

MINUTES
Bloomfield Borough Council
December 7, 2021

Bloomfield Borough Council met this evening in a regular session in the Bloomfield Borough Council Chambers with the following Council members present: Jessica L. Grindle, Michael J. Smith, Malinda C. Anderson, J. Kevin Fitzpatrick, Brenten S. Dum, and James A. Woods. Kimberly A. McMullen had an excused absence.

Also present: Secretary Danielle L. Shope, Assistant Secretary Kathleen Miller, Mayor Arlis Krammes, Borough Employee Damon Hartman, Solicitor Isaac Wakefield, BEO Becky Smiley, Perry County Times reporter Jim Ryan, HRG representative Ryan Hostetter, Water Authority representative Larry Weller, Tuscarora Soccer representative Grahm Brouse, and residents Stanley Krammes, Karl Cless, Cameron Smiley, and Wayne Leshar with attorney Evan Pappas.

President Anderson called the meeting to order at 7:00 p.m.
President Anderson led the gathered assembly in the **Pledge of Allegiance**.

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 during Public Comment 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 asked if any individuals in the audience were also taping the meeting and if so to identify themselves for the record. President Anderson stated that Council will not deviate from the agenda and any questions should be addressed during the appropriate portion of the meeting.

Executive Session – No Executive Session

Approval of Minutes – Councilman Smith made a motion, seconded by Vice President Fitzpatrick, to approve the November 2, 2021 regular meeting minutes as presented. Motion carried.

Approval of Financial Report – Vice President Fitzpatrick made a motion, seconded by Councilman Woods, to approve the financial report for November 2021 as presented. Motion carried.

REQUESTED PUBLIC COMMENTS AND/OR PRESENTATIONS

Mr. Graham Brouse spoke regarding the **Tuscarora Soccer Club**. He gave an informal presentation on the organization. There are about 125 youth, boys and girls, that play in the club. 50% are from the West Perry area, with approximately 65 from New Bloomfield. There are 8 teams. They have helped maintain the fields in town and they will continue to do so with any help the town can give. President Anderson advised Mr. Brouse that the Tuscarora Soccer Club has been included in the Borough's 2022 budget so they will be receiving a donation from the Borough. President Anderson appreciates that they are using the Borough's facilities and hopefully the organization can continue to work well with Mr. Hartman. Josh McCord is still doing the scheduling.

Mr. Wayne Leshner stated his representative was not present yet so his presentation was deferred until later.

Later: Mr. Evan Pappas, attorney for Mr. Wayne Leshner regarding general business matters. This evening, Mr. Pappas stated quote, "He is representing Mr. Leshner with regards to concerns he has over the enforcement of zoning regulations, namely certain uses in the Borough that are unenforced, most likely in violation of zoning regulations however there has been a historical trend of failure to enforce certain zoning ordinances against either against just any business or selective enforcement for the benefit of certain friends of either Borough Council or zoning officer. The purpose of my presentation this evening is not to get into depth over the concerns of Mr. Leshner but to present a complaint that we've drafted and intend to file in 30 days pursuant to the municipality planning code which requires us to give the Borough notice of our intent to file this lawsuit. There should be copies of the complaint up there, unfortunately you will have to share them this evening. It's not a long complaint. We've essentially raised failure to enforce certain zoning regulations of issues that have been raised to the attention of Council by the Solicitor but still no action taken. So there is a concern that the failure to enforce simple regulations will ultimately over time lead to the decline of the health, safety, and overall character of New Bloomfield and my client's interest is not to create problems for the Borough but to encourage the uniform enforcement of these regulations for the benefit of everyone. So they are not selectively enforced and so we don't have uses within the Borough that are clearly in violation and certain individuals failing to take action to enforce these simple regulations. Our complaint names one business in particular who appears to be storing vehicles, junk, inoperable vehicles on premises in the guise of a used car dealership and this is a limited example we've used in the complaint for purposes of filing. But again the purpose here is to open a dialogue hopefully and I believe that the intent of the municipality planning code with the 30 day notice provision seeks to encourage dialogue before the complaint is filed. So, we have the purpose of my visit this evening is to present the complaint to the Borough which is our prerequisite before we are able to file. And if there is any way to resolve this my client is certainly open to ideas on how to address this concern however the concern has manifested itself to the point where he can't sit and watch the ongoing pattern continue to lead to ongoing violations in the township. He is starting to see that there is the lack of enforcement has actually led to a decline in the character of the community and he wants to see it stopped. It is incumbent on this Council, it's not your fault, you hire the people who enforce these regulations on your behalf but that's not happening. So we are encouraging this Council to take prompt action to see to it that it's own ordinances are enforced uniformly, without discrimination and favoritism to certain individuals within the Borough so that everyone can enjoy the benefits of the good character and the benefits that come from enforcing uniform regulations for all. If there are questions I'm happy to answer them but I'm really here to present the complaint. It's not filed. It's not even signed here this evening. We plan to file this 30 days from this evening in the Court of Common Pleas of Perry County. But since it's not been filed there's no prejudice yet at this point. Once it's filed we do plan to seek full enforcement of the zoning regulations. The counts within the complaint are for Mandamus. Mandamus is simply seeking to ensure that the government does it's job and the second count is for selective or discriminatory enforcement of the regulations because in our

