

CITY COUNCIL
Sunbury PA 17801
January 10, 2011
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
James R. Eister, Director of Parks, Recreation and Public Buildings

Other City officials in attendance:

Elizabeth R. Kremer, City Treasurer
Lisa J. Martina, City Controller
John R. Bakowicz, City Engineer
Michael Kula, City Solicitor (representing Michael Apfelbaum)
Stephen Mazzeo, Chief of Police
Michael Rhoads, Property Maintenance Officer
Michael Bordner, Public Works Supervisor
Terry Specht, City Clerk

There were twenty nine (29) visitors present.

2011 CDBG PUBLIC HEARING

Ms. Jamie Shrawder explained that the Community Development Block Grant (CDBG) program was created by an Act of Congress and the funds come from Housing and Urban Development (HUD) to the state which is authorized to administer the program in PA. The state distributes the funds to "entitlement communities" of which Sunbury is one. The funds are to be used to help low to moderate income people and to create economic opportunity, decent housing and living environment. Ms. Shrawder will be speaking about the requirements of the CDBG program, the 2011 projects submitted for consideration and to invite new projects. At the conclusion of the meeting, there will be no new projects submitted for 2011 funding. The estimated funds for 2011 are \$381,700, of which \$68,706 will be used for administrative costs. 17 projects were submitted for 2011 funding. The Fair Housing notice must be published for the public to view (see attached). Mayor Persing moved to pass the Residential Antidisplacement and Relocation Assistance Plan (see attached). Second – Eister. Yes – Eister, Persing. No – Snyder. Motion carried. Ms. Shrawder reviewed the projects that were submitted for consideration (see attached). As submitted, the fence replacement project for the SMA ball field and surveillance cameras for recreation and playground areas are not eligible because equipment cannot be purchased with CDBG funding. The Hotel Edison overnight room expansion project is not eligible because it is unlikely that this project would create enough jobs to be fundable with CDBG funds. The other projects as submitted will be discussed at the February 14, 2011 work session of council. Councilman Eister asked that a \$5,000 project be added to rehab an old fire truck that was owned by the Good Intent Fire Co. It has historical value and could be used in a City museum. An Environmental Review must be conducted prior to funding any project and anyone that has any environmental concerns about any of the projects can contact Ms. Shrawder. Ms. Shrawder reviewed previous CDBG projects which are either complete or near completion which included Cameron Park, 4 blight properties cleared in 2010 which Ms. Shrawder is working with the Redevelopment Authority to see what should be done with the empty lots, a rescue tool was purchased for the fire company, the street clock will be restored near the American Legion when the weather gets a little better so it can be dismantled, the Welcome Sign is in the process of being installed (CDBG funds will be used for landscaping), the Riverfront Project is on-going and the Keithan's Garden cottage building will have a new roof installed soon. Ms. Shrawder asked if anyone had public comment regarding the use of the properties where buildings were cleared using CDBG funding. No one had any use in mind at this time.

MORAN INDUSTRIES SITE UPDATE

Mr. Jeffrey Stroehmann, explained that there were some articles printed in the newspapers regarding their operation in Watsontown (January 8, 2011). He explained that his company does not own the North Shore Railroad but they do work in cooperation with the SEDA-COG Rail Authority and other partners at several of their facilities. He explained that there is a movement in Watsontown related to a permit applied for by National Oilwell Varco regarding a tank storage facility permit. A regional environmental group has put a lot of misinformation out in the public regarding this project. Watsontown council has been very supportive of the Moran project. Varco has since pulled back their permit application, not due to pressure from the environmental group, but because they wanted to readdress the plant design and make it friendlier. When Moran Industries begins to market the Sunbury

