

MINUTES
Bloomfield Borough Council
November 3, 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, Karl L. Cless and Jayne M. Eckert.

Also present: Solicitor Richard Wagner, Mayor Jean Anstine, Secretary Nancy Pote, Zoning Officer Rick Watson, Steve Dowell, Robert I. Hench and Robert A. Hench.

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 and reminded everyone that talking when someone else is speaking also disrupts the meeting and affects the recording.

Approval of Minutes – Councilwoman Eckert made a motion, seconded by Councilman Robinson, to approve the minutes of the October 6 and October 19 meetings as reviewed. Motion carried.

Approval of Financial Report – Councilman Beaston made a motion, seconded by Councilman Weller, to approve the prior month's financial report as presented. Motion carried.

Announcements and Correspondence

Carson Long Assessment Appeal – Solicitor Wagner stated that the Borough did not go to the hearing that was scheduled on Monday, October 26, 2009 for tax exempt property located at 115 North Carlisle Street and owned by Carson Long Military Institute due to his discussion with the County Solicitor and the Perry County Tax Assessment Office that the property is tax exempt per provisions of the code that were presented to him.

Perry County Recycling Program – Secretary Pote stated that the Borough received a letter from the Perry County Commissioners stating that they will no longer fund the recycling program after December 31, 2009.

Perry County Rural Preparedness Training – Secretary Pote stated that there will be rural preparedness training on Wednesday, November 11, 2009 at the New Bloomfield Fire Company and elected officials are invited.

2010 Meeting Dates – President Clouser stated that the regular monthly meeting dates for 2010 will be held at 7:00 p.m. the *first Monday in January* and the first Tuesday of each month thereafter.

2010 Budget – President Clouser stated that the health insurance option for 2010 has changed to a \$750 deductible with no co-pay. President Clouser stated that the proposed 2010 budget, with no tax increases, is now in a position for advertising for public inspection. Councilman Cless made a motion, seconded by Councilwoman Eckert, to proceed to advertise the 2010 proposed budget for public inspection. Motion carried.

2010 Municipal Planning Advisory Service – Councilman Beaston made a motion, seconded by Vice President Long, to approve the on-call agreement for the 2010 Municipal Planning Advisory Service in the amount of \$500. Motion carried.

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. Hearing none, President Clouser continued the meeting.

Administrative Committee Report

Upper Level Restrooms (Urinal Enclosure/Stall Doors) – Councilman Cless reported that installation is complete on the stall enclosures in the upper level men's restroom. Councilman Cless made a motion, seconded by Vice President Long, to ratify the \$2,710 payment to Hershock's for the installation of the stall enclosures. Motion carried.

Chamber of Commerce Lease – Secretary Pote stated that the Chamber of Commerce has not paid their rent for October and November 2009. President Clouser stated he would respond by letter to the Perry County Chamber of Commerce.

Post Office Lease Renewal – Secretary Pote stated that the New Bloomfield Post Office renewed their five year lease from March 31, 2010 to February 28, 2015 at an annual rate of \$8,190 (\$682.50 p/m). Councilwoman Eckert made a motion, seconded by Councilman Beaston, to approve the five year lease renewal for the New Bloomfield Post Office at an annual rate of \$8,190 as discussed. Motion carried.

Ballfield Grading – Councilman Beaston stated that it is too late to complete the grading and seeding of the ballfield this year.

Final Sub-Division – President Clouser stated that the final sub-division has all the signatures on it. Councilman Weller questioned what type of line marker is used. Councilman Cless stated that just the hard plastic stakes are there. President Clouser further stated that these stakes should be changed to agree with the new two plot sub-division plans.

Emergency Roof Repair – Councilman Cless reported a bad roof leak was discovered over the East wing of the Borough Building and Perry Roof came in to look at the leak and it was determined that immediate action is needed. Perry Roof gave an estimate of \$10,388; however, if the Borough removes the stone from the roof, the cost will be \$9,388. Councilman Cless reported that Chris Sharrow and he removed the stones at a savings of \$1,000. Councilman Cless further stated that upon acquiring the roof materials, a 50% payment or \$4,694 was required and paid. Councilman Cless made a motion, seconded by Councilman Weller, to ratify the \$4,694 payment and to pay in full upon completion of the project. Motion carried.

Drinking Fountains – Councilman Cless stated that drinking fountains on both floors of the Borough Building are malfunctioning and they should be removed and the water and drain supplies capped. Upon further discussion, Councilman Cless made a motion, seconded by Councilman Weller, to proceed to remove the drinking fountains on both floors of the Borough Building as discussed. Motion carried.

