

## MINUTES Bloomfield Borough Council June 5, 2018

Bloomfield Borough Council met this evening in regular session in the Bloomfield Borough Council Chambers with the following Council members present: President Malinda C. Anderson, Vice President John J. Patterson V, Kevin C. Weller, Charles N. Summers, Pierce L. Clouser, Jr., and Karl L. Cless.

Also present: Secretary Danielle Shope, Mayor Arlis Krammes, Borough Enforcement Officer Harry Nazzaro, Bloomfield Borough Planning Commission representative Melanie Rowlands, Solicitor Richard Wagner, Borough Employee Damon Hartman, Borough Engineer Michael T. Postick, Michael J. Smith and his wife Lauren Smith, Borough EMC Jake Baughman, residents Ashley and Jayne Eckert, Robin Dum, and Elizabeth Sawyer, and Perry County Times reporter Jim Ryan. Roger Watson arrived late.

President Anderson called the meeting to order at 7:00 p.m.

### *MEETING OPENING*

**Recording of the Meeting** – President Anderson advised the attendees that the meeting was being recorded by the Council for the accuracy of the minutes and stated that side conversations should be conducted in the hallway so as to not disrupt the meeting or its recording and reminded everyone that talking when someone else is speaking also disrupts the meeting and affects the recording. President Anderson further requested that those individuals in the audience desiring to speak identify themselves prior to speaking and they have 3 minutes to present their concern. Individuals have 10 minutes to present their concern if they are on the agenda. President Anderson stated that Council will not deviate from the agenda and any should be addressed during the appropriate portion of the meeting.

**Approval of Minutes** – Councilman Weller made a motion, seconded by Councilman Summers, to approve the May 1, 2018 minutes as presented. Motion carried.

**Approval of Financial Report** – Vice President Patterson made a motion, seconded by Councilman Clouser, to approve the financial report for May 2018 as presented. Motion carried.

**Oath of Office – Michael J. Smith** - Mr. Michael J. Smith was sworn in as a new Bloomfield Borough Council member by Mayor Arlis Krammes. Councilman Smith took his seat at the table.

**Burget & Associates – Eckert Property** - Mr. and Mrs. Ashley Eckert presented the subdivision maps to Council to be signed. Mrs. Eckert stated they had a letter from the Zoning Board stating the Zoning Board approved a variance for them and all that was left was for Council to approve the variance.

Vice President Patterson made a motion to waive the variance fee for the Eckert property, seconded by Councilman Clouser. Motion carried.

Councilman Summers made a motion to approve the amended documents as submitted by Mr. Burget concerning the Eckert property, seconded by Councilman Weller. Motion carried.

Council President Anderson and Secretary Shope signed the documents for the Eckert property.

## PUBLIC COMMENTS

Mrs. Elizabeth Sawyer expressed her concern about the crosswalk at Main and Chestnut Streets. She noted that the crosswalk at this intersection had not been painted as others have been. She called the Borough Office and was told that this was not an actual legal crosswalk at Main and Chestnut. However, this is the crosswalk where the school children cross the street and have for many years so why has it not been painted. President Anderson deferred to Borough employee Damon Hartman. Mr. Hartman stated that the area cannot legally be designated a crosswalk because the curbing is not ADA compliant. Mrs. Sawyer asked what could be done for the safety of the children. When school is in session the crossing guard is there to help occasionally. President Anderson suggested the Borough can look into the ADA compliance issues, but since Main Street is a state owned road the Borough has to be in compliance with the state requirements. President Anderson stated the Borough can look into making the curbing ADA compliant, thus making it a legal crosswalk. President Anderson stated the Borough can paint it and then look into making the curb ADA compliant. President Anderson asked Mr. Hartman to paint a crosswalk at Main and Chestnut Streets with Vice President Patterson taking responsibility for making the painting happen.

Borough Engineer Postick asked the Borough to wait to paint the crosswalk until he checks to make sure they are not making it a crosswalk that does not legally qualify as a crosswalk by PennDOT. He stated if the Borough designates it a crosswalk, but not a legal one and someone gets hurt, the burden falls back to the Borough. President Anderson stated they will follow up on this issue and asked Mrs. Sawyer to leave her contact information with Secretary Shope.