site there will most likely be an environmental movement as seen in Watertown. A lot of the people involved are not local residents. Mr. Stroehmann said he will give everyone his phone number and he is available 24/7 to answer questions as they occur. "Fracking" is a word that has been used incorrectly. Fracking needs to be monitored and must be done correctly and safely, there is a lot of risk to the environment if hydro-fracturing is not done right. The PA DEP monitors the drilling and fracking process to protect the ground water. Fracking takes place at the end of the project after the drill rigs are gone. Everything that is going on in Watertown has nothing to do with fracking. They are the companies that go in to perform the function of drilling the holes. The oil being used is a mineral oil that is environmentally safe. The companies doing the drilling have a world-wide presence and their internal policies go above what DEP's policies are. He stated that Moran Industries works cooperatively with the local governments, state and counties to address any needs to make sure they are not creating any situation that will adversely affect the community. Mayor Persing asked Mr. Stroehmann what the project in Sunbury will entail. Mr. Stroehmann explained that Moran Industries did testing at the Celotex brownfield site and it is very clean. The plant is being demolished at this time and when that is complete they will market the site to industry. Right now Marcellus support properties are in demand and this is a prime location due to its proximity to rail transportation, it's at the southern end of the project and is close to Interstate 80. Warehousing and distribution are also being considered and Moran always tries to bring in manufacturing to its properties whenever it can. Materials will be brought in and they are doing tests on loading the material onto rail cars. DEP has very strict guidelines on handling these materials and there will be no materials dumped on the ground without a DEP permit and approval. Right now they are experimenting with rail car movement and the demolition is in full process. After the buildings are down, they are hoping to relocate the main access of the facility to keep truck traffic off the side streets in residential areas. Mayor Persing said that City council would know what the next steps are before anything happens so they can make the public aware. Councilman Eister stated that the City is lucky Moran Industries took the property over because it would have sat there vacant for years if they hadn't. He is hoping some jobs will be opened up for people living in the City. Ms. Cora Campbell asked if there would be any odor or health hazard that the neighbors should be concerned about. Mr. Stroehmann answered there would not and DEP has a permitting process in place and they would have to comply with that. They hope to get the truck traffic off the neighborhood streets as soon as they can. Ms. Campbell said she has had many trucks do damage to her yard and she is hoping that will end.

MINUTES AND REPORTS

The available departmental reports of the Police Dept., Treasurer's Office, Health Dept., Fire Dept., City Engineer, Code Office, Park and Recreation Department, Public Works Dept, and Planning Commission are in the City Clerk's office for review. On motion by Eister, second by Snyder, the available reports and minutes of 12/13/2010 and 12/27/2010 were approved as presented. Unanimous vote.

RIVERFRONT PROJECT

Councilman Eister said HRI stopped working on Phase II due to the weather. Stabilization is 99% complete. Mayor Persing explained that Buchart Horn was asked to complete an Agreement (see attached) showing what they did as project engineers that was not included in the original contract. The project plan changed so often and drawings had to be completed each time. This is the final billing from them as engineers. The amount of the final bill is \$150,000 which will be paid with 2011 CDBG funding. Councilman Snyder asked about the redevelopment of the Bainbridge St. pier – at the time that part of the project was tabled because there were insufficient funds. It was his understanding that since the pier will be included because the funds were available, that there would be additional engineering fees. Councilman Eister answered there would not be any further fees because the engineering part of the project has already been completed. It will not be a new expense. The original scope of work had basic design work done on the pier. All the engineering and design work for the construction of the pier are complete. Proposals are coming in now to complete the pier work. Mayor Persing moved to accept the Agreement as shown which will be the final payment to Buchart Horn for any services having to do with the engineering project. Ms. Shrawder said she would recommend that the City check to see if there are any other open invoices to Buchart Horn. Councilman Eister said the City knows about an open invoice, it just has not been paid yet. Second – Eister. Yes – Persing, Eister. No – Snyder. Motion carried.

SRI UPDATE

Ms. Janet Yonkoskie said the board is going to have a retreat the next two Tuesdays and they are going to concentrate on improving communications between them and the public. They would like to develop a 3 year plan and more active neighborhood associations. They would also like to start a façade program if they are funded through 2011 CDBG.

Ms. Kristen McLaughlin told council that the City has been approved for a Pennsylvania Community Transportation Initiative (PCTI) grant in the amount of \$1,050,000. It is federal/state funding that

comes through Penn DOT. The Hill Neighborhood had a vision of sidewalk replacement, tree-scaping and traffic calming in the area of Wolverton St. It started out as a small project and when the PCTI grant information came out they decided to apply for the grant in hopes of completing the project the way it should be. More information will come later as the project develops.

Mayor Persing received a letter from John Shipman regarding SPARC. It has been 10 years since they formed to be a “think tank” for the City. There is no written Agreement between SPARC and the City. SPARC would like to continue as a sub-committee of SRI. Mayor Persing moved to support SPARC being a sub-committee of SRI and to continue to support the City of Sunbury. Second – Eister. Unanimous vote.