observation are not only the ordinances not being enforced but they are being enforced selectively for some not for others. My client would like to see this pattern stopped not only for himself but for everyone in the Borough.”

Borough Solicitor Wakefield had no questions and encouraged Council not to make any comments. He will talk with Council in Executive Session and have a conversation with Mr. Pappas about the validity of the complaint in a separate discussion.

Mr. Leshner then stated, “contrary to what some of you may think this is not a vendetta”. He stated he has lived in this town for 28 years and he has seen a decline. He stated “we’ve dealt with this in the past but it hasn’t been dealt with.” He resigned from Council believing he can now do more from the other side of the table. Mr. Leshner stated “this is a situation that has been festering for a while and Council knows how to fix it but you deal with it by not dealing with it and that is not my style.”

PUBLIC COMMENTS AND/OR PRESENTATIONS

Mr. Karl Cless remarked that the Borough had a dear resident pass away within the last few weeks. Mr. Herbert Robb was Mayor of New Bloomfield from 1981-2002. Mr. Cless thought a token of appreciation should be given to his family at his memorial. Mr. Cless created a certificate of appreciation. He asked Council for their approval before getting it framed to present to the family. President Anderson stated the Borough also sent an arrangement and cards. Council gave approval for Mr. Cless to continue with the certificate’s framing etc. and presentation.

Mr. Wayne Leshner stated that he noticed that Mr. Chuck Sheaffer was going to be reappointed to the Water Authority Board. Mr. Leshner stated that when he was on Council it was recommended that someone from Borough Council be represented on that Board. He was wondering why this was not addressed. Solicitor Wakefield stated it was not a recommendation one way or the other but it was an offer for them to consider that possibility but there will not be a reappointment this evening because he has advised it be deterred until the new Council is sitting. Mr. Leshner said Mr. Wakefield thought it would be a good thing for the Council to have a presence on that Authority. Mr. Wakefield stated if that’s Council’s policy that is correct.

MONTHLY REPORTS

Solicitor’s Report – Solicitor Wakefield had nothing extra to speak about this evening.

Mayor’s Report – Mayor Krammes thanked Council for honoring her on Sunday, December 5, 2021. Mayor Krammes gave a short presentation of her years as a resident and Mayor. The Borough has been kind and nice to her as she tried to be to the Borough. Council thanked her for her years of service.

Parking Officer Report – Mayor Krammes reported there were 12 tickets issued with 2 still unpaid.