Lower Level Rear Window Replacements – Councilman Cless stated that he obtained another quote from Hershock’s for the replacement of the rear windows on the lower level and it is \$3,999. Councilman Cless stated that the windows have been ordered with shatterproof glass and this is in preparation for the reduction in energy consumption.

Electric Heat Installation – Councilman Cless reported that he received a quote from Eckert Electric in the amount of \$3,350.00 for the installation of electric heating units with individually operated low voltage thermostats in the East wing and the entire hallway of the second floor of the Borough Building. Councilman Cless further stated that 80% of the building is currently being heated by electric units; therefore, it makes sense to eliminate the cost of purchasing fuel oil and maintaining an oil furnace to heat such a small area of the Borough Building. Councilman Cless stated that the electric heat will be turned on when the oil is used up. Councilman Cless made a motion, seconded by Councilman Beaton, to approve the installation of the electric heat in 2010 as presented. Councilwoman Eckert abstained because Eckert Electric is a family business. Motion carried.

Bloomfield Borough Water Authority (BBWA) Report

Resignation/Appointment – Vice President Long stated that per a discussion with BBWA Chairman Ely that Charles C. McLaughlin resigned effective immediately and requested the name of BBWA Secretary/Treasurer Jeanne L. Fry be submitted as a replacement. Councilwoman Eckert made a motion, seconded by Vice President Long, to accept the resignation of Charles C. McLaughlin from the BBWA. Motion carried. Solicitor Wagner stated that BBWA Secretary/Treasurer Jeanne L. Fry can accept an appointment provided that there is no conflict under the Authorities Code. Vice President Long made a motion, seconded by Councilman Weller, to appoint Jeanne L. Fry to the unexpired term of Charles C. McLaughlin thru December 31, 2013 on the condition that there is no conflict under the Authorities Code. Motion carried.

Zoning/Permit Officer’s Report

Permits – Zoning Officer Watson stated that he issued one building permit for 220 South Carlisle Street for the installation of a wood shed with an outside boiler and one sidewalk permit for replacement and repairs at 101 North Carlisle Street.

Bloomfield Borough Planning Commission (BBPC) Report

Request for a Home Occupation –BBPC member Steve Dowell reported that the BBPC met on October 26, 2009 to discuss a special exception request from Joseph and Ashley Roudebush, 15 Barnett Street, for a single chair beauty salon as a home occupation and determining no problem, it was forwarded to the Zoning Hearing Board.

12 South Carlisle Street – Mr. Dowell further stated that a more detailed plan was requested to be returned by Mr. Dave Pace that would contain all size details and specifics for the construction of a new commercial/residential building nearly 4,200 square feet in the Historical District, formally the Mamma’s Pizza parking lot proposal, and Mr. Pace was advised to check with the BBWA for water availability.

Capital Tax Collection Bureau – Councilman Cless reported that the third quarter meeting was held on October 21, 2009 to discuss matters pertaining to the state mandated Act 32 requirements for countywide EIT collection. Councilman Cless further stated that a follow-up meeting of the Perry County Tax Collection Committee was held on October 28, 2009 to adopt bylaws and right-to-know policy, choose a solicitor, auditor, bank for financial purposes and approve TCC as a nonprofit organization.

Grants – Councilman Beaston reported that he submitted the final application for payment from DEP for \$15,100 for the leftover money from the walled waterway and we should have the money within thirty days.

Perry County Boroughs Association – Vice President Long stated that Larry Smeigh, Perry County EMA and Ray Highland from PEMA were guest speakers and the major discussion was about NIMS requirements on who takes it, courses offered, etc. and it was determined that Borough Council members are not required to take NIMS training at this time; however, Jason Hoffman, Bloomfield Borough Emergency Management Coordinator, is required to have the NIMS certification.

Mayor's Report

Veteran's Day Parade – Mayor Anstine stated that the Perry County Veterans Day parade will be held on Saturday, November 7, 2009 at 11:00 a.m. in New Bloomfield.

AESTHETICS

Aesthetics Committee Report

Tree Lighting – Councilwoman Eckert stated that the committee met last Wednesday and the tree lighting ceremony is scheduled for Sunday, November 29, 2009 at 5:00 p.m.

Monument Lights – Councilwoman Eckert reported that the lights at the base of the monument will be moved toward the curbs of the monument so the lighting is projected higher up.

Shade Tree Commission – Councilwoman Eckert reported she received a call from the Perry County Times concerning tree care during the North Carlisle Street project and she referred it to Engineer Joe Burget.

