

CITY COUNCIL
Sunbury PA 17801
November 28, 2011
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
Todd E. Snyder, Director of Accounts and Finance
Joseph J. Bartello, III, Director of Public Safety
Kevin E. Troup, Director of Public Works
James R. Eister, Director of Parks, Recreation and Public Buildings

Other City officials in attendance:

Elizabeth Kremer, City Treasurer
Michael Rhoads, Property Maintenance Officer
Stephen Mazzeo, Chief of Police
Terry Specht, City Clerk

There were fourteen (14) visitors present.

2012 BUDGET

Councilman Snyder thanked council members for attending the budget meetings in order to balance the budget without a tax increase to residents. Councilman Eister said he thought it would be best to present a realistic budget in the beginning of the process and he and Councilman Troup are looking at a possible funding stream that will be discussed at a later date. Councilman Bartello said the process isn't finished yet and the numbers are fictitious and council members think it will be a better year next year so why not do that now. Councilman Snyder explained that at this point it is a balanced budget and there is a reduction in revenues which also included the CareerLink lease amount. Significant adjustments were made to all departments and concessions were made across the board so there would be no tax increase. No personnel will be laid-off, services should be stream-lined next year and it took a lot of hard work to get to this point. Councilman Eister said the Municipal Authority has a list of clients they sell water to and that means someone is living there. He thinks the City should get their list and cross-reference to the City's tax base and check where there may be vacancies. Ms. Kremer said the Municipal Authority receives a lot of their information from the tax roles now. Councilman Bartello said that was what he was trying to do with the vacant building ordinance he was trying to pass through council. Mayor Persing explained that the business tax roles should increase due to more businesses coming to the City when they see a new successful business they might come as well. Dunkin Donuts is one example with a lot of people supporting that business and perhaps others would want to open a business.

MARKET ST. TREES

Councilman Bartello said some of the trees on Market St. are pushing up sidewalks and pushing curbs out, in front of Schindler's Studio and Hurr's especially. He asked if the street crew could do something about it. Councilman Troup said he would look into it to see if it would kill the trees. Councilman Bartello said if it does the trees would just have to be replaced because they can't be let go.

LEVY 2012 TAX ORD. # 1267

Councilman Snyder moved to pass on a 1st reading Ord. 1267 to levy taxes with no increases for 2012. Second – Eister. Yes – Snyder, Troup, Eister, Persing. No – Bartello. Motion carried.

1ST READING REPEAL PROFESSIONAL LICENSE TAX

Councilman Snyder explained that in 2008 a Professional Services Tax was adopted as Article 151-23 in *The Code of the City of Sunbury*. It has not been successfully collected since then and Councilman Snyder made a motion to pass on a 1st reading to repeal that tax. Mayor Persing asked if that was budgeted for 2012 or if it was collected in 2011. Councilman Snyder said there would be no refunds because it has not been collected. Second – Eister. Unanimous vote.

1ST READING/PEACE AND GOOD ORDER ADDITION TO 121-2

Mayor Persing asked council to consider passing 2 pieces of legislation upon the Solicitor's review which would define multi-convicted illegal substance distributors and create a list of those that are

convicted more than one time of a crime involving drugs. He is also asking council to consider adding that it would be illegal to issue a housing permit to anyone on the list of multi convicted illegal substance distributors. He explained that this does not pertain to people using drugs but only people selling drugs. It seems that whenever there is a drug bust the same names appear on the list. He has a lot of people complain about drug houses in their neighborhoods and the process is so slow they don't see any progress from the police department, even though they are working on the problem. The list is not confidential information because anyone can go to the courthouse and receive a copy of the names. Councilman Bartello said he thinks it is illegal to deny housing permits for that reason. Councilman Snyder asked if that list would be made public on the City's website and the answer is yes. Councilman Bartello said he thinks it is against the 8th Amendment to the Constitution Cruel and Unusual Punishment clause. Chief Mazzeo said every conviction is public knowledge through the Prothonotary's office and that is the information that would be on the list. He said he doesn't know if the City could get sued for it because of Councilman Bartello's issue but several years ago the solicitor and he looked at the landlord/tenant issues of surrounding areas and some have survived constitutional appeals (Berwick and Selinsgrove). Councilman Snyder said he would have to look at similar examples because at this time, you cannot even deny a pedophile a rental permit. He asked the Mayor if he is looking at someone coming to Sunbury or rather someone that already lives here and is arrested 2 times and the answer is yes that is correct – anyone living here. Chief Mazzeo said there are continuous dealings with people going from apartment to apartment with not only the police dept. but the code office as well. Councilman Troup asked what the City Solicitor said about it and he has not reviewed it yet however a 2nd reading would not occur until he does. Mr. Rhoads said the ordinance now reads that a person has 10 strikes before a housing permit is revoked. The Solicitor will be asked to look at that as well. Mayor Persing moved to pass on a 1st reading to establish the list and publish it on the City's website. The 2nd reading would wait until penalties can be created. Councilman Bartello asked if the City has money set aside to defend this in court. The Mayor answered it would be reviewed by the Solicitor before anything final is passed. Councilman Troup said council cannot use that as an excuse not to do anything to move the City forward. Second – Eister Yes – Troup, Eister, Persing, Snyder. No – Bartello. Motion carried.

