

MINUTES
Bloomfield Borough Council
May 1, 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, Kevin C. Weller, Charles N. Summers, Pierce L. Clouser, Jr., Michael P. Pray and Karl L. Cless.

Also present: Secretary Danielle Shope, Mayor Arlis Krammes, Borough Enforcement Officer Harry Nazzaro, Bloomfield Borough Planning Commission representative Kevin Fitzpatrick, Water Authority and Zoning Officer Ed Albright Jr., Solicitor Richard Wagner, Borough Employee Damon Hartman, Perry County Times reporter Jim Ryan, Joe A. Burget Jr., Larry Reisinger and residents Jayne Eckert, Ashley Eckert, Michael J. Smith, and Herb Robb.

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 Summers made a motion, seconded by Councilman Weller, to approve the April 3, 2018 minutes as presented. Motion carried.

Approval of Financial Report – Councilman Pray made a motion, seconded by Councilman Weller, to approve the financial report for April 2018 as presented. Motion carried.

Burget & Associates – Eckert Property - Mr. Joe Burget reported that he submitted the Eckert subdivision plan to the Planning Commission which recommended the plan. Previously, Borough Council asked Burget & Associates to review the plan with Borough Solicitor Richard Wagner who made comments about going through the Zoning Hearing Board to give the fastest resolution. Mr. Burget submitted papers to obtain a zoning variance. The Zoning Officer and Zoning Hearing Board stated this did not have to happen. They dropped it and would not let Mr. Burget advertise it. The Zoning Hearing Board said it was not necessary because the zoning map was in error. This is where the issue has been dropped. Mr. Burget asked the Borough where he and the Eckert's need to go from here. Mr. Burget reviewed this issue with the Borough Council well last month and sent papers to Solicitor Wagner to review.

Solicitor Wagner stated there are two approaches to this issue. First, if there is a mistake in the zoning map, there is a mistake in the zoning map, but you cannot unilaterally change the map. You have to go through a revision of the ordinance. The zoning map was part of an ordinance passed pursuant to the Municipality's

planning code decades ago. Probably no one on Borough Council now was on decades ago when this ordinance was passed. It was thirty to forty years ago when they had passage of the zoning ordinance where they created certain zones. Now, there is an allegation that this one zone is wrong, it was a mistake. It has to be corrected. Solicitor Wagner stated there is a way to correct it and that is we have to submit a proposed ordinance, forward that ordinance to the Planning Commission, forward the ordinance to Tri-County Planning Commission for the County to look at, advertise the ordinance, conduct a public hearing, post the property surrounding the area where they want to change it and have a vote on the change of the ordinance. All this would take between four to six months and costs the Borough and provide Mr. Wagner with extra pay that he does not deserve because he does not have to do this.

Solicitor Wagner stated the simplest way is for the Eckert's to file a request for a variance. This gets approved. The Eckert's use as their reason is that they think there is a mistake in the map. This gets approved and it happens in months. There is no cost to the Borough and it can be done expeditiously. Frankly Mr. Wagner does not think the Zoning Hearing Board can just reject an application. They must conduct a hearing and they must create a record. They cannot just say they are not taking the application because it is wrong.

Mr. Wagner stated this is his opinion and stated the parties involved can act accordingly. The Borough Council is free to say let's pay the Solicitor a lot of money to make this change in the zoning ordinance and they can go through this process, but Mr. Wagner is trying to help the Eckert's out to do it more expeditiously with the least cost.

Borough Planning Commission Representative Mr. Kevin Fitzpatrick stated the tax mapping was off. It was zoned commercial giving full credit to Mr. Dan Paul and taking it away from the Eckert's and McNeillie's. Prior to this it was always zoned residential.

Solicitor Wagner stated he was not going to argue this, but the point is the Borough zoning map is the zoning map and if we are going to change the zoning map under the municipality's planning code there is a particular process to follow which can be done, but will cost the Eckert's four to six months of time.

Mr. Fitzpatrick as representative of the Planning Commission recommends that the Borough Council agree that it was a mistake and we go ahead with the Eckert's plan. Solicitor Wagner stated that you cannot just say there was a mistake in the map and continue on with the issue. Mr. Fitzpatrick thought they had to file a variance and wait four to six months. This is not the case if a variance is done. Solicitor Wagner explained a variance again.

