

The Bloomsburg Town Council held their regular meeting on Monday, February 12, 2024 beginning at 7:00 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 Toni Bell, Bonnie Crawford, James Garman, Jaclyn Kressler, Nick McGaw and Jessica Jordan (Zoom). Town Manager / Secretary/ Treasurer Lisa Dooley, Town Solicitor Matt Turowski, Chief of Police Scott Price, Public Works Director John Fritz, Director of Code Enforcement Mike Reffeor, Director of Governmental Services/ Recycling Coordinator Charles Fritz, Code Enforcement Officer Kyle Bauman, Airport Coordinator BJ Teichman, Director of Finance Kim Pogash (Zoom), Administrative Assistant Christine Meeker (Zoom), LEAA Elise Hughes, and Parking Enforcement Officer Wade Verchimak . Also present were MJ Mahon, David Hill, Rob Staib, Cindy Shultz, B. Coladonato, Stacy Wagner, David Jones, Nichole Harmon, Marianne Kreisher, Brian Trombly, Jacqueline Trombly (7:37 p.m.), Vince DeMelfi (7:13 p.m.), William Stewart, Dennis and Daniel (7:02 p.m.).

COUNCIL REMARKS.

An executive session was held on February 7, 2024 from 12:22 p.m.- 12:45 p.m. regarding a police personnel matter.

Marianne Kreisher addressed Council regarding the zoning overhaul and the recent changes to the zoning map to include the AGAPE property in the B-C district. When AGAPE bought the property on Railroad Street, they were aware that homeless shelters were not a permitted use in the I-P district. Ms. Kreisher outlined the availability of three zoning districts (B-C, C-R and C-W) that allow homeless shelters each with a capacity of 48 to 60 beds prior to beginning of the zoning overhaul. In the Fall of 2023 AGAPE came before the Community & Economic Development Committee requesting the zoning map be changed to include the AGAPE property in the B-C district. Ms. Kreisher stated that after reviewing the RTK requests of agendas and minutes, no motion or vote was ever taken for this change. However, the current draft of the zoning map shows that the district delineation line was moved to include the AGAPE property in the B-C district.

APPROVAL OF THE COUNCIL MINUTES FROM THE JANUARY 22, 2024 MEETING.

On a motion by T. Bell, seconded by J. Garman, and voted on unanimously, Council approved the minutes from the January 22, 2024 meeting with one correction.

APPROVAL TO AMEND CHAPTER 8 OF THE CODE OF ORDINANCES OF THE TOWN OF BLOOMSBURG TO ADD THE SECTION OF STATUTORY AUTHORIZATION.

On a motion by T. Bell, seconded by N. McGaw, and voted on unanimously, Council approved amending Chapter 8 of the Code of Ordinances of the Town of Bloomsburg to add the section of Statutory Authorization.

RECOMMENDATION TO APPROVE THE LIST OF JANUARY BILLS.

On a motion by B. Crawford, seconded by J. Kressler, and voted on unanimously, Council approved payment of the following monthly bills: General Fund \$208,987.54, Recycling Fund \$75,506.07, Street Lighting Fund \$5,482.70, Fire Fund \$10,006.79, Pool Fund \$128.00, Liquid Fuels Fund \$5,922.75, Airport Fund \$4,819.48, CDBG Entitlement \$152,481.95, CDBG-DR/FMA \$12,385.70, Home Fund \$47,731.00, and the January Payroll Authorization \$310,088.79.

APPROVAL TO ACCEPT THE RESIGNATION OF PHILIP PETRUS FROM THE POLICE DEPARTMENT EFFECTIVE 2/8/2024.

On a motion by N. McGaw, seconded by J. Kressler, and voted on unanimously, Council approved the resignation of Philip Petrus from the Police Department effective 2/8/2024.

RECOMMENDATION FROM THE HUMAN RELATIONS COMMISSION TO APPOINT NICHOLE HARMON TO THE COMMISSION WITH THE TERM EXPIRING 12/31/2025.

On a motion by J. Garman, seconded by N. McGaw, and vote on unanimously, Council approved to appoint Nichole Harmon to the Human Relations Commission with a term expiring 12/31/2025.

APPROVAL TO ADVERTISE FOR SEASONAL LIFEGUARDS FOR THE 2024 POOL SEASON AT THE FOLLOWING RATES. LIFEGUARD I- \$11 & LIFEGUARD II- \$12.

On a motion by J. Kressler, seconded by N. McGaw, and voted on unanimously, Council approved to advertise for seasonal lifeguards for the 2024 pool season at the rates of: Lifeguard I - \$11 per hour and Lifeguard II - \$12 per hour.

APPROVAL TO ADVERTISE FOR TWO SEASONAL POOL ATTENDANT POSITIONS FOR A COMBINED TOTAL OF 35 HOURS TO COVER THE FRONT DESK AT THE POOL FROM 12 P.M.- 5 P.M. AT THE RATE OF \$10 PER HOUR.

