

A regular meeting of Bloomsburg Town Council was held Monday, April 27, 2009, beginning at 7:28 p.m. in Council Chambers, Town Hall, 301 East Second Street, Bloomsburg, PA. Present were Mayor Dan Knorr; Council Members Diane Levan, Paul Kinney, Sylvia Costa and W. Carey Howell; Town Administrator Carol Mas; Code Enforcement/Zoning/ Planning Officer Ed Fegley; Chief of Police Leo Sokoloski; Superintendent of Public Works John Barton; Fire Chief Hugh Gross; Solicitor Jack Mihalik and Office Assistant Amy Seamans. Absent were Council Members Kathy Shepperson and Bill Kreisher and Recycling Administrator Charles Fritz.

PUBLIC HEARING – INTER-MUNICIPALITY TRANSFER OF LIQUOR LICENSE – HH, III, LLC – 112 EAST MAIN STREET

Prior to the regular meeting, Bloomsburg Town Council held a Public Hearing at 6:00 p.m. concerning the inter-municipality transfer of a liquor license request of HH, III, LLC a partnership of Guy Henrie, III and Jeff Haedrich for 112 East Main Street. A stenographer was present to record the following proceeding.

Solicitor Mihalik asked the applicant's attorney, Gary Norton, whom he would like to call as a witness. Mr. Norton read aloud a letter from Stephanie Severn of Steph's Subs who was unable attend (Exhibit 1). Ms. Severn supports and is in favor of the license transfer.

Solicitor Mihalik read from the ordinance the following criteria for the issuance or transfer of a license:

- A. The criminal history, if any, of the applicant. If the applicant is a corporation or partnership, the criminal history of all its principals.
- B. Liquor law violations of the applicant. If the applicant is a corporation or partnership, the history of liquor code violations of all of its principals.
- C. Other business interests of the applicant. If the applicant is a corporation or partnership, the other business interest of all of its principals.
- D. The population of the Town of Bloomsburg, including a breakdown of the number of student residents and non-student residents and the number of residents under the age of 21.
- E. The number of liquor licenses of all types existing within the Town of Bloomsburg, the clientele of such establishments and whether the number of liquor licenses exceeds existing quotas.
- F. The recommendation of the Chief of Police of the Town of Bloomsburg, the Code Enforcement Officer of the Town of Bloomsburg and the Administrator of the Town of Bloomsburg.
- G. How the transfer or issuance of a license will be in the best interests of the residents of the Town of Bloomsburg.
- H. Any other evidence relevant to the effect of the liquor license on the welfare, health, peace, safety and morals of the Town of Bloomsburg and its residents.
- I. Recommendations of interested individuals residing within the Town concerning the applicant's intent to transfer a liquor license into the Town or to acquire an economic development license.

Guy Henrie, III of 4090 Wolf Hollow Road, Bloomsburg, was sworn in. Mr. Henrie stated he has lived in Bloomsburg all his life except for 15 years when he was in the military. He previously served on the Bloomsburg Planning Commission but had to resign when he moved out of the town limits. Mr. Henrie and his business partner Jeffery Haedrich have a sales agreement pending to purchase the building and business located at 112 East Main Street. They also own and operate Taps Sports Bar and Grill located on Columbia Boulevard in Briar Creek Township. The bar has never had any liquor law violations. The plan is to continue serving lunch and dinner and will also have entertainment.

Mr. Henrie stated if they are able to secure the license that it would only add to the commercial vitality of the downtown and more foot traffic means more money for the town. He feels the business would become profitable with the license and if they were not able to secure the license his opinion is that the business will eventually close.

Mr. Norton asked Mr. Henrie if he knew the current state of Main Street. He expressed that a recent article in the Press Enterprise reported that there are 8 vacancies currently.

Attorney Pat O'Connell stated that he represents Eric Hess of Hess' Tavern. He questioned Mr. Henrie on his statement that the business would not be profitable without the license and asked if he did a study. Mr. Henrie stated he put together a business plan and he estimates that 25% of the business would be alcohol sales.

Attorney O'Connell asked what would happen if food sales decline. Would they decide to turn it into another bar? Mr. Henrie expressed again that they intend to operate the business as a restaurant.

Steve Beyer of 38 Sandy Stone Drive, Orangeville, worried that if Mr. Henrie sold the business in the future it would become another college bar. Mr. Henrie stated he wouldn't know.