Mr. Joe Burget stated he submitted this variance to the Borough Planning Commission but it was held up. Zoning Officer Ed Albright Jr. stated it was passed through. Mr. Burget stated it was never advertised. Mr. Albright stated it was passed through and there was a hearing set up but he does not know when the hearing will be. Mr. Albright is not on the Zoning Hearing Board, but he knows he passed it through. Mr. Burget stated he was told by Mr. Larry Brodisch twice (confirmed by Mr. Fitzpatrick) that it was not approved to be done. Mr. Burget asked if someone could tell Mr. Brodisch that it has to go through this variance process then they can go through this process and hopefully get the hearing set in the next couple weeks. Then Mr. Burget can come back next month and get it approved.

Mr. Fitzpatrick stated because of this mistake in the records it will be an additional cost of \$700.00 to the Eckert's. Solicitor Wagner already suggested to Borough Council that they waive this cost. President Anderson stated they had the authority to waive this cost. Solicitor Wagner stated Borough Council created this fee by ordinance and has the authority to waive the fee if they want to do that.

President Anderson's recommendation is to have a zoning hearing to give the Eckert's the variance to expeditiously move this issue forward, then the Borough can waive the fee and everyone can move forward.

Councilman Cless made a motion, seconded by Councilman Summers, to require the Zoning Hearing Board to have a hearing, post it in the newspaper as required to follow the procedures to correct this mistake and waive the Eckert's fee.

Solicitor Wagner stated when a variance is granted, it is granted to the land, not the owner. Mr. Albright asked about the McNeillie property. President Anderson stated they would try to do this simultaneously since these properties are adjacent to each other. Solicitor Wagner corrected this by stating this variance would only be for the Eckert's. The McNeillie's would have to come in and ask for their own variance. President Anderson said that as a courtesy the Borough would inform the McNeillie's about this situation. Solicitor Wagner will draft a letter to send them.

After this discussion the above motion was voted upon and passed.

PUBLIC COMMENTS

Mr. Larry Reisinger, Treasurer of the Bloomfield United Methodist Charge, stated that in the first quarter of 2017 the church purchased the property of 112 West Main Street. At that time there was a nail salon at that property, but after the church purchased the property it was purely the residence for the pastor and her husband. He had called to get the billing address changed so the invoices would go to Mr. Reisinger and this was done. The Water Authority changed their paperwork to just a residence. The Bloomfield Sewer still considers this property a business and has been charging the church a business sewer rate. Mr. Reisinger is asking that this be corrected because the previous business is no longer at 112 West Main Street. He gave Council a letter on church letterhead stating the residence is no longer a place of business. He gave the letter to President Anderson. He then stated that he did not pay the sewer bill. He brought his checkbook with him so he can pay it.

President Anderson offered explanation to Council stating that in December 2016 the Chubb residence was sold to New Bloomfield United Methodist Church and there was an agreement between the church and Mrs. Chubb that she could continue operating her nail salon there until she could establish a new shop location. January 2017 the Borough contacted Pastor Jean Felty of the New Bloomfield United Methodist Church and she provided the name of Mr. Reisinger who would be responsible for paying sewer and garbage trash bills. The week of July 15, 2017, Mr. Reisinger contacted the Borough Office and left a message about trash and sewer billing and he asked that the change be made to the billing rate. The Borough asked to get something in writing from the church saying that Mrs. Chubb was no longer operating a nail salon out of that property or Mrs. Chubb could send a letter because the Borough had no idea when the actual business closed. As of today, this is the first time the Borough Office has received anything in writing, so it has been almost exactly a year since the Borough has received anything from the church. President Anderson told Mr. Reisinger that as she stated with Mrs. Shope and Mr. Albright present the Borough will as of today accept this documentation and will no longer charge the church commercial rates. President Anderson stated the bill today would be reflected for residential rates. Mr. Reisinger may pay that bill now or come in Thursday. President Anderson stated they will double check the bill to make sure the figures are correct and he may pay the bill on Thursday.

