

MINUTES
Bloomfield Borough Council
June 2, 2009

Bloomfield Borough Council met this evening in regular session in the Bloomfield Borough Council Chambers with the following Council members present: President Pierce L. Clouser, Jr., Vice President John M. Long, Edwin G. Robinson, Dale J. Beaston, Leroy J. Weller, Jayne M. Eckert and Karl L. Cless.

Also present: Solicitor Richard Wagner, Mayor Jean Anstine, Secretary Nancy Pote, Richard Miller, Robert A. Hench, Robert I. Hench, Richard Groff and Steve Dowell.

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

ADMINISTRATIVE

Recording of the Meeting – President Clouser 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. President Clouser stated that Secretary Pote had difficulty with the recording of the May meeting due to people talking over other people and requested that people be considerate and not talk over other people. Robert A. Hench stated he will record and video the meeting.

Approval of Minutes – Councilman Weller made a motion, seconded by Councilman Robinson, to approve the minutes of the May 5, 2009 meeting as reviewed. Motion carried.

Perry County Chamber of Commerce – President Clouser stated that Jamie Brown was not present and that she was scheduled to meet with the Council to discuss the functions of the Chamber of Commerce and to provide us with what they can do for us for the \$200 annual membership fee.

Public Comments – President Clouser stated that anyone not on the agenda can have three minutes for their presentation and requested if anyone desires to discuss any matter at this time.

Printers Alley – Steve Dowell questioned who maintains Printers Alley from Locust Alley to East High Street because there has been no mowing done this year and the weeds/grass are knee high. Councilman Beaston stated that the Borough has done this in the past and he will see that this matter is taken care of. Councilman Beaston also stated that some milling will be available from our street project; therefore, he will make sure it is applied to Printers Alley.

There being no further comments, President Clouser continued with the agenda.

Administrative Committee Report

Upper Level Restrooms – Councilman Beaston stated that plumbing has been completed by Swenson's and the closing in of the disconnected urinals has not been done. Secretary Pote reported that Councilman Cless and she met with Bortek Industries to discuss paper towel and soap dispensers for all restrooms in the Borough Building. Secretary Pote reported as a result of this meeting, five paper towel and five soap dispensers will be provided and installed at no cost to the Borough except for the cost of purchasing from Bortek Industries the paper towels and soap we use in them. Councilman Cless requested

permission to have Hershock's come to provide us with an estimate for new composite doors for the stalls. Council agreed.

Directory Boards – Councilman Cless reported that he obtained the non-rusting enclosure from Wright's Welding and expects to have the directory board installed in the next couple of days.

Welcome Sign at Spring – Councilman Beaston requested permission to replace the approximate 12" X 18" welcome sign at the spring due to it falling apart. Councilman Beaston did not know the replacement cost. Councilman Beaston made a motion, seconded by Councilwoman Eckert, to proceed to purchase a new sign as discussed. Motion carried.

Post Office Water Line – Secretary Pote reported that H.F. Fahnestock is extremely busy and he intends to replace the water line as soon as possible.

Diakon and IOOF Leases – Councilman Beaston reported that the IOOF will renew their lease. Councilman Beaston further stated he will be speaking to Suzanne Dell from Diakon tonight and he expects to know in the next few days if they plan to renew their lease and by all indications, they do.

Perry County Chamber of Commerce – Councilman Beaston stated that the Perry County Chamber of Commerce will pay their June rent and he has several good candidates for the rental of that room when they move out.

Office Computer Emergency Purchase – President Clouser stated that Secretary Pote's computer crashed and we lost the audio recordings of meetings prior to May 5, 2009. Councilman Cless stated he will try to pull them off and save them. Councilman Cless further stated that the cost for the new computer was \$523.63. Councilwoman Eckert made a motion, seconded by Vice President Long, to ratify the purchase of the new computer at a cost of \$523.63. Motion carried.

