

CITY COUNCIL  
Sunbury PA 17801  
March 8, 2010  
7:00 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  
Lisa Persing, City Controller  
Michael Apfelbaum, City Solicitor  
Stewart Graybill, City Administrator  
John Bakowicz, City Engineer  
Stephen Mazzeo, Chief of Police  
Michael Bordner, Public Works Supervisor  
Michael Rhoads, Property Maintenance Officer  
Dean Weirick, Fire Chief  
Terry Specht, City Clerk

There were nineteen (19) visitors present.

Mayor Persing announced that this administration is still trying to catch up on the happenings of the past so some items will be on the Agenda until they learn more about the topics. The issue with Mr. Graybill's job description and condemned property issues are 2 of the subjects.

### **MINUTES AND REPORTS**

Mayor Persing announced that the departmental reports of the City Administrator, Police Dept., Treasurer's Office, Fire Dept., City Engineer, Code Office, Park and Recreation Department, Park & Recreation Board, Public Works Dept, and Planning Commission are in the City Clerk's office for review. On motion by Mayor Persing, Second Councilman Eister, the minutes and reports are approved as presented.

### **RIVERFRONT PROJECT UPDATE**

Mr. Tom Deans explained that the corridor project bids were approved, the contractor was selected (Kinsley) and should be starting soon. A meeting with PPL must be scheduled before the work begins because of a project they have to start first in that area. The corridor project is not fully funded, however, the City was required to receive a line of credit and a loan to pay bills before reimbursements are received. This is a prevailing wage job and American steel must be used in the project. A pre-bid meeting has been scheduled for March 11<sup>th</sup> for the river stabilization project. Bids are due on March 31<sup>st</sup> and reviewed, the notice of award will go out on April 19<sup>th</sup> and the notice to proceed will be sent on April 26<sup>th</sup> with construction to begin May 3<sup>rd</sup>. The bids have been low and Mr. Deans is hoping the bids will also be low for the stabilization project. The DEP and US Army Corps of Engineers have provided the needed permits for the projects. CDBG funds will be used to help pay back the loan so an Environmental Review must be completed. A temporary construction easement has been requested from Upper Augusta Township and a permanent easement is being drafted at this time. A marina has also been included in the bid specs if there is enough money to fund it. All invoices are paid directly by the agency except RACP, which is reimbursable. Mayor Persing said right now the most important item is the list of RACP demands and Mr. Deans answered the only items not complete are items relating to the bid. Mr. Apfelbaum further explained that the City owns the area to the river mark and Upper Augusta owns the riverbank area. A barrier has to be put in the river which means an easement is needed with Upper Augusta Township. A permanent easement or annexing that property would be 2 solutions. At this time, they are considering a permanent easement and the Upper Augusta Township Supervisors agree that it needs to be accomplished. The information regarding the 2 loans is currently at DCED for their approval and when approved all documents can be signed.

### **CONDEMNED PROPERTY LIST**

Mayor Persing stated this is one of the issues where this council is not current with all the facts. At the last meeting council voted to add one of the properties to the condemned property list that they were

not aware the City was involved in with the previous administration. The property at 460 Arch St. and the former City government were talking about the City purchasing the property. Councilman Eister said a notice or a vote by council was not necessary to add a property to a condemned property list. Councilman Eister said in that case, the code office should just follow procedure and follow-up on all the properties on the list. A letter was sent to the owner of the property in question approximately 1 year ago but it was not included in the property file for an unknown reason. Mayor Persing stated that he has the property file and the records in it show that the code office has not entered the property since 1998 and that was for zoning issues. When he voted to place this property on the list, he assumed that there were procedures in place and followed for the property. Councilman Bartello said if that is the case, all three of the properties recently added should be taken off. He also said there are enough exterior problems with 460 Arch St. to condemn the building. Mayor Persing said the property owner asked him if the City was still interested in the property and he did not know the prior administration had talked to him about purchasing it. Mayor Persing asked why city council would be going after the property owner and Councilman Eister answered they were not going after the owner, but the property that has needed work completed for years. Mayor Persing moved to remove 460 Arch St. from the condemned property list. Second – Troup. Yes – Eister, Troup, Snyder, Persing. No – Bartello. Motion carried.