ENFORCEMENT

Solicitor's Report – Mr. Richard Wagner reported on the issue of Lot 30. He brought Council up to date on this issue and asked Council to consider how long they want this issue to drag out. There have been some discussions back and forth between the principals of the corporation that is dissolving and the appointed receiver Robin Holman Loy. There were some proposals back and forth that have not been acted upon. The last activity Ms. Holman Loy reported to Mr. Wagner was a meeting with Vice President Patterson. As of today, she returned a phone call to report there really is not anything going on except now each of the two opposing principals of the corporation is asserting a demand to own Lot 30. This is different from what the Borough has seen in the past. Ms. Holman Loy has received no direction in which way to go to get this resolved.

Mr. Wagner stated this has been going on for at least three years. The Borough's concern is that there is a pump station on Lot 30 and a sewer system that somebody is going to ask the Borough to take over. Every time they ask the Borough to take over we need to do testing and it cost the Borough a hefty cost to have the testing done. Mr. Wagner stated that at some point the Borough may just want to say "done, we will not take it over, we don't want it, you are on your own". However the Borough has citizens down there that assume they are hooking up to a sewer system operated by the Borough. As time passes the cost to do the testing and the chance of damage and repair increase and this would all be borne by the Borough.

Mr. Wagner suggested possibly setting some deadlines and if things are not done then the Borough is out of the mix and those folks are on their own and they will have to operate the sewer system.

The corporation wants Lot 30 for access to the back lots. Mr. Wagner suggested to the receiver that if the Borough got possession of Lot 30 the Borough would give them access to the back lots.

President Anderson asked Mr. Wagner about his phone call to the Legal Council of one of the parties. Mr. Wagner paraphrased his voicemail as being "I have a Borough Council meeting tonight and Council is reaching the point that I can't guarantee that we will continue to cooperate in taking over the sewer system and we must move forward expeditiously and we must have an answer soon. Otherwise I feel Borough Council may step away and you folks will be owning the sewer system."

The Borough has contacted DEP and they will only intervene if there is a sewage crisis according to President Anderson.

President Anderson asked about two new houses being built in the development. Mr. Hartman stated these homes are on the Lot 30 sewage system pump station. So now there are 9 homes using this pump station system. She stated the Borough sent a letter to every resident on this pump station telling them of this situation. A letter will be sent to these new homes apprising them of the situation with the pump station, once residency is established.

Mr. Albright reported that Mr. Roger Watson has informed C&C which is building on Lot 63 that Mr. Katkocin owns the pump station.

Mr. Wagner reported on his next issue which was that he was commissioned to prepare a lease agreement between the Borough and the New Bloomfield Fire Company. He checked and had emailed the Fire Company Solicitor, William Bunt, the document. It was confirmed that it was received. He called this person in Mr. Bunt's office and asked about it. The lease agreement seemed to have been misplaced. Mr. Wagner emailed a second agreement today. Mr. Bunt is out this week but it will be on his desk Monday. So the lease has been done and conveyed.

Enforcement Committee Report – Councilman Weller reported they met last month and went over the sidewalk repair/replacement issues and drafted letters that went out last week. Mr. Weller is fielding all the phone calls and he will go out and review with them what they will need to do to repair or replace their sidewalks. He had three calls that were fairly good. Mr. Weller had a meeting with the engineers on McClure Street today. They went over curbing. The sidewalks on the south side of the street are in poor shape so they decided to do some curb work first before the sidewalks. Depending on cost will determine how much they can do.

Mr. Weller spoke with Mr. Fred Morrow and Mr. Morrow now owns the blue house on Barnett Street and Mr. Morrow told Mr. Weller that house will not be staying the way it is. It will probably disappear.

Mayor's Report – Mayor Krammes stated she spoke with one of the men from the Masonic Lodge and it seems they were parked in the Post Office Lot and the BEO issued them a notice. They have always parked there after Post Office hours. Mayor Krammes spoke to the Post Mistress and since it is after hours and not overnight parking the Post Mistress said she had no problem with the Lodge or Eastern Star using the parking lot at this time.

Mayor Krammes spoke to Peter Thompson of Crime Stoppers and asked if they were moving why they did not contact the Borough. Mr. Thompson took full responsibility for not notifying the Borough and will now do so.