ENFORCEMENT

Solicitor's Report

Ordinance #281 – Barnett Woods Road – Solicitor Wagner stated that Ordinance #281, an ordinance amending Chapter XIV of the Code of Ordinances of the Borough of Bloomfield by amending the traffic and parking regulations contained therein by changing Barnett Road to Barnett Woods Road and providing all other regulations therein to remain the same has been properly advertised and is in a position for adoption. Councilman Weller made a motion, seconded by Councilwoman Eckert, to adopt Ordinance #281 as presented. Motion carried.

Ordinance #282-Barnett Woods Road/Gusler Alley – Solicitor Wagner stated that Ordinance #282, an ordinance amending Ordinance #210 of the borough of Bloomfield by amending Barnett Woods Road and amending the location of Gusler Alley has been properly advertised and is in a position for adoption. Councilman Robinson made a motion, seconded by Councilwoman Eckert, to adopt Ordinance #282 as presented. Motion carried.

Power and Energy Purchase Program – Solicitor Wagner stated that he did not receive the updated contract for his review and approval. Vice President Long thought that this information was faxed to him after last month's meeting. Secretary Pote was directed to provide a copy to Solicitor Wagner after the meeting. Vice President Long stated that savings is based upon PPL's tariff and the statement will

detail the savings, etc. Vice President Long stated that as soon as the contract is signed, Jamie Rubb, Secretary Pote and he will meet to come to an agreement as to how the bills are to be laid out, how to access the bank accounts, etc. Vice President Long stated there will be no up front costs. Vice President Long stated we need to obtain the Bloomfield Borough Water Authority's electric bills for our meeting with Benchmark. Upon further discussion, Councilman Beaston made a motion, seconded by Vice President Long, to sign a contract with Benchmark subject to the Solicitor's review and approval. Motion carried.

Bloomfield Spring Determination – Solicitor Wagner stated that the hearing before the Honorable Judge Mumma will be held on November 19, 2009 at 8:30 a.m. in Courtroom #1. Solicitor Wagner stated that a petition was filed with the court because we were unable to reach an agreement with the parties concerning the determination of the boundaries. Solicitor Wagner requested that President Clouser and Joe Burget who surveyed the boundaries be present.

Resolution – Imposing Costs on Delinquent Taxpayers – Solicitor Wagner stated that he had a discussion with Councilman Cless with regards to the need to advertise a resolution that Capital Area Tax Collection Bureau wants passed in order to impose extra costs on delinquent taxpayers. Solicitor Wagner stated that the tax that is being collected is an enabling tax that was passed by the state legislation and they say at this level you are permitted to pass this tax and here is how much you can charge your citizens. Solicitor Wagner further stated that the enabling statute does not have penalty provisions in it like are in the resolution that Capital Tax Collection Bureau wants you to pass without advertising. Per Solicitor Wagner, the Capital Tax Collection Bureau resolution contains considerable penalty provisions and if one of our citizens is delinquent in paying the tax, they are strapped with an extra cost and the money does not go to the Borough but goes to the Capital Tax Collection Bureau who is the agency delegated by the Borough as the collector of those taxes. Solicitor Wagner further stated his concern is as follows: since there is no enabling legislation that says what the penalty provisions are, in order to impose that, there is a need to pass legislation and a resolution is legislation; therefore, in his opinion it should be advertised because you are letting your Borough residents know that you are going to pass these penalty revisions and we are going to have an ordinance to act on and do you want to come and sit in a room to receive input and if we pass the resolution that Capital Tax Collection Bureau wants us to pass without advertising, then we are saying just go ahead and collect this money and his concern is whether it should be advertised or not. Solicitor Wagner stated that it should be. Solicitor Wagner stated that Councilman Cless spoke to the gentleman from Harrisburg and we are probably the only municipality that is requiring it to be advertised and the municipalities he represents are advertising them because he feels as though you are only fair to your citizens if we are legislating this fee that we do so by ordinance. Councilman Cless stated that Capital Tax Collection Bureau is the only local agency that does not collect a fee. Solicitor Wagner stated that he would like to discuss this with Mitch Hoffman from the Local Government Center that advised Councilman Cless that this would not need advertised. Solicitor Wagner stated that the fee structure to charge persons has a profit built in and questions what the extra money is for. Solicitor Wagner stated that they receive a commission and he questions if their operational fee is not enough to cover their operational costs and does this become another methodology to generate operational costs that they have accrued beyond that commission. Upon further discussion, Vice President Long made a motion, seconded by Councilman Cless, to advertise the resolution that enables Capital Tax Collection Bureau to impose costs on delinquent taxpayers as discussed. Motion carried.

