

**MINUTES**  
**Bloomfield Borough Council**  
**August 4, 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, Planning Commission Chairman John Patterson, Water Authority Chairman Warren Ely, Secretary Nancy Pote, Robert I. Hench, Robert A. Hench, Karen Dowell, Steve Dowell, Richard Green, Joyce Patterson, Brad Patterson, Justin Kretzing, Pete Ellerman and Steve Fulton.

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 anyone that talks when someone else is speaking will also disrupt the recording. Robert A. Hench stated he will record the meeting.

**Approval of Minutes** – Councilman Cless made a motion, seconded by Councilman Robinson, to approve the minutes of the July 7, 2009 meeting as reviewed. Motion carried.

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

**Barnett Street Sewer Line/North Carlisle Street Project** – Richard Green, Burget & Associates, reported that the North Carlisle Street project can be started by G & R Charles on August 10, 2009 (paving) and Jerry Justice Excavating on September 1, 2009 (curbing). Mr. Green stated that Joe Burget has discussed with Jerry Justice Excavating the need to proceed with the North Carlisle Street project prior to the Barnett Street sewer line replacement to keep the project on track and on time. Council directed Burget & Associates to proceed with the notice to award to the contractors for the North Carlisle Street project.

**Announcements and Correspondence**

**Budget Meeting Dates** – President Clouser reported that the 2010 budget preparation meetings will be held October 19, 20 and 21, 2009 at 6:00 p.m.

**Public Comments**

**New Bloomfield Fire Company Sewer Capacity Request** – Justin Kretzing stated that the New Bloomfield Fire Company submitted a grant application for stimulus money on July 10, 2009 for the proposed new construction of the fire house in Centre Township. Mr. Kretzing further stated that Steve Fulton, R. S. Mowery & Sons, has begun working on the land development plan and they are here tonight to request connection to our sewer system with an anticipated capacity of 900 gpd and Borough Engineer

Paul Gross feels capacity is available. Mr. Fultz stated they are planning to submit a planning module to DEP. Solicitor Wagner stated that the Borough needs to wait at this time. Solicitor Wagner stated that the land development plan submitted to Centre Township must meet with all municipal requirements and regulations and since the plan is not in our municipality this should be monitored prior to signing the module. Being that two municipalities are involved, Mr. Fultz stated that a courtesy copy can be provided to the Borough.

**Risks/Losses to Trees from Construction** – Karen Dowell, 101 North Carlisle Street, discussed negligence and liability concerning trees involved in the North Carlisle Street project and any action or lack of action that might lead to damage someone else's property or cause injury or death and discussed guidelines to stay out of trouble. Mrs. Dowell further stated the need for communication on saving the trees during construction by having a designated person that will oversee the protection from start to finish. Mrs. Dowell feels the Borough needs to obtain a certified arborist and there is a need to focus on community awareness, construction safeguards and the tree value. Councilwoman Eckert stated that she had to replace both her trees as a result of the Main Street project and she received no compensation from the Borough. Joyce Patterson expressed concern and questioned how deeply the Borough has delved into the preservation of their trees.

**Administrative Committee Report**

**Upper Level Restrooms (Urinal Enclosure/Stall Doors)** – Councilman Cless reported that today he obtained an estimate from Hershocks, Inc. in the amount of \$4,360.00 to furnish and install stall doors in the upper level restrooms. Due to the excessive cost, Councilman Cless requested this matter be tabled until he can speak with Mr. Bowman from Hershocks, Inc.

**Directory Board** – Councilman Cless reported that the exterior directory board is finished and the Borough services box (water/sewer) has been moved to that location. Councilman Cless reported that room designation signs have been placed above each door on the lower level.

**Post Office Water Line** – President Clouser reported that the water line into the Post Office has been replaced and payment made.

**Lower Level Hallway Mural** – Councilman Cless reported that he had an inquiry from a Girl Scout leader requesting permission to paint a scouting theme over the mural in the lower level hallway. Councilman Cless agreed to discuss and review this with the Girl Scout leader and report back to Council.

