

CITY COUNCIL
Sunbury PA 17801
April 9, 2018
6:15 pm

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

Kurt Karlovich, Mayor
Elizabeth R. Kremer, Director of Accounts and Finance
Richard L. Reichner, Director of Public Safety
Christopher Reis, Director of Public Works
James R. Eister, Director of Parks, Recreation and Public Buildings

Other City officials in attendance:

Brianna Apfelbaum Kula, City Solicitor
Kevin Troup, City Treasurer
Tim Miller, Chief of Police
Michael Rhoads, Zoning Officer
Paul Brown, Fire Chief
Terry Specht, City Clerk

Visitors present: 33

A moment of silent reflection was held prior to the beginning of the meeting.

Mayor Karlovich thanked the emergency responders for all they do for the city. On April 2nd there was an executive session held to hear a grievance and on April 4th there was an executive session for personnel matters and April 9th one was held for personnel and ongoing litigation matters.

MINUTES AND REPORTS

The Minutes of 3/12/18, and 3/26/18 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 (bi-monthly) and Police Pension Board (quarterly) are in the City Clerk's office for review. Motion to accept was made by Mayor Karlovich. Second – Kremer. Unanimous vote. Minutes will be posted at cityofsunbury.com.

PUBLIC COMMENT/AGENDA ITEMS

Mayor Karlovich asked for public comment on agenda items: Allen Bubb stated there is a program Veteran's are starting that puts the name of veterans on street signs including the branch of service the veteran was in, honoring veterans. He would like Councilman Reis to discuss this to see if it is something the city could look into. Julie Broschius asked if the old city maps were reviewed prior to naming the unnamed streets. Councilman Reis said they went by the 911 Center records and also google maps. If they had a name at one point and the 911 Center does not show any name, they are unnamed.

S. 4TH ST PROJECT

Councilman Eister said the project is progressing well. If weather cooperates, the project should be complete by the end of April. There are some trees to be taken down also.

NAME UN-NAMED ALLEYS

Councilman Reis explained the city is in the process of starting to name unnamed alleys. The following have been submitted by citizens for the alleys as indicated (see attached). Councilman Reis moved to name these alleys as shown. Second – Karlovich. Unanimous vote.

OPEN CONTAINER WAIVER

Councilman Eister moved to waive the open container ordinance for SRI to hold an event at Riverfront on September 22, 2018. Second – Reichner. Unanimous vote.

PUBLIC NUISANCE PROPERTIES

Councilman Reichner stated there are several Resolutions naming properties as nuisance properties. Ms. Apfelbaum Kula explained the properties are declared public nuisance to develop a list. The first Resolution is for property owners that brought their properties to code (see attached). A motion to remove from the public nuisance property list was made by Councilman Reichner. Second – Karlovich. Unanimous vote. Councilman Reichner made a motion to approve the next Resolution adding 11 properties to the public nuisance property list. Second – Kremer. Unanimous vote. Councilman Reichner moved to approve the Resolution adopting the working list of public nuisance properties (see attached). Second – Kremer. Unanimous vote. Councilman Reichner moved to pass a Resolution for properties to be taken by eminent domain to remove blight and they shall be demolished and the land used as public land or sold. Second – Eister. Unanimous vote.

POLICE DEPARTMENT/BUILDING UPDATE

Councilman Reis announced that no formal meeting was held since the last report. At this time they are at a point where they can't move forward too much without spending money. Soon they will need architects to do blueprints. The committee asked Mr. Troup to attend their next meeting to discuss funding. They are hoping to submit their findings at the next council meeting.

APPROVAL TO PAY INVOICES

Councilwoman Kremer moved to pay the invoices reported on the voucher's payable report in the amount of \$27,050.49 from the General Fund and \$3,735.00 from Liquid Fuels. Second – Reis. Unanimous vote.

COMMUNITY RESTORATION FUND FOR SUNBURY WETLAND PROJECT

Mayor Karlovich explained there is a diamond in the rough in Sunbury. It is referred to as the "Wetlands" and is located between Line & Race Sts. and N. 6th & N. 8th Sts. He spoke to Councilman Eister asking about a new community park that is different from the rest and Councilman Eister showed him this piece of land. There is potential and importance and benefits to citizens and visitors as well as protecting the natural habitat of the property. He and Councilman Eister are working together and have created the Sunbury Wetland Community Park Fund. The project will rely on grant funding and community contributions, donations and volunteerism to help bring about community cohesion, involvement and pride in protecting this property. The project will require an intensive community effort to clear the property of trash and debris, clear invasive plants and damaged trees and the restoration and protection of the natural pond and wetland area and construction of boardwalks and trails leading from various directions. The park will have a protected area on the Line St. side for the wetland habitat. On the Race St. side there will be a picnic area, a grass field for leisure and a dog friendly park. He is asking for the public's help by making donations as well as volunteering for the project. Anyone can contact the city clerk's office for donations, materials or time.