Enforcement Report – Councilman Dum stated BEO Smiley is doing a good job. Ms. Smiley updated the website form which President Anderson believes will be easier for the residents to complete. The Solicitor agrees this new form is much more compliant and in keeping with what it should be. Secretary Shope asked Ms. Smiley to send her the form so it can be put on the new website. BEO Smiley had nothing in addition to her submitted monthly report. For the complete detailed BEO report, please see Borough Enforcement Officer Monthly Report on file in the Borough Office.

Planning Commission Report – Melanie Rowlands was not present but Vice President Fitzpatrick spoke on her behalf stating that in regards to the Lot #30 pump station there are a few final items that have not been completed and they are marking the initial application from Watson/Fraker as withdrawn. They will reapply in January upon completion of the outstanding items and presentation of the final drawing for the plan for the Lot #30 pump station.

FEMA/PEMA Report – Councilwoman McMullen was absent so no report.

Water Authority Report - Mr. Albright was absent, but President Anderson stated he had nothing on the Water Authority to report. The appointment of Mr. Chuck Sheaffer to the Water Authority Board will be tabled until January. Solicitor Wakefield stated there is case law that if the vacancy does not presently exist as of today on this Board then, if you appoint someone to fill it prospectively today, you would be binding the next Borough Council which you can not do legally.

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

Zoning/Permit Officer's Report - Mr. Albright submitted his report to President Anderson. Both water and sewer tapping fees were issued to Mr. Wayne Leshner for his new property located at 222 Oak Road in Centre Township. Mr. Albright also issued a permit for a shed at 139 W. Main Street (Doug Clouser), sidewalk repair at 47 W. Main Street (Kurtz Cockley), a shed at 217 West High St. (Dennis Askins), solar panels for 109 W. High St. (Melanie Rowlands) and 10 dorms at Talmudic University.

President Anderson stated Mr. Edward Albright is tendering his resignation as the Borough Zoning Officer effective December 31, 2021. Mr. Albright has been chosen as the Mayor-elect of Bloomfield Borough and will be in office effective January 1, 2022. Vice President Fitzpatrick made the motion to accept Mr. Albright's resignation, seconded by Councilman Smith. Motion carried.

Capital Tax Collection Bureau Report – Councilman Smith stated there is a meeting tomorrow evening. He forwarded all the documents to President Anderson.

ADMINISTRATIVE

Announcements and Correspondence –

New Email Address: bloomfieldborough@gmail.com

New Committees & Responsibilities Assignments (under review) – This will be discussed in January 2022.

Zoning Hearing Board – Appointment of Raymonda Cunningham - This will be tabled until January 2022.

Resolution # 2021-10- Establish fees for 2022 – Vice President Fitzpatrick made the motion to approve this resolution, seconded by Councilman Smith. Motion carried.

Resolution # 2021-11 – Per Capita Taxes for 2022 – Councilman Woods made the motion to approve this resolution, seconded by Councilwoman Grindle. Motion carried.

Resolution #2021-12 Appointment of Independent Auditor – Herring Roll and Solomon will continue the audit for the fiscal year 2021. Councilman Smith made the motion to approve Resolution #2021-12, seconded by Councilman Dum. Motion carried.

Ordinance #354: Fire Protection Tax for 2022- The New Bloomfield Fire Company did not change the tax rate for this coming year. Vice President Fitzpatrick made the motion to approve this ordinance, seconded by Councilman Smith. Motion carried.

Ordinance #355: Tax Rate 2022– Councilman Dum made the motion to approve this ordinance, seconded by Councilman Woods. Motion carried

Ordinance # 356: Local Services Tax 2022 – Councilman Dum made the motion to approve this ordinance, seconded by Councilman Smith. Motion carried.

Ordinance #357: Establish Mayor’s Salary – This sets forth the establishment of the Mayor’s salary. The current salary is \$800 which will be changed starting January 3, 2022. The salary will be established at \$1,200 per year payable annually. The reason for this increase is that Council members are paid \$1,200 annually. A Council member’s salary can not be higher than the Mayor’s salary. So now, they are exactly the same. Vice President Fitzpatrick made the motion to approve this ordinance, seconded by Councilman Dum. Motion carried.