**Diakon & IOOF Leases Expire 8/31/09** – Councilman Beaston reported that he met with Diakon last Friday and they will execute their lease. Councilman Beaston questioned the insurance for IOOF. Councilman Cless stated he met with IOOF and they are aware of what must be done and they will also execute their lease.

**Fence at Sewer Plant** – Councilman Beaston stated that the fence and gates have been installed by Fences & More, Inc., and the invoice in the amount of \$1,808.19 has been paid.

**Ballfield Grading** – President Clouser stated the baseball team asked if they can grade along the base lines so that water will drain off of the field. Councilman Beaston stated he will work with Centre Township on this because they have the proper equipment needed. Vice President Long questioned if this is free gratis or who is paying. President Clouser stated this is undetermined. Councilman Weller stated that the concession stand needs attention. It was noted by President Clouser that the stand is the property of one of the youth associations.

**Bloomfield Borough Water Authority (BBWA) Report**

**Standpipe** – BBWA Chairman Ely reported that the standpipe is full with 300,000 gallons. Chairman Ely reported that currently there have been no leaks. Chairman Ely also reported that a restriction is caused by the line that runs under the corner of the monument and two solutions would be to tie into McClure Street and then to Main Street or another well, standpipe and treatment plant at the east end of town.

**Fenicle Hill Road** – BBWA Chairman Ely reported that the County and the BBWA will split the cost to repair the roadway between the prison driveway and Fenicle Hill Road.

**Zoning/Permit Officers Report**

**Permits Issued** – Councilman Cless reported that Zoning Officer Watson issued one sidewalk permit to Wiehe at 221 West Main Street and one zoning permit to CCHRA for major renovations at 38 West Main Street.

**Capital Tax Collection Bureau** – Councilman Cless reported that 1.) the 2007 and 2008 independent auditors report and financial statements were reviewed and approved; 2.) the Act 32 compliant by-laws were adopted; 3.) the quarterly disbursements were reviewed and approved and 4.) updates for the 2009 employer on-line filing are expected to be completed on time.

**Grants**

**American Recovery and Reinvestment Act (AARA)** – Councilman Beaton reported that we were not eligible for AARA funds for replacement of the bridge on Barnett Woods Road because the existing bridge is less than twenty feet long and it is a road that is not part of the federal aid system. Councilman Beaton stated he will follow-up on this matter.

**Perry County Boroughs Association** – Vice President Long reported that due to low attendance at the last meeting, no business was conducted. President Clouser stated that the meetings will now be held the third Thursday of the month here in Council Chambers at 7:00 p.m. Vice President Long stated that PPL will be the guest speaker at the next meeting.

**Newsletter** – Councilwoman Eckert stated that the next newsletter will be in the fall and she will provide more detailed information next month.

***AESTHETICS***

**Aesthetic Committee Report**

**Shade Tree Commission** – Councilwoman Eckert, as Chairman of the Shade Tree Commission, wanted to make sure what is going to happen with the trees on the North Carlisle Street project. Councilman Weller stated that the trees are on the decline and roots are under the walk and porch. Councilwoman Eckert expressed concern based upon what Karen Dowell said and she wants to make sure the Borough is involved. Warren Ely as a forester stated the trees are on the decline and he doesn't feel they will last too long. Mr. Ely further stated that when roots are disturbed on any tree, you are jeopardizing the life of that tree. Mr. Ely stated he is surprised they are still alive because you have a sidewalk on one side and macadam on the other side. Councilman Cless questioned if we can assume a

