

The Bloomsburg Town Council held a Public Hearing on Monday, May 23, 2022 beginning at 6:30 p.m. in the Council Chambers, 2nd Floor, Town Hall and via teleconference to hear public comment and to take action on the adoption of an ordinance of the Town of Bloomsburg to vacate and abandon a portion of Miller Avenue in the Town of Bloomsburg.

Fred Gaffney, President of the Columbia Montour Chamber of Commerce and Treasurer of DBI spoke of the benefit to the downtown of this project and urged Council to move forward.

Tim Wagner expressed the same sentiment in regards to enhancing the downtown.

Patrick Burnside and Ruth Kranig, owners of Rose Marie's which is located on the corner of Miller Avenue and the Pine Avenue parking lot, stated they were not contacted when this project was introduced. It was mentioned that the ADA access to their business will be impacted along with deliveries. Winter maintenance of the walkway was also a concern.

V. DeMelfi stated that most people that he has spoken with do not want this project and that the first step should have been contact with business owners.

Carey Smith stated she disagrees with Mr. DeMelfi assessment, just because parties don't agree doesn't mean you scrap the plan, you work on a solution instead.

Town Solicitor, Matt Turowski mentioned that the owners of Rose Marie's did not respond to calls or e-mails from Town officials on the matter.

Adoption of an ordinance of the Town of Bloomsburg vacating and abandoning a portion of Miller Avenue located in the Town of Bloomsburg, Columbia County, Pennsylvania.

On a motion by B. Crawford, seconded by J. Garman, and voted on 4 to 2 (Huber and DeMelfi voting no), Council adopted an ordinance of the Town of Bloomsburg vacating and abandoning a portion of Miller Avenue located in the Town of Bloomsburg, Columbia County, Pennsylvania.

On a motion by N. McGaw, seconded by J. Garman, and voted on unanimously, Council closed the public hearing at 7:13 p.m.

The Bloomsburg Town Council held a meeting on Monday, May 23, 2022 beginning at 7:15 p.m. in Council Chambers, 2nd Floor, Town Hall and via teleconference. The public joined by dialing: +1 646 558 8656 U.S. and included the meeting ID: 456-920-3798. The public could also join online at: <https://us02web.zoom.us/j/4569203798>.

Mayor Justin Hummel called the meeting to order at 7:00 p.m., present were Council Members James Garman, Vince DeMelfi, Bonnie Crawford, Nick McGaw and James Huber (via Zoom). Absent was Toni Bell. Also present were Town Manager/ Secretary/ Treasurer Lisa Dooley, Town Solicitor Matt Turowski, Director of Finance Kathy Smith, Director of Public Works John Fritz, Chief of Police Scott Price, Director of Code Enforcement Mike Reffeor, Code Enforcement Officer Greg Ash, Intern Branden Long and Director of Governmental Services/ Recycling Coordinator Charles Fritz. Also present were Corey Kreischer, Jamie Shrawder, MJ Mahon, David Hill, Carey Smith, Tim Wagner, Stacey Magda, Dawn Moore, Ralph Knelly, Fred Gaffney, Patti Zwalkuski, Georgi-Ann Joline, Ruth Kranig, Patrick Burnside, Cindy Shultz, Sue Norton, Ron Flick, Robert Munn, Gaylen Garrish, Trudy Garrish, Roger Allen, Michael Wallace, Steve Diltz, David Taylor, Patrick Hill, Michael Lester, Jim Dutt, Eric Ness, Richard Rozell, Heather's I-Phone, Lynn S., Kendall Mensch, Arlene Steinberg, Barbara Coladonato, Linda Artley, Andrew Barton, Rich Kisner, Bob Pollard, Sarah Brown, Shannon Sutherland, Andy Keister, Josh Nespoli, Laura Hill, Breanna Bennett, Willow, Mary Ward and Erik Allen (Oscar).

Council remarks.

Executive sessions- Justin Hummel.

May 9, 2022 from 8:39 p.m.- 9:00 p.m. regarding a Code Enforcement hire.

May 9, 2022 from 9:02 p.m.- 9:29 p.m. regarding a potential pool litigation matter.

