

CITY COUNCIL  
Sunbury PA 17801  
January 12, 2015  
6:15 pm

A regularly scheduled meeting of the Council of the City of Sunbury was called to order with the Honorable David L. Persing, Mayor, presiding. There was a quorum with the following in attendance:

David L. Persing, Mayor  
John K. Shipman, Director of Accounts & Finance  
Richard L. Reichner, Director of Public Safety  
Dale L. Henry, Director of Public Works  
James R. Eister, Director of Parks, Recreation and Public Buildings

Other City officials in attendance:

Brianna Apfelbaum Kula, City Solicitor  
John Bakowicz, City Engineer  
Brad Hare, Police Chief  
Michael Rhoads, Zoning Officer  
Michael Bordner, Workforce Supervisor  
John Bakowicz, City Engineer

There were nineteen (19) visitors present.

### **MINUTES AND REPORTS**

The minutes of 11/10/14, 11/24/14, 12/8/14 and 12/22/14 and available departmental reports of the Police Dept., Treasurer's Office, Controller, Health Dept. (quarterly), Fire Dept., City Engineer, Code Office, Park and Recreation Department, Park and Recreation Board, Public Works Dept., Planning Commission, Redevelopment Authority and Police Pension Board (quarterly) are in the City Clerk's office for review. Motion to accept was made by Councilman Henry. Second – Shipman. Unanimous vote. Minutes will be posted at [cityofsunbury.com](http://cityofsunbury.com).

### **PUBLIC COMMENT/AGENDA ITEMS**

Mayor Persing asked for public comment on agenda items and there were none.

### **SRI UPDATE**

Ms. Meghan Beck gave the following report: Business & Econ still working on the Business Pitch/Shark Tank competition to be held in the spring. The promotions committee meetings are now at noon the 3<sup>rd</sup> Wednesday of the month at the Bored Gamer. The Hill Neighborhood is reorganizing and planning new rain barrel trainings. T-Biz is entering the project phase of the program. SRI thanks Ms. Helen Phillips for donating funds to purchase a tree to be decorated for the holidays in honor of Merle Phillips. The River Front planning committee is finalizing plans for 2015. The New Year's Eve event was a huge success. The shuttle bus from other communities was very successful and the fireworks display was larger than last year and a big hit with the crowds. SPARC is still waiting on a response for the Keystone Communities Designation, and submitting reports for the National Mainstreet Designation. The Albright Council has been approved for year 2 of the NPP Tax Credits program. They are preparing to open the Center for events and prospective tenants and the H2 Church held Christmas Eve services and regular Sunday services with nearly 400 congregants in attendance. Mayor Persing asked where everyone parked and Ms. Beck said she didn't know but they were there. The office employees are working on reorganizing to create greater efficiency in 2015. Weis Markets committed \$10,000 in sponsorship to support Wake the Lake, summer concerts, Renaissance Festival, River Festival, Wine & Brew Festival, New Year's Eve celebration and downtown hanging flower baskets. Councilman Reichner asked if the Albright Center was ahead of schedule. Ms. Beck answered not necessarily. Financially they would like to have more tenants. There is a lot of construction that needs to happen and this year they hope to have an elevator installed. Modifications to the sanctuary are needed to make it more multi-use functional. The roof has been replaced. They are trying to find non-profits to use the office space.

## **REDEVELOPMENT AUTHORITY UPDATE**

Mayor Persing stated there were 5 properties auctioned on Saturday and brought in \$121,000. It was cold but there was a good turn-out. Ms. Apfelbaum Kula said there are several properties in the court process now. Once they are acquired the RDA will announce the next auction date. Councilman Reichner asked about 449 Race St. and Ms. Apfelbaum Kula answered that is in the final stages of eminent domain. Councilman Henry moved to pass the Resolution (see attached) that ratifies and affirms the public auctions for the sale of 822 S. River Ave, 216-218 Spruce St, 149 Church St, 113 Chestnut St and 218 N. Front St. Second – Eister. Unanimous vote.

## **RELIEVE TAX COLLECTOR FROM COLLECTING 2014 TAXES**

Councilman Shipman moved to relieve Mr. Troup from collecting 2014 taxes that are now delinquent. Second – Henry. Unanimous vote.