Administrative Committee Report –

Councilwoman McMullen did not share anything with Councilman Dum. He also had nothing to report.

Holiday Luminaries - Councilman Dum explained about the holiday luminaries where they raised approximately \$800 for the BCC Community pool. This year they will do the same thing. He is going to donate any money collected this year to the Bloomfield Library. This information will be placed on the website.

PC/COG Lease Up for renewal 1/31/2022 – Councilwoman McMullen was handling this. President Anderson asked Councilman Dum to help to care for this issue. It can be voted on in January.

Aesthetics Committee Report – Councilman Woods reported that on November 15, 2021 he and Damon Hartman got the town Christmas tree from Balthaser’s. President Anderson wrote Mr. Balthaser a thank you note for the tree donation. On November 18, 2021 Mr. Albright and Mr. Woods took down the veterans flags and put up the winter snowflake flags. “ Find the one that is upside down!” On November 23, 2021 the tree was decorated by a crew including Dave and MaryAnn Gaulk, Mondie Cunningham, Barb Woods, Malinda Anderson, Ed Albright, Arlis Krammes and Damon Hartman and Jeremy Foulkrod. November 28, 2021 was the tree lighting ceremony that was attended by approximately 75 people. President Anderson MC’d the event with Take Two (Kathy Miller and Rick Smiley) presenting the vocal entertainment. Boy and Girl Scouts handed our programs. Mayor Krammes had the honor of lighting the tree this year. On November 30, 2021 Mr. Woods contacted Hess’s Iron who is making the iron railing for the spring stairway. It might be installed by December 15, 2021. Mr. Woods brought up an issue though. Because of the possibility of icy, snowy winter weather he suggested during those time periods of bad weather a “closed” sign or chain be placed at the top of the steps so there are no accidents descending the steps. Mr. Hartman will take care of this. The sidewalk grinder will be coming in December to grind down the “trippers” on the bad sidewalks. Mr. Woods is also working on getting a recycling dumpster for the Borough Building area.

President Anderson took this opportunity to thank Mr. James Woods for stepping up to fill a Council seat once again to help the Borough out.

FINANCE, INSURANCE, & SAFETY

Finance, Insurance & Safety Report –

Final Budget Discussion & Vote – Councilman Smith made the motion to accept the final budget for the year 2022, seconded by Councilman Woods. Motion carried.

Finance, Insurance and Safety Committee Report – Councilman Smith stated that we are doing well as a Borough financially.

Grants – Vice President Fitzpatrick stated we have received a \$200,000 grant through the efforts of Senator DiSantos' Office. We are using this to repave the east-west alleyways in town, including Hickory Alley. This grant is also being used to line the sewer pipes in town. All lines have been lined except for Main Street and a small piece in front of the prison.

The Borough will also receive an additional \$200,000 grant from DCED to pave Lakeside Development.

So the Borough has received \$400,000 in grant money for the Borough streets and infrastructure within the last sixty days.

We were the only municipality to receive a grant.

With the assistance of HRG we will go to the formal Penn Bid process in February for the projects associated with both grants and hopefully stretch that as far as possible. The second grant from DCED requires a 15% match which is \$30,000. This amount has already been approved by Council. The typical street budget is \$90,000 so we should be able to make significant headway in finally paving Lakeside Development. We do not have enough in budget to finish paving Lakeside Development in 2022, but we will continue to push forward to do that.

We did not receive the Greenway Trails grant request to put an ADA walkway behind the Borough building. We will reapply in 2022 to both DCED and DCNR.

We had also submitted a multi-modal grant through PennDot also for Lakeside Development. This decision has not been made yet.

Thanks to Councilman Smith and Mr. Hartman and Mr. Hostetter for helping to pull this off with the information they provided to complete the grant application..