COMPREHENSIVE PLAN/ZONING UPDATE

Mr. Tom Grbenick said Mr. Stroehmann’s presentation was a good segway into his presentation regarding Form-Based Codes. There is a grant opportunity through the PA Historical and Museum Commission that would cover half the cost of developing design guidelines and a pattern book which could serve as the basis for the development of a form-based code for the City. The grant deadline is January 31st and the implementation would correspond with the City’s Comprehensive Plan completion. SEDA-COG would prepare the grant application at no expense to the City. Communities are shaped through planning and design. Conventional zoning deals with land use and concentrates uses according to the specific zones. A new trend in Urban Planning around the country is “Smart Code” which is designed to get away from the isolation of uses and tries to mirror the more traditional form of urban development that is what Sunbury is all about. The objective with the Comp. Plan is to consider the implementation or adoption of Smart Code or Form-Based Codes as a new tool to deal with future development. Form-based codes tell the developer what is permissible and is designed to minimize the controversy that surrounds development ideas. Mr. Grbenick said he has discussed this grant opportunity for the City with representatives of DCED and the PA Historical and Museum Commission and they both endorse this type of idea and the Commonwealth is trying to promote this type of opportunity for communities. There is a process that would need to be followed in developing a Sunbury Pattern Book and it would take about a year to form. The cost estimate would be approximately \$75,000. with a match of \$37,500. The grant is limited to a request for \$50,000 and matching money from the City or other sources would be needed. Mayor Persing asked Mr. Grbenick to relate this to the City’s existing zoning, which everyone has known for years is outdated. Mr. Grbenick said existing zoning ordinances are hard to understand and administer and requires legal interpretation. There is a potential for conflict when decisions are made. Form-based code is meant to simplify that by specifying the physical form and structure of streets and public spaces within different character zones of the City. The Celotex site would be treated as a special use district, the same as downtown or the Riverfront. The downtown area would be considered the urban center and the general urban area would be the outlying areas. They all exhibit different characters and physical properties. New development is encouraged that is consistent with the existing form that enhances property values. Mr. Joe DeFazio said since he has lived in Sunbury he has looked at the existing zoning that separates uses. He served as chairman of the Smart Codes committee in Long Beach Mississippi and had intensive training in the implementation. The new code encourages mixed use, and brings identity to neighborhoods. It looks to the future in how things can be utilized to create character in the neighborhoods. The Pattern book is developed to support Smart Code – this creates zones which allows the form of buildings in each area. There are only 2 zones in the City which are T-5 – 4th to 5th St. and the rest is T-4. The Code is free and can be downloaded off-line but it has to be calibrated to repeat the character of each neighborhood. It also expedites development which helps to put them on the tax roles sooner. Councilman Snyder reiterated that \$37,500 would be the City’s only monetary obligation to the grant (if the grant is in the amount of \$75,000). At this time, the budgeted amounts for the City could be expended in 2012. Mr. Grbenick said a commitment letter would be needed at the time the grant is submitted for the matching funds. The grant award would probably be around mid-summer or fall and if SEDA-COG does the work they would postpone billing anything until 2012. Councilman Snyder asked Ms. Shrawder if this project could be submitted in 2012 from the CDBG program. Ms. Shrawder answered yes and at any time budget modifications or revisions could be done to use planning funds. Mayor Persing said he is concerned about implementation of the comprehensive plan and everything that goes with it. It could be an overlay to the zoning ordinance or it could replace it. It makes it easier to do the right thing and build the City with the future in mind. Councilman Eister said Mr. Bakowicz has been saying for years that the zoning ordinance needed to be updated and he asked Mr. Bakowicz if this would address his concerns. Mr. Bakowicz said he is not familiar with the concept that has been discussed. Mr. Bakowicz said the City is pretty much built up and he would want to know more about the concept to be sure it would benefit the City. Mr. Grbenick and Mr. DeFazio said they will get information to Mr. Bakowicz. It is a new concept but it is proven. Council will let Mr. Grbenick know on January 24th at the next council meeting regarding the grant application – Mr. Grbenick said if council is open to the idea he would like to start working on the application now and not wait since it is due on January 31, 2011.

