting a waiver from SALDO Section 421.J which provides that, when a lot adjoins streets of different classes, the driveway shall provide access to the street of lesser classification, unless this requirement is waived by the Borough for reasons of sight distance, incompatibility of traffic, grading, drainage or other major reasons. The Applicant proposes to take access from Broadway, which is not the street of lesser classification.

A **MOTION** was made by Sperling, seconded by Donnelly to grant this waiver request. Vote: 4-3, Nay-Paulson, Schweitzer, Kresge. **MOTION** carried.

f) The Applicant is requesting a waiver from SALDO Section 431.C.5 to locate the dumpster in the middle of the Property where it must otherwise be located at the entrance to the development.

A **MOTION** was made by Donnelly, seconded by Augustine to grant this waiver request. Vote: 5-2, Nay-Paulson, Schweitzer. **MOTION** carried.

g) The Applicant is requesting a waiver from SALDO Sections 432.M.2 and 608.B.2 to allow the HDPE stormwater pipes from Inlets 5 and 6 to be twelve inches (12") in diameter, and to allow SDR-26 roof drain collection pipes into Inlets 2 and 3 (and all other roof collection pipes) to be four inches (4") in diameter, where a minimum of fifteen inches (15") is otherwise required.

A **MOTION** was made by Augustine, seconded by Sperling to grant this waiver request. Vote: 4-3, Nay-Paulson, Schweitzer, Capone. **MOTION** carried.

h) The Applicant is requesting a waiver from SALDO Section 433 which requires street trees along all existing streets adjacent to the Property. The Applicant seeks a waiver from the requirement to provide street trees along South Fifth Street.

A **MOTION** was made by Donnelly, seconded by Augustine to grant this waiver request. Vote: 4-3, Nay-Paulson, Schweitzer, Capone. **MOTION** carried.

I) The Applicant is requesting a waiver from SALDO Section 433.C.6 which requires that street trees be planted at a rate of at least one (1) tree per forty feet (40') of street frontage, or fraction thereof. Based upon these requirements, the Applicant is required to provide twenty-one (21) trees. The Applicant seeks a waiver to provide eighteen (18) trees.

A **MOTION** was made by Donnelly, seconded by Augustine to grant this waiver request. Vote: 5-2, Nay-Paulson, Schweitzer. **MOTION** carried.

j) The Applicant is requesting a waiver from SALDO Section 434 which requires buffer plantings along all property lines and external rights-of-way. The Applicant seeks a waiver to allow the plantings to be provided in accordance with Sheet LA-1 of the Plans.

A **MOTION** was made by Donnelly, seconded by Sperling to grant this waiver request. Vote: 5-2, Nay-Paulson, Schweitzer. **MOTION** carried.

k) The Applicant is requesting a waiver from the requirement in SALDO Section 606.C to allow the driveway to have a ten-and-eight-tenths percent (10.8%) slope, where a maximum slope of ten percent (10%) is otherwise permitted.

A **MOTION** was made by Augustine, seconded by Sperling to grant this waiver request. Vote: 5-2, Nay-Paulson, Schweitzer. **MOTION** carried.

Alternate Solicitor Kearney reviewed the Declaration with Council and answered questions.

A **MOTION** to approve the Resolution for conditional preliminary final approval of the Patriots Square Housing Land Development Plan with the following changes:

in l) adding the reference to Section 407

"l) In lieu of additional community facilities to serve the proposed development and in lieu of dedication of suitable park and recreational land as set forth in Sections 405 and 407 of the Borough Subdivision and Land Development Ordinance, the Applicant shall provide a fee-in-lieu in the amount of \$1,500 per unit which shall be paid at the time of application for a building permit."

And waiver c.3: adding, “prior to recording”. *“Condition of Approval: If granted, at applicant’s cost, a structural or geotechnical engineer shall review the Plans, prior to recording, as to the retaining wall to be removed and shall visit the Property to ensure that the removal of the retaining wall does not adversely impact the stability of neighboring properties and/or homes.”*

was made by Sperling, seconded by Augustine. Vote: 5-2, Nay-Paulson, Schweitzer. **MOTION** carried.

COUNCIL COMMENTS:

1. Chief Jones reported that he is working with Manager Reider regarding trespassing at the Quarry.
2. Council Member Capone gave Council an update regarding the Park Board events.

EXECUTIVE SESSION:

A **MOTION** to go into Executive Session at 9:08 P.M. to discuss a police personnel matter with potential action to follow was made by Donnelly, seconded by Capone. All were in favor. **MOTION** carried.

Open session was re-entered at 9:21 P.M. Police personnel matters were discussed, and no action was taken.

ADJOURNMENT:

A **MOTION** to adjourn was made by Donnelly, seconded by Augustine. All were in favor. **MOTION** carried. The Bangor Borough Council Meeting adjourned at 9:22 P.M.

Respectfully Submitted,
Tracy Palmer, Administrative Secretary