

CITY COUNCIL MEETING
Sunbury, PA
April 22, 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
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
Stephen Mazzeo, Chief of Police
Michael Bordner, Public Works Supervisor
Michael Rhoads, Zoning Officer
Terry Specht, City Clerk

There were forty-seven (47) members of the public present.

AUDIENCE COMMENT/AGENDA ITEMS

Councilman Bartello said hiring a pt code officer is not on the agenda under unfinished business.

REDEVELOPMENT AUTHORITY UPDATE

Mayor Persing explained the Redevelopment Authority (RDA) has been reviewing the blighted property process used in Allentown and the City will probably use some of what they are doing on their website and put more information in so the citizens have access to what the RDA is doing with blight properties. There is a webinar coming up titled "Creating Jobs Through Housing Opportunities" and this is what the RDA is trying to do.

HIRE PART-TIME CODE OFFICER

Councilman Bartello said at last meeting he wanted to hire James Bickle and OVR was going to pay ½ of his first 3 months wages. Mr. Apfelbaum said the contract said he was going to be trained as a receptionist per the agreement he was looking at. That is not what it says. It only says they are giving ½ of the first 3 months pay in hopes that he will be trained in proper phone, customer protocol, how to greet people and the typical stuff he would be trained in for the code office because he would have to be trained to take turns on the front desk. It is through the social security administration. Councilman Troup asked if it says the person would have to be hired full-time after that. Councilman Bartello answered no not full-time. It says it hopes they will go into a permanent position which would be the part-time position that he applied for. Councilman Bartello said it says the person will be expected to become a permanent employee. Mayor Persing said his problem with this is the last person hired was supposed to work with the Redevelopment Authority and no one has discussed it with Adam Purdy from the Redevelopment Authority. Mayor Persing said Councilman Bartello said it would be 10-15 hours per week and the first pay she worked 35.5 hours. He would like a clarification on the hours. Councilman Bartello said she worked that in 2 weeks. Councilman Bartello said he has the money in his budget and does not understand why he is getting a pushback when he needs help in his department. Mayor Persing said Councilman Bartello knew in the beginning he was to hire a person to help with the blight property project and Redevelopment Authority. Councilman Bartello asked if he only got 2 weeks to train her. Mayor Persing answered he didn't get 2 weeks to even give an effort. Councilman Bartello moved to hire James Bickle as a part-time code officer at \$10. per hour. There was no second to the motion.

Mayor Persing read a letter that he wrote to Councilman Bartello (see attached) that was in regard to the code office and the Moran site. The letter stated all questions at public meetings regarding the Moran site will be referred to Councilman Bartello as well as written requests or comments if originally received by the mayor's office. Councilman Bartello said so that means you don't want to meet about it any more and the Mayor said he is done. Mayor Persing said since he could not have the meeting to create a timeline of

events at the Moran site he is turning over the copy of the file he had to Councilman Bartello. Councilman Troup said there was a statement in the paper that Councilman Bartello is hindered from doing his job at the Moran site. Councilman Troup said he reviewed the minutes for the past 3 years and 4 months and there is not one thing in there. Councilman Bartello said council hinders his department and Councilman Troup asked how. Councilman Bartello said just like you did now – no one would second my hire. He said he is given money for part-time people but he can't hire anyone. Councilman Troup said he just hired a person. Councilman Troup asked again how they hinder him, they try to work with him but then they are behind the 8-ball and see lies all the time. Councilman Bartello said ok and Councilman Troup said is that all you have to say is ok. Councilman Bartello said it is a foolish question. Councilman Troup asked when Councilman Bartello ever brought anything up for a vote except at this meeting. Council never voted him down. Councilman Bartello said he brought up a vacant building ordinance and a satellite dish. Councilman Troup said none of that came to a vote. He said he asked for a second on the vacant building ordinance and nothing happened. Councilman Troup said he does not think that happened. He thought he was supposed to research it some more. Councilman Eister said the issue is not satellite dishes it is the Moran site. Councilman Bartello said he said there was no storm water plan and he has letters with that information from Dan Ramer, Mike Brockman and Jesse Woodring. Councilman Eister said his question is when Councilman Bartello makes statements in The Daily Item that council hindered whatever he was doing at Moran – he asked him to tell him when he hindered him with Moran projects. Councilman Bartello said by not voting on things. He said he needs help in the code office and council is not voting to give it to him so that hinders him and that is his answer. Councilman Eister said so the vote this evening hindered him prior. Councilman Bartello said it is continuing to hinder.