HISTORIC EAGLE TRAFFIC SIGNALS

Mayor Persing said Cheryl and Councilman Eister checked E-Bay and the Eagle traffic lights were selling for \$100 to \$175. Mr. Apfelbaum said if the property value is under \$1,000 bids can be requested by being posted on the bulletin board. Mayor Persing would like to donate them to Greenwood Mississippi as a good will gesture. Councilman Eister would like to keep the oldest single and 4-way traffic lights in the event the City ever has a museum. Greenwood said they could pay a nominal amount and would pay all the shipping costs. Mike Bordner will inventory the lights to see how many and what kind are in the warehouse.

2011 TAX ANTICIPATION RESOLUTION

Mr. Michael Kula, representing Michael Apfelbaum explained that Northumberland National Bank was the low bidder for the 2011 Tax Anticipation Note. This note allows the City to borrow against the anticipated tax revenues and must be paid back no later than December 31, 2011. Councilman Snyder moved to approve the Resolution for the 2011 Tax Anticipation Note. Second – Eister. Unanimous vote.

RELEASE TAX COLLECTOR FROM COLLECTION 2010 TAXES

Councilman Snyder moved to release the tax collector from collecting unpaid 2010 taxes. Second – Eister. Unanimous vote.

APPOINT DELINQUENT TAX COLLECTOR

Councilman Snyder moved to appoint Statewide Tax Recovery Inc. to collect delinquent personal taxes and Northumberland County Tax Claims to collect delinquent real estate taxes. Second – Eister. Unanimous vote.

DELIVER DELINQUENT 2010 TAXES TO TAX COLLECTION AGENCIES

Councilman Snyder moved to deliver the delinquent 2010 taxes to Statewide Tax Recovery Inc and Northumberland County Tax Claims. Second – Eister. Unanimous vote.

CAREER LINK REGIONAL HUB

Mayor Persing stated that it is important for everyone to understand what is happening with Career Link. Career Link's funding has been cut and the director has been instructed to consolidate 2 Career Link locations, one in Snyder County and one in Shamokin, North'd County. Mayor Persing made the statement that he wants the county commissioners to know that all he wants is for anyone from Sunbury to have the opportunity to bid on the project that is slated to move to Sunbury. No one said anything when the Social Security office was moved out of Sunbury and built in Selinsgrove at additional cost to all taxpayers. Mayor Persing wanted to thank Ms. Miller for the opportunity to bid on the project and bring a business to Sunbury that will bring people here to work, spend money at restaurants and gas stations, etc.

AMENDMENT ONE/COMPREHENSIVE PLANNING SERVICES

Ms. Shrawder explained that the City wants to use 2009 and 2010 CDBG Admin Planning Funds for their share of the Comprehensive Plan. There is \$19,303 to use for that purpose. Mayor Persing moved to use \$19,303 in administrative planning funds from 2009 and 2010 to help pay the City share of the Comprehensive Plan. Second – Eister. Unanimous vote.

COUNTY ACT 167 SHAMOKIN CREEK STORMWATER MANAGMENT PLAN (SMP)

Mayor Persing received a letter (see attached) from the North'd County Planning Commission regarding appointing someone to the Act 167 Shamokin Creek Stormwater Management Plan (SMP) committee. The Committee will meet 1 more time for an overview of Act 167 and review the contents of the SMP and model ordinance. Municipalities must adopt an ordinance consistent with the SMP within six months of the DEP approval date. A discussion was held and Michael Rhoads was asked if he would serve on the committee and to ask Mr. Larry Welfer representing the City Planning Commission if he would also attend.

RESOLUTION/VOLUNTEER SCREENING POLICY

Mayor Persing moved to adopt a City Volunteer Screening Policy (see attached) for all adult volunteers, coaches, etc. to have a background check completed prior to volunteering. This will be for all leagues that play on any City facility. Second – Eister. Unanimous vote.

160 LINDEN ST/AGREEMENT OF SALE

Mr. Kula explained that the property at 160 Linden St. has been demolished with CDBG funds. The Agreement of Sale would approve the Agreement which allows the City to have options if the Redevelopment Authority would want to purchase the property for rehabilitation purposes. 158 Linden St. has already been purchased by the City. Mr. Rhoads asked about the 3rd lot and Councilman Eister answered the 3rd lot is not with this parcel, it is around the corner and is a separate deed. Councilman Eister moved to approve the Agreement of Sale for 160 Linden St. Second – Persing. Unanimous vote.