## **APPOINT DELINQUENT TAX COLLECTOR/DELIVER DELINQUENT TAXES**

Councilman Shipman moved to name Statewide Tax Recovery as the delinquent tax collector and deliver the delinquent taxes to them to collect. Second – Eister. Unanimous vote.

## **NOTICE OF INTENT TO AWARD/CHESTNUT ST. PROJECT PHASE 1**

Councilman Eister moved to award the construction project to the apparent low bidder G & R Charles for Phase 1 of the Chestnut St. project in the amount of \$1,510,607.52. This is for reconstruction from Front St to 3<sup>rd</sup> St. Second – Reichner. Unanimous vote. Mr. David Whipple asked if gas lines would also be replaced and Councilman Eister said yes all the utilities will be surveyed and replaced at that time.

## **2015 BOARD APPOINTMENTS**

The following board appointments were made:

Civil Service: Jeff Bittner 3 year term and Housing Authority Board Lori Simpson 5 year term. Motion – Reichner. Second – Henry. Unanimous vote.

Planning Commission: Jerome Alex and Rodney Jones 4 year terms and Municipal Authority Board William Rowe and Charles Schlegel 5 year terms. Motion - Henry. Second – Eister. Unanimous vote.

Recreation Board: Darwin Klock 4 year term and Mindy Hoffman, Linda Hare, Jenna Eister-Whitaker, Eric Long, Barry Attinger to 1 year terms. Also, HARB Preston Ross and Bruce Whipple 4 year terms. Motion – Reichner. Second – Henry. Unanimous vote.

Redevelopment Authority: Mayor Persing read a Resolution (see attached) thanking John Shipman for his dedicated years of service to the Redevelopment Authority. Councilman Henry moved to appoint Mr. Clay Rowe to Mr. Shipman's vacated seat. Second – Eister. Unanimous vote.

## **125 N. 12<sup>TH</sup> ST**

Councilman Reichner explained there was a major heroine bust in a rental unit located at 125 N. 12<sup>th</sup> St. in December. The ordinance passed in 2012 regarding landlord/tenants enables council to take action on the landlord while action on the tenant cannot occur until after a drug conviction. Using the history of complaints on the property and the tenants, Councilman Reichner moved to suspend the rental license for a period of 6 months and impose a fine of \$100. Mayor Persing asked if the landlord did a background check and Councilman Reichner said by her own admission, she did not do a background check. Ms. Kula said the penalty should be sent in writing and the fine could be \$100 but not more than \$1000 and the landlord would have a 30 day period to appeal. Ms. Meghan Beck asked what the cause was for the rental license to be pulled and Councilman Reichner answered it was part of the nuisance ordinance and council can declare a property a nuisance if there are 3 or more calls per year on that property. Mr. Don Heilig Jr. said he has a rental property and he received a call from a probation officer asking if he could help someone out with a home plan. He asked if a person had a prior drug charge can he give him another chance? Councilman Reichner

said it would require a drug conviction after 2012 when the ordinance was adopted. Mr. Heilig asked if he can give them a 2<sup>nd</sup> chance. Mayor Persing said if they are a convicted drug dealer after 2012 they cannot be on a lease for 7 years. Mr. Heilig asked if he found someone dealing drugs in his home is there anything to protect his rental permit. Councilman Reichner said as long as he did not have a history of complaints. Ms. Kula said 134.9 of the code states that it is the property owner's duty to remove the convicted individual to remove the issue. Councilman Shipman asked if the city would do a plain language set of guidelines for property owners so they do not have to interpret it. Councilman Reichner said he is planning to have a meeting in mid-February with landlords and answering questions they may have and giving them more information to use. Mr. Joe Bartello asked if the decision was based on the tenant's history and Councilman Reichner answered no, it is a nuisance property. The suspension of the license was based on the complaints filed in 2014 and they were code complaints. Mr. Heilig asked if there were several calls to that property. Councilman Reichner said there were numerous complaints covering many issues. It has nothing to do with the drug issue, just as a nuisance property. Second – Eister. Unanimous vote. The landlord has been cooperating with the police and the code office.

### **APPROVAL TO PAY INVOICES**

Councilman Shipman announced that the city finished 2014 with less than 1% over budget and he thanked the council members for their efforts in the last quarter. Revenues were up slightly as well. Councilman Shipman moved to pay the invoices reported on the voucher's payable report in the amount of \$98,412.96 from the General Fund and \$6,921.04 from the Liquid Fuels Fund. Second - Henry. Unanimous vote.