CITY FINANCES

Mayor Karlovich stated there has been a lot of attention in the news media regarding the city's finances. Ms. Apfelbaum Kula read from a statement that the city has been inundated with an unprecedented amount of litigation. The Apfelbaum Kula Law Firm as well as special labor counsel, have provided detailed invoices of the time spent on these legal issues. The details on the invoices are attorney-client information directly related to the legal advice given regarding these ongoing personnel and litigation matters. To protect the city from exposure to additional liability and maintain the attorney-client privilege, they joined special labor counsel in advising the redaction of the attorney's legal services invoices. The Daily Item filed a Right-to-Know request and an appeal has been filed for the December 2017 and January 2018 invoices in their entirety. The Office of Open Records will review the redactions completed on these invoices and issue an opinion if any additional billing information should be released. Ms. Apfelbaum Kula has advised the city to follow

the Office of Open Records recommendation on what materials should be redacted to best protect itself from any potential claims stemming from the release of this information. That appeal will conclude by mid-June. Any legal costs of working with the Office of Open Records through the appeal process are fully covered by their voluntarily capped legal fees. Any rumors of exorbitant legal costs associated with this matter are misinformed. The Office of Open Records who provided training to city public officials and employees advised that attorney legal services invoices should not be released in full to the media. Further, he encouraged the city to not be afraid of the appeal process to gain direction on what should or shouldn't be released. If you visit the Office of Open Records website, you will find numerous final determinations each month regarding redacted and protected information. These final determinations illustrate how going through this process can be both helpful and informative. As city solicitors, along with city council, we share the frustration not being able to openly discuss these ongoing personnel litigation matters. We are taxpayers of the city of Sunbury too. We actively work and volunteer in this community to make it a better place to live, work and play. We believe in the city of Sunbury and we look forward to returning to business as usual. To provide the public insight into the deluge of legal issues confronting the city at this time, we have prepared a general list of the current ongoing claims to try to give a general sense of the legal matters the city might have to defend. While the city can't discuss the specifics of these claims it is hoped that this list will help to educate the public of their magnitude and show the city has no intent to hide this information. Releasing detailed information about these matters could jeopardize the city in 2 distinct ways. It may compromise or hinder the city's position with regard to resolving the claims and it may open the city to additional claims. The city is not only doing everything in its power to discourage lawsuits or claims from being filed, but also appropriately defending and wherever possible attempting to expeditiously settle and resolve any claims so that everyone can move forward. The current list of open matters the city is actively engaged with consists of 5 open unfair labor practice claims filed by the Sunbury Police Officers Association, another unfair labor practice claim brought by a former officer, a PHRC (PA Human Rights Commission) brought by an officer regarding the captain's position. There are several grievances and several matters dealing with unemployment compensation. There is a lawsuit filed regarding investigations and complaints filed with the PHRC and EEOC (Equal Employment Opportunity Commission). There are grievances filed regarding discipline and external and internal investigations going on. All these matters are notable legal matters above and beyond the routine legal matters the city has continued to handle and are unprecedented in number. For comparison prior to the last few years, there were no more than 2 or 3 legal claims at the same time. The city is working diligently with legal counsel to navigate through defending these legal issues while focusing on normal city business and upcoming projects. Defending the legal claims take time. The city has no choice but to do so and most are labor related requiring labor counsel and possibly arbitration. Mayor Karlovich asked if it could be clarified how many actual lawsuits there are against the city. Ms. Apfelbaum Kula answered 18 open lawsuits, claims and other matters. Many of these are actively being worked on and resolved. Councilman Eister said a lot of the claims are from 2 officers that no longer work for the city. Many of the issues have been ongoing for quite some time. Some of the items date into 2014. Mayor Karlovich said council would like to be more transparent but in the best interest of the city they cannot go into detail regarding each matter.

City Treasurer Kevin Troup said through the first quarter of 2018 the city budget is only 2.5% over budget. Every department is staying in line. The issue is there is no funding. In 2017 the city ended \$70,748.47 on the negative side. That does not include \$106,964.69 bills carried into 2018 that have just been paid with 2018 funding. It is carried over as last year expenditures but cannot be shown on the budget. \$30,000 was taken out of a private fund to pay bills and must be replaced. From 2017 into 2018 \$346,296.45 in legal fees have been paid. The budgeted amount was \$75,000 in 2017 and in 2018 it was \$100,000. If something isn't resolved shortly the city will end up in Act 47 and no one wants to do that. In that case DCED will come in to say how funding will be spent, when it is spent and on what. Councilman Eister said the 2 officers that were let go have filed numerous lawsuits against the city to include age discrimination and the captain's position. There was a \$169,000 increase in health-care in 2018. So far, every case brought against the city that have resolved, the city won. Mr. Troup said the legal fees went to 3 different law firms. Ms. Apfelbaum Kula said the matters covered by insurance have a deductible of \$15,000/each. Councilman Reichner said no matter how frivolous the lawsuits are they must be defended. Mr. Troup said all of council are very frugal regarding how they are spending their budgets and do not waste money. Councilman Eister said some of the attorneys will take on a case thinking they will get something out of the city because normally government loses. The attorneys keep filing claims thinking they will settle and get a big payout. Councilman Eister said Chief Miller has been working with the department on the unfair labor practice issues. Chief Miller said the department has been willing to address the issues