Justin Hummel asked Mr. Henrie if he looked at Restaurant 112's books for prior years and what year it last profitable. Mr. Henrie stated he signed a nondisclosure and cannot answer that.

Attorney Norton asked Mr. Henrie if he visited LaFontana before and if he's seen any change since they've obtained a license. Mr. Henrie stated he has seen no change.

Don Harris, owner of Bloomin' Bagels located at 63 E. Main Street and Bloomin' Bagels II at 599 E. Seventh Street stated that he's familiar with Restaurant 112 and doesn't believe the welfare, health, peace and safety would be affected if they obtained a license. The restaurant already has a BYOB license. He's in favor of the license transfer because the business is already there and it brings business to the downtown.

Attorney Norton asked Chief Leo Sokoloski what the population of the Town of Bloomsburg is and if there is a breakdown between residents and students. L. Sokoloski stated the population according to the last census in 2000 is 12,375 and there is no breakdown. The census does show that 57% of residents are under the age of 24 and data from Bloomsburg University shows that 58.61% of students are under 21 years of age. According to the Pennsylvania Liquor Control Board the quota for liquor licenses should be 1 per 3,000 people. This would mean there should only be 4 licenses within the Town of Bloomsburg and currently there are 13 active licenses. L. Sokoloski expressed that he does not make a recommendation to Council regarding the transfer of liquor licenses but provides data concerning alcohol and the affects it has on the community.

Steve Beyer asked Chief Sokoloski if he knew the total population from the previous census and he did not. Mr. Beyer stated that it's probably safe to say that the population hasn't expanded that much over time from census to census. L. Sokoloski agreed.

L. Sokoloski also stated that two-thirds of all the calls the police department receives are related to alcohol.

Attorney O'Connell asked L. Sokoloski if he was aware that if the restaurant folds it could become another bar and he answered yes.

Attorney O'Connell also wanted to know what affect alcohol has and L. Sokoloski referred to last weekend's Block Party.

Rich Ridgway has 40 years of experience in the restaurant business and with liquor license laws in Pennsylvania, New York and Florida. He stated the success of the business will depend on price and atmosphere. He's feels competition is good and supports the license transfer.

Mr. Beyer stated that there is no shortage of restaurants in the area and does not see an advantage of another license in town.

C. Howell asked Mr. Henrie where the license is coming from and he stated that he purchased it three years ago from an establishment in Catawissa.

DENIAL OF INTER-MUNICIPALITY LIQUOR LICENSE TRANSFER

On a motion by D. Knorr, seconded by S. Costa and voted on Two (2) (D. Knorr and S. Costa voting "Yes") to Three (3) (D. Levan, P. Kinney and C. Howell voting "No"), Council denied the request of HH, III, Inc. for the transfer of a liquor license into the Town of Bloomsburg.

The Public Hearing concluded at 7:18 p.m.

PUBLIC HEARING – CAROL MAS, TOWN ADMINISTRATOR – VARIANCE FROM FLOODPLAIN ORDINANCE AND BUILDING CODE

Prior to the regular meeting, Bloomsburg Town Council held a Public Hearing at 7:23 p.m. regarding a request from Carol Mas, Town Administrator, for a variance from the floodplain ordinance and building codes. C. Mas stated an anonymous donor would like to erect a 20' by 30' pavilion on airport property on the south side of Airport Road to provide shade. The pavilion will have a cement pad, four wooden posts and a roof. The structure will not impede water flow during a flood event and there will be no expense to the town. On a motion by P. Kinney, seconded by D. Levan and voted on unanimously, Council granted the variance.

The Public Hearing concluded at 7:27 p.m. and the regular meeting of Town Council convened at 7:27 p.m.

CITIZEN TO BE HEARD – HARRY ENGLISH

Mr. English of 1203 Catherine Street was present to ask Council if there are any other plans for the area that was deforested behind his residence. J. Barton stated that 42 arborvitae trees will be planted along the extension of Harriet Street and 38 on Harriet Street.

CITIZENS TO BE HEARD – DAVID LYNN AND ERIC BOWER

David Lynn of 1300 Ferry Road and Eric Bower of 350 East Third Street both expressed that they are appalled about Council's decision to deny the liquor license transfer. They felt that all members of Council should have been present.

