

CITY COUNCIL  
Sunbury PA 17801  
March 14, 2016  
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  
Elizabeth R. Kremer, 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:

John Bakowicz, City Engineer  
Brianna Apfelbaum Kula, City Solicitor  
Ken Long, Asst. Public Works Supervisor  
Michael Rhoads, Zoning Officer  
Terry Specht, City Clerk

There were thirty-eight (38) visitors present.

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

An executive session was held prior to this meeting at 6:00 pm to discuss police department issues.

### **MINUTES AND REPORTS**

The minutes of 2/8/16 and 2/22/16 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 Councilwoman 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 regarding agenda items and there were none.

### **SRI UPDATE**

Ms. Meghan Beck reported Business and Econ has submitted for a Cool and Connected grant to research broadband in the area. The meeting for the riverboat was very successful and well attended and a follow-up meeting is planned. The Veteran's banners will be out soon and there are links to submitting an application for the program. Chris Rees from State Farm Insurance will be taking over the T-Biz planning. The event committees have met and are moving forward. The Albright Council had volunteers paint and stage the Albright Center rooms prior to the DCED visit.

### **CDBG**

Councilwoman Kremer moved to make a budget revision to move \$326.96 from Phase 2 to Phase 1 of the Chestnut St. project from Program Income. Second – Henry. Unanimous vote.

### **REDEVELOPMENT AUTHORITY UPDATE**

Councilman Reichner moved to adopt the Resolutions to declare the following properties a public nuisance: 1062 S. 10<sup>th</sup> St., 737-739 Market St., 406 S. 4<sup>th</sup> St., 242 Church St., and 202 N. 11<sup>th</sup> St. and give the code enforcement office notice to proceed with abatement of the public nuisance. Second – Henry. Unanimous vote.

## **VACATE ALLEY/MENSCH RECYCLING**

Councilman Henry said last month a letter was received from Mr. and Mrs. Mensch requesting the alley from the end of N. 2<sup>nd</sup> St. to Greenough St. be vacated. Mr. Bakowicz said first the city should decide if it is in their interest to vacate the alley and if they decide it is, the applicant should pay for the surveying and legal expenses involved in the vacation. Also, the private rights will not be vacated such as the Municipal Authority if there are any utilities under the street or private rights for egress. Councilman Eister said this alley is not a dead end alley. If this decision is made to vacate a precedence is being set. Councilman Eister said if no one is using it, why would the city give it up? It connects with the former Moran property. Mr. Mensch owns everything from Masser St. to Greenough St. on Edison Ave. Mr. Dave Whipple said Mr. Mensch had that alley blocked and was told to open it in case emergency vehicles had to get in there. Emergency vehicles can get in through Masser St. Mr. Mensch is not interested in closing it to Masser St. There is a security camera there and Mr. Mensch said very few vehicles go through the alley. Mr. Mensch will attend the meeting on March 28<sup>th</sup>.

## **COLE SUB-DIVISION/437-439 MARKET ST.**

Mr. Rhoads explained Brinkash Associates, representing Michael and Robert Cole, are asking for a storm water waiver as part of the sub-division request for 437-439 Market St. Geisinger is purchasing the doctor's office at 437 Market St. There will be no development or construction to the property that would require a storm water plan. They do meet the city ordinance. Councilman Reichner moved to pass the storm water plan waiver. Second – Eister. Unanimous vote.

## **APPROVAL TO PAY INVOICES**

Councilwoman Kremer moved to pay the invoices reported on the voucher's payable report in the amount of \$101,637.84 from the General Fund and \$8,957.49 from the Liquid Fuels Fund. Second - Henry. Unanimous vote.

## **TAX EXONERATION**

Councilwoman Kremer moved to accept the tax exoneration as requested by Statewide Tax Collection. Second – Henry. Unanimous vote.