lawsuit. Mrs. Dowell stated if a tree falls. Mrs. Dowell stated that if a professional is involved then there is no breach of duty. Councilman Cless feels maybe we just need to abandon this project. Mr. Ely stated that disturbing the roots would not do them any good; however, Mr. Eckert looked at the trees and feels they are on the decline with a life expectancy of no more than twenty years and this is being generous. Solicitor Wagner stated that in the area of law you can bring a suit and you can allege anything you want to if you did not have the appropriate person certified on site watching each thing that was going on; therefore, you are irresponsible for what happened. Solicitor Wagner stated that we might want to abandon the project until such time you can bid it and have the appropriate individual walk along to make sure nothing gets disturbed. Mr. Ely stated there isn't any arbutus or forester that would say you can do that project with no harm to that tree. Vice President Long expressed concern for setting precedence because we are not going to do projects in the future that involve trees, paving, sewer and water. Councilman Beaton stated that when South Carlisle Street was done, rolled curbing was used around two trees. Councilman Beaton further stated that PennDOT removed trees for interested property owners at no cost for the Main Street/South Carlisle Street project. Solicitor Wagner stated that the issue is that during this modern age we want more protection for the trees no matter what the project is whether it is a sewer line, or a water line, or paving, or curbing; this issue presents itself with any of these projects and because it does, and because there is no expert you can hire saying you can go ahead with the project because nothing will happen to the trees, you are vulnerable with every project no matter what it is and any person that wants to say you've done damage to my trees can do so. Solicitor Wagner stated what Council must deal with is are we going to stop progress. Vice President Long stated we need to go with the project. Council agreed.

### ***ENFORCEMENT***

#### **Enforcement Committee Report**

**Derelict Vehicles** – Vice President Long reported that an inventory was done on July 17, 2009 for vehicles that are unlicensed, unregistered or uninspected that resulted in seventeen violators that are in violation of our ordinance. Vice President Long stated that two are repeat offenders that will be sent letters giving them thirty days to remove the vehicles or be cited and ten are first time notifications.

#### **Solicitor's Report**

**Ordinance #280 – Sidewalk Specifications** – Solicitor Wagner presented Ordinance No. 280 an ordinance amending Ordinance No. 266 known as the "Sidewalk and Curbing Ordinance of Bloomfield Borough" and Ordinance No. 267 which amended the Code of Ordinances of the Borough of Bloomfield as revised July 6, 2004 by amending Chapter 12 by providing specifications and installation requirements in the event of new or replaced sidewalks in the Borough of Bloomfield has been properly advertised and is in a position for adoption. Councilman Weller made a motion, seconded by Vice President Long, to adopt Ordinance #280 as presented. Motion carried.

**Records Retention Resolution** – Solicitor Wagner stated that he is working on a records retention resolution by developing a borough wide policy that conforms to the state regulations and he will have the resolution ready for our Wednesday work session.

**Power and Energy Purchase Program** – Solicitor Wagner reported that Benchmark made a presentation in Rye Township and as their Solicitor; he requested a more exhaustive list of municipalities that have joined the program. Upon review of that list, Solicitor Wagner spoke to the township manager at East Pennsboro Township and they have not yet adopted the consortium program; however, they expect to do so later this month. Solicitor Wagner chose to share concerns so that this can be looked at collectively so we don't miss anything in terms of becoming a part of this consortium.

**Borough Property Sub-Division** – President Clouser reported that the Abbott deed was sent to Mr. Abbott for his signature and it will be recorded at the Courthouse upon being returned.

**Bloomfield Spring Determination** – Councilman Cless reported that it is his understanding that the Grabiecs' are no longer living in their residence. Solicitor Wagner stated that we can file a petition with the Court issuing a rule to show cause why the property lines are not as our engineers suggested they should be and this would force us into a hearing that could bring this matter to a closure. Solicitor Wagner stated that eminent domain is time consuming and very costly. Vice President Long made a motion, seconded by Councilwoman Eckert, to authorize Solicitor Wagner to proceed to file a petition with the court as presented. Motion carried.

**Chamber of Commerce Lease** – Solicitor Wagner stated that he sent a letter to the Chamber of Commerce stating they have an obligation to pay for the term of the lease (January 15, 2010) and in the event another tenant is found, the Borough would credit the Chamber of Commerce accordingly. Solicitor Wagner received a telephone call from the Chamber of Commerce stating they did not understand why they couldn't get out of the lease and Solicitor Wagner stated the Borough was counting on the money.

**Pennsylvania State Animal Response Team Agreement** – Solicitor Wagner stated that the Pennsylvania State Animal Response Team signed an indemnification agreement so that they can park their vehicles on the former Bailor field now owned by the Borough.

