

CITY COUNCIL
Sunbury PA 17801
May 13, 2013
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
James R. Eister, Director of Parks, Recreation and Public Buildings

Other City officials in attendance:

John Bakowicz, City Engineer
Ken Long, Public Works
Michael Rhoads, Property Maintenance Inspector & Fire Chief
Brad Hare, Police Officer
Steve Bennick, Police Officer
Dan Saxton, EMA coordinator
Michael Apfelbaum, City Solicitor
Cheryl Delsite, Adm. Asst.

There were thirty (30) visitors present.

Audience Comments on Agenda Items

Mayor Persing asked for audience comments for any agenda item. Ed Quiggle stated he thought the proposed second amendment resolution was a great idea.

Approval of Minutes and Reports

Mayor Persing made a motion to accept the minutes and reports that have been received. Councilman Bartello stated he could not read any of the minutes or reports since he didn't have his computer. Councilman Eister seconded the motion. Voting yes: Snyder, Eister and Persing. Voting no: Bartello. Motion carried.

SRI Update

Meghan Beck introduced Zach Stotter who is the development and volunteer coordinator. SRI partnered with the Susquehanna River Cleanup Project that Zach founded. This event drew 100 volunteers and collected 2,200 pounds of trash and half ton of scrap metal.

SRI will begin offering group advertising for downtown businesses and SRI members in The Daily Item. SRI is making an effort to stay in contact with their business members.

Ms. Beck announced the First Annual Wake the Lake. The slogan for this event is Summer starts in Sunbury. This event will be held on May 25th beginning at 12noon until 9 pm. There will be a blessing of the boats at 12 noon with a chaplain. There will also be entertainment from the Frank Wicher Band; Blind Chitlin Kahunas and Jesse.

The SPARC committee is in the process of applying for money from DCED's Neighborhood Assistance Program.

The Hometown Veteran Banners were successfully installed thanks to the City's Public Works crew. There are currently 74 banners hanging on Market Street. If you would like to hang a banner, please contact the SRI office. If there is enough interest, they may do another round.

They are continuing to work on the TBIZ program. This is a pilot program to involve teenagers in business within the city

The Hill Neighborhood has received a rain barrel grant. They are hoping to partner with the city for this grant.

Ms. Beck was questioned about the brick program. A woman commented she had purchased a brick with her mother's name on it and wondered when it might be installed. Ms. Beck stated there was a dramatic increase in the cost of the bricks so they will be redoing the flyer for this year. The bricks now cost \$100. They will be re opening this project shortly. An order of 25 bricks is needed and so far they only have 5 orders.

Mayor Persing announced the Eagles donated \$15,000 to SRI to help them keep moving forward. He noted the pool tournament that was held recently was a huge success. Mayor Persing wanted to publicly thank the Eagles for their donation.

CDBG Public Hearing for Budget Modification

Before beginning the public hearing for the budget modification, Bill Siegel from SEDA COG noted it was nice to be here and be welcomed by some of the citizens he has gotten to know during his time working with the City. He also said that there is an air of optimism in the room that is refreshing to him. He noted it is great to see the success the city has had over the last several years with Jamie Shrawder's assistance. He applauded the council and the citizens for their involvement.

Mr. Siegel passed a sign in sheet around for those in attendance to sign. Mr. Siegel explained the reason for the hearing and brought the hearing to order at 6:20 pm. Each year the City of Sunbury receives an annual allocation from the US Department of Housing and Urban Development (HUD) that comes through the Department of Community Economic Development (DCED) to identify and fund projects in the city. A list of projects is developed. Some of the projects move forward while others do not as they related to the regulations. At tonight's meeting the council is revising the allocation of funds from previous projects in FY2011 and FY2012. Program income funds are also being reallocated. Program income is generated because of an expenditure of CDBG funds.

Mr. Siegel stated he is reporting to the public what the city council is proposing and for public comment about the proposals. He will then ask council to take action to approve the changes.

For FY2011, it is proposed to reduce the Façade Improvement Program by about \$48,000. The Façade Program was a grant program for downtown merchants. The reason this program is being reduced is the DCED guidelines and restrictions provided to the city make this project virtually impossible to deliver.

It is also proposed to reduce the money set aside for its administrative services by about \$9,600. Since the River Front project is complete, the River Front Revitalization activities will be reduced by about \$1,600.

