

A regular meeting of Bloomsburg Town Council was held Monday, May 9, 2011, beginning at 7:00 p.m. in Council Chambers, Town Hall, 301 East Second Street, Bloomsburg, PA. Present were Mayor Dan Knorr; Council Members Diane Levan, Paul Kinney, Kathy Shepperson, Sylvia Costa, W. Carey Howell and Bill Kreisher; Town Administrator Carol Mas; Code Enforcement/Zoning/Planning Officer Ed Fegley; Chief of Police Leo Sokoloski; Recycling Administrator Charles Fritz; Superintendent of Public Works John Barton; Fire Chief Bob Rupp; Solicitor Jack Mihalik and Office Assistant Amy Seamans.

DISCUSSION REGARDING THE PROPOSED ORDINANCE REQUIRING THE LICENSING AND INSPECTION OF NON-STUDENT APARTMENT HOUSES AND RENTAL HOMES

Oren Helbok of 705 East Fifth Street had several questions. First, what if a family member lives on the other half of a double home with regards to the definition of “rental home” in Section 11-201, (c)? B. Kreisher explained that if you own the home and you live on one side of the home and a family member lives on the other side, then you would be exempt from the ordinance. Mr. Helbok also wanted to know which housing maintenance code the ordinance would fall under. B. Kreisher stated the one the town is using at the time. In section 11-203, (a), (4), he asked if everyone that did maintenance on the property needed to be listed on the application. D. Levan answered no, for example, if the property owner lived out of the area then their designee, property manager, etc. would be listed on the application. Vince DeMelfi suggested using the word “managing” instead of “maintaining” in section 11-203, (a), (4).

Sara Laidacker of 52 Buckhorn Road attended the meeting at the fire hall and now believes this is a done deal. She feels the ordinance is unconstitutional. She doesn’t think its right for the government to come into someone’s home without a warrant.

C. Howell believes the town already has the ability to enter a property if invited or if there is probable cause.

Mayor Knorr stated that this is not a done deal. The drafting of an ordinance goes through a public committee meeting and then it’s publicly advertised so the public can give their input.

Jim Davis of 579 West Main Street addressed B. Kreisher. Being a landlord he will have to pass the fees on to his tenants. He feels this ordinance is going to punish the poor people in this town as well as the property tax payers too. Essentially the town is passing another tax.

Chuck Wagner of 404 Market Street is appalled to see B. Kreisher using his position on Council to pass this ordinance. We are in a record recession and now the town is basically raising everyone’s taxes. Mr. Wagner went on to state that there are already ordinances in place to handle tenant safety concerns. Tenants have a right to report unsafe conditions to the Code Enforcement office. If his tenants have a problem they call him and he has it fixed immediately. Just today a tenant called concerning a water leak.

B. Kreisher responded that this issue was already being talked about before he came on Council. He took on the drafting of the ordinance because he is an attorney and a landlord. The ordinance is designed to make safe living conditions for tenants and the improved conditions and appearance will attract higher quality tenants.

Kristine Wolfe of 47 East Fourth Street expressed that most of her neighbors are renters. She and her husband own a double home. They live on one side and rent the other side to a single mother. She takes care of her property and now feels that she is being penalized because of the property owners that don’t take care of their properties.

Karen Heaps of 425 Center Street inquired as to the number of code enforcement officers we already have. Council is taxing us to pay for another code officer. She resents this hidden cost that no one has brought up. She volunteers at AGAPE and deals with people who cannot afford to pay their rent now.

Kathleen Black of 131 West Fourth Street asked Council, how many ordinances are you going to saddle us with?

David Spiwak of 603 East Fourth Street doesn't go into a tenant's home unless there is probable cause, referring to C. Howell's statement. He has been a landlord for 38 years and for the first time he is hearing of two couples wanting to live together because they cannot afford it on their own. He told Council that the timing is terrible and asked why they would consider such an ordinance now when Berwick's ordinance is still in litigation.