Councilman Cless stated the Borough had requested a blinking light be installed there by PennDOT but this request was turned down.

## ENFORCEMENT

**Solicitor's Report** – Mr. Richard Wagner made an observation about the package Council presented to him concerning the ordinance for the Eckert subdivision. In Section 3, only property owner's names were listed. Fifty years from now when someone looks at this the likelihood of the same people owning that property is slim so the key is to say "now or formerly owned by ..." in that Section.

**Lot 30:** Mr. Wagner stated he had a long talk with the fiduciary of the corporation. He explained the owners of Lot 30 are a corporation. They have had some issues concerning their dissolution or breaking up of the corporation. They went to court and asked the court for intervention and the court appointed a trustee. That trustee is Robin Holman-Loy. For a significant period of time, Ms. Holman-Loy has tried to come up with a solution with what to do with Lot 30. There were a myriad of issues (i.e.: dirt, right of way, etc.) going back and forth for a long period of time. Last week he contacted Ms. Holman-Loy and she gave him the status of this issue. Mr. Wagner told Ms. Holman-Loy that one of these days the Council would say "forget it" because, for lack of other words, they have been jerked around for years and years. Ms. Holman-Loy called Mr. Wagner yesterday and told him she is concerned as the trustee if she makes a recommendation to the court that any party that is part of the corporation trying to own that will cause problems, among, between, by, etc. Not to mention the simple inability to operate the pump station and all the liability that goes with it and all the costs of that. So the focus of the discussion was that she wants to recommend the Borough gets it.

The three concerns were: 1) It would have to be with a right of way to access surrounding properties. 2) Dirt is out of the question. You get it with the dirt. 3) Ms. Holman-Loy would like the Borough to have something flowing back to the owners of the corporation. Mr. Wagner stated first there is the cost factor and once it is taken and inspected, there will be operational costs of the system. Borough Engineer Mike Postick gave an update on what he thinks the costs would be for the next ten to fifteen years

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and that a detailed inspection might be \$8,000-\$9,000. So, the Borough would be spending a considerable amount of money if they take Lot 30 over. The question would be if the Borough would be willing to give any additional sums of money so that the corporation gets something to divvy up. The corporation asked for a couple thousand dollars. Mr. Wagner could not speak on behalf of Council to this request but is bringing it to Council's attention.

The question is A: Does Council want to say to Ms. Holman-Loy yes we want it and yes we are willing to pay "X" number of dollars, or B: We do not want to pay anything because we will be taking a pretty big hit in operating and maintaining it and inspecting it.

Mr. Wagner asked: A: Is Council interested in taking it over, and if so under what terms and conditions or B: Forget it, it's too late.

President Anderson asked for Council's thoughts.

Discussions followed:

Councilman Cless discussed face to face with Mr. Watson the same thing about being "jerked around" and Mr. Cless and Mr. Watson agreed between the two of them that Mr. Watson and Lisa Fraker want to get rid of Lot 30. Councilman Cless stated Mr. Watson said he would just give the Borough Lot 30 if the Borough gives them the right of way into the other properties behind the lot. Also, they would take half the dirt and the Borough could keep half the dirt and call it square. Councilman Cless is not in favor of giving the corporation any money, give them the dirt, but with no money exchanged.

Vice President Patterson stated how disappointed he was that the corporation as a professional organization has not been good on their word. What they say and what they do are two different things. The only thing Vice President Patterson is in favor of, IF Council accepts the property, is to legally pay a dollar and give them the right of way south of the pump station which is not on Lot 30. The right of way they want does not give a lot of room for the borough to maneuver on the north end to make repairs and/or expand the station.

There was no description given to Mr. Wagner except "a right of way across the lot".

Mr. Watson arrives to the meeting.

Solicitor Wagner stated Mr. Watson is out of the equation. The Borough is dealing with the trustee. The trustee has to make the decision and send it to the court. Ms. Holman-Loy did not meet with Council to discuss a right of way.

President Anderson asked if the proposal from the trustee will be given to Council in writing. Mr. Wagner understood that it will be made as a recommendation to the court.

President Anderson asked Council if they wanted to make a decision or table the issue and wait until they have something in writing from Ms. Holman-Loy.