These funds total \$59,222.27. It is proposed to move these funds into the Chestnut Street Reconstruction Project which is a city wide project that will serve Chestnut Street from Front Street to 10th Street. This project will provide low to moderate benefits because Chestnut Street serves the whole city.

For FY2012, it is proposed moving \$30,000 from Land Acquisition that was going to be used to purchase land for recreation and \$54,000 budgeted for Façade Program. There was \$32,000 budgeted for Economic Development but the DCED guidelines make this project virtually impossible to deliver.

These funds total \$117,200 which will also be moved into the Chestnut Street Reconstruction Project. This brings the total being reallocated to approximately \$178,000 between the two years.

There was approximately \$2,339 in FY2012 program income that was recaptured that will be allocated to demolition. An additional \$5,458.06 will be allocated to the Chestnut Street Reconstruction and \$300 to admin.

Mr. Siegel opened the floor for questions. Councilman Eister asked the total amount being reallocated to the Chestnut Street project. From FY2011 is \$59,227.27 and FY2012 \$117,200 and from Program Income \$5,458.06.

Councilman Bartello asked what percentage of the project that was and how much the total project will be. Mr. Siegel said Ms. Shrawder would be able to answer that question but he believes the city will be very close to the total construction costs with the FY2013 allocation. Councilman Bartello asked if it was just going to be paving. Mr. Siegel stated the project will include paving, storm drainage and other improvements in that section. He stated that CDBG funds can not be use exclusively for paving because it is viewed as a maintenance activity.

Hearing no other questions, Mr. Siegel recommended that council close the public hearing and take formal action to submit the CDBG budget modifications to DCED. Mr. Spiegel reminded the audience the next hearing is scheduled for June. The hearing was adjourned at 6:37 pm.

Mayor Persing asked for a motion to accept the proposals as presented. Councilman Eister made the motion and Councilman Snyder seconded it. Voting yes: Eister, Snyder and Persing. Voting no: Bartello.

Redevelopment Authority

Mayor Persing reported the owner of the 313 Packer Street property was given additional time to clean up his property by the court. He noted that was the goal to get the property owners to work with the Authority. Mayor Persing wasn't sure how much further he has to go.

Police K9

Mayor Persing announced the city has lost its drug dog. An autopsy was performed and he passed away from natural causes. There was an issue with his stomach and within a couple hours, the dog had passed.

An evaluation of the money situation will be made to see if another dog can be purchased.

Officer Hause had spent 4 or 5 months getting certified with the dog that was given to the city by Northumberland County. The dog was about 2 years old and replaced the retired police dog.

Munitions to be destroyed

Chief Mazzeo asked to have this tabled since he can not get rid of everything at this moment. This item will be placed on the agenda for the next meeting.

Hire Part Time Code Officer

Councilman Bartello said he asked Terry to forward a letter from OVR to the other council members. He assumes she did it so that council members could read the information from the social security office. He would like to make a motion to become an OVR vendor and hire James Bickel at \$10 an hour. He said he has the money in his budget and needs the help in his office. By being an OVR vendor, the city would be eligible for wage reimbursement making his money go a little further and getting him the help he needs in the office. Mayor Persing asked if Councilman Bartello had Michael Apfelbaum review the information. Councilman Snyder stated it looked like there are a couple steps. The first one is to submit an application to become a vendor. Once the

city's application is submitted and approved and the city is accepted into the program the city would negotiate a contract for anyone to work for the city. It is a 50% reimbursement. Mr. Snyder said until the city submits a vendor application, it won't have an actual formal contract to review from what he can see in the notes. Mr. Snyder said the city should vote to apply to become a vendor. And then once the application is accepted then council would vote on a contract at a later time. Mayor Persing commented that if the City did not like something in the contract the city would not have to pursue it. He clarified that tonight council would need to vote to apply for vendor status. The second vote would come after the city is accepted as a vendor and has a contract to review and finalize. Councilman Snyder agreed that it wouldn't hurt to apply. The city does not have to accept the contract if it doesn't like the terms or conditions.