On a motion by T. Bell, seconded by J. Kressler, and voted on unanimously, Council approved to advertise two seasonal pool attendant positions for a combined total of 35 hours to cover the front desk at the pool from 12 p.m. – 5 p.m. at the rate of \$10 per hour.

RECOMMENDATION TO APPROVE A SEDA-COG INVOICE IN THE AMOUNT OF \$10,014.00 FOR FFY 2022 HUD ENTITLEMENT.

On a motion by J. Garman, seconded by T. Bell, and voted on unanimously, Council approved a SEDA-COG invoice in the amount of \$10,014.00 for FFY 2022 HUD entitlement.

RECOMMENDATION TO APPROVE A SEDA-COG INVOICE IN THE AMOUNT OF \$5,800.00 FOR FFY 2020 HUD ENTITLEMENT.

On a motion by T. Bell, seconded by N. McGaw, and voted on unanimously, Council approved a SEDA-COG invoice in the amount of \$5,800.00 for FFY 2020 HUD entitlement.

RECOMMENDATION TO APPROVE A SEDA-COG INVOICE IN THE AMOUNT OF \$3,850.00 FOR FFY 2019-CV HUD ENTITLEMENT.

On a motion by T. Bell, seconded by J. Garman, and voted on unanimously, Council approved a SEDA-COG invoice in the amount of \$3,850.00 for FFY 2019-CV HUD entitlement.

RECOMMENDATION TO APPROVE EXTENDING THE HOME PROGRAM FROM MAY 19, 2024, TO MAY 19, 2025.

On a motion by T. Bell, seconded by B. Crawford, and voted on unanimously, Council approved extending the HOME Program from May 19, 2024 to May 19, 2025.

RECOMMENDATION TO APPROVE PAYMENT TO PSAB FOR THE 2024 MEMBERSHIP INVOICE IN THE AMOUNT OF \$1,243.

On a motion by J. Garman, seconded by T. Bell, and voted on unanimously to approve, Council approved payment to PSAB for the 2024 membership invoice in the amount of \$1,243.

APPROVAL OF THE SITE DESIGN PROJECT TASK ORDER WITH DELTA AIRPORT CONSULTANTS. NOTE: THIS EXPENSE IS FULLY GRANT COVERED ALSO IS NOT REPAYABLE BACK TO THE STATE.

On a motion by N. McGaw, seconded B. Crawford, and voted on unanimously, Council approved moving forward with the site design project task order with Delta Airport Consultants.

APPROVAL OF THE QUOTE FROM THE MRB GROUP FOR COMPLETION OF AN INDEPENDENT FEE EVALUATION FOR THE SITE DESIGN PROJECT WITH DELTA AIRPORT CONSULTANTS.

On a motion by N. McGaw, seconded T. Bell, and voted on unanimously, Council approved the quote from the MRB Group for the completion of an independent fee evaluation for the site design project task order with Delta Airport Consultants.

RECOMMENDATION TO APPROVE CHANGING THE PARKING ENFORCEMENT HOURS TO 9 A.M.- 5 P.M. INSTEAD OF 10 A.M.- 5 P.M. NOTE: AFTER COMMITTEE, PARKING REVIEWED DANVILLE (9 A.M.- 6 P.M.) AND LEWISBURG (9 A.M.- 5 P.M.) TIMES.

On a motion by B. Crawford, seconded by N. McGaw, and voted on 0-7, Council rejects the recommendation to change the parking enforcement hours. Parking enforcement hours will remain 10 a.m. to 5 p.m.

RECOMMENDATION TO APPROVE A QUOTE FROM SPIKE GILLESPIE IN THE AMOUNT OF \$8,085 (21 NEEDED AT THE RATE OF \$385).

On a motion by T. Bell, seconded by N. McGaw, and voted on unanimously, Council approved a quote from Spike Gillespie in the amount of \$8,085 for new parking signs.

RECOMMENDATION TO APPROVE A QUOTE FROM POM IN THE AMOUNT OF \$5,646.80 FOR PARKING METERS. ALSO, APPROVE A QUOTE FROM POM IN THE AMOUNT OF \$610 FOR THE HANDHELD PROGRAMMER.

On a motion by T. Bell, seconded by N. McGaw, and voted on unanimously, Council approved a quote from POM in the amount of \$5,646.80 for parking meters and a quote from POM in the amount of \$610 for a hand-held programmer.

RECOMMENDATION TO APPROVE HIRING JANE HYDE AS THE SECONDARY COMPOST SITE ATTENDANT AT THE RATE OF \$15 PER HOUR.

On a motion by N. McGaw, seconded by J. Garman, and voted on 0-7, Council rejects the recommendation to hire Jane Hyde as the secondary compost site attendant at the rate of \$15 per hour. Ms. Hyde notified the Town she is no longer interested in the position.

RECOMMENDATION TO APPROVE REMOVING 65 E. 4TH STREET AREA FOR PARKING AND TURN THIS AREA BACK INTO RESIDENTIAL PERMIT PARKING FOR RESIDENTS OF E. 4TH STREET WITH #4 PERMITS.

On a motion by N. McGaw, seconded by J. Kressler, and voted on unanimously, Council approved removing the 65 E. 4th Street area for parking and turn this area back into residential permit parking for residents of E. 4th Street with #4 permits.