#### ***INSURANCE AND SAFETY***

##### **Insurance and Safety Committee Report**

**Liability Insurance** – Councilman Cless reported that he requested and obtained a copy of the Girl Scout liability policy. Councilman Cless stated that he met with officials of the IOOF concerning their dissatisfaction with the liability insurance they must carry and they are now satisfied and realize that this is mandatory.

#### ***PERSONNEL***

##### **Personnel Committee Report**

**Testing** – Vice President Long reported that Chris Sharrow will be attending a class at Penn State Harrisburg on August 19 and 20, 2009 to further prepare him for testing for his sewer plant operator license. Councilman Cless stated we must have back up and it is imperative that Chris Sharrow becomes a licensed sewer plant operator.

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

##### **Rights of Way & Utilities Committee Report**

**East Main Street PennDOT Project** Councilman Robinson stated that the project has been completed.

**Curbing** – Vice President Long made a motion, seconded by Councilwoman Eckert, to have the Borough pick up the cost for paying for curbing along borough streets as determined by Council and subsequent repair paid by the property owner. Councilman Weller stated he has a problem with this and

feels we will need to raise taxes unnecessarily because this will significantly impact our budget. President Clouser stated that the Borough would pay for installation of curbing where it is deemed necessary by Council. President Clouser further stated that per Solicitor Wagner if the homeowner has to pay for it there has to be specifications to the engineer so he can determine where it is or is not enforceable. Councilman Weller stated that our ordinance enforces replacement of curbs where they are broken or out of line. Councilman Cless stated that North Carlisle Street is a perfect example of one side having curbing and the other not having curbing; therefore, if the Borough takes responsibility and determines the Borough is going to pay for the entire job during the street resurfacing and when the project is done, the resident becomes responsible for maintenance thereafter. Vice President Long stated that there is money available to pay for the curbing. Vice President Long stated he does not like to arbitrarily burden borough residents for something that may or may not be in their opinion necessary. Solicitor Wagner understands that if there is no curbing whatever and the Borough determines we have to put curbing at that location, that will be a Borough responsibility to determine if it is necessary and once it is in, it is the responsibility of the property owner to maintain it, repair it and replace it if necessary but the initial determination of need is solely with the Borough to make a determination. President Clouser stated that on the North Carlisle Street project, curbing is only being put in where curbing exists. Solicitor Wagner understands that if it is new or new by replacing something else, it is new as determined by Borough Council, and once it is put in, homeowners have the responsibility from this point forward. Councilman Beaston stated he agrees with Councilman Weller and the proposal is strictly out of line and streets needs done. Councilman Beaston stated we could use every dollar we have to pave the streets. Councilman Beaston questioned why we would pay for curbing for tax exempt property. Councilwoman Eckert feels something can be done to exclude tax exempt properties and questions how many properties are tax exempt. President Clouser stated that Council would determine which properties do not get paid curbing. Councilman Beaston stated that one mill of tax brings in approximately \$50,000 and the cost for North Carlisle Street is \$40,000 for curbing. Councilman Beaston stated he is opposed to paying for the entire curb; however, he would be in favor of picking up part of the tab. Councilman Cless stated that we can't go anywhere in between because objective criteria cannot be written; therefore, the Borough must pay for all curbing on major street resurfacing projects. Solicitor Wagner stated that we called upon our engineer to give us objective criteria to be put into an ordinance so that a responsible person looking at the ordinance would know when curbing would be required and calling upon the engineer to come up with that, they couldn't. Solicitor Wagner stated they couldn't come up with criteria in his judgment that would satisfy any challenge to the ordinance that is reasonable or discretionary because we can't just say you have to put curbing in when the engineer decides you have to and you have to pay for it. Solicitor Wagner stated you cannot say when Borough Council says you have to do it either and this dilemma has been created because we do not have objective criteria from our engineer as to when not to put curbing in. Solicitor Wagner stated if the Borough pays for it, we do not have to have that objective criteria because Council would determine if and when necessary and if there is a budget constraint, you don't have to do it. Vice President Long questioned if this motion fails, how is this going to be paid by banking, 30, 60, 90 or more days and the motion as presented eliminates all of this. Councilman Weller stated that out of fourteen homeowners he questioned, only one homeowner was concerned with the financing and he feels adequate notice was given. President Clouser questioned if there was any more discussion. Hearing none, President Clouser called for a roll call vote as follows:

Cless – yea	Beaston – nay
Eckert – yea	Robinson - nay
Clouser – yea	Weller - nay
Long – yea	

Motion carried.