Citizens to be heard.

Seven Mountains Media gave an update on the development of the Town's website. The goal is to make it more manageable and visually appealing along with special events/calendar updates, parking page with a link to Pango and a citizen's request form page.

Rich Kisner was present to request a letter of support for the Bloom Heights project. The project will include 32 town houses, this is the second-round attempt of funding that has been applied for. The first-round application consisted of 48 town houses.

Dawn Moore was present to discuss the geese situation at the Town Park. Ms. Moore stated that she is willing to work with the Town on this issue but has found that it is hard to have a conversation in public and would like a private setting. J. Hummel stated that for the sake of transparency all conversations would be held in a public setting. Ms. Moore stated that she felt she was being treated in an unprofessional manner.

Jim Dutt was present to request that Council pursue legal avenues against the Fair board to curtail racing future racing events. Mr. Dutt stated that the last event was so loud that a conversation on his front porch was impossible. Future racing events will be detrimental to the economics of the Town due to the devaluation of property values. Mr. Dutt's full statement is included at the end of these minutes for record purposes.

Mike Wallace questioned the need for a bike lane on Market Street. Mr. Wallace stated that only 10-15 people want the lane and questioned the number of accidents that have taken place.

Ralph Knelly was present to call attention to the East Street project and the lack of parking for any of the businesses.

PROCLAMATION FOR POPPY DAY – American Legion Auxiliary.

Mayor Hummel read a proclamation recognizing May 27, 2022 as Poppy Day and requested citizens pay tribute by wearing a Memorial Poppy on this day.

APPROVAL OF THE COUNCIL MINUTES FROM THE 5/9/2022 MEETING.

On a motion by B. Crawford, seconded by N. McGaw, and voted on unanimously, Council approved the minutes from the May 9, 2022 meeting, with no corrections or additions.

APPROVAL TO ACCEPT CURTIS LAUBACH'S RESIGNATION FROM THE PUBLIC WORKS DEPARTMENT EFFECTIVE 6/19/2022.

On a motion by J. Garman, seconded by N. McGaw, and voted on unanimously, Council accepted with regret the resignation of Curtis Laubach from the Public Works department effective 6/19/2022.

APPROVAL TO ADVERTISE FOR A PUBLIC WORKS OPERATOR/ LABORER.

On a motion by B. Crawford, seconded by N. McGaw, and voted on unanimously, Council approved advertising for an operator/laborer in the Public Works department.

APPROVAL TO INCREASE THE HOURLY PAY RATE FROM \$12 PER HOUR TO \$15 FOR THE SEASONAL GRASS MOWER POSITION.

On a motion by B. Crawford, seconded by J. Garman, and voted on unanimously, Council approved increasing

the seasonal grass mower hourly rate from \$12 per hour to \$15 per hour.

APPROVAL OF PAYMENT TO LIVIC CIVIL IN THE AMOUNT OF \$2,948.75 FOR THE 2022 PAVING PROJECT.

On a motion by B. Crawford, seconded by N. McGaw, and voted on unanimously, Council approved payment to LIVIC Civil in the amount of \$2,948.75 for the 2022 paving project.

APPROVAL TO PURCHASE TWO DOG PARK RULE SIGNS IN THE AMOUNT OF \$144.60.

On a motion by B. Crawford, seconded by N. McGaw, and voted on 5 to 1 (Huber voting no), Council approved the purchase of two dog park rules signs in the amount of \$144.60.

APPROVAL OF PAYMENT TO MOST DEPENDABLE FOUNTAINS, INC. IN THE AMOUNT OF \$4,610 FOR A DOG FOUNTAIN.

On a motion by B. Crawford, seconded by N. McGaw, and voted on 5 to 1 (Huber voting no), Council approved payment to Most Dependable Fountains, Inc. in the amount of \$4,610 for a dog fountain.

APPROVAL TO AWARD THE TOWN PARK RECONSTRUCTION PROJECT TO DON E. BOWER IN THE AMOUNT OF \$876,647.30 TO CONSIST OF THE BASE BID OF \$757,183.70, BASE BID 2- REMOVAL OF ARCH. BARRIERS OF \$75,699.40 AND BID ALTERNATE ONE SMALL FIELD FENCING OF \$43,764.20 PENDING MCTISH, SEDA-COG AND DCNR'S REVIEW.