Councilman Bartello claimed he doesn't need the OVR because he has the money in his budget to hire him. He was just trying to get the reimbursement for the wages. Bartello said he would make a motion just to hire the person and forget the reimbursement. The mayor informed Councilman Bartello the choice was his whether or not he wanted to make a motion to apply to be a vendor or to hire the person. Councilman Snyder interjected that the information Councilman Bartello sent clearly spells out three specific steps that have to be followed. The first is the application. The second is notification the city has been accepted and the third would be the contract which spells out the terms and conditions. Mr. Bartello questioned why council couldn't vote on it all at once instead of waiting another month. Mr. Snyder explained that could happen but the contract must be reviewed by the solicitor and all of council would have to have a chance to review the contract. Mr. Snyder also stated council couldn't vote on a contract without reviewing all the terms and conditions. Mr. Bartello then made a motion to apply to OVR reimbursement to see what comes out of it. Mr. Snyder seconded the motion. Motion passed.

Second Amendment Preservation

Mr. Bartello stated that all council members had a copy of the resolution to read. He stated the resolution reads that council would stand for second amendment rights of the people and not follow any federal or state regulation that would infringe on second amendment rights.

Mr. Snyder read the resolution to the council members. Mr. Snyder explained that the articles cited in the resolution deal with sections of the Pennsylvania Constitution.

Ric Reichner questioned if council did not already address this issue a couple months ago when council voted to uphold the United States Constitution. Mayor Persing said that issue wasn't about guns but the National Defense Authorization Act.

Mr. Reichner then asked who would determine if there is a violation of this resolution. Drew Bingaman stated it was the constitution. The question was asked why would council have to take action on this resolution if they have already taken an oath to uphold the US Constitution. Mr. Bartello said council has not taken an oath but that council would not recognize any laws passed on a federal level. There was discussion on who determines if the law would be legal.

Mr. Snyder said since not all of the council members have read the resolution he didn't think it was necessary for council to vote on it. He also noted that communities around Pennsylvania have decided to take this step as a sign of solidarity against any Second Amendment infringements. But bottom line it is a public relation gesture and it shows people standing behind that component of the Constitution. He also noted that council has already agreed to uphold and defend the Constitution. He also stated that he is not for or against the resolution but the only one with it on his computer and able to read it. He does strongly believe in Second Amendment rights. He said it is up to council whether or not this message is reinforced. He believes passing the resolution is purely symbolic.

Mayor Persing said he would like the opportunity to read and understand it before voting. Councilman Eister asked Chief Mazzeo what he would do if a directive was issued to

take the citizens' guns knowing Council has voted to uphold the Constitution. Chief Mazzeo said he would not take the guns.

Drew Bingaman stated there is a bill in the state house that is similar to this resolution that has 70 co sponsors including State Rep Lynda Culver who was an early supporter. This bill directs state police and Attorney General to arrest any federal officers who try to enforce federal laws. Mr. Bingaman said House Bill 357 goes further than what the resolution is asking. He stated it is very close to passing and has strong support. Mr. Bingaman agreed if the commonwealth passes the bill, the council's passing the resolution is symbolic.

Mr. Eister suggested sending a letter in support of 357 since council has already passed a resolution supporting the constitution since what they were asking to have done was already in the constitution. Bingaman stated that would be good but believes that council should also pass this resolution. Mr. Bartello responded he guessed what Mr. Eister was saying was partially correct. He said council was going to ask Lou Barletta get rid of the NDAA clause. Mr. Eister said they all agreed that council would support the constitution of which the second amendment is a part of and so he feels this has already been taken care of. He is in favor of writing a letter of support for Bill 357. Mr. Bartello agrees with sending a letter in support of the bill. Mayor Persing asked Mr. Bartello to get a copy of the bill for all of the council members to review for the next meeting. Mr. Bartello agreed to do that.

NEW BUSINESS

Police Contract

Mayor Persing noted there has been a lot of back and forth with the contract and he would like to put a final proposal together. He said there is no salary increase for the first year; 2.5% increases for the second and third years. The longevity pay would be around \$12,000 for the first year with the overtime based on a first quarter utilization according to the Finance Department. Mr. Snyder asked if there was a contract to review. Mr. Apfelbaum handed out the current copies of the contract with the revisions from the last negotiation to the council members. Mr. Bartello questioned if council would have a chance to review it prior to voting on the contract. Mr. Snyder said it would warrant a special meeting to give council a chance to review the final contract and ask any additional questions. Mr. Apfelbaum noted if a vote was going to be taken, a special meeting would have to be advertised. Within the next week a meeting will be scheduled and advertised. An executive session will be held prior to the meeting and a vote on the contract will be taken at the public meeting. The two key issues are the changes to longevity (Article 12) and salary (Article 11). Mr. Snyder asked if Chief Mazzeo had any concerns with the contract and if he would be able to attend the meeting. If the chief is not able to attend, Mr. Snyder asked if he would prepare an executive summary of his concerns since the chief is responsible for the day to day operations and council is responsible for the financial end. Mayor Persing said the chief has seen a copy of the contract and has talked to him about a concern the chief had about training. Officer Steve Bennick offered to have a representative at the meeting as well in the event there are any questions. The mayor believes it would save time to have an officer there.