**West Main Street Between Church & Chestnut Streets Sidewalk** – Councilman Weller stated that the project must be completed next year and he will meet with Secretary Pote for the preparation of a letter to those affected and determine a deadline.

**Request for Handicap Parking** – President Clouser stated that the request for the handicap space on West Main Street was approved by PennDOT and the sign placed at the designated location.

**Stormwater Underground Blockage/Emergency Repair** – Solicitor Wagner stated that he was notified of a blockage or a potential blockage of the stormwater at 215 South Carlisle Street and upon Mike Scheffey entering, there was a potential leak and a strong odor of gas that signified there was problems. Solicitor Wagner stated that the Borough engineer was contacted and the situation explained to the Borough engineer that resulted in additional testing done with a camera that detected a large blockage of sediment, grease, etc. with smaller holes in it allowing the sewer to get through but not to the extent that the normal flow would cause. Solicitor Wagner stressed that the Borough engineer was concerned that the blockage could cause an explosion because of the gaseous smell combined with the leak, sewer could leak into the water stream or water table and Engineer Gross sent a letter indicating the condition was an emergency and we should immediately repair it. Solicitor Wagner stated based upon his representation; he felt it was a significant enough of an emergency especially with the possibility of an explosion and the potential for leakage of sewer into the stream waters to get it repaired immediately of which the Borough did. Solicitor Wagner stated contact was made until one could come into the Borough and do the repair and the repair is completed except for the repaving. Councilman Cless stated he wanted to thank Mike Scheffey for his guidance. Solicitor Wagner stated that the work was done on private property and Councilman Cless spoke to the owner and received permission to proceed. President Clouser stills feels we need to determine the cause of the underground blockage in the stream. President Clouser further stated that the stormwater blockage that causes water to run into the basement at 203 South Carlisle Street can be resolved by installation of another inlet and questioned if we can proceed. Solicitor Wagner stated that the project can be done if under \$4,000 or three written estimates if under \$10,000.

**Potential Projects for the Wastewater Treatment Plant** – Councilman Robinson stated that the sludge pump at SBR#1 was pulled out; however, the handle broke off and the pump fell into the sludge. Councilman Robinson stated that the pump is being dried and we are using a temporary pump and a new pump has been ordered for a spare. Councilman Robinson stated that Kline's saved us a lot of money by determining that we could use a temporary pump instead of removing the sludge.

### **Executive Session**

President Clouser called an executive session to discuss a personnel matter.

President Clouser called the meeting back to order.

### ***PERSONNEL***

**Paid Vacation** – Councilman Cless made a motion, seconded by Councilwoman Eckert, to pay Ricky L. Robinson a maximum of three weeks paid vacation in lieu of time off provided he has that amount of vacation remaining in addition to his allowed carryover vacation. Motion carried.

**Sewer Plant Operator Vacation** – Councilman Cless reported that he has discussed the inability of Ricky L. Robinson to take vacation due to the absence of a second licensed operator and the need for a newly licensed operator to be shadowed for two years with our engineer and a name of an individual from Lancaster was given to him that will operate our plant during Ricky Robinson's absence. Mayor Anstine stated that local resident Wilson Hansbury also has a license to operate a sewer plant. Councilman Cless stated he will discuss this with Mr. Hansbury.

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**Health Insurance** – Secretary Pote requested that a determination on health insurance coverage be completed prior to our budget meeting. President Clouser requested that the Insurance Committee discuss this matter and bring their recommendation back to the Council. Based upon Councilwoman Eckert being related to one of the involved employees, President Clouser requested Vice President Long to take her place in discussions regarding this matter.

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

Respectfully submitted,

Nancy A. Pote  
Secretary