On a motion by N. McGaw, seconded by B. Crawford, and voted on 5 to 1 (Huber voting no), Council approved to award the Town Park reconstruction project to Don E. Bower in the amount of \$876,647.30 to consist of the base bid of \$757,183.70, base bid 2 – removal of Arch. Barriers of \$75,699.40 and bid alternate one small field fencing of \$43,764.20 pending McTich, SEDA-COG and DCNR's review.

APPROVAL TO AWARD THE REHABILITATE RUNWAY 9-27- CRACK SEAL AND REMARK PROJECT TO CRILON CORP. IN THE AMOUNT OF \$209,781.03 TO CONSIST OF THE BASE BID OF \$197,164.03 AND BID ADDITIVE 1 OF \$12,617 (100% GRANT COVERED).

On a motion by N. McGaw, seconded by B. Crawford, and voted on 5 to 1 (Huber voting no), Council approved to award the rehabilitate runway 9-27 crack seal and remark project to CriLon Corp. in the amount of \$209,781.03 to consist of the base bid of \$197,164.03 and bid additive 1 of \$12,617 (100% grant covered).

APPROVAL TO ADVERTISE AN ORDINANCE OF THE TOWN OF BLOOMSBURG VACATING AND ABANDONING FRANKLIN STREET LOCATED IN THE TOWN OF BLOOMSBURG, COLUMBIA COUNTY, PENNSYLVANIA.

On a motion by B. Crawford, seconded by N. McGaw, and voted on unanimously, Council approved to advertise an ordinance of the Town of Bloomsburg vacating and abandoning Franklin Street located in the Town of Bloomsburg, Columbia County, Pennsylvania.

APPROVAL TO AWARD THE WALKING TRAIL PROJECT TO DON E. BOWER IN THE AMOUNT OF \$78,068.05 PENDING MCTISH & SEDA-COG'S REVIEW (CDBG-CV FUNDING).

On a motion by N. McGaw, seconded by B. Crawford, and voted on unanimously, Council approved awarding the walking trail project to Don E. Bower in the amount of \$78,068.05 pending McTish and SEDA-COG's review (CDBG-CV funding).

APPROVAL TO SUBMIT A LETTER IN SUPPORT OF THE BLOOM HEIGHTS PROJECT FOR COMMUNITY STRATEGIES GROUP TO RESUBMIT FOR FUNDING REQUEST ROUND 2.

On a motion by J. Garman, seconded by B. Crawford, and voted on unanimously, Council approved submitting a letter of support for the Bloom Heights project for the Community Strategies Group to resubmit for funding request round 2.

APPROVAL TO PLACE OUT FOR COMPETITIVE BID THE TWO FMA ELEVATION PROJECTS (122 EAST 12TH STREET & 334 EAST NINTH STREET). ADVERTISEMENT DATES IN THE PAPER: 5/26 AND 5/30 WITH THE BID OPENING SCHEDULED FOR 6/21. THE BIDS WILL BE BROUGHT BACK TO COUNCIL FOR CONSIDERATION. COUNCIL APPROVED ACCEPTING THE GRANT FUNDS ON 6/14/2021 IN THE AMOUNT OF \$334,450 (100% GRANT COVERED).

On a motion by B. Crawford, seconded by N. McGaw, and voted on unanimously, Council approved advertising the two FMA elevation projects (122 E. 12th Street and 334 E. 9th Street). Advertisement dates in the paper: 5/26 and 5/30 with the bid opening scheduled for 6/21. The bids will be brought back to Council for consideration. Council approved accepting the grant funds on 6/14/2021 in the amount of \$334,450 (100% grant covered).

RECOMMENDATION TO APPROVE PLACING OUT TO BID THE TRI LOT PARKING LOT FOR A PARTIAL PAVING AND MILL RECONSTRUCTION PROJECT.

On a motion by J. Garman, seconded by B. Crawford, and voted on unanimously, Council approved placing out to bid the Tri Lot Parking Lot for a partial paving and mill reconstruction project.