Mayor Krammes reported on the mural and stated the artist will seal the mural. Nothing should be placed over the mural to protect it because this can lead to mold issues. The final picture should be presented to the Borough sometime in June. She showed Council a picture of the image that would be painted on the mural.

President Anderson added that the advertisement for the Parking Enforcement Officer was sent to the paper and should be in the week of May 10th and 17th. It will also be advertised on Face Book.

Resident Jayne Eckert mentioned the Road Runners water spigot is no longer there. Mr. Hartman said it would be fixed so the planters can be watered.

Borough Enforcement Officer's Report - BEO Nazzaro reported the following warnings: uninspected vehicles (1 first time warning, 1 second time warning); violation of curfew (1 warning); trash (11 first time warnings, 2 second time warnings); brush (1 first time warning, 1 second time warning); sidewalk blocked by a vehicle parked across (1 warning); garbage cans left at curb more than 24 hours after pickup (2 warnings); cars parked facing the wrong way, parked too close to stop signs or corners (13 warnings); skateboarding (2 warnings); vehicles parked in Post Office lot (11 warnings). BEO Nazzaro also issued a warning for an "abandoned" vehicle. The owner parked the vehicle with the front end sticking into the alley, placed vehicle on jacks and removed tires. The owner fixed and moved the vehicle. He issued a first and second warning to a property for broken window, trash and brush piles. The window has been covered with plywood but nothing else done to clean up property. He received a report of a golf cart owner driving through town again. He will issue a warning to the owner. He dealt with a complicated situation involving a recently released inmate who was stranded in town and needed a ride home. He completed many patrols and attended the Color Run. For a complete list of activities see his filed report in the Borough Office.

There was a discussion about marking the parking setbacks from stop signs/corners.

ADMINISTRATIVE

Announcements and Correspondence – President Anderson stated the Perry County Conservation District is doing the E-recycling county wide. It will be held June 9th from 10a.m. - 2 p.m. at the Newport

Fairgrounds. President Anderson read a thank you note from the Bloomfield Public Library for the Borough's library donation. She stated the Borough received two requests for use of the Council Chambers. One is from the Perry County Conservation Office for May 24th. The other one is from Perry County Economic Development Authority for May 21st. President Anderson told Mrs. Shope to allow these entities to use the room since they are governmental so they can use the Chambers free of charge. Details will be worked out.

Water Authority Report - Mr. Albright reported they had a meeting about Well 3 and the engineer informed the Authority that DEP is requesting ANOTHER test. Since Bloomfield has been designated a surface water influence well they are requiring them to do a test every two weeks for a year. The Authority has a meeting with DEP on Friday morning. Our Senator and Representative have stated they will have someone at that meeting along with our engineer, geologist and USDA. This needs to be moved along. The Authority knows they need filtration and are willing to do it. The money is there for the filtration system, but they are running out of time because the USDA loan is only for five years and they are already into the second year and if DEP requires another year of testing that will through everything back. DEP wants them to do another pilot test on the filtration system which involves bringing in a portable bladder system and running it for six months. This pilot test will cost between \$20,000 - \$50,000. The Authority is going to try to get DEP to say this is an approved system that has been used in the state of Pennsylvania. There should be no reason why they have to do this pilot test.

Planning Commission Report – Representative Kevin Fitzpatrick had nothing to report on other than the Eckert property. He expressed his frustration with how difficult this issue has been made.

Zoning/Permit Officer's Report - Mr. Albright reported that he looked at the County map on their website and when he looked at the zoning map he discovered that the historical district has now been extended to Church Street. President Anderson asked who did this. Mr. Albright stated the County did it. President Anderson asked if Mr. Albright would provide Solicitor Wagner with this information because that affects a lot of properties in a lot of different ways. Mr. Albright provided a copy of the map to President Anderson to forward to Mr. Wagner. Mr. Fitzpatrick said the Planning Commission is unaware of this change also. President Anderson stated she will attend the next Commissioners meeting to inquire about this issue.

Mr. Albright issued a water tapping fee, a sewer tapping fee, a zoning permit, a driveway permit and a sidewalk permit to Mr. Wayne Leshner for 314 Lakeside Drive in March. In April, he issued a water tapping fee, a sewer tapping fee, a zoning permit, a driveway permit and a sidewalk permit to Mr. Bill Hartman 403 Timber Circle.