Councilman Cless stated you could not deny access to a lot behind Lot 30, but Solicitor Wagner stated the law states you cannot force someone to give up their ground for access by someone else. There is a lot of area in PA that will remain landlocked unless they can negotiate the right of way.

A discussion followed where Mr. Watson stated there was a paper in the courthouse that there had to be a cul-de-sac on that lot to access the 30 acres. Vice President Patterson asked that paper to be shown to him.

President Anderson stated this would not be discussed right now because it was not what was on the table. Mr. Watson continued to say it would be illegal to not grant access to the land behind Lot 30.

Vice President Patterson was ready to drop the whole issue and let the corporation do what they think they can do. Councilman Cless stated you cannot let those home owners in limbo like that.

Vice President Patterson made the motion to remove the Borough from the Lot 30 issue. There being no second the motion, the motion did not pass.

President Anderson recommended that Ms. Holman-Loy present something in writing to the Borough by the end of the week. She wants a description of exactly what is being discussed. President Anderson feels things are very nebulous because Ms. Holman-Loy's description is access roads which are not specific enough, etc. Personally President Anderson does not want to pay the corporation a dime, she is sick of this but for those five families that are stuck there and for the new homes that are going in she feels they have to give it one more shot but not on their terms, on ours. President Anderson wants this whole issue resolved by July 1, 2018. This has been going on for four years.

Borough Engineer Postick asked Mr. Wagner once Ms. Holman-Loy makes her recommendation to the court how long after that, time wise. Mr. Wagner stated the idea is to get it done, but technically if people make appeals it could go on forever. Mr. Wagner said if Ms. Holman-Loy submits a recommendation as a trustee to the court the parties can take an appeal from that order, and then her recommendation would be in limbo until that appeal is decided which could be years.

Vice President Patterson reiterated the only person the Borough has to deal with is the receiver/trustee Ms. Holman-Loy.

Mr. Wagner's deepest concern is directed to the Borough engineer and that the longer the time goes by the concern is the greater potential liability the Borough has in not only accepting the system, but repairing it and operating it because we do not know the condition of it.

President Anderson had asked Mr. Postick to come up with a cost and he came up with approximately \$25,000 to \$35,000 over the next 10 to 15 years to have it run as it should. That is not including inspections, piping, etc. An additional two to three thousand dollars would have to go toward borough employee salaries for labor maintaining this pump station.

According to DEP it is the owners' responsibility if something goes wrong with the pump station. Mr. Wagner stated that if the receiver makes this recommendation does the Borough want to be on board with it or have a cursory inspection of the system to see if it is operational.

President Anderson asked for a motion that the Borough would like to accept Lot 30, but will not pay any money and not give a right of way. Councilman Michael Smith so moved, seconded by Councilman Cless. Motion carried.

Melanie Rowlands asked Solicitor Wagner if this vote creates any sort of liability on the town if this drags out in court based on them saying they agree to take it for no money? Solicitor Wagner said no, they only thing they are saying is that the Borough would recognize what the receiver/trustee is going to report to the court that the Borough will accept it but it hasn't been dedicated or accepted.

**Enforcement Committee Report** – Councilman Weller reported there are five people that have not called him about their sidewalks after receiving their letters. He will get together with the rest of the committee to

see what they want to do about those who have not responded. Councilman Weller reported the little foot bridge behind the River of Life Community Church is in bad shape. It is about four feet long and three feet wide. Since this is a Borough walkway and connects to other sidewalks in town the borough will look into fixing it. Councilman Weller will work with Mr. Hartman to see that this issue gets addressed. Councilman Weller asked if the Borough was getting anywhere with the green Lyter house or if any letter had been sent to the owner. President Anderson stated she spoke with Solicitor Wagner about the Borough landlord enforcement and the nuisance ordinances. She wants to confer with BEO Nazzaro if he has left any of the red knockers on that particular door or has notified the homeowner of that issue because it is in deplorable condition. Councilman Weller also asked about the bowling alley. President Anderson instructed Solicitor Wagner to send letters to the Jacobellis who are not dealing with their rain water issue at their property located in the Square and the same thing applies to the bowling alley. Letters will be sent to both of these property owners.