Flooding – President Clouser reported that we lost the fence at the sewer plant and also had flooding in the lower level of the Borough Building due to the excessive rain on May 28-29, 2009. President Clouser stated that the scheduled clean up for the Borough Building will be on Friday. President Clouser further stated that the former police office had approximately two feet of water in it and destroyed all the records that the policeman had. Councilman Cless stated that the carpet cleaning in the lower level of the Borough Building will not exceed \$700. Councilman Beaston stated that the repair to the fencing is \$1,400; however, if any problems are incurred the cost would not exceed \$2,000. Councilman Weller stated that the installation of gates could eliminate the debris backing up. Councilwoman Eckert made a motion, seconded by Councilman Beaston, to approve the cleaning of the carpets at the Borough Building in an amount not to exceed \$700 and also approve the fence repair at the sewer plant in an amount not to exceed \$2,000. Vice President Long questioned why insurance would not cover the cost of the fence repair. Councilman Cless stated that we only have flood insurance on the contents due to the excessive cost to cover the structure (\$15,000) and the fence is considered a structure for insurance purposes. Councilman Beaston further detailed some of the corrective measures that will be done to the fencing. Councilwoman Eckert requested that they look at the gate installation. Motion carried.

Ballfield – President Clouser expressed concern with vehicles driving on the ballfield; therefore, he had Rick order six signs that say "Positively *No Driving on Ballfield.*" President Clouser further stated that if this doesn't work, then consideration will be given to chaining the area. President Clouser feels that if none of the above work, then a tall chain link fence will need installed. President Clouser stated that next year he wants Jim Woods, if he does the field, to have the ball teams sign a contract agreeing not to drive onto the ballfield or they may be denied use of the field.

Bloomfield Borough Water Authority (BBWA) Report

Standpipe – Secretary Pote reported that the BBWA is awaiting final inspection on the standpipe.

Test Well – Secretary Pote stated that the site on the Bailor/Schannauer property has been marked, BBWA are getting easements and BBWA will proceed to get bids for the well drilling.

Bloomfield Borough Planning Commission (BBPC) Report

Morrison Special Exception – Councilman Cless reported that the BBPC special exception request was approved. Councilman Beaston questioned if there was a sub-division on that. Councilman Cless stated there was not and that this is turning the garage into a single family dwelling with sewer and water hookups that meets the minimum requirements and is allowed in an R-2 district.

Grants

Borough Building Second Floor Front Windows Replacement – Councilman Beaston stated he has heard nothing on this matter.

American Recovery and Reinvestment Act (ARRA) – Councilman Beaston stated that as a result of the ARRA deadline this past Friday, the following grant applications were filed: 1.) Barnett Street - Stormwater/Paving, 2.) North Carlisle Street - Curbing, Stormwater & Paving (\$115,000) and 3.) Barnett Woods Road – Bridge (\$75,000).

Perry County Boroughs Association – President Clouser reported that the next meeting is June 4, 2009 at 7:00 p.m. here in Council Chambers to meet with representatives from Swiftreach Networks to discuss emergency/public notification.

Mayor's Report

Borough Cleanup – Mayor Anstine questioned why an office in town can not use our cleanup when they pay sewer and water. Secretary Pote stated that commercial establishments should be paying for their own garbage removal and they do not pay the Borough's garbage fee and the cleanup is paid for with the Borough's garbage money.

Deteriorated Structure – Mayor Anstine questioned what can be done to the garage that is located to the rear of 225 West Main Street that has the roof caving in and kids are going in it. Solicitor Wagner stated that a notice can be sent notifying them that the building is in a dangerous condition and require the owner to repair it immediately so that anyone injured at that site cannot sue the owner. President Clouser requested Solicitor Wagner send a letter to the owner upon the Secretary providing the name of the property owner to him. Solicitor Wagner stated that if there is no response, he can take a look at the nuisance ordinance to see if it falls under that.

Grass/Weeds – Mayor Anstine stated that grass on the Slike property located at 218 South Carlisle Street and also the two lots behind the Slike property owned by J. Bruce Miller and William Woomer have not been mowed. Vice President Long questioned why it has to be mowed. Councilman Weller feels it is like a wildlife sanctuary. Councilman Weller stated that the front portion of the Slike property was just mowed last week. Council questioned why we are addressing these lots when there are various other lots located in the town that we do not enforce the mowing. An example would be the Bailor property on the east end of town. Mayor Anstine stated that it is in town but out of town and is not around

homes. Council determined mowing is not necessary on property that is not located in the general vicinity of homes or businesses.