Councilman Eister moved to remove the other 2 properties from the condemned property list – 313 Packer St. and 143 Walnut St. Councilman Troup asked if there was a paper trail for either of these properties. Mr. Rhoads answered there is a paper trail for 313 Packer St. The owner of the property at 143 Walnut St. has not been able to be reached for several years. They just recently found where he is. Councilman Snyder asked if he understood the procedure properly and that is that the code office can see from the exterior any issue with the property. That gives the code office the ability to placard the property and give notice to the owner. That alone can serve as the initial communication for the property. Mr. Apfelbaum answered that is correct and explained the procedure. Step 1. – The code office tells the property owner there is a problem and they want to work with them to correct it. Step 2. – If the owner ignores the request a citation can be issued. A 10-day warning letter is sent before a citation is filed to let the owner know the code office will file a citation if improvements, or a plan for improvement, is not made. Step 3. – City council meets as the Board of Health and condemns the property. At that time, the City can correct the problem and enter a lien against the property. Recently grant money has been used to tear down blight properties, especially when the owners are nowhere to be found. Step 4. – Eminent domain with condemnation. The City would take ownership of the property through eminent domain and can then do whatever it wants to with the property. Second – Troup. Yes – Troup, Snyder, Persing, Eister. No – Bartello. Motion carried.

**PA DOT LETTER/11<sup>TH</sup> ST**

Councilman Troup explained that a letter was received from PA DOT stating they would conduct an in depth review of the area on 11<sup>th</sup> St. that the City asked them to look at to possibly reduce the speed limit in the area, and respond within 45 days. At this time, the speed limit is 55 mph, even though it is considered to be in City limits.

**CITY ADMINISTRATOR JOB DESCRIPTION**

Councilman Snyder said the council has agreed as a group with the details of the job description. Mr. Apfelbaum has been given the job description to review. The next objective would be for himself and Councilman Troup to review it with Mr. Graybill.

**LIQUID FUEL BUDGET**

Councilman Troup moved to pass the 2010 Liquid Fuel Budget (see attached). Second – Eister. Unanimous vote. There will be approximately \$174,500 for paving in the City. Up to 20% can be used for the purchase of major equipment.

**FIREMAN’S FAIR PA DOT ROAD CLOSURE REQUEST**

Councilman Troup moved to pass the road closure request for the Fireman’s Fair to be held on May 15, 2010, per the new PA DOT Road Closure Policy. Second – Eister. Unanimous vote.

**BIDS/1999 FORD SEDAN AND 1992 CHEVROLET TRUCK AND PLOW**

Councilman Troup opened the following bids and moved to accept the apparent high bidder for the sale of both vehicles after review by the Solicitor. Second – Eister. Unanimous vote.

1992 Chevy Truck/Plow		1999 Ford Sedan	
Sully Motors	\$1826.	Sully Motors	\$211.
Marlin Smith	\$ 500.	Rainbow Motors	\$200.
Snyder Demolition	\$ 500.	Snyder Demolition	\$200.

Marks Motors	\$1275.
Limestone Mobile Concrete	\$1652.
Mike Veneziano	\$2502.
David Burd	\$2676.
Steve Kreider	\$3200.
Rainbow Motors	\$3375.
Dan Strawser	\$3475.84

### **CAMERAS**

Councilman Eister suggested that since the City is receiving an earmark for \$200,000 for surveillance cameras, Councilman Snyder should start to formulate a plan with Chief Mazzeo for the placement of the cameras. Some of them will be mobile and can be placed in different locations.