**Mayor's Report** – Mayor Krammes stated she had a few complaints about some homes where homeowners store things outside. She is working on that. The flowers in the Square are looking better. She has had complaints about the Borough spring being dirty, etc. She is hoping the Aesthetics Committee might be able to help with that if she got geraniums to match the ones in the Square. President Anderson stated she contacted the Master Gardeners and they did an inspection of the spring. The Master Gardeners will design some ideas to enhance the spring and will bring those to Council. In the meantime, Mayor Krammes will plant some flowers to help improve its appearance. Councilman Summers of the Aesthetics Committee said he will look into this issue.

President Anderson stated there are four individuals interested in the Parking Enforcement Officer position. She, Councilman Smith, and Mayor Krammes will be interviewing the four candidates.

Mayor Krammes added that Fred Morrow will be clearing the lot next to her property where the small blue house is located and it will become a vacant lot.

**Borough Enforcement Officer's Report** - BEO Nazzaro reported issuing the following first time warnings: uninspected vehicles (10); grass (8); loud music (2); trash (2); brush/grass (2); cars parked facing the wrong way or parked too close to stop signs, etc. (7); vehicles parked in Post Office lot (3); grass/trash (1); burning (1); public drinking (2); dog barking (1); house numbers (1); sidewalk blocked by tree branches (1). Second time warnings: trash (1).

BEO Nazzaro handled 3 juvenile issues; two of these involved the same two juveniles who broke the Borough sign. He issued multiple warnings to the owner of a red track broken down facing the wrong way on Church Street. He contacted Community Aid regarding a large amount of junk illegally dumped at the High Street bin after the yard sale weekend. This included old TV's, broken furniture and tires, etc. He turned over a lost dog to the Dog Warden after being unable to determine the owner. He assisted with the Borough Cleanup day. He had several nonresidents attempt to drop trash and a few even lied about residency. After he asked for ID, they were forced to admit they lied and he warned them what they tried to do was fraud. He completed extra patrols during the annual Yard Sale event. He issued warning for fireworks and noise as needed during the holidays. He did some extra night patrols to keep an eye on the Extension Office Plant Sale. He also completed patrols during bad rainstorms checking sewer plant and storm drains.

There is a new refurbished computer down at his office. He will check into the Lyter property again.

**ADMINISTRATIVE**

**Announcements and Correspondence** – President Anderson stated the Tri-County Planning Commission has requested use of Council Chambers on June 14<sup>th</sup> and July 12<sup>th</sup>. Since there is no conflict they have been allowed use of the facilities and since they are a government entity there is no charge.

The Perry County Conservation District is holding their E-cycling on Saturday, June 9, 2018 from 10:00 a.m. – 2:00 p.m. at the Newport Fairgrounds.

**Water Authority Report** - Mr. Albright was absent due to illness. Vice President Patterson noted that the water authority job on McClure Street has been completed.

Mr. Rodger Watson came back to the meeting with a document he was told to leave with the Borough Secretary. It had to do with the cul-de-sac he mentioned earlier.

**Planning Commission Report** – Melanie Rowlands had nothing to report.

**Zoning/Permit Officer's Report** - Mr. Albright was absent so no report given.

Borough Engineer Mike Postick presented Council a notification paper with the figures for both Borough Water and Borough for the McClure Street water project. It acknowledges payment sending this information to SEDA-COG saying this is what is being owed by the contractor. He asked if this needed to be voted on. President Anderson's understanding is that the company makes the request for payment to the contractor and then SEDA-COG depletes up to 90% of the Borough's funding and then they would come to the Borough for the remaining balance but the Borough has not received any paperwork from SEDA-COG to date. President Anderson said it would be typed up on letterhead and given back to Mr. Postick to submit to SEDA-COG.

**Administrative Committee Report** – Councilman Cless reported two computer issues ... the secretary's laptop computer crashed during a Windows 10 update and would not respond so he had to reload the Operation System and start over with all support software. Also, the BEO computer malfunctioned and had to be refurbished and upgraded to Windows 10 OS with associated software. He began work on the old Join Hands room in preparation for a new tenant. He removed an old sink, plugged water lines, and patched holes in the walls for painting. The electrician is running behind and cannot update the electric heat until mid June at the earliest. Painting will commence when all repairs are complete. He also researched deeds at the Court House and prepared preliminary documents to begin the process of rezoning the Eckert/McNeillie properties on West Main Street from C-1 to R-1. He is waiting for the solicitor to review the material for approval of the subject matter.