Sandra Davis of 18 West Fifth Street had several questions. She has not seen any verified, factual documentation of why there is a need for this. She asked if a needs assessment was done and Council replied no. She asked Code Enforcement Officer Ed Fegley how many safety related complaints his office received last year and he estimated maybe ten. She asked how many there were in the last five years and E. Fegley estimated ten a year. She asked Council if a tenant survey was done and they replied no. Ms. Davis also expressed that the definitions are not consistent with the rest of the Code, specifically "dwelling unit". She feels the town did not do enough research before drafting this ordinance therefore they should not pass the ordinance this evening.

Christopher Dillon of 136 West Fourth Street is a landlord and wondered why we need this if landlords are already bound by the landlord tenant act.

Sherewood Appleman of 225 West Third Street noticed when saying the Pledge of Allegiance we say liberty and justice to all. She has been a landlord for 37 years and the properties have been in her family for five generations. All of the income goes back into the property. She feels that this is the wrong thing to do.

Fred Trump of 53 Eyer Street feels Sandy Davis did the best homework of all and the ordinance should not be adopted.

Fred Reck of 24 West Main Street rents to students and non-students and feels all rentals should have to abide by the same guidelines. The cost may raise rental costs but it might raise the caliber of tenant.

Frank Bebeneck of 5 Elm Street, Elysburg, feels there is a rental ceiling. The non-student tenant base is shrinking and the quality of tenants has gone down. He feels the town should just enforce what's already on the books.

Harris Appleman of 225 West Third Street asked if it would be appropriate to ask how many Council Members have rental properties. D. Knorr stated that he is a tenant.

Eric Bower of 350 East Third Street thought the ordinance was a good idea at first but after hearing all the comments he feels further studying is needed with additional input from the police, fire and code departments.

Jim Appleman of 244 Jefferson Street asked how many tenants is this going to help, what is their input and why aren't they here?

K. Shepperson thanked everyone for their input. She felt Sandy's comments were right on. C. Howell believes more studying needs to be done. He got the feeling that the issue had quieted after the meeting at the fire hall especially since no one attended the Community and Economic Development Committee meetings where the ordinance was being discussed. Mayor Knorr would be more comfortable doing an anonymous tenant

survey. D. Levan stated that she doesn't want to drop it but agrees more work needs to be done.

No action was taken on the proposed ordinance.

PROCLAMATION – POLICE WEEK AND PEACE OFFICERS MEMORIAL DAY

Mayor Knorr presented a proclamation to Chief Sokoloski proclaiming the week of May 15-21, 2011 as Police Week and May 15, 2011 as Peace Officers Memorial Day in the Town of Bloomsburg.

CITIZEN TO BE HEARD – FRED RECK

Fred Reck owns the building where Ready-Go-Burrito is located on Main Street. He was sure that most everyone had heard or read about the car hitting a mailbox that wasn't bolted down on Main Street this past Friday. The box flew through the air, crashed a plate glass window, traveled 50 feet across Iron Street and ended up going through the plate glass window at his building. Luckily no one was hurt but wondered if there were any other large and heavy objects not bolted down on Main Street. Mr. Reck said he's not looking for another ordinance to be adopted but wondered if the mailbox was going to be put back. C. Mas noted that the Press Enterprise reported that the post office is not putting the mailbox back.

APPROVAL OF RESOLUTION NO. 05-09-11.01 – AUTHORIZING TOWN ADMINISTRATOR TO SIGN ALL DOCUMENTS RELATED TO THE SALE OF REAL ESTATE

On a motion by C. Howell, seconded by P. Kinney and voted on unanimously, Council approved Resolution No. 05-09-11.01 authorizing the Town Administrator to sign any and all documents related to the sale of real estate on the town's behalf.

MAYOR'S UPDATE

Mayor Knorr reported that the Administrative/Finance Committee is working on Carol's replacement and a technology replacement for Austin Mantz.