RECOMMENDATION TO APPROVE \$500 CONTRIBUTION TO NATIONAL NIGHT OUT- AUGUST 2, 2022.

On a motion by B. Crawford, seconded by N. McGaw, and voted on unanimously, Council approved a \$500 contribution to National Night Out to be held on August 2, 2022.

RECOMMENDATION TO ELIMINATE CHAPTER 3. BICYCLES IN THE TOWN ORDINANCE. PLEASE NOTE, STAFF IS RECOMMENDING DISCUSSION AT THE JUNE PUBLIC SAFETY COMMITTEE- FULL ORDINANCE INCLUDED.

On a motion by J. Garman, seconded by N. McGaw, and voted on 5 to 1 (Hummel voting no), Council voted no and to send it back through Committee for further discussion.

RECOMMENDATION TO APPROVE ADVERTISING CHANGES TO CHAPTER 15-304, PARKING PROHIBITED IN SPECIFIC LOCATIONS.

On a motion by N. McGaw, seconded by V. DeMelfi, and voted on unanimously, Council approved advertising changes to Chapter 15, Section 304, parking prohibited in specific locations.

RECOMMENDATION TO APPROVE ADVERTISING CHANGES TO CHAPTER 16-606, HANDICAPPED PARKING.

On a motion by N. McGaw, seconded by J. Garman, and voted on unanimously, Council approved advertising changes to Chapter 16, Section 606, handicapped parking.

RECOMMENDATION TO APPROVE ADDING BIKE LANES ON THE WESTERN SIDE OF MARKET STREET FROM 6TH STREET TO FT. MCCLURE BLVD.

On a motion by N. McGaw, seconded by B. Crawford, and voted on 5 to 1 (Hummel voting no), Council did not approve this item. Council would like further public input.

The Council meeting adjourned at 9:49 p.m. with no further business.

Lisa Dooley
Town Manager/Secretary/Treasurer

Jim Dutt
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570 854-1156

Statement Read at Beginning of Bloomsburg Town Council Meeting
May 23, 2022

Before I start, I want to thank Council for our new dog park. A great addition! Thanks!

That's not why I asked to speak tonight. I want to address the issues that have plagued Bloomsburg ever since the Bloomsburg Fair decided to build a racetrack: the dust and noise pollution the track has created. Town Council has been besieged by phone calls from irate residents and has spent hours working on this issue. It's a real mess, and I feel badly for council. You certainly didn't ask for this, although I believe it should have been handled differently at the start.

As you may know I live on 5th St. near Iron. Approximately .7 of a mile from the racetrack, Last Thursday evening at 7:15 I could not carry on a conversation on my front porch with a neighbor. I have an app on my phone which measures sound levels and when races were taking place I was getting readings in the low 70 DBs.

When our house was rebuilt it was extremely well insulated and with all the insulation it is quite extremely quiet, and we hear little street noise. However, that night from 7 to well after 10 it sounded as though the house was surrounded by a 10,000 extremely angry hornets.

As many of you know we nearly lost our house to a fire in January 2020. We chose to rebuild because we love our house and like Bloomsburg. We know we will never recoup our investment, but felt it was the right thing to do. Now we aren't so sure. We are beginning to think we should have had it demolished and moved elsewhere

Now, I would like to address how did this happen and what we, Council and residents, can do to rectify the situation.

We basically know how the Racetrack became a reality. Brian Wawroski, Superintendent of Grandstand, who formerly raced cars, saw a racetrack as a way for the fair to increase revenue. He with support of Randy Karschner, Board President, were the driving forces behind the raceway and persuaded the board to approve the idea which it did without input from the Fair Association shareholders. The Fair Association is an entertainment business, and I have nothing against them bringing in more revenue as long as it doesn't disrupt the lives of their neighbors

Unfortunately the board gave no thought to the potential impacts of a track on their neighbors. At least that's what I hoped happened. Often when a business expands it does, or should do, a basic

environmental impact study which among other things examines potential positive and negative environmental, social, economic and cultural impacts before proceeding because failure to do so can be quite costly. In this case it appears that no thought was given to potential impacts. Did the board know how the proposed racetrack would impact the community and build it anyway? If so what arrogance. Total lack of respect, concern for its neighbors. Basically "I'll do whatever I Please F U