Grass – Mayor Anstine stated that Pam Dum, owner of 23 South Carlisle Street, has not had the yard at her rental units mowed. Mayor Anstine was directed by Solicitor Wagner to give her a letter and have it done if she does not comply. Secretary Pote stated that the ordinance provides for the Borough to collect the cost plus 10%.

Handicapped Parking – Mayor Anstine reported that a tenant on West Main Street has requested a handicapped parking space in front of her residence. President Clouser stated that Secretary Pote has requested something in writing from the individual so that Council could address this matter and Solicitor Wagner stated we do not have responsibility to provide handicapped spaces for people.

AESTHETICS

Aesthetics Committee Report

Planters – Councilwoman Eckert stated that the planters have been placed on the square and flowers planted in them.

Monument Lights – Councilwoman Eckert stated that the lights on the monument are in place and working. President Clouser stated that it is his understanding that unless the lights were changed, the initial installation was temporary.

Shade Tree Commission – Councilwoman Eckert reported that George Martz will be planting trees at 20-24 East Main Street.

ENFORCEMENT

Monthly Meeting With President/Secretary – Solicitor Wagner reported that he met with President Clouser and Secretary Pote this past Wednesday to discuss matters of relevance to this meeting and more was accomplished in that hour or so; therefore, Solicitor Wagner will be meeting with them on the Wednesday prior to our regular meeting late in the afternoon to discuss agenda items thus will keep the meeting moving smoother. Solicitor Wagner requested members of Council who have a particular issue get the information to the President, Secretary or himself prior to the regularly scheduled Wednesday meeting.

Ordinance #275 - Solicitor Wagner stated that Ordinance #275 is an ordinance requiring all persons, partnerships, businesses, and corporations to obtain a zoning permit for any construction or development; providing for the issuance of all other required permits; setting forth certain minimum requirements for new construction and development within areas of Bloomfield Borough which are subject to flooding; and establishing penalties for any persons who fail, or refuse to comply with, the requirements or provisions of the ordinance that has been properly advertised and is in a position for adoption. Councilman Cless made a motion, seconded by Vice President Long, to adopt Ordinance #275 as presented. Motion carried.

Permit Fee Resolution and Policy Revision Ordinance – Solicitor Wagner stated that the predominant issue with this ordinance was to change particular provisions in Ordinance #274 changing the references in that permit fee resolution and policy revision removing the Mayor and placing the permit officer in place of the Mayor is in the mail and should be received by tomorrow.

Creation of a Permit Officer Ordinance – Solicitor Wagner stated that an ordinance creating a permit officer position is in the mail and should be received by tomorrow.

Garbage Placement Prohibited 24 Hours Before Collection Ordinance – Solicitor Wagner stated that he has prepared Ordinance No. 7, 1971 as amended, by adding a subparagraph (F) to Section VII, prohibiting the placement of garbage, refuse or ashes at the curbside prior to 24 hours before collection is in the mail and should be received by tomorrow.

Bloomfield Spring Determination – Solicitor Wagner stated that a letter had been sent to Mr. and Mrs. Grabiec concerning the agreement that has been signed by one party and we are ready to sign it; however, we need to hear from them.

Cherry Alley Abandonment Between High Street & Locust Alley Ordinance – Solicitor Wagner stated that the Cherry Alley abandonment between High Street and Locust Alley ordinance has been prepared and needs advertised. Secretary Pote stated that she has taken it for advertising and it will be in a position for adoption at our July meeting. President Clouser stated that he talked to both owners (Robb/Carvache) with property abutting Cherry Alley and they are in favor of the abandonment.