### **CODE OFFICE STAFF**

Councilman Bartello said he would like to hire a part-time temporary code officer for a period of 90 days. To do that, the part-time officers would have their hours suspended. After 90 days, he would like to take a look at the situation again. He would like to divide the City into 3-3 ward groups and have a code officer for each ward. Councilman Bartello moved to hire a part-time temporary code officer using the funds in the part-time code officer budget. Second – Eister. Unanimous vote. Mr. Apfelbaum commented that this is for informational purposes. Council hires and fires as a group even though through the budget the Department Directors may do what they choose to do within their department. It has been past practice that all hiring/firing matters come before council and that is the way it will remain. The position will be advertised in *The Daily Item*.

### **MARCH EXPENDITURES**

Councilman Snyder moved to authorize the payment of bills for March in the amount of \$120,800.96. Second – Eister. Unanimous vote.

### **TAX EXONERATION**

Councilman Snyder moved to pass the tax exoneration as requested by Statewide Tax Recovery, the delinquent tax collection agency for the City. Second – Persing. Unanimous vote.

### **PROFESSIONAL LICENSE FEE/2009 COLLECTIONS AND 2010 PLANS**

Councilman Snyder explained that a remedy for the bills outstanding for the professional license tax and a decision regarding what to do about it in the future is needed. Councilman Snyder has discussed the procedure with Mr. Apfelbaum as to violations and penalties (Ord. 151-43-47). Anyone that has not made payment on the bill for 2009 must be pursued through the District Magistrate's office.

### **FEBRUARY 2010 DEPARTMENTAL FINANCIAL REPORT DISTRIBUTION**

Councilman Snyder gave each council member a copy of the prior month end financial reports.

### **CELOTEX BUILDING**

Mr. Charles Schlegel, Board Chairman for the Sunbury Municipal Authority sent a letter to the mayor and council members stating that the water has been shut off to the Celotex building. He is concerned that if there would be a fire, there is no water for the sprinkler systems. Mr. Rhoads stated that the 2009 building codes has an update that states there must be a permanent or temporary fire suppression system in place during demolition, at a minimum of 1 floor beneath the floor to be demolished. Councilman Troup said he was told the demolition started today, but a permit has not been acquired. Councilman Bartello said the demolition company knows they do not have a permit but are proceeding without it. They have also not posted a demolition bond. Fire Chief Dean Weirick said he has been in contact with Mr. Bruce Ray regarding the demolition of the building. Mr. Ray is a former Celotex employee advising the demolition company where water is available, etc. The fire chief's staff have composed several plans in the event something would happen there. The demolition company would like fire apparatus there from 6 am to 4 pm – that is not possible due to manpower issues. Mr. Ray said they will have one person cutting and one person watching for fires. Councilman Troup said the dust itself is enough to start a fire in the entire building. Water must be available in the building. On Tuesday, Councilman Bartello will stop all activity at the building until permits have been obtained and water is turned on. There is also an issue with run-off water if there would be a fire. It can't run into the sewer system or the river. EPA has been notified of the situation. BIU has reviewed and approved the plan however, the demolition company has not brought in the bond for \$200,000. No permit will be issued until the bond is posted.

## **AUDIENCE COMMENT**

Mr. Bob Miller complimented the public works department for their snow removal efforts. He heard out-of-town people say the snow removal in Sunbury was very good.

Mr. Dan Lehman, Treasurer for the Fireman's Relief Fund, said an Agreement between the City and the fire department is needed regarding the loan procured for the fire department to purchase airbags. The relief fund auditor wrote it up as a finding on their audit. Mr. Apfelbaum said he would take care of writing the Agreement.

Mr. Mike Rhoads, on behalf of the Girl Scouts, thanked Councilman Eister for "Scout Day" at the ice skating rink. Troops came from as far away as Wellsboro and Reading. Approximately 150 scouts and their families attended and had a wonderful time.

Mayor Persing received a letter praising the ice rink and the crew that works there to keep it nice for the public.

Mayor Persing said there is a concern with the ball fields and parks with people walking their dogs and not cleaning up. He is looking for a way to post something that will allow fines when that happens. Mr. Apfelbaum and Chief Mazzeo will be researching what can be done. Councilman Troup said Public Works would make the signs when they know how they should read.

There being no further business, the meeting was adjourned at 7:50 pm.

Respectfully submitted,

Terry Specht  
City Clerk