BLOCK PARTY DISCUSSION

Mayor Knorr gave a recap of Block Party. There were 110 arrests, some minor injuries but no substantial incidents. Costs exceed \$18,000.00 for police with Pennsylvania State Police costs being absorbed. The crowd was estimated at 8,000 to 10,000 people. Between 4:00 p.m. and Midnight there were 40 calls; down from 97 in 2007. Violence was down but there was more liter, trash and glass debris. Greek Life cleaned up at

11:00 a.m. the next day but there is still a lot of trash left. Grant funds were used but the town cannot count on this. This was the second year since the committee was formed and they will gather data and look back on this year's failures and successes and will note the complaints. Mayor Knorr stated the group is looking for feedback and that shutting down Block Party is a goal and not a solution.

CITIZEN TO BE HEARD – DONNA LEMON

Donna Lemon of 147 E. Eleventh Street stated that she is not with a group and the following letter is her own personal opinion: address to Bloomsburg Town Council on 4/27/09. I come before you tonight as a concerned taxpayer and proud lifetime resident of this beautiful Town of Bloomsburg. Like many Bloomsburg residents, I take extreme pride in our many community accomplishments; the fountain, park, swimming pool, downtown merchants, our magnificent historic buildings, even the University, to name a few.

And then there is the Block Party. In the aftermath of the Block Party I feel shame for what our town has endured and inadvertently condoned. We don't live near campus so I can't say we experienced first-hand the destruction that many other town residents did, but as we drove to church on Sunday morning April 19 we saw the aftermath. Block after block of garbage in the streets, on sidewalks and in shrubs.

As disheartening as it was to see our beautiful town trashed even more alarming was what we witnessed at 9 am on that Sunday morning. We saw a young man stumbling along the sidewalk in front of the Maroon and Gold Apartments. You will recall this building is against the edge of a narrow sidewalk. This obviously impaired individual could not walk straight and was literally bouncing off the walls, coming dangerously close to falling into traffic. He was totally oblivious to the danger, laughing and talking to himself. It was then that I decided someone needed to speak up against this Block Party and that someone was me.

I don't intend to rehash every issue that has already been addressed in the Press-Enterprise by letters to the editor and 30 Seconds. However one issue that especially irritates me is when I hear a council person make a statement that the extra police protection and clean-up is paid for by grant money and not tax dollars. This adds insult to injury, implying that Bloomsburg residents are not smart enough to know that grant money is tax money, either state or federal.

I do intend to appeal to your sense of decency and duty to the citizens who elected you and respectfully ask you to put an end to Block Party once and for all. In the past, when killer student housing fires occurred, Town Council did the right thing by making major changes in building and code enforcement to prevent as many future tragedies as possible. Making these changes was a noble, bold and absolutely necessary move but sadly too late for those who had already become victims.

We all know it is only a matter of time until a tragic event will come of this drunken idiocy called Block Party. Imagine being a parent receiving that most dreaded of phone calls and having to plan a funeral instead of a graduation celebration. If for no other reason we must stop Block Party to protect the lives of these adolescents. Not to say that all BU students are adolescents, but surely the small percentage who cause mayhem and destruction are adolescents regardless of their age, for they have not yet learned to stop drinking before the alcohol impairs their reasoning to the point of putting their own lives in danger. Not to mention the lives of others.

If it takes a village to raise a child then the residents of Bloomsburg, like it or not, become the 'villagers' for each and every BU student. As such, we have an obligation to protect them from bad decisions and dangers as much as possible. Our past efforts to control the party-goers have had minimal effect. We need to end the Block Party now.

So how do we, the average law-abiding, tax-paying citizens of Bloomsburg, encourage council members to end this nonsensical yearly party? I feel the solution needs to be a joint effort between university officials, student landlords, and our elected town council members. Obviously we have no direct control over the first two. But as registered voters we can control Bloomsburg Town Council. It will not be easy and it may take several years. How? By asking each Council member where they stand on this issue and then encouraging our friends and neighbors to get out and vote. The students have done a good job of getting their peers to register and vote, why shouldn't we? And then we, the proud citizens of Bloomsburg, need to vote out any council member who disagrees with our goal of stopping the block party. Next time you are in the voting booth, unless you know which side they are on (remember - this is war and we must take sides - we tried compromise and it is not working) when you see these names on the ballot:

Dan Knorr (term expires 09)
Diane Levan (term expires 2011)
Paul Kinney (term expires 2011)
Kathy Shepperson (term expires 2011)
Sylvia Costa (term expires 09)
Carey Howell (term expires 09)
Bill Kreisher (term expires 09)

unless they support and are working towards ending Block Party, cast your vote for someone else and let your voice be heard.