### **TAX EXONERATION**

Councilman Shipman moved to pass the tax exoneration as requested by Statewide Tax Recovery. Second – Henry. Unanimous vote.

### **AUDIENCE COMMENT**

Mr. Gene Swanger 124 N. 12<sup>th</sup> St: The landlord that owns 125 N. 12<sup>th</sup> St. used to live in the other half at 127. She has a tenant in there now and wants to know if there is a rental permit. Mr. Rhoads answered there is a rental permit. He asked why she picks up mail there every several weeks. Mr. Rhoads said that is out of the code office control. 127 was rented by her sister but she also moved out. Mr. Swanger asked if the tenant was not a convicted felon, why probation was constantly pounding on their door, for years. Councilman Reichner said any convictions prior to 2012 cannot be used per the ordinance. Chief Hare explained it is the conviction of a drug charge according to the ordinance. The tenant might have been convicted of something else.

Mr. Don Heilig: Opened a new vacuum cleaner and repair business at the old bus terminal on Market St. He purchased the business from Ken Swope.

Mr. Larry Wilcox, President FOP Susquehanna Valley Lodge 52: Urged council to reconsider the cuts made to the department or planned cuts. The city ordinance says the number of officers should not go under 15 and they are already at 11. Chief Hare must consider the safety of the citizens and the officers. There will be times when there is 1 officer working. When that happens a burden is put on neighboring departments because they respond through mutual aid. There must be other places to cut to maintain public safety. He has been a policeman for 43 years and the safety of his municipalities was very important. When Steve was chief there were 8 burglaries in 2 weeks and there are murders. Every day threats from Homeland Security come through. Officers are being shot. They are being targeted. Councilman Eister asked if Mr. Wilcox read the budget and he answered yes. Councilman Eister asked where he would make the cuts from that budget. Mr. Wilcox said he feels \$588,000 is a bit much for Parks & Recreation. Councilman Eister said he would be happy to go over the Park & Recreation budget with him. Mr. Wilcox said he hopes council reconsiders it because it will get one of the guys hurt. There was plenty of money after 9/11 but that money is gone and it will take another 9/11 for the money to come back. Councilman Henry said about \$150,000 of the Park & Recreation budget is for street lights and insurance is around \$80,000. It is just assigned to his department. He said the DPW budget is probably one of the highest budgets. He discussed the situation with Councilman Shipman and wants to pull those items out of Park & Recreation so that budget does not look over inflated. Councilman Henry asked if Mr. Wilcox pays taxes in Sunbury and the answer is no. Mr. Wilcox said whoever said there should be 15 officers on the police force

did it for a good reason. Councilman Eister said he does not need a lecture because he has known Officer Zerbe since he was born and he did not enjoy laying him off. None of council wants to lay off officers. Mr. Don Heilig said he would rather pay more taxes and keep the officers.

Ms. Ruth Riehl: There are too many lights on Front St. Also, she has seen a police car running for periods of time and no one is in it.

Ms. Linda DeGroat: Owns River View Bed & Breakfast. Suggested running a fundraiser to keep the officers. She is sure businesses would donate, like Weis Markets to help people feel safe in the city. Chief Hare said the Local Services Tax which goes to emergency services, could be raised. At this time it is \$1.00/week and amounts to about \$265,000 for the city. Many people are trying to have that brought up in congress to raise it \$2 or \$3. He urged everyone to contact state legislators and ask them to support that initiative. Property taxes do not raise enough money to help with the problems. It would not help for this year but it will for future years. Mr. Don Heilig asked if advertising on the city's website would generate income and Mayor Persing answered at this time ads are not sold on the website but there is a newsletter with ad rates in it and he will be sure Mr. Heilig gets a copy.

Ms. Carol Mazzeo: There are towns with solar panels on light poles and use solar energy to run lights. Councilman Henry asked where the money would come from to implement it. Ms. Mazzeo said there should be a lot of grants for green energy. Mayor Persing said the grants have dried up. That is why you don't see a lot of solar because there is such an upfront cost and it takes a long time to get your money back. The city has implemented LED lights wherever possible. Ms. Mazzeo asked if there is a way to turn some of the lights off on Front St. Mayor Persing said if you turn lights out there are some times legal issues if there is an accident. Mr. Heilig said there are new LED lights for fluorescent lights in buildings. Mayor Persing explained the lights at city hall have all been changed over to energy efficient bulbs.

