

CITY COUNCIL  
Sunbury PA 17801  
December 8, 2014  
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  
Brad Hare, Police Chief  
Michael Rhoads, Zoning Officer  
Michael Bordner, Workforce Supervisor  
John Bakowicz, City Engineer

There were sixteen (16) visitors present.

### **MINUTES AND REPORTS**

The 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 Eister. Second – Reichner. 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. Laurie Johnson reported that Late Night Shopper's Night was a huge success with big crowds and they are discussing longer hours for next year. The New Year's Eve "light bulb" is being worked on at this time and the plans are ready for December 31<sup>st</sup>.

### **2<sup>ND</sup> READING 2014 COMPLIANCE AMENDMENT/POLICE PENSION**

Mayor Persing moved to pass the amendment to the police pension plan (see attached) on a second reading which redefines the definition of "spouse" for purposes of the Plan. Section 1.8© will read: Spouse means the person married to the participant at the time of the determination as evidenced by a marriage license valid under the laws of the place of issuance." Second – Henry. Unanimous vote.

### **1<sup>ST</sup> READING/2012 IPMC**

Ms. Apfelbaum Kula explained the first reading for the code office ordinance (see attached) which will adopt the 2009 and 2012 codes to include: 2009 National Electrical Code, 2012 International Green Construction Code, 2012 International Energy Conservation Code, 2012 International Residential Code, 2012 International Building Code, 2012 International Fire Code, 2012 International Plumbing Code, 2012 International Fuel Gas Code, 2012 International Existing Building Code, 2012 International Mechanical Code and 2012 International Swimming Pool and Spa Code. This brings the code office up-to-date. After the 2<sup>nd</sup> reading, the amendment will take effect in 10 days. Mr. Mike Rhoads explained this is a revision to PA Act 45 which works around the building construction codes of PA. There are additions to the code – the Clean Energy and the Pools

and Spa components. He clarified the wording was revised to be current with the code books. Councilman Henry moved to pass the ordinance amendment on the first reading. Second – Reichner. Unanimous vote.

### **SUNOCO STORM WATER WAIVER**

Councilman Reichner explained this is the same that was done for Burger King. SUNOCO will have less impervious ground – they will be putting in several rain gardens and a retention pond that wasn't there before. The Sunbury Municipal Authority is more than satisfied with what SUNOCO has been doing. Councilman Reichner moved to allow the storm water waiver as requested. Mr. John Bakowicz clarified that they will still have to be in compliance with the North'd County Conservation District. It only exempts them from filing a storm water control plan. The MOU with North'd County Conservation District includes them reviewing the plan and will report to the City. Mr. Dave Whipple asked if the pond will have water in it all the time and Councilman Reichner explained it will be similar to a French drain and will hold water and let it seep naturally into the system rather than have run-offs. Mr. Joe Bartello asked what they are actually waiving, the fee – because they already have a plan. Councilman Reichner said it was already waived back when Burger King asked for a storm water waiver. Mr. Bakowicz said no requirements are being waived and they still have to file a land development plan. The only exemption will be filing a storm water management plan with the city. Councilman Shipman asked if there would have been a fee charged if they filed the plan with the city. Mr. Bakowicz said the process is more cumbersome and duplicates activities in the land development plan. All reports submitted will be considered in the final approval. The storm water management ordinance is very old. The city is waiting for the county to adopt the state ordinance. Then the city has 6 months to adopt theirs or do their own or adopt theirs with new amendments. Second – Eister. Unanimous vote.

### **NON-UNIFORM PENSION CHECKLIST**

Councilman Shipman said the non-uniform pension plan is with the state fund called PMRS. The internal revenue service has requirements that must be sent to PMRS on an annual basis. It was filed earlier in the year but one of the needed items was not completed. The decisions council must make are whether part-time employees should be included in the pension plan, whether workman's compensation paid should be calculated into the pension benefit and what to do with excess interest. Councilman Shipman moved not to allow part-time employees to be entered into the pension plan, and workman's compensation has not been figured in to pension calculations so that should remain that way. Councilman Eister said the excess interest should be designated to the municipal account. He explained the city and the employee pays toward the pension plan for employees. The actuary calculates what is estimated to be needed for the plan. If the interest earned is more than estimated, the excess interest can go to any one or combination of the municipal account, the member's account or the retired member's reserve account. Councilman Shipman amended his motion to include 100% of excess interest going to the municipal account. Second – Henry. Unanimous vote.