APPROVAL OF APRIL 25, 2011 COUNCIL MEETING MINUTES

On a motion by P. Kinney, seconded by S. Costa and voted on unanimously, Council approved the April 25, 2011 Council meeting minutes with no additions or corrections.

APPROVAL OF PAYMENT OF MONTHLY BILLS AND APRIL PAYROLL AUTHORIZATION

On a motion by P. Kinney, seconded by D. Levan and voted on unanimously, Council approved payment of the following monthly bills and the April payroll authorization: General Fund, \$114,753.83; Debt Service Fund, \$5,986.69; Recycling Fund, \$21,155.33; Street Lighting Fund, \$11,586.19; Norris E. Rock Memorial Pool, \$3,572.63; FFY 10 CDBG Entitlement Program, \$5,491.78; Day Care Project, \$2,737.40; Airport Expansion Project, \$1,568.25; Liquid Fuels, \$29,460.85 and the April payroll authorization in the amount of \$160,370.06.

APPROVAL OF ADDITION TO TOWN VENDOR LIST

On a motion by C. Howell, seconded by P. Kinney and voted on unanimously, Council approved the addition of Modern Marketing, Kenney Equipment, NMS Labs and Shaffer Roofing and Seamless Guttering to the 2011 town vendor list.

APPROVAL OF RESIGNATION OF PART-TIME POLICE DEPARTMENT CLERK JULIA FERTIG

On a motion by C. Howell, seconded by D. Levan and voted on unanimously, Council approved the resignation of part-time police department clerk Julia Fertig.

APPROVAL OF ADVERTISING FOR A PART-TIME POLICE DEPARTMENT CLERK

On a motion by D. Levan, seconded by S. Costa and voted on unanimously, Council approved advertising for a part-time police department clerk for 30 hours per week at \$10.00 per hour.

APPROVAL OF PURCHASE OF A COLOR PRINTER FOR THE ADMINISTRATIVE OFFICE

On a motion by D. Levan, seconded by P. Kinney and voted on unanimously, Council approved the purchase of a Kyocera FS-C5300DN color printer from North Central Digital Systems, Inc. in the amount of \$995 for the administrative office. It was noted that the purchase was budgeted.

APPROVAL OF PURCHASE OF USED FILING CABINETS FOR HUMAN RESOURCE OFFICE

On a motion by P. Kinney, seconded by C. Howell and voted on unanimously, Council approved the purchase of three (3) used filing cabinets in the amount of \$600 from Wandell's Office Furniture for the Human Resource Office.

APPROVAL OF LOAN SUBORDINATION REQUEST OF DONALD J. HARRIS

On a motion by C. Howell, seconded by D. Levan and voted on unanimously, Council approved the loan subordination request of Donald J. Harris for the Town to take third position on the loan after First Columbia Bank and Trust Co.

APPROVAL OF DESIGNATING TOWN ADMINISTRATOR AS SIGNATORY ON ALL SUBORDINATION DOCUMENTS

On a motion by D. Levan, seconded by C. Howell and voted on unanimously, Council approved designating the Town Administrator as the signatory on all subordination loan documents on the town's behalf.

DENIAL OF CERTIFICATE OF APPROPRIATENESS

On a motion by P. Kinney, seconded by C. Howell and voted on Two (2) (P. Kinney and C. Howell voting "Yes") to Five (5) (D. Knorr, D. Levan, K. Shepperson, S. Costa and B. Kreisher voting "No"), the motion to approve a Certificate of Appropriateness was defeated for Father Jeffery Thoms to install a split rail type fence at the rear of the Catholic Campus Ministry located at 353 East Second Street. The applicant may submit a written request for a hearing for the purpose of reconsidering the application.