with the city. Their concern is for their safety. They are trying to work together to try to find a solution. Chief also said the timing for the new civil service list is not the best right now. There are other things they are working on such as the building project, the SOP's and other items. They would like a lot of that cleared up before recruiting begins. Mayor Karlovich said no one is hiding information and no one is stopping the public from knowing what is going on in the city – they are speaking right now as transparent as they can regarding the legal issues. Ms. Apfelbaum Kula said there are positive aspects and everyone is working together to bring these issues to a conclusion. Cpl. Brad Hare said there are certain things the SPOA has to do to protect the officers working for the city. They do understand that they are at a breaking point where they must move forward. In the next few weeks there will be meetings with the chief and mayor to get some of the ULP's resolved. Mr. Troup said everyone is here for one reason and it is for the city for everyone to be happy to live here and to be safe.

ANNOUNCEMENTS

Adam T. Bower Dam inflation to begin May 2nd and takes 10 days to 2 weeks (DCNR). Marina dock installation will begin May 14th. Boats must be out of water by October 8th and dam deflation should begin around October 15th.

There is a Veteran's breakfast at the Masonic Temple on May 26th from 7:30 am -10:30 am.

PROCLAMATIONS

Mayor Karlovich said there are two proclamations (see attached) for this evening. One is for National Library Week and the other is for National Service Recognition Day.

AUDIENCE COMMENT

Francis Scarcella: When the Hause report was released did he sue? The answer is not on the report. When the Mazzeo report came out did he sue on his report? The answer is no. he asked if any of council would sue if on the attorney bill it said "email conversation with Jim Eister." Councilman Eister said they are public officials. Mr. Scarcella said if it was on the bill would they sue? Councilman Reis said that is not the concern on redacting the bills.

Nathan Savidge: Thanked council members for clarifying what they can. He asked if they ever considered each department taking a hit across the board to ease the financial problems. The answer was every department is. To avoid Act 47 he said it sounds like there is a revenue problem and wondered what is being done to attract new business or residents. Spending needs to be cut or revenue brought up. Mr. Troup said he has looked into a company to help with mercantile tax, etc. The city will be starting to take credit card payments to pay taxes soon. Councilman Reis said the blighted property list passed tonight will help. That will get properties back on the active tax rolls. Mr. Troup said he reached out to many chain restaurants and no one is interested in coming to a small town. Mayor Karlovich said they are also looking at ways for property owners to be more responsible for the properties they own. Councilman Reichner said it seemed like the perfect storm – it all just happened at the same time. Mr. Savidge said he understands there may be cuts in service as well. Mr. Savidge asked what Mr. Troup meant by "shift grant money" and Mr. Troup explained it isn't grant money. It is an account called private grants- there are sub-titles in there and one of them is a general line item with extra funding in it. No grant money was borrowed. Councilman Eister said that money comes from health insurance when there aren't a lot of claims because the city is self-insured. Mr. Savidge said if the city needs volunteers to please speak up. Councilman Reis said SRI can also use volunteers. Mayor Karlovich also said the wetlands area needs volunteers and the county needs to get on board with the acreage they own at the north end of town.

Julie Broschious: Does the nuisance property list include properties that are being held by banks? Councilman Reichner answered yes. He explained some vacant properties are owned by mortgage companies or banks and there is very little activity to improve or sell the property. Councilman Reichner explained the city took a property owner to court and a compromise was worked out but the property owner did not do anything to improve the property so the city has it again. Ms. Broschious said 709 Susquehanna Ave. is a nuisance property. Councilman Reichner said 5 years ago Front St. had several blight properties. At this time, there has been a lot of money invested in the properties and from Susquehanna Ave. to Market St. the properties have been fixed-up. The same thing is happening on Walnut St. Ms. Broschious said she appreciates that she is hearing unity with

the council members. Mayor Karlovich said they have had their disagreements but everyone is working as a team at this time for Sunbury. Chief Miller said he and the mayor got off to a rocky start but they have come leaps and bounds and are working as a team moving forward for the good of the city. They are now on the same page moving forward. Ms. Broschius asked Ms. Apfelbaum Kula whether she charged the city for the redactions on the legal bills and Ms. Apfelbaum Kula answered no.

Meghan Beck: The wetland is a great proactive project and it is good seeing everyone working together for the betterment of the city.

The next city council meeting will be held on April 23, 2018 at 6:15 pm.

There being no further business to discuss the meeting was adjourned at 7:28 pm.

Respectfully submitted,

Terry Specht, City Clerk