PART-TIME TO FULL-TIME/PARK AND RECREATION

Councilman Eister moved to make Mr. Harold Fazzini a full-time employee effective January 3, 2011. Mr. Fazzini has worked part-time in the recreation dept. for several years and provisions are in the 2011 Budget to make his position full-time. Second – Persing. Unanimous vote.

VOUCHERS PAYABLE

Councilman Snyder moved to approve the Vouchers Payable in the amount of \$20,769.76 as funds are available. Second – Eister. Unanimous vote.

TAX EXONERATION

Councilman Snyder moved to pass the tax exoneration as requested by Statewide Tax Recovery. Second – Eister. Unanimous vote.

RFP FOR IT SERVICES

No bids were received for the RFP for IT services. Councilman Snyder asked if it could be posted again and valid to the end of the month. He felt it was bad timing to request the bids right after the holidays. Councilman Snyder moved to post the bid again. Second – Eister. Unanimous vote.

DISCUSSION

Mayor Persing stated that it is important to understand that the mayor has the responsibility to supervise the conduct of all officers of the City and examine the grounds of all reasonable complaints. At a previous meeting, City resident Mr. Dale Henry asked council about the residency issues concerning Councilman Bartello. Mayor Persing explained that this issue will be addressed at the January 24th council meeting since Councilman Bartello is not in attendance at this meeting. Mayor Persing and council want proof that he is living in the City. The 3rd Class City Code states that “A councilman shall reside in the City throughout the term of office.” Councilman Snyder said 2 meetings ago Mayor Persing asked Councilman Bartello that question and Councilman Snyder thought something was presented to prove that – Mayor Persing said nothing has been proven. Councilman Eister asked if he presented a lease. The answer is nothing has been proven about his residency. Mayor Persing said that this council makes the laws and enforces the laws and they are the last people that should be excluded from the laws.

AUDIENCE COMMENT

Mr. Robert Meranda told council that he is the new pastor of Bethany Evangelical Church. He lives at 630 Edison Ave. and has a situation with a business behind his residence. There is a large tree that sits in the middle of the access road. The owner of the business cut the tree down and left it laying there which completely closed the access area. There is only 1 other exit for the residents of that area to use which causes 2 problems – the garbage collector has to back up the alley and go out the same way. The other issue is when it snows – that area would not be able to be cleaned up because of the tree blocking the access area which causes a fire hazard. Parking is an issue because they cannot get to the rear entrance of their homes and parking is limited on Edison Ave. Mr. Meranda said he is only asking that the area be cleared. Mr. Meranda has spoken to Councilman Troup but had no response. Mr. Meranda asked if the area in question is City property or is it private property held by Mr. Mensch so he can close it with no advance notice to the residents. Councilman Eister explained that Mr. Mensch spoke to Councilman Troup and at the time the tree in the middle of the street was an issue. Mr. Bakowicz, Councilmen Troup and Eister went to that area and it was decided that the tree was not in the middle of the street and belonged to Mr. Mensch. The street runs past the storage building and when it was built the set-backs were not met. Councilman Eister thought that after the last council meeting Councilman Troup was going to see that the street was reopened. The safety issues are valid because safety equipment would not be able to reach the rear of the properties in that area. The City does own and maintains it. Councilman Snyder thought Mr. Mensch stated that he maintains it. Mr. Bakowicz said even if there is no public right to that area there is private right for the properties abutting it. Councilman Snyder said Mr. Mensch was concerned that people coming out of the area were driving on his property instead of driving to the end of the extension to Reagan St. He wanted to reduce the traffic in the rear so people stopped driving on his property. Mr. Meranda said the residents do understand Mr. Mensch’s concern and will respect that.

Mr. Dale Henry thanked council members for following up on the Bartello issue. He also asked about the CDBG project request for the Edison Hotel and asked council to be sure that is a legitimate project. Ms. Shrawder answered that project will not be eligible for CDBG funding.

An executive session will be held following this meeting to discuss a possible contract.

There being no further public business to discuss the meeting was adjourned at 8:12 pm.

Respectfully submitted,

Terry Specht
City Clerk