Deteriorated Structure (Demolition) – Solicitor Wagner stated that at the last meeting, Zoning Officer Watson stated that a demolition permit was not issued; however, some cleaning out of the structure had begun. Being that the structure has not been demolished, Councilwoman Eckert made a motion, seconded by Councilman Robinson, to authorize Solicitor Wagner to write a letter to Attorney Bangs and that if we do not have subsequent action within thirty days, action will be taken against Mr. Slike, owner of the property. Motion carried.

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Bat Infestation – Councilman Cless stated that Sondra Deschenes of D&F Investments, owner of the property at 25 East Main Street, was contacted for an update regarding the issue of “ridding” the property of bats. Councilman Cless stated that Ms. Deschenes stated the problem has been addressed and he is awaiting a return call from Patriot Pest Control to verify this.

INSURANCE AND SAFETY

Insurance and Safety Committee Report

Health Insurance - Councilman Cless stated that the employee health insurance option being offered for 2010 will be the Blue Cross 750/100 plan w/Rx Option 6 to assist in reducing the increased premium coverage of 12.72% above 2009 premiums.

PERSONNEL

Personnel Committee Report

Guidelines/Schedule – President Clouser feels we need to purchase a board that details daily guidelines for equipment maintenance, etc. Vice President Long stated that we need it to indicate a schedule of employee responsibilities to be accomplished and he is checking into this.

RIGHTS OF WAY & UTILITIES COMMITTEE

Rights of Way and Utilities Committee

North Carlisle Street Paving – Councilman Beaston reported that the project is complete except for the line painting. Councilman Beaston made a motion, seconded by Councilman Weller, to proceed to pay G&R. Charles Excavating, an amount not to exceed \$53,240.21, for the paving of North Carlisle Street. Motion carried.

North Carlisle Street Curbing – Having been approved by Engineer Burget, Councilman Beaston made a motion, seconded by Councilman Weller, to approve the payment to Jerry Justice Excavating, Inc. in the amount of \$33,006.80 for payment in full for the curbing installation on North Carlisle Street. Motion carried.

Sewer Line Installation of 110 South Carlisle Street Rear – Councilman Robinson reported that the sewer line installation is completed at 110 South Carlisle Street and the tap fee has been paid.

Potential Projects for Wastewater Treatment Plant – Councilman Robinson reported that we will need to replace two decanter floats and he expects to have the cost associated with the installation to include crane rental at our next meeting.

Wastewater Treatment Plant Operations Assistance – Councilman Cless reported that Jeff Helwig, known by Rick Robinson, knows SBR plants and has offered to come up to meet initially to familiarize him with our plant and operate the plant when Rick wants time off at a cost of \$50 per hour. Councilman Cless further stated that Wilson Hansbury expressed interest also. Councilman Robinson stated that Rick has been in contact with Chuck Farley who has been able to correct issues at our plant in the past. President Clouser turned this over to the Rights of Way and Utilities Committee.

High Street Paving – President Clouser questioned members of Council if they are satisfied with the High Street paving project in front of 15 West High Street and the consensus was yes.

East McClure Street Curbing – Councilman Weller expressed the need to get started on the 191' curbing project on the south side of East McClure Street from South Carlisle Street to Gusler Alley prior to bidding it next spring and requested permission to proceed with engineering the curbing, street milling and paving of East McClure Street. Upon questioning by Councilman Beaston, Councilman Weller stated that the engineering fee would be \$5,000-\$6,000. Vice President Long expressed concern with engineering the entire street when the paving is 2, 3 or 4 years away and that we need the sewer line replaced. Councilman Weller stated that curbing specifications cannot be determined until the street elevation is known. Councilman Beaston stated that the Borough is going to reapply for county block grant money for the sewer line replacement on that street. Councilman Beaston feels we need to move forward on this because of the deteriorated condition of the sidewalks and the number of pedestrians that use it. Councilman Beaston further stated that Buchart Horn's engineering quote back in 2005 was \$6,100. Councilman Cless does not feel comfortable until the request for a parking lot at the lodge is received, reviewed and approved/denied by the Bloomfield Borough Planning Commission. Having many unresolved questions, Councilman Weller was requested to obtain more details and report back to Council.

MISCELLANOUS

Recycling – Councilman Beaston feels this is a very important item and he would like to know what other municipalities plans might be since the countywide recycling program is being eliminated and agreed to research this further and report back to Council.

Smoke – Councilwoman Eckert expressed concern with the smoke that the wood burners emit and questions if we need an ordinance because of the close proximity of houses. Councilman Cless stated that we do have a smoke ordinance; however, wood burners are not illegal.

There being no further business, upon motion by Councilman Weller, seconded by Councilman Cless, meeting adjourned to meet on Tuesday, December 1, 2009. Motion carried.

Respectfully submitted,

Nancy A. Pote, Secretary