One doesn't need a degree in systems analysis to understand what happens when you introduce the following

Changes

1. A Dirt track = dust.
2. Cars racing on the track = noise
3. Location — right next to a residential area

Results

1. Dust covering everything nearby
2. Extremely loud noise affecting everyone living in a radius of several miles.

This is a recipe for disaster and the Board, specifically Mr Wawroski and Mr. Karschner, must have / should have know that a racetrack would seriously affect the quality of life of those living nearby.

I assume you know that only 1 or 2 of the 13 Board members live in Bloomsburg (what noise?). By the way Brian lives 4+ miles from the track while Randy lives in Benton. I propose making a three hour recording of a Thursday night race, rent a sound truck, set it up in front of the homes of the board members and let them listen to a three hours "concert" played at the same decibel level as measured on 3rd St. near the side fairground gate. I have absolutely no doubt they would call the cops.

I see on their website that the Bloomsburg Fair Board Race Committee looks to become a good neighbor. If you do a search on the attributes a good neighbor, you will find the following on nearly every list: friendly, helpful, respectful, and **quiet**.

"Good neighbors are considerate of noise. Neighbors that act responsibly to noise levels is a large part of building a respectful relationship. They are accommodating and willing to adjust noise levels when their neighbor may feel disturbed or uncomfortable."

I did not come here just to complain. Talking amongst our selves will not solve anything. I offer some suggestions of how we might move forward.

1. Council should pursue all legal avenues to end the raceway and that includes suing the Fair Association. Not only does this mean getting an injunction to stop the racing, but also

includes suing the Association and individual board members for damages: loss of tax revenue for declining property values due to noise and dust.

Council should look at **Township of Bedminister v. Vargo Dragway, Inc., 253 A.2d 659 (Pa. 1969)** and **Batchelor v. Schwartz, No. 2018-08910-IR (C.P. Chester Co. June 15, 2020 Tunnell, J.)** (in which a rooster was found to be a sound nuisance).

Unfortunately I believe that Town Council is partially responsible for the current situation. Certainly the town's former lawyer is. The Town never should have accepted the former lawyer's opinion that a raceway was grandfathered in. There are limits on what can be grandfathered, and grandfather clauses have often been revoked.

<https://www.dicksonlegal.com/can-grandfather-clause-be-revoked/>

For example while a nonconforming use is permitted, the owner **can't significantly change or enlarge it**. The property has been significantly changed as the photos on the racetrack's website indicate. The track and the cars on it are entirely different from those today.

2. A "Racetrack Action Taskforce" composed of interested residents should be formed. The task force could pursue a number different actions
 - a. Explore bringing a Class Action lawsuit against Fair Association. Work with Council on lawsuits.
 - b. Measure dust in outside air, particularly on the west side of town, before, during, and after race. I have purchased an inexpensive, but, accurate air quality sensor that measures real-time PM2.5 concentrations. Short-term exposures (up to 24-hours duration) to increased PM2.5 levels have been associated with premature mortality, increased hospital admissions for heart or lung causes, acute and chronic bronchitis, asthma attacks, emergency room visits, respiratory symptoms, and restricted activity days.
 - c. Canvas west Bloomsburg for people's whose health, anyone would asthma, CPD, or other pulmonary condition, has been compromised by the dust
 - d. Encourage Concerned Residents should contact each member of the Fair Board and register their displeasure
 - e. Contact (by email, Phone, mail) each member of the Fair Association
 - f. Contact the owners of the businesses sponsoring the raceway and ask them to drop their sponsorship
 - g. Start boycotts of businesses that continue to support the raceway

h. If need be, stage sit-ins on race nights at the entrances to the fairgrounds

In summary, I believe that as a good neighbor the Bloomsburg Fair Association should terminate all races. If not, the town and residents of Bloomsburg should take all necessary steps to stop the noise and dust.

I want to thank Council for giving me the opportunity to speak.