## **AUDIENCE COMMENT**

Mr. Francis Scarcella: The OOR granted part and denied part of the request for requests regarding the police report from Ballard Spahr. The order said "certain portions of the record may be redacted" the city has the option to release the report in its entirety. Mr. Scarcella is asking council to release the report as is with no redactions. Mayor Persing said he didn't know if the recommended redactions opens the city up to liability issues or not. Ms. Apfelbaum Kula read a statement "The City of Sunbury has received the final determination of the Office of Open Records regarding The Daily Item's Right-to-Know request. The request has been granted in part and denied in part. The report is now under legal review to determine the scope of redaction and is to be completed within the required 30 days." Mayor Persing said everyone agreed to release it but they also agreed they do not want to open themselves to liability. No one wants to appeal the ruling. Mayor Persing moved to pass releasing the report after redactions are made and release to the public as soon as possible. Mr. John Shipman said if council votes to redact the report it will take out everything they are legally able to take out. Redaction gives the attorney the authority to take out anything they want to take out. Is that the report council wants released? Ms. Apfelbaum Kula said paragraph by paragraph the OOR specified what could and should be redacted. Mayor Persing said the firm that Mr. Shipman picked to do the investigation is telling council to redact and now he is suggesting council to not take their advice. Mr. Jerome Alex said the OOR is not saying you have to redact, it says you can redact. It needs to be open and put out to the public. It will not stop lawsuits from being filed if the report is redacted. Mayor Persing said they would be voting against legal advice, which is the issue. Everyone wants the report released. Council took a recess at 6:53 pm to 7:01 pm. Mayor Persing restated his motion to release the report after redactions to be completed within 30 days. There was not a second to the motion. Councilman Reichner moved to release the report as written. Second – Henry. Yes – Eister, Kremer, Reichner, Henry. No – Persing. Motion carried.

Ms. Becky Enders: There are 3 stop signs at the corner of Lincoln St. and Memorial Dr. Many people do not stop there and she was almost hit there. Many of the vehicles that do not stop at the sign are residents of Memorial Acres. Some school busses and also police officers do not stop. She asked for something more to be done to get people to stop there.

Ms. Regina Russell, Community Activist: Since 2012 she has been asking the city to repair sidewalks near the Shikellamy High School. The city received the Safe Routes to School grant for the Chestnut St. project. Ms. Russell asked Councilman Reichner if the people that have to repair sidewalks and remove trees will be removed from the list since there should be a grant coming to do that. He said he did not know about a grant other than what was used for Chestnut St. Councilman Henry said the city is paving 4<sup>th</sup> St. next year and will be taking care of the tree at 4<sup>th</sup> St. & Church St. with liquid fuels funding. Ms. Russell also said between Spruce St. & Walnut St. on S. 4<sup>th</sup> St., there are some water caps broken. That is a problem that should be reported to the Municipal Authority.

Mr. Jim Snyder: What is happening with the house that burned on Catawissa Ave? Councilman Reichner explained that since it was winter when the fire occurred he was given an extension to get repairs done. The property owner has since received a letter, since no progress has been seen on the property, with a deadline to take action on it by April 15<sup>th</sup>.

Ms. Ruth Riehl: What is happening with the Friendship Hose Co.? Councilman Reichner explained that property is under investigation so nothing can be done with the building until the situation is resolved legally.

Ms. Julie Brosious: Asked if curb-side brush pick-up will continue. Councilman Henry said yes right now it will. If anyone has a pick-up truck and can physically do it they will be asked to take it to the drop-off themselves.

Mr. Dave Whipple: At busy times in the area of N. 4<sup>th</sup> St. by Dunkin Donuts is a terrible traffic situation. Councilman Reichner said it is a state highway and the city can't do anything about it.

### **ANNOUNCEMENTS**

Street sweeping begins on April 4<sup>th</sup>.

Brush drop-off opens March 12<sup>th</sup> for city residents only. Must have proof of address.

There being no further business to discuss the meeting was adjourned at 7:15 pm.

Respectfully submitted,

Terry Specht  
City Clerk