Florence Thompson asked why the student government isn't charged for the expense of Block Party. Mayor Knorr stated that it's not a sponsored event of the student government.

James Garman of 188 East Eleventh Street asked who is responsible for Block Party. Mayor Knorr stated that Block Party is an annual event of a group of students who happen to buy beer on the same weekend. The town is trying to control it. Online groups like Facebook.com start chatting each year when to have it and by working with Greek Life they've been able to change the date and keep it separate from Renaissance.

David Lynn stated Block Party is the same as Renaissance or the Ice Cream and Cake Festival at Town Park. Everyone is welcome to attend.

Lara Sabatino of 612 East Third Street does not agree that Block Party is not like those types of events. With Block Party there is destruction of personal property, vulgar language and young people stumbling around drunk. Ms. Sabatino wondered why we haven't heard anything from the university president. At Kent State the president sent out an email the night of the event apologizing to everyone.

S. Costa stated she recently spoke to Representative Millard concerning some legislation that might help the town.

Eric Bower expressed that his business has profited from the event but he lives in the area of Block Party, is married and has children and feels the solution is to move it somewhere else. Right now it looks like the town is sponsoring the event.

D. Levan is on the fence of how to handle Block Party. As she had stated in her letter to the editor, while riding along with the Chief that night, the large licensed parties were manageable, it was the smaller parties that were difficult. Before police could go on private property they would have to get in touch of the property owner, making it more time consuming. She is asking for ideas from residents and students and urged the audience to call or email her or the Mayor with suggestions.

John Lewis of 564 East Third Street stated that the students that live next to him drink every weekend and sometimes begin on Wednesday and Thursday.

Ed Sabo, Jr. stated that as a landlord he would never sign off on a party permit. He would be agreeable to give the police permission to go on his property though.

Jim Hollister interjected that we cannot put an instant end to this event. Students in trouble also face action by the university. He is not at liberty to say how many students have been suspended or expelled from school due to problems in town.

Joan Mosier of 564 East Third Street cannot believe that one year ago she sat here as Council asked for strategies and she feels that one year later the town is no further ahead. Mayor Knorr stated he feels the committee has done a lot. S. Costa suggested that citizens should be added to the committee. Mayor Knorr agreed and passed a paper around for citizens to sign up if they would like to attend the next task force meeting.

James Garman stated that after listening to everyone it seems to him that the citizens would like to end Block Party and all Council wants to do is control it. We need to come to a happy medium.

2008 FFY CDBG BUDGET REVISION

On a motion by D. Levan, seconded by P. Kinney and voted on unanimously, Council approved moving \$608.00 in 2008 CDBG funds from Administrative to Planning for the Master Site Plan of the Streater property and directed B. Lowthert to modify the 2009 CDBG budget to specify the use.

ACCEPTANCE OF ARCHEOLOGICAL SERVICES PROPOSAL FROM R. CHRISTOPHER GOODWIN AND ASSOCIATES, INC. FOR THE TENNIS COURT PROJECT

On a motion by D. Levan, seconded by S. Costa and voted on unanimously, Council accepted the archeological services proposal from R. Christopher Goodwin and Associates, Inc. in the amount of \$19,618.49 for the Tennis Court Project. Council authorized B. Lowthert to act as the town's agent to proceed onto step II or III if necessary.

MAYOR'S UPDATE

Mayor Knorr announced that tomorrow morning is the Community Development Committee meeting and that he will not be able to attend the Public Safety Committee meeting that afternoon and asked A. Seamans to contact the other members to find out their availability. The Lions Club would like to form a club in Bloomsburg and will be in the Council Chambers Wednesday night at 7:00 p.m. The Administrative/Finance Committee will be on May 6th.

APPROVAL OF APRIL 13, 2009 COUNCIL MEETING MINUTES

On a motion by P. Kinney, seconded by D. Levan and voted on unanimously, Council approved the April 13, 2009 Council meeting minutes with no additions or corrections.

APPROVAL OF PAYMENT OF BILL TO FIRST COLUMBIA BANK AND TRUST COMPANY, INC. FROM THE POLICE PENSION PLAN

On a motion by P. Kinney, seconded by S. Costa and voted on unanimously, Council approved payment to First Columbia Bank and Trust Company, Inc. from the Police Pension Plan in the amount of \$3,093.52 for quarterly trustee's fees.