Sidewalk Specifications Ordinance Revision – Solicitor Wagner reported that as the result of the meeting the question arose if the specifications are for new sidewalks, are they for sidewalks that are both new and those that need repair, are they just for sidewalks in sub-divisions or is it a stand alone ordinance that is going to be sidewalk specifications for all new and repaired sidewalks. Upon further discussion, Solicitor Wagner stated that the ordinance must be written so nothing is at the discretion of the permit officer or a person on Council. Vice President Long questioned why the ordinance could not be set up to provide for new or replacement and not address minor repairs. Councilman Weller determined that he only wants it to apply to new or replacement sidewalks.

Power and Energy Purchase Program – Solicitor Wagner stated that the information Jamie Rubb provided is acceptable and since then there has been some discussion concerning what is happening in the market with the energy issue. Solicitor Wagner further stated that he spoke with a member of the Public Utility Liason with the Republican Committee that resulted in the following: 1.) the caps will come off in 2010 and is open to anyone to come in to provide utility coverage across the board and the thought is that is going to create competition and keep the prices low, 2.) that PPL already bought all their energy at last year's prices to take them through next year; and 3.) aggregate groups going together is a good idea but make sure you know exactly what the utility has to offer, what their rate is because right now PPL has a whole stockpile and it was already purchased at last year's price and they are going to sell it at 2010 when the caps come off and they can sell it at any price. Vice President Long stated that if someone out there bought at lower price then we should consider it. Solicitor Wagner agreed. Solicitor Wagner stated that Rye Township was presented the same kind of proposal but a different company that is out there buying in bulk and trying to market to municipalities to try to bring municipalities together. Solicitor Wagner further stated that the liason officer indicated to him today that small municipalities should be taking a look at the provider because they all have different capabilities in terms of pricing. Solicitor Wagner stated that Daisy Lightner, Rye Township Secretary, can provide the Borough with the information they received from the different provider. President Clouser stated that PPL still provides the poles and lines even if we go with another provider. Councilman Cless reported that the Borough receives eight separate bills and it could possibly cost us \$50 per month for audit fees and questioned if everyone was aware of the fees being up to \$6.60 per bill. Vice President Long feels we can possibly barter if the charges are unsatisfactory. Solicitor Wagner made a recommendation that a committee might want to have a meeting with Jamie Rubb from Benchmark, and/or the gentleman who made the presentation to Rye Township and possibly the liason officer to ask questions so a determination can be made as to which or neither direction the

Borough is going to go. President Clouser requested that the Administrative Committee proceed with this and report back to Council.

Sidewalk Specifications – Councilman Weller expressed the need to get moving on the sidewalk specifications so that affected homeowners can be notified to proceed to repair or replace their sidewalks. Councilman Weller made a motion, seconded by Councilwoman Eckert, to authorize advertising the proposed amendments to the sidewalk specifications upon completion by our Solicitor. Motion carried.

PERSONNEL

Personnel Committee Report

Personnel Manual/Job Descriptions – Vice President Long stated that each member of Council was given the manual for review after Rick Robinson and Chris Sharrow reviewed it and provided feedback that was incorporated into it. Vice President Long stated that approved holidays that fall on a weekend will be on the Monday following that holiday and the amendment was not in the manual that was handed out. Vice President Long feels exceptions can be made on a case by case basis. Councilman Weller expressed concern because the use of personal cell phones on the job is not addressed and feels they can be left in their personal vehicle during work hours. President Clouser stated he has a problem with limiting the use of their cell phones because he does call Chris from time to time and the Borough does not provide Chris Sharrow with a cell phone. Secretary Pote stated she also calls him on his personal cell phone. Vice President Long agreed with President Clouser stating that we each have an opportunity to contact each of employees when in need. Councilman Beaston stated he calls both Rick and Chris on their cell phone numerous times during the week. Solicitor Wagner reviewed the manual and the main issues with employees are covered in the preamble and that the employee signs upon receipt. Vice President Long made a motion, seconded by Councilman Cless, to have Council approve the Personnel Manual as amended. Motion carried.