Ms. Julie Broschious: Is the LST information on the city's website. It is not at this time but can be posted. Councilman Shipman said the title of the tax is Local Services Tax and it is designed for public safety. Just \$1/week increase would help tremendously. All council members have written to support it as well as the PA League of Municipalities.

Ms. Regina Russell, Community Activist: Is the \$1 tax for people employed in the city and Councilman Shipman answered yes. How many complaints on a property make it a nuisance. Councilman Reichner answered 3 valid complaints within 1 year. Ms. Russell asked if there are 3 complaints in a year is the property considered a nuisance by the code office. Councilman Reichner said if they are valid complaints. Ms. Russell asked if a person collects \$1 in rent from a relative or tenant does that mean a license is required. Councilman Reichner said he does not believe so. Ms. Russell thought she read it but doesn't know where.

## **DISCUSSION**

Councilman Reichner explained that Mr. Ed Baker did a lot of research regarding James Dalius (correct name of Bastian), a civil war veteran who was killed in the battle of Little Bighorn. Mr. Baker would like to commission a monument for Mr. Dalius on city property. He will pay the costs involved. He will not proceed with it until council gives the ok. The engraving would be: "Corporal James Dalius Company A 7<sup>th</sup> Calvary killed June 25, 1876 Battle Little Bighorn. Born 1851 Sunbury PA." This is the same wording as on the monument at Little Bighorn. Councilman Reichner said it could go in Cameron Park with the other war monuments. Mayor Persing said this was brought up years ago but where will it go? Councilman Eister said he would like to know what the size is and then they can look for an appropriate location for it.

Mayor Persing said he has not heard from the police department yet in regard to contract negotiations. The current contract expires at the end of 2015. Councilman Henry moved to get a recommendation for outside labor attorneys to represent the city in the negotiations. There is \$25,000 in the budget for this purpose. Mayor Persing asked if he wants to do that now before anything is received from the police negotiators. Councilman Reichner said he also thinks a search should be conducted for labor attorneys. Second – Reichner. Councilman Shipman asked if current council would be consulted for names of labor attorneys. The answer is yes and also PA Municipal League. Councilman Henry asked if it professional services where an RFP is not needed. Officer Steve Mazzeo said there has been a change in union leadership in light of everything that has happened. It is the discretion of council to retain labor attorneys but he said it is the goal to advance

the issues of the membership but at the same time take into light the events that have occurred especially with Officer Zerbe and possibly Officer Heckman. This should not be an adversarial relationship. Chief Hare said from past experience the last time the city brought someone in the city spent over \$12,000 for nothing because it did not go well. At the end they sat down with the mayor and Councilman Shipman. He does not think what Councilman Henry is saying is wrong but he suggests first sitting down with the police union and see what they want and where the city is. Councilman Eister said he disagrees because there were mistakes made in the past and he was involved and he does not want it to happen again. Councilman Henry said either way someone is going to be hired to do the contract. Ms. Russell said you can go online to the Bar Association referral and enter what you are looking for and several attorneys will be shown to choose from. Officer Mazzeo said there is a standard form they use and with the change in leadership it is just a little late. Councilman Henry said their elections have already been held for the SPOA so the letter should not have been late. Councilman Shipman asked if the motion is to compile a list of attorneys for the possibility of contract negotiations. Councilman Henry said yes. Councilman Reichner said having outside attorneys with labor knowledge will be beneficial to the city. Some things went through with the last contract that do not benefit the city or the officers. Labor laws are different than conventional law and he said he negotiated with the state for 26 years as a union representative and it is best to have outside entities involved. Councilman Henry's motion is that research is done and names of several labor attorneys that could be used be brought to council's attention. The city is a member of PELRAS which provides labor attorneys at a reduced rate. Ms. Apfelbaum Kula said she would be happy to make some recommendations as well. Second – Reichner. Yes – Reichner, Henry, Eister, Shipman. No – Persing. Motion carried.

There being no further business the meeting was adjourned at 7:20 pm.

Respectfully submitted,

Terry Specht, City Clerk