### **HARB APPROVAL**

Mr. Mike Rhoads explained the property at 5 N. 2<sup>nd</sup> St. will have columns replaced with similar design and the railings can be aluminum in place of wrought iron as long as the design and look is close to wrought iron. Councilman Reichner moved to approve the recommendation made by HARB. Second – Eister. Unanimous vote. Also, at 41 N. 4<sup>th</sup> St. will be replacing a canopy that must match the adjacent burgundy canopy already existing. Councilman Reichner moved to approve the recommendation made by HARB. Second- Eister. Unanimous vote.

### **RESOLUTION/WAIVE OPEN CONTAINER FOR NEW YEAR'S EVE**

Councilman Eister moved to approve the open container waiver Resolution for SRI for the New Year's Eve celebration. Second – Reichner. Unanimous vote.

### **PART-TIME HIRE/PARK & RECREATION**

Councilman Eister explained the part-time employee hired previously for this year at the ice rink got another job elsewhere. He made a motion to hire Carl Yoder for part-time employment at the ice rink. Ms. Jan Dockey asked what rate would be paid and the answer was \$8.50 and she asked how many hours a week it would be and it is 16. Second – Reichner. Unanimous vote.

## **PA DOT ROAD CLOSURE/5K RUN MARCH 14, 2015**

Councilman Henry moved to approve the road closure permit application to send to PA DOT for Kristen's 5K Run on March 14, 2015. Mayor Persing said it would be a good idea to come up with a 5K course and whoever wants to run one would use that course. Councilman Henry said that won't be as easy as it sounds because the different runs start and end at different places. Also if it is a timed run the railroad will not guarantee a train will not come through. Ms. Kula said the Ta Ta Trot went through residential areas and it became more of a community event. Second – Reichner. Unanimous vote.

## **APPROVAL TO PAY INVOICES**

Councilman Shipman moved to pay the invoices reported on the voucher's payable report in the amount of \$19,808.59 from the General Fund and \$1,674.62 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.

## **2015 BUDGET**

Councilman Shipman explained council has been diligently working to close the budget shortfall. A balanced budget passed 2 weeks ago includes the layoff of 2 police officers. Council is trying to salvage one of the positions and has been working to that goal. Progress has been made by eliminating a copier lease and other small items. \$127,000 is needed to keep one officer. He feels council is 1/3 of the way there but continuing to work at it. There will be part-time layoffs for 2015. Construction projects will be moved to the capital budget and borrow the money for these small projects and pay them from the capital budget. A budget meeting will be held at 5 pm on Dec. 8<sup>th</sup> and hopefully there will be some final numbers. If the budget shortfall cannot be reached the budget will be approved with the furlough of 2 officers. The budget may be passed as late as Dec. 29<sup>th</sup>. Council has the ability to raise taxes higher than 2 mils but he is opposed to any further tax increase.

## **AUDIENCE COMMENT**

Ms. Jan Dockey: What is liquid fuels? Councilman Shipman explained it is a reimbursement to the city of part of the gasoline tax. In PA about .56 is taxes per gallon. About .18 goes to the federal government and the rest goes to the state. A percentage of that is refunded to some municipalities for street related repairs, snow removal, street painting, etc. It is used strictly for street and roads in the city. The more gasoline purchased in Sunbury, the more money the city receives. Councilman Henry said there is a percentage that can be used for major purchases and the city has used that for street sweepers and DPW vehicles.