Storm Water and System Flooding

Mr. Bartello said he has been receiving a lot of complaints about the storm water and street and basement flooding especially where the new storm water line was installed on the hill. He said some of the places that now have water in their basements have never had water before and he is not sure what the cause is. He said in the downtown, the roof drains are backing up and shooting across the basements. He believes the storm systems are overloaded

Mayor Persing asked if Mr. Bartello talked to the Municipal Authority. He claims he tried to get information from them but he is only allowed to go look at it. He can not have copies. He said he hasn't had time to get down to the office because of his work schedule.

Mr. Bartello believes the SRI rain barrel project will help alleviate some of the storm water by taking it out of the spouting and into a barrel. He said the first inch of rain won't be hitting the streets immediately. He would like to bring to council over the next several months other ideas on how to keep the storm water on site to alleviate the storm water load. Some of his ideas are to create rain and flower gardens so it is not draining into the system during heavy events. Mayor Persing encouraged him to check with the Municipal Authority since they have a separation plan. Mr. Bartello said he is not sure what is going on but he thinks the whole system should be scoped to see if there is a blockage especially in the 4th and Market Streets area.

City Engineer John Bakowicz stated the City gave the Municipal Authority permission to manage the storm water back in 1991. All storm water management reviews are done by the Municipal Authority. Northumberland County Planning Commission is working with a consultant on Act 167 that will address rain gardens and such. When the county completes and adopts the storm management plan for the whole county, the city will have 6 months to adopt their plan as is; do their own plan or adopt the county plan with changes. At that time the plan will be between the county and the Municipal Authority. Mr. Bartello said that won't fix the current issues and believes there is a blockage. He believes the issue with the flood wall is due to the static pressure from the old storm water drain. He is concerned there will be another blowout if it is not fixed properly. He is trying to figure out how to fix it.

Mr. Eister said that is correct. The engineers took that into consideration during Phase 2 and put stone behind the wall. The stones take and release some of that pressure. The old style WPA wall was grouted in 1997 and sealed. In 2011 when the water table got that high, the pressure blew the wall out. When the repair is made, they will use the new method that was used during Phase 2 and the whole section of wall will release the water. Mr. Bartello is concerned that the water will be able to get back into the terra cotta pipes which will lead to more ponding and flooding. Mr. Eister believes all of the pipes have been cut and sealed.

Mr. Apfelbaum said the city had assigned all of the responsibility of the flood control system and storm water management to the Sunbury Municipal Authority. It is not clear if this includes the WPA wall. Mr. Bakowicz explained further that the city passed a cooperation agreement resolution between the Northumberland County Conservation District (NCCD) and the city. The NCCD now reviews the subdivision plans and handles complaints. Mr. Bakowicz said the most recent example of this is the third party complaints from Mr. Saxton that were dated from March. The NCCD did a direct inspection of the Moran site acting as an agent for DEP. Our storm water management ordinance has an exemption that the state is directly in control of remediation of the activity. As a result of the inspection the NCCD issued a letter that stated the Moran site is in compliance and has no violations. Mr. Bakowicz pointed out that Mr. Bartello was cc'd in on the report. Mr. Bartello stated he was copied in as a concerned citizen and was surprised there were no violations since the DEP's regulations are stronger than the city's.

Mayor Persing stated Mr. Bartello should meet with the Municipal Authority about his concerns. Mr. Bartello said he will be bringing additional ideas to council on ways to improve the storm water.

Julie Brosius asked if the WPA wall was going to be rebuilt and if it was how was that going to take place; why and with what funds. Mr. Eister explained that the Municipal Authority is putting money towards it and the city will finance the remaining amount.