RECOMMENDATION TO APPROVE ADVERTISING THE VENDOR ORDINANCE.

On a motion by T. Bell, seconded by N. McGaw, and voted on unanimously, Council approved to advertise the vendor ordinance.

On a motion by B. Crawford, seconded by J. Garman, and voted on unanimously, Council adjourned into an executive session regarding a code legal matter at 8:52 p.m. and did not reconvene.

Lisa Dooley
Town Manager/Secretary/Treasurer

My name is Marianne Kreisher. I am a life-long resident of Bloomsburg, an elder law attorney in town and have served on the Bloomsburg Area School Board for over 12 years.

I fully support the mission of AGAPE and Community Strategies Group. I am NOT opposed to their mission of creating a homeless shelter within the confines of the Town. I am not here tonight to question their motives or the good work that they do or to discuss the merits of placing a homeless shelter at the AGAPE property on Railroad Street. I am here to address the lack of transparency, the arbitrary and unequal application of the zoning laws, and plain and simple – the legality of changing the zoning designation for the AGAPE property on Railroad Street.

Simply because AGAPE does good work in our community and has a reputable mission does not justify or legally permit spot zoning excusing them from the same requirements imposed on any other community member seeking a zoning change. Not requiring an organization or community member to adhere to the policies and procedures in place when others are required to do so leads to spot zoning. As another citizen has so aptly put it – shoehorning a zoning change for AGAPE. The courts have found that spot zoning is improper and Council's actions are creating a slippery slope for the Town and for Council.

The Town of Bloomsburg already has 3 designated areas that allow for a homeless shelter. CR, BC and CW. These areas were put into place in May 2019. At that time, AGAPE was operating in the CW zone and clearly could have pursued opening a homeless shelter at their location. Instead, in 2021, AGAPE decided to purchase another property, which was clearly zoned in the IP designation which did NOT allow for a homeless shelter. They didn't request a zoning change at that time and in fact, didn't actually request any change to the zoning until October

2023.

In 2022, the Town engaged Environmental Planning and Design to “overhaul” outdated land use laws. This professional firm spent an entire year reviewing the ordinances and maps – during that time, they proposed 1 update to the map in February 2023 and 6 drafts of updated ordinances, giving community members ample opportunity to comment and question the proposed changes. At no time during that year, did these professionals find it necessary to alter the map from February 2023 to change AGAPE’s zoning from IP to BC, even after receiving the request from Community Strategies Group in May 2023. It wasn’t until the 11th hour, that they presented a new zoning map they proposed a change to the map. And council now intends to just push this through.

What happened during that time? Why are the professionals now recommending this change? Is it really the professional making this recommendation? I have spent this past week researching the reasoning behind the last minute change – I’ve reviewed Town Council minutes, public comments, **current** ordinances, proposed ordinances, made a right to know request and sent many emails trying to gather the facts. It shouldn’t have been this hard. In a time when transparency should be at the top of every organization’s list, it seems there is a lot going on behind the scenes. Where is the transparency? In addition, why is council providing special treatment to a request from AGAPE instead of applying procedures and requirements equally across the board?

Council has stated that they must provide a location for a homeless shelter within the confines of the Town of Bloomsburg and this is why the changes are contained in the January 2024 map. This is really disingenuous.

1. Council has already provided for 3 zones where a homeless shelter can be placed
2. In each of those 3 zones a homeless shelter with 20 beds is permitted – it's unclear whether there can be more than 1 homeless shelter in each zone – Let's just assume that was the intention – 1 homeless shelter in each zone – 20 beds
3. Why do we need to extend those already created zones when NONE of those minimum of 60 allowable beds are being utilized?
4. In addition, there is another property which has already received land development approval for a 48 bed homeless shelter at 338 W. 6th Street.
5. Again, what is the necessity for expanding the already drawn areas when NONE of the 108 beds are being utilized?
6. There has been no shown necessity for expanding the already delineated areas – perhaps that's why Environmental Planning and Design didn't make any proposed amendments to the AGAPE property in any of their 6 prior proposals.
7. Community Strategy Group has property zoned in the BC zone and therefore is an available location for a homeless shelter. They are currently building townhouses on this property – they could have and still can make arrangements to develop a homeless shelter at this location.
8. When we haven't exhausted or even started using the first options that are available, pulling out the AGAPE property and making a spot zoning change because it is AGAPE is WRONG.

We have seen the fallout when council does NOT follow the law, engages in spot zoning and otherwise follows arbitrary and unequal application of the zoning ordinances depending upon who the request is coming from. Thousands of dollars of Town money has been spent in legal fees fighting an individual who followed the procedures simply because the Town did not like him. I have no doubt that if Matt Zoppetti were requesting and arguing for a change in zoning for a property he

owned there would have been no back door discussions or attempts to push the changes through.

Respectfully, why doesn't AGAPE work with the landowners in the already zoned areas to place a homeless shelter in those locations?

This hasn't been done the right way. We as citizens demand better of you.