On a motion by P. Kinney, seconded by C. Howell and voted on Two (2) (P. Kinney and C. Howell voting "Yes") to Five (5) (D. Knorr, D. Levan, K. Shepperson, S. Costa and B. Kreisher voting "No"), the motion to approve a Certificate of Appropriateness was defeated for St. Paul's Episcopal Church to replace the front steps with concrete being pigment dyed to closely match the reddish/brownish color of the stone archway around the front door with the option to consider dying the steps grey in the event a suitable color cannot be found to match archway and to install a wrought iron railing that is to curve outward at the bottom.

APPROVAL OF CERTIFICATE OF APPROPRIATENESS

On a motion by S. Costa, seconded by D. Levan and voted on Six (6) (S. Costa, D. Levan, D. Knorr, K. Shepperson, C. Howell and B. Kreisher voting "Yes") to One (1) (P. Kinney voting "No"), and on the recommendation of the Historic Architectural Review Board, Council approved a Certificate of Appropriateness for St. Paul's Episcopal Church to replace the front steps with concrete being pigment dyed to closely match the reddish/brownish color of the stone archway around the front door and to install a wrought iron railing that is to curve outward at the bottom.

On a motion by P. Kinney, 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 Rodger Bunnell to install 19 replacement windows at 435 Market Street.

APPROVAL OF HIRING PART-TIME TEMPORARY SEASONAL REGULATED RENTAL HOUSING INSPECTORS

On a motion by D. Levan, seconded by S. Costa and voted on unanimously, Council approved hiring Dennis Garrison and Terry Walters as part-time temporary seasonal regulated rental housing inspectors.

APPROVAL OF ACCEPTABLE ITEMS AND FEES FOR TOWN DUMPSTER DAY

On a motion by D. Levan, seconded by S. Costa and voted on unanimously, Council approved charging \$2.00 per vehicle, per load; \$2.00 per tire and \$15.00 per Freon item at the Dumpster Day to be held on October 15th. Vehicle batteries will be accepted at no charge.

APPROVAL OF PLACEMENT OF RUPERT COVERED BRIDGE INTERPRETIVE SIGN ON TOWN-OWNED LAND

On a motion by S. Costa, seconded by P. Kinney and voted on unanimously, Council approved the Susquehanna Greenway Partnership to furnish a Rupert Covered Bridge interpretive sign to be installed by Public Works on town-owned land located next to the bridge.

APPROVAL OF VACATING AN UNOPENED ALLEY BETWEEN FOURTEENTH AND FIFTEENTH STREETS

On a motion by P. Kinney, seconded by S. Costa and voted on Six (6) (P. Kinney, S. Costa, D. Knorr, D. Levan, K. Shepperson and C. Howell voting "Yes") to One (1) (B. Kreisher voting "No"), Council approved vacating an unopened alley located between Fourteenth and Fifteenth Streets at the request of Diann and Ronald Aikey and Daniel and Shirley Derr with the requestors assuming all costs.

APPROVAL OF PURCHASE AND INSTALLATION OF THREE (3) MAST ARM BRACKETS AT FIFTH AND MARKET STREETS BY TRA ELECTRIC, INC.

On a motion by P. Kinney, seconded by C. Howell and voted on unanimously, Council approved the purchase and installation of three (3) mast arm brackets at the intersection of Fifth and Market Streets in the amount of \$1,585 by Tra Electric, Inc.

APPROVAL OF PAYMENT NO. 3 TO WOLYNIEC CONSTRUCTION, INC. FOR THE PHASE IV MAIN STREET LIGHTING PROJECT

On a motion by S. Costa, seconded by P. Kinney and voted on unanimously, Council approved payment no. 3 in the amount of \$164,004.70 to Wolyniec Construction, Inc. for the Main Street Lighting Project with CDBG Funds.

APPROVAL OF CHANGE ORDER NO. 2 TO WOLYNIEC CONSTRUCTION, INC. FOR THE PHASE IV MAIN STREET LIGHTING PROJECT

On a motion by C. Howell, seconded by P. Kinney and voted on unanimously, Council approved change order no. 2 in the amount of \$300.00 to Wolyniec Construction, Inc. for the Main Street Lighting Project.