**FEMA/PEMA Report** - Councilman Cless reported he received the new FIRM (Flood Insurance Rate Maps) notification from FEMA. After comparing the initial map done in 1978 and the current map offered, there is no difference. However, a discrepancy does exist in the elevations provided by the latest revision as the owner of Spring Lake Development deposited fill between then and now in a location near the south western boundary of the Little Juniata which should have raised the elevation standards above the current data being offered. He requested site elevation documents (at no cost) to prepare a challenge to FEMA which will permit building in the questionable area without high rate flood insurance requirements.

Councilman Cless acknowledged Jake Baughman, the Borough's EMC, and stated Mr. Baughman has turned in the official copy of the EOP to Secretary Shope. Council should review this. Secretary Shope did not receive the copy until today due to her computer problems. President Anderson asked Mr. Baughman if Council has to sign the EOP, give it back to Mr. Baughman so he can submit it to the state. Mr. Baughman answered yes. He had a paper copy with him which he gave to President Anderson for all proper signatures.

**PCBA/COG** - Mr. Albright was absent so there was no report.

**Capital Tax Collection Bureau Report** – Councilman Cless stated the state passed a new law empowering the Department of Community and Economic Development (DCED) to make tax collection procedures uniform across the Commonwealth with the Local Tax Enabling Act. Beginning in 2020,

DCED will be responsible to ensure that all ordinances, rules, regulations, and forms adopted in the collection of EIT are those promulgated by DCED. Mr. Cless said they are going to start meeting in the Borough Council Chambers. Mr. Cless will check about these meetings. He believes they are 4 times a year. He will get that information to the secretary.

President Anderson asked Councilman Smith to take over this task of Capital Tax representative.

### ***AESTHETICS***

**Aesthetics Committee Report** – Councilman Summers reported he wrote a permit out for the Shade Tree Commission for 311 Barnett Street. There are five trees and one has pushed up the sidewalk. They came to an agreement to allow the resident to take that one out and not have to replace it. He thanked the Aesthetics ladies who planted everything and are doing the plant watering. The playground mulch and Hummer have been installed. He took pictures of the ball field stands because he would like to put in for a Home Depot grant for 25 gallons of paint. Home Depot gives a \$50 gift card to buy supplies. President Anderson stated she has heard compliments from parents about the new playground equipment. Councilman Summers rented an edger from Heller's Hardware and did around the edge because they are putting the hard edge on hold around the slide. Removing the slide is a much harder task than first anticipated, but they will continue to get it finished.

### ***FINANCE, INSURANCE, AND SAFETY***

**Finance, Insurance & Safety Report** - Vice President Patterson stated the state of the financial situation in New Bloomfield looks as good now as it has in several years. He is very pleased about this especially with the many projects accomplished financially in the Borough within the last several years. He believes they are headed in the right direction.

**Grants** – Councilman Smith has agreed to taking over the grant procurement for the Borough. President Anderson suggested Mr. Smith and Mr. Postick collaborate on several grants.

**Personnel Committee Report**- Councilman Smith will also take over this committee.

### ***RIGHTS OF WAY & UTILITIES***

**Rights of Way & Utilities Committee Report** - Vice President Patterson reported the storm water project of McClure Street has been completed. They are waiting for a price quote for the paving of the street from DeTraglia contractors. The tar sealing machine is working very well. The entire basketball court was sealed in one day.

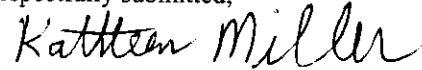
Councilman Cless remarked he made two trips to the county assessment office trying to get the figures for lowering the building insurance price and will continue to resolve this issue..

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***CLOSING COMMENTS***

There being no further business, upon motion by Councilman Weller, seconded by Councilman Cless, the meeting adjourned at 8:15 p.m. The next meeting is Tuesday, July 3, 2018 for a regular meeting at 7:00 p.m. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kathleen Miller".

Kathleen Miller, Assistant Secretary