Mr. Gordon Lamb: Is the budget showing losses for the snack bar? Councilman Shipman answered the snack bar is a concern and it is being looked at. It is not profitable and it is basically a service. Staffing has been looked at and will be cut. Mr. Lamb asked what the amount is in the budget and Councilman Shipman said he does not have that information in front of him but it has been a loser for a few years. He asked why there isn't vending machines and close the snack bar. Councilman Eister said he does have one vending machine there. But there are no machines that serve pizza or soft pretzels. Councilman Shipman said recreation costs the city some money. The recreation tax is ½ mil but does not cover all the expenses. It is support to the young people and families to provide recreation. If there isn't anything provided for the kids to do, they will find something to do and it will probably not be something useful. Mr. Lamb said nothing comes back to the city from the sports complex. There are tournaments every year and not one cent comes back to the city. Councilman Shipman asked what Mr. Lamb's suggestion is. He answered the ASA should pay a reasonable amount of money for the use of the complex. Councilman Eister said they do put money back into it – they buy materials for the complex. Mr. Lamb said the infield dirt was paid for by the city. Mayor Persing said the ASA and Sunbury Youth Baseball have paid for the dirt. Also, the ASA paid for the dugouts to be installed. Volunteers do a lot of the work. The only maintenance the city does is cut grass. Mr. Lamb asked how much money the ASA makes from its tournaments. Mayor Persing

answered they run 1 softball tournament a year as a fundraiser. There is also money donated to the fireworks from the tournaments held there. There are other organizations running tournaments as well. Mr. Lamb asked what they put back into the city. Mayor Persing explained they all do. The kids get to play baseball and softball. The city gives \$2,000 to the softball program out of a \$75,000 budget. The money raised goes to kids so they can play baseball or softball. If it costs a lot of money the kids won't be able to play. The money goes to uniforms, baseballs, mitts and bats. The Recreation Board has budgets for baseball and softball and it takes a lot of money to run all the kids through the program. Mayor Persing said he is proud of that. Even the high schools charge a lot of money to play school sports. Even children that can't afford to play have scholarships because they don't turn anyone away that wants to play.

Ms. Regina Russell: What if vendors were invited like is done for the summer festivals where they would pay a fee to the city. Mayor Persing asked if she was talking about the pool and rink. And she said she is talking about the baseball fields. Councilman Reichner said the baseball concession stand is bid out and a private business runs the stand. It is the Shik Shak. They buy all the materials, etc. and give the youth baseball league a percentage of what is collected. The rink and pool are separately run from the baseball stands. Ms. Dockey said couldn't someone run the stands and pay a percentage and Councilman Eister said about 2 years ago it was advertised and no one was interested. They are still looking for volunteers to work at the pool concession stand to cut down on labor costs. Councilman Henry said his 10 year old son goes to the pool and some days he eats nothing. It isn't like going to Applebee's where you sell \$50,000 a day. Someone might grab a bag of chips and a soda and then go back in the pool. He said if the city is going to take a loss on the snack bar he is for it because in the summer the pool is packed with children. The same for the ice rink and if they weren't there the kids would be getting into trouble. Councilman Shipman said he thinks we should invest in the young people of the community. One of the problems is you don't know if there will be 150 kids at the pool or 5 so you have to have staff. We haven't been good at sending staff home and sectioning off the pool if there are only a few people there. It is a challenge to have the appropriate number of people there. Ms. Russell asked if there are any state grants to be applied for and she thought that certain businesses like to contribute to recreation for children. Such as Target. Councilman Reichner said he thinks they are more involved in community through volunteering at events like National Night Out. Ms. Russell said the employees volunteer and Councilman Reichner said yes, at events but not on an ongoing basis. She said when she lived in Washington D.C. and they had a community event they could get Verizon, Costco, the utilities, grocery stores and they would all contribute money to help out the city to do things. Sunbury doesn't seem to utilize the larger companies. Mayor Persing said there are smaller businesses in town that do donate to recreation. Mayor Persing said the Shikellamy School District has the knap sack program for under privileged children to take food home – the same thing happens at the playgrounds. The city has a lunch program for lunches at the playgrounds and swimming pool during the summer.

There being no further business the meeting was adjourned at 7:05 pm.

Respectfully submitted,

Terry Specht, City Clerk