APPROVAL OF PURCHASE OF ONE KING LUMINAIRE DECORATIVE STREET LIGHT GLOBE

On a motion by S. Costa, seconded by P. Kinney and voted on unanimously, Council approved the purchase of one (1) King Luminaire decorative street light glove and lamp in the amount of \$1,497.13 plus freight from Freidman Electric with Street Light Funds.

APPROVAL OF NAMING STREATER PROPERTY “STREATER PARK” AND HAVING A SIGN FABRICATED AND INSTALLED

On a motion by C. Howell, seconded by S. Costa and voted on unanimously, Council approved naming the Streater property “Streater Park” and having a sign fabricated and installed stating the same as well as listing the names of the donors/contributors.

APPROVAL OF OBTAINING OPINION FROM ARCHITECT GARY WOLFE FOR THE AIRPORT BUILDING GRANT

On a motion by P. Kinney, seconded by C. Howell and voted on unanimously, Council approved obtaining an opinion from architect Gary Wolfe for the airport building grant.

APPROVAL OF BLOOMSBURG POLICE DEPARTMENT WORK RULES, POLICIES AND PROCEDURES MANUAL

On a motion by P. Kinney, seconded by D. Levan and voted on unanimously, Council approved the Bloomsburg Police Department Work Rules, Policies and Procedures Manual.

APPROVAL OF PURCHASE OF SIX (6) TASERS AND EQUIPMENT FROM OFFICER STORE

On a motion by D. Levan, seconded by C. Howell and voted on unanimously, Council approved the purchase of six (6) tasers and equipment in the amount of \$5,619.15 from Officer Store with drug forfeiture funds. It was noted that the purchase was budgeted.

APPROVAL OF A FIRE DEPARTMENT MUTUAL AID AGREEMENT AND SENDING IT TO SURROUNDING MUNICIPALITIES

On a motion by P. Kinney, seconded by C. Howell and voted on unanimously, Council approved a fire department mutual aid agreement and having it sent to surrounding municipalities.

DENIAL OF REQUEST TO PLACE SIGNAGE WITHIN TOWN RIGHT-OF-WAY

On a motion by D. Levan, seconded by D. Knorr and voted on unanimously, Council denied the request of Thomas Ernst to place signage within the town right-of-way.

APPROVAL OF USING POLICE DEPARTMENT MESSAGE BOARD TO ADVERTISE TOWN SPONSORED EVENTS

On a motion by P. Kinney, seconded by D. Levan and voted on Six (6) (P. Kinney, D. Levan, K. Shepperson, S. Costa, C. Howell and B. Kreisher voting “Yes”) to One (1) (D. Knorr voting “No”), Council approved using the police department message board to advertise town sponsored events.

The meeting adjourned into Executive Session at 10:35 p.m. to discuss police union negotiations and a pool employee issue and reconvened at 11:06 p.m.

APPROVAL OF HIRING PART-TIME SEASONAL LIFEGUARDS AND ADMISSION
ATTENDANTS FOR TOWN POOL

On a motion by D. Levan, seconded by P. Kinney and voted on unanimously, Council approved hiring the following part-time seasonal lifeguards for the Town Pool: Megan Bien, Dani Blass, Kate Diltz, Kelsey Diltz, Olivia Grazio, Celia Hudon, Kierstin Hughes, Nathan Hughes, Hope Kile, Erin Long, Kailyn Mott, Jack Osborne, Kirstin Rabinowitz, Megan Sitler, Beca Sitler, Zach Stephens, Jessica Vanderpool as well as Christine Miccio and Ashley Miccio as part-time seasonal admission attendants.

With no further business, the meeting adjourned at 11:07 p.m.

CAROL L. MAS
Town Administrator & Secretary