Ms. Brosius asked why the 2013 CDBG is showing an allocation of \$154,340 to rebuild the WPA wall. Mr. Eister explained that Mr. Seigel informed the council that the money was reallocated. She then questioned why the wall wasn't being repaired with the \$30,500 grant. Mr. Eister explained that the last time the federal government repaired the wall in 1997, it didn't work. The wall experienced a blow out in 2011. He asked her why you would repair something again when it can be replaced with something a little bit better. She then questioned who would be building it. Mr. Eister responded he didn't know yet because the city hasn't gone out for bids yet.

Ms. Brosius stated that Buchart Horn said the damage was subsequent to the stabilization work that was done and that there are four locations that are in need of repair. She wants to know why the \$30,500 isn't being used to repair it. It was explained this money is from FEMA and is for engineering. She asked why if there will further damage done if there is another flood event. Mr. Eister said yes that is why the wall is going to be removed and replaced with a new style wall that works better. Mr. Bartello stated the damage was done in 2011 and it is now 2013. While Ms. Brosius is concerned that further damage will put the city in peril. Mr. Eister asked her not to paint a picture that if the water gets high that the city will flood when it is not true. Mr. Snyder said the federal government certified the flood wall in 2011 while there were unrepaired blow outs in the wall. So if the wall was certified with the blow outs it is safe to say there is no reason to scare anyone. The current hole is no bigger than what has been there in the past. Mr. Eister confirmed these facts. The WPA wall is the first line of defense. It protects the dirt behind it and then the flood wall.

2012 Audit Engagement Letter

Councilman Eister made a motion to accept the engagement letter for Larson Kellet and Associates to do the city's audit. Councilman Snyder seconded the motion. The motion carried.

Approval to Pay Invoices/Vouchers Payable Report

Councilman Snyder made a motion to pay outstanding payables in the amount of \$534,492.90 from General Fund and \$1,645.50 from Liquid Fuel. He noted that \$389,000 is a police pension payment. Councilman Eister seconded the motion. Motion carried.

Tax Exoneration

Councilman Snyder made a motion to accept the requests for tax exonerations as presented. Councilman Eister seconded the motion and the motion carried.

Audience Comments/General Items

Church Group

Mayor Persing announced a church group was coming to town to work on owner occupied houses. They are looking for owners on a fixed income. If anyone knows of any to please call the City Clerk's office with the addresses.

Mr. Bartello said if there aren't enough houses perhaps they could paint the band shelter at Central Park.

Meghan Beck mentioned Porchfest will be held May 18th at the Golden Living Center beginning at 1 pm. Yard sales will be held on June 8th beginning at 8 am. SRI will be putting together a map for anyone who would like to register for it.

Dave Whipple asked if the street sweeper was not running. Councilman Eister said the sweeper is not working properly.

Mr. Whipple also mentioned about the street flooding on Edison Avenue. He said they didn't have flooding like this until one of the drains was removed. He asked if the pumping stations are not working properly. Dan Saxton, EMA Coordinator for the city, said if the storm sewers pipes aren't big enough to handle the volume it will back up regardless of how hard the pumps are working.

Dale Henry doesn't believe there is a blockage. He said the system could not handle the amount of rain the city received.

Mr. Backowicz said historically 8 to 10 inch pipes were used because it was economical and as a result of the growth and regulations, the system can not handle. He believes Mr.

Saxton is correct. He mentioned issues in the 6th Ward that were solved with the installation of a boxed culvert that was extended to Reagan Street and bypassed the gut. The flow down Packer Street was directed to the Pond which solved most of the problems. He noted there is a long term solution but it will not happen tomorrow.

Mr. Whipple asked if the fountain was broke because a park worker said there was a problem from over the winter. Mr. Eister said they are running a little behind and the fountain is having some minor work done and should be up shortly.

There was a question about music in the park. Ms. Delsite said it will begin in June and will be in Cameron Park. The schedule will be out shortly. She also mentioned there will be entertainment at the river front.

Ruth Riehl asked if the benches would be put back in downtown. Mayor Persing wasn't sure if Park and Recreation Committee had reviewed the issue yet. Councilman Eister said they are looking for funding.

Laurie Johnson asked if anyone was taking care of the community garden at N 7th St. The garden is scheduled to be taken over by another group.

Ruth Riehl asked if funds could be raised to put Fort Augusta back up. This project is in the works with the Northumberland County Historical Society. Cora Campbell suggested buying the t shirts because the money raised from the shirts is going to the project.

With nothing further to discuss the meeting was adjourned.

Respectfully submitted,

Cheryl E. Delsite
Adm Asst.