Mr. Albright also reported they hired a new secretary for the Water Authority. Crystal Summers is the new secretary.

Administrative Committee Report – Councilman Cless reported he submitted the Borough Building assessment appeal to the County for review and possible adjustment. He is still awaiting a response from Mr. Randy Wagner, Chief Assessor. He spoke with QuickBooks Software representative regarding the possibility of using our financial software on two computers with one valid license ... this is possible. The Borough currently has but one operational computer system for financial bookkeeping. He suggests purchasing a desktop computer for the secretary with the intent to use it as a backup should the laptop computer fail. He will be focusing on vendor sales at this point for a good buy (\$650). He and Councilman Weller moved the Community Aid bin to the new Join Hands location on Church Street. The Join Hands room is still cluttered with inventory as of April 30th. Final move date is scheduled for May 31st. He contacted Play World Systems for Councilman Summers to find a replacement slide for the playground unit. The current slide is broken. Replacement cost is \$1,681.

FEMA/PEMA Report - Councilman Cless reported the Spring 2018 FEMA Region III Report was released, but focused mainly on the DELMARVA peninsula regarding new approaches to storm water mitigation and flood plain management. A copy is available for review.

President Anderson stated that she and Councilman Cless have a meeting with Mr. Jacob Baughman on Friday afternoon who Council hired to be the new EMC coordinator. They will tweak the program for FEMA/PEMA and send that into the state.

PCBA/COG - Mr. Albright had no report.

Capital Tax Collection Bureau Report - Councilman Pray stated the April meeting was cancelled. He believes they still would like to use space in the Borough Building.

AESTHETICS

Aesthetics Committee Report – Councilman Summers reported the playground equipment finally showed up. He plans to install it May 12th. He received a price on mulch. The cheapest he has found is \$1,446.90 from Reiff's. This is for 65 cubic yards. This would do the entire playground. He would have to close the playground parking lot the night of May 11th so the mulch can be delivered. President Anderson said he can close this, but to advertise this closure on the website.

Councilman Summers also reported the old slide has some cracks and needs replaced. The replacement slide price Councilman Cless found would be \$1,681. If they purchase the new slide, Councilman Summers would put a hold on doing a boarder around the entire playground to hold the mulch in place because this boarder costs about as much as the slide. This boarder could be done next year.

Councilman Clouser made the motion, seconded by Councilman Cless, for the possible purchase of a new slide for the playground at the cost of \$1,681. Motion carried.

Councilman Summers will call all the people on the Aesthetics Committee to meet May 12th to discuss the flower watering schedule, etc.

Councilman Summers also is pondering the idea of an end of summer/Back to School movie night.

FINANCE, INSURANCE, AND SAFETY

Finance, Insurance & Safety Report - Vice President Patterson was absent so no report.

Grants – Councilman Pray stated DCED contacted him and said the Borough's grant application for the Small Sewer and Water grant will go before the board soon. However the grant can only be used for purchases that have not happened yet. The UV bulb system, which they want to use the grant money for, cannot be installed before the grant is received.

Personnel Committee Report- Councilman Pray reported Jacob Baughman has been working on the training for the EMC coordinator.

RIGHTS OF WAY & UTILITIES

Rights of Way & Utilities Committee Report - Vice President Patterson was absent however President Anderson stated the storm water project for McClure Street is over the halfway mark.

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Resignation – President Anderson read Councilman Pray’s resignation letter effective May 1, 2018 which she reluctantly accepted. Councilman Cless moved to accept Michael Pray’s resignation, seconded by Councilman Summers. Motion carried. President Anderson thanked him for his service to the Borough.

Councilman Cless introduced Mr. Michael Smith, Principal of Newport Elementary and a Bloomfield Borough resident, as an interested replacement for Michael Pray’s position.

CLOSING COMMENTS

There being no further business, upon motion by Councilman Summers, seconded by Councilman Weller, the meeting adjourned at 8:05 p.m. The next meeting is Tuesday, June 5, 2018 for a regular meeting at 7:00 p.m. Motion carried.

Respectfully submitted,



Kathleen Miller, Assistant Secretary