RIVERFRONT PROJECT PAYMENT

Councilman Eister moved to pay Kinsley Construction invoice #11 in the amount of \$222,316.43. As soon as a walk through of the project is done, Phase I will be completed. Councilman Troup asked if the project went over budget. Councilman Eister answered that he would get the numbers but he didn't think it went over budget. Second – Troup Unanimous vote.

BOARD VACANCIES

Mayor Persing announced the following board members whose terms expire at the end of December:

Board Vacancies –

Civil Service Board – Jeff Bittner (3 year term)

Housing Authority – Jim McKinney (5 year term)

Municipal Authority Board – John Michaels (5 year term)

Recreation Board – Mindy Hoffman, Linda Hare, Jenna Eister, Malcolm Johnson (1 year terms)

HARB – Frankie Jones & Gary Wolfe (4 year terms)

Planning Commission – Gary Wolfe & Larry Welfer

APPROVAL TO PAY INVOICES

Councilman Snyder moved to pay the invoices listed on the vouchers payable report in the amount of \$113,905.38 from the general fund as funds are available. Second – Eister. Unanimous vote.

AUDIENCE COMMENT

Mr. David Whipple said he thought it would make anyone looking for drugs easier to find if a list was published on the website. Councilman Snyder explained that maybe they would think those people are being watched more closely and that would cut back on the problem.

Mr. Bob Miller asked what was happening with the property at 202 Washington Ave. Mayor Persing explained that property will be auctioned off in January. There will be stipulations regarding the property imposed on anyone that purchases it. Councilman Eister said he will have some workers to clean up the outside yard next week.

Mr. Jim Smith read a statement regarding the Moran property. He said as of today there are tanker trucks hauling chemicals being brought into the site by tanker cars. He also said he came to city council with a sample of waste materials obtained from a railcar at the site and gave it to Councilman Snyder who did not say anything about it at the meeting. He is asking city council members not to take

the reports by EPA that the waste being stored is not toxic and requested city council have testing done by an independent laboratory. Mr. Smith went on to say Mayor Persing said the City would not pay for any testing and Councilman Bartello said he would pay for it from his budget but it never happened. The Caketown neighborhood members had an independent laboratory test the samples and found numerous toxic chemicals. He said Mr. Stroehmann lied to city council members and to him personally. Mr. Smith also said he was seeking copies of permits from the code office which he hasn't received yet. Mayor Persing replied that there is no conspiracy involved in that area. Nothing is being done at the site that DEP does not know about. The City is not equipped to do any testing and that testing is DEP's responsibility and they have been there to test on numerous occasions and they have said repeatedly that there is nothing on that property that cannot be there. They did receive a permit for a fence they are putting up. No other work has required Moran Industries to get permits. The sample Councilman Snyder was given was the same materials being hauled in and considered residual waste. Ms. Carole Mazzeo said the sample they took was sent to the National Transportation Safety Board (NTSB). Mayor Persing again said the controls are in place to deal with whatever is being hauled to and from that area. Mr. Smith said the smell is awful. Councilman Snyder added that the sample was taken by him to an independent scientist at a state-owned university to have it tested. He is the person that advised the group to seek an independent test and provided the information on the independent testing laboratory. It would be beneficial for council to see the results of that testing and helpful to understand from a 3rd party what the sample means in terms of EPA and DEP regulations. He said while he doesn't like the fact that it smells or they are storing residual waste on site, at this time, it is being stored there and that does not make it illegal. Councilman Bartello said he tried to have an independent lab test it but they would not test that particular sample because they did not take it themselves. Permission from Moran Industries would first need to be gotten to enter their property for testing purposes. Councilman Snyder said he received the same information. There is a control needed for samples being tested. The lab must show up randomly, take the sample, and control that sample to the lab and through the testing. When someone else has touched it, the results will not hold up in court. Councilman Troup said council has to trust DEP and EPA and until they tell them anything different, they have to believe it. Councilman Troup said the neighborhood group should be going to DEP instead of city council since they are the regulatory department for this type of thing. Ms. Mazzeo said she does have records from DEP that their attorney acquired for them. There were fines for many things including spills and other items including radiation levels. Mr. Dale Henry said he spoke to DEP and all the radiation levels are under the acceptable levels. Councilman Snyder and Mayor Persing agreed to send a letter to DEP and/or Moran Industries to ask them for detailed clarification as to what is going on at the site to help council make decisions and give the neighborhood peace of mind and to obtain a sample from that area to have independently tested. Councilman Bartello said council has the right to ask what is in the tanker trucks. Mr. Dale Henry asked if the tankers coming in were unloading liquid. Mr. Smith answered they are picking liquid up from the tanker train cars. Mr. Henry also said DEP has inspectors at the site almost daily. Councilman Snyder said Pennsylvania is in the process of rewriting the Gas and Oil Act because it is over 30 years old and it does not apply to what is happening now.

Councilman Eister asked council members to look at the street light at 10th and Market Sts because he had an LED light installed and he wanted opinions to see if the rest of the lights should be retrofitted with LED lights.

There being no further business to discuss, the meeting was adjourned at 7:25 pm.

Respectfully submitted,

Terry Specht
City Clerk