Councilwoman Grindle reported that on November 10, 2021 she and President Anderson went on a bus tour sponsored by the PCEDA to see and hear people that have been working on the Main Street program. They went to the towns of Easton, Quakertown and Litiz in Pennsylvania. They met with many people who have used this program and it is working for them. Perry County will be using this program county wide and not just as one town or city. We will probably have to do something more on the nature side to draw people in. They got a lot of ideas and hopefully these ideas can be used to bring in more economic development to Bloomfield Borough.

President Anderson stated every municipality in Perry County has signed on for this initiative. It is a ten year commitment to make significant changes in sidewalk, building facades, enhancing businesses, etc. The State will be more vigilant at watching how we as a region are successful with this initiative.

Personnel Committee Report- Councilwoman McMullen was absent so no report.

President Anderson presented **Crystal Summers' resignation** effective December 15, 2021. Councilman Dum made the motion to accept her resignation, seconded by Councilman Smith. Motion carried.

This has created a vacancy for Assistant Secretary. This job description will be posted and advertised.

Sewer Plant Cell Phone - Secretary Shope stated Mr. Jeremy Foulkrod has his own cell phone and does not want to carry two phones. She asked the Council if they want to disconnect the sewer cell phone or continue keeping it. It was already discussed at budget to give Mr. Foulkrod a cell phone stipend for next year. It is approximately \$40-\$50 per month to continue with the current sewer cell phone.

Vice President Fitzpatrick made the motion to disconnect the sewer cell phone, seconded by Councilman Dum. Motion carried.

BEO cell phone – The BEO officer is using a Borough paid cell phone and wants to continue using this. It was originally voted to give BEO Smiley a stipend, but she realized that she did not want to use her personal cell phone for work. She never took the stipend. She is using the Borough cell phone but it is slowly dying. Councilman Smith suggested giving the sewer plant phone to BEO Smiley. President Anderson suggested turning the sewer plant iPhone in and getting BEO Smiley a new Borough Samsung cell phone.

RIGHTS OF WAY & UTILITIES

Rights of Way & Utilities Committee Report –

Vice President Fitzpatrick made the motion to amend the agenda to add Talmudic billing , seconded by Councilman Dum. Motion carried.

Vice President Fitzpatrick stated they were approached by Talmudic to take a look at their sewer billing which was \$7,182.00 per quarter. They get billed 1 EDU for the school, 7 (EDUs) for people (19 pupils per EDU) and 45 (EDUs) for the current building structure. This is a total of 63 (EDUs) at \$114 for a total of \$7,182 per quarter or \$28,728.00 annually. They asked for some consideration since the campus is largely vacant for the better part of the year. We cannot adjust for the fact that they are a school or the current building structure, but in order to stay in line with the current ordinance we are recommending adjusting for the population of people on campus, which for the majority of the year is about 6 people. We are going to, effectively beginning in the 1st quarter of 2022, adjust them to 46 (EDUs), which represents the fact they are a school and the building structure, and strike an agreement with them for actual occupation on campus after one year. That would be a 27% reduction and would adjust their quarterly sewer bill to \$5,244 per quarter or \$20,976 per year. We will look at this next year again to be consistent depending on the school population in years to come.

Councilman Smith made the motion to accept this agreement subject to an appropriate agreement being drafted, seconded by Councilman Dum. Motion carried. This will take place in the first quarter of 2022.

ADA sidewalks – HRG update – Mr. Ryan Hostetter stated we should be getting a permit soon from PennDOT. This permit should have been received in November.

Executive Session - At 8:10 p.m., Council adjourned into Executive Session.

CLOSING COMMENTS

There being no further business, upon motion by Vice President Fitzpatrick , seconded by Councilwoman Grindle, the meeting adjourned at 8:10 p.m. The next meeting is Tuesday, January 4, 2021 for a reorganizational meeting at 6:30 p.m. followed by the regular meeting at 7:00 p.m. Motion carried.

Respectfully submitted,

Kathleen Miller, Assistant Secretary