APPROVAL OF PAYMENT OF BILL TO FIRST COLUMBIA BANK AND TRUST COMPANY, INC.
FROM THE EMPLOYEES PENSION PLAN

On a motion by P. Kinney, seconded by S. Costa and voted on unanimously, Council approved payment to First Columbia Bank and Trust Company, Inc. from the Town Employees Pension Plan in the amount of \$2,318.06 for quarterly trustee's fees.

APPROVAL OF ADDITIONS TO TOWN VENDOR LIST

On a motion by C. Howell, seconded by D. Levan and voted on unanimously, Council approved adding the following companies to the Town Vendor List: Vulcan Signs, Inc., Forrester Environmental, Inc., Artesian Pools & Spas, Inc., Carquest Auto Parts, Ennis Paint, Inc. and Ryan's Upholstery.

APPROVAL OF CERTIFICATE OF APPROPRIATENESS

On a motion by P. Kinney, seconded by S. Costa and voted on unanimously, and on the recommendation of the Historic Architectural Review Board, Council approved a certificate of appropriateness for Wesley United Methodist Church of 130 West Third Street to replace their existing sign with a sign constructed of left over stone from the church which will be 12 inches larger and will be placed in the same location.

On a motion by C. Howell, seconded by P. Kinney and voted on unanimously, and on the recommendation of the Historic Architectural Review Board, Council approved a certificate of appropriateness for Bill and Donna Kreisher of 2 East Fifth Street to install replacement windows and for the placement of the three heat pump condensing units.

On a motion by C. Howell, seconded by S. Costa and voted on unanimously and on the recommendation of the Historic Architectural Review Board, Council approved a certificate of appropriateness for Richard Huskey to construct a deck and ramp and to replace a door and a window at 440 Iron Street.

On a motion by S. Costa, seconded by D. Levan and voted on unanimously, and on the recommendation of the Historic Architectural Review Board, Council approved a certificate of appropriateness for Thomas and Jerri Telesky to construct a 19 foot by 19 foot handicap accessible addition at the rear of 150 West First Street.

On a motion by C. Howell, seconded by P. Kinney and voted on unanimously, and on the recommendation of the Historic Architectural Review Board, Council approved a certificate of appropriateness for Edward Johnson to remove the existing wooden fence on the west side of the property and replace it with a chain link fence to match the fence that currently exists on the other side of the property located at 228 East Fifth Street.

DENIAL OF CERTIFICATE OF APPROPRIATENESS

On a motion by D. Levan, seconded by S. Costa and voted on unanimously, Council denied the Historic Architectural Review Board's denial of a certificate of appropriateness for Florence Thompson to install replacement windows at 424 Iron Street.

APPROVAL OF CERTIFICATE OF APPROPRIATENESS

On a motion by D. Levan, seconded by P. Kinney and voted on unanimously, Council approved a certificate of appropriateness for Florence Thompson to replace the jalousie style windows in the sunroom at the rear of her property located at 424 Iron Street with vinyl casement windows without grids and to also have the grids removed that can be

removed from the doors and other windows at the rear of the structure including one window on the side of the structure.

APPROVAL OF AGREEMENT REGARDING CANINE OFFICER(S)

On a motion by S. Costa, seconded by D. Levan and voted on unanimously, Council approved an agreement between the Town of Bloomsburg and Sergeant Roger Van Loan and Patrol Officer Matthew Golla regarding off-duty care of police dogs. Each will be paid a gross lump sum payment of \$6,590.33 minus applicable taxes and withholdings equaling a \$5,000 net payment which represents all past compensation that is owed to each officer for any past compensable off-duty care of the canines.

ACCEPTANCE OF DUI MINI-GRANT FROM CMSU

On a motion by D. Levan, seconded by S. Costa and voted on unanimously, Council accepted a mini-grant from CMSU in the amount of \$5,490.00 for the purchase and installation of an in-car digital camera system for car #5.

APPROVAL OF FIRE DEPARTMENT ANNUAL EMERGENCY EQUIPMENT MAINTENANCE

On a motion by P. Kinney, seconded by C. Howell and voted on unanimously, Council approved the annual emergency equipment maintenance to be performed on Rescue 37, Engine 22, Engine 23, Engine 24 and Tower 42 by Guardian Fire Equipment in the amount of \$4,795.00.

With no further business, the meeting adjourned into Executive Session at 9:36pm and did not reconvene.

CAROL L. MAS
Town Administrator & Secretary