RIGHTS OF WAY & UTILITIES COMMITTEE

Rights of Way & Utilities Committee Report

Barnett Street Sewer Line –Solicitor Wagner reported he has faxed the bid document and the performance bond, insurance, etc. back to Engineer Paul Gross and everything was fine. Councilman Beaston stated that Engineer Gross will now award the contract and determine a start date.

East Main Street PennDOT Project – Councilman Weller stated that PennDOT has Councilman Robinson's cell phone number and that will be their contact.

North Carlisle Street Project - Councilman Weller stated this project is ready to go out for advertising. Councilman Cless stated he has heard and is not in favor of allowing payments to be made to the Borough because we are not a bank. President Clouser stated that Councilman Robinson is concerned with running a 15" pipe into an 8" pipe and what will that create. Councilman Weller feels it will come out on top and run down the street and the 8" pipe can be changed; however, we are not putting any more water down there than previously. Councilman Weller wants this put in and then see what happens. Steve Dowell stated he cannot afford \$3,000 and feels this is unconstitutional. Steven Dowell further stated due to the economic situation, he would like to see a payment plan set up.

Sewer Arrearages & Liens – Secretary Pote reported that she filed two liens and there is potential for three more being filed for past due sewer and/or garbage. Secretary Pote stated late payments are becoming an issue; therefore, she will provide a notice to property owners that will detail how we are

going to address delinquent accounts and the need to become current by January 1, 2010. Secretary Pote further stated that the Bloomfield Borough Water Authority, with the help of their Solicitor, is coming down hard and the results have been good.

FEMA/PEMA

Flooding – Councilman Beaston stated that along with the fence estimate, Councilman Cless will be providing him with pictures of the damage at the sewer plant that he will submit to Larry Smeigh, Coordinator, Perry County Emergency Management Agency of the flooding that occurred on May 30-31, 2009.

MISCELLANEOUS

Line Paint at Tennis Court/Swimming Pool Parking Lot – Vice President Long wanted to thank Rick Robinson or whoever painted the lines on the parking lot at the tennis courts and swimming pool and stated it looks very nice.

Crusher for Disposal of Paint Cans – Councilman Cless reported that there is a need to find a crusher for the mounds of empty aerosol paint cans that are stored at the Borough garage and he will be researching this further.

Garbage – Secretary Pote expressed the need to have a representative from Sylvester's at our meeting to provide us with a written outline what they will take and what they do not take. Secretary Pote feels the contractor is picking and choosing and concerns are expressed on a continuous basis. Secretary Pote further questions if he is following the contract.

RIGHTS OF WAY & UTILITIES COMMITTEE

North Carlisle Street Project – Councilwoman Eckert questioned if we could get into half payments or any kind of payments because she is concerned with the difficulties people will have paying for curbing in this difficult time. President Clouser questioned if we can get a local bank involved. Solicitor Wagner stated that this can be done but it will open a can of worms. Solicitor Wagner stated that if the Borough becomes the bank and the curbing and sidewalks are put in, the person is paying and all of a sudden they stop paying and you already paid the contractor with taxpayers money, and you have nothing coming in would the Borough want to lien and sheriff sale the property. Solicitor Wagner stated this is a very difficult issue and if the Borough wants to become the bank, and somebody doesn't pay you, are you prepared to place a lien against that property and then sheriff sale that property in order to generate money necessary to replace the general fund from which you paid the contractor. Solicitor Wagner stated the bank can attach your account for nonpayment. Councilman Beaston feels that we can give the individuals a timeframe to pay and also an incentive if they pay by the deadline. Councilman Beaston further stated that when the PennDOT project on Main Street was done that the Borough paid \$5 per foot for curbing. Councilman Beaston feels thirty days and a nice discount would be a good incentive. Councilman Beaston stated that the stimulus grant money includes paving and curbing but we shouldn't count on it. Councilman Beaston further stated that he expects the curbing project to be about \$35,000 (\$30-\$35 per foot).

There being no further business, upon motion by Councilman Robinson, seconded by Councilman Weller, meeting adjourned to meet on Tuesday, July 7, 2009. Motion carried.

Respectfully submitted,

Nancy A. Pote, Secretary