NATIONAL POLICE WEEK PROCLAMATION

Mayor Persing presented a National Police Week Proclamation (May 12-18) to Chief Mazzeo. Peace Officer's Memorial Day is May 15th (see attached).

APPROVE REVISED DRAFT/CDBG APPLICATION PREPARATION SCHEDULE FFY 2013

Mayor Persing announced the application schedule for 2013 CDBG funds has changed since the funding has not been made available yet. The next project review will be held on May 6th. The project selection will take place on June 10th, final public hearing notice will be posted on June 11th, the final public hearing and application approval will be held on June 24th and the application will be submitted before the deadline.

SUNBURY EAGLES/USE OF SYCC

Councilman Eister explained the Agreement for the Eagles State Pool Tournament is ready (see attached). The Eagles will be using the Sunbury Youth and Community Center ice rink area for the tournament. Councilman Eister moved to accept the Agreement and give the Mayor the authority to sign the documents. They have shown proof of insurance. Second – Troup. Unanimous vote. General discussion was held regarding the pool tournament.

HIRE LIFEGUARDS, CONCESSION STAND, PLAYGROUND AND SEASONAL WORKERS

Councilman Eister moved to hire 2013 summer help. Councilman Bartello asked what concession stand do they work at. Councilman Eister answered the swimming pool. Councilman Bartello asked how many he is hiring and he said he is not sure. Some of them are through the PHEAA wage reimbursement program. Councilman Bartello asked if the City was reimbursed last year for the full amount. Councilman Eister answered yes. Councilman Bartello asked if the positions were advertised. It was explained that a lot of the students that worked in prior years come back. Councilman Bartello asked which playgrounds they work at and Councilman Eister answered OPG, Keller. Mr. Ron Pratt does all the scheduling. Mayor Persing said the only playground that does not get City staff is the Good Will playground. Councilman Bartello told Councilman Eister that he would hire all the playground help he needs. Councilman Eister answered Mr. Pratt has cut staff. Second – Troup. Unanimous vote.

HIRE PART-TIME SEASONAL/DPW

Councilman Troup said he is hiring the same person back for the summer that has been with the City for several years. Councilman Bartello asked if this position was advertised. Councilman Troup answered he is hiring the same person. Second – Eister. Unanimous vote.

APPROVAL TO PAY INVOICES

Mayor Persing moved to pay the invoices reported on the voucher's payable report in the amount of \$117,950.79 from the general fund and \$695.62 from Liquid Fuels. Second – Eister. Unanimous vote.

AUDIENCE COMMENT

Mr. Drake Saxton said he is disappointed that council does not have the response to his letter as promised. Councilman Troup said Councilman Bartello said he would get that information for him. Mr. Saxton said Mayor Persing said Councilman Bartello would get that. Councilman Troup asked Mr. Saxton if he received it from Councilman Bartello. Mr. Saxton said it was to be presented at a council meeting if he would check the minutes. Mayor Persing said that is correct. He further explained he was stopped from having his meeting last week. Mr. Saxton said he is presenting to council evidence on city letterhead that they are in violation of Article 1 Subsection 148.2 and Article 16 Subsection 175.1na. He said Mayor Persing has denied that there are violations on the former Celotex site. Mayor Persing participated in a meeting to discuss that and Mr. Saxton read from the letter from Mike Rhoads on city letterhead (see attached). Mr. Saxton also read from a letter on CleanHarbors letterhead (see attached). He stated the City knows there were violations but did nothing about it but professes council knows nothing about it. He said on the city letterhead the cc's are Mayor David Persing, Councilman Joseph Bartello, Councilman James Eister, Councilman Kevin Troup and Councilman Todd Snyder. Mr. Saxton said Councilman Bartello has taken a position that there were code violations and he thinks it shows the violation. Also, those individuals who knowingly perpetrated the violations are subject to great fines and prosecution. The fines are \$300/day. He read from Article 16 Section 175 113b – penalties. He said all of council was informed on letterhead and the fines started from that day. He has informed council numerous times since June 2011 and council failed to act. He said he is done fooling around and the citizens need answers. He is involved because the citizens asked. He said the council stonewalled. And now he has exposed some of his investigation. Mr. Saxton said there is further investigation and more documents. He needs council to commit and begin to cooperate and do the right thing. He needs answers. Mayor Persing said as soon as Councilman Bartello puts it together and brings anything to city council to act on they will act on it. He also said there is enough information in the file to get the information together and then Mr. Saxton's opinion and what he has written. Mr. Saxton said he must object to what Mayor Persing is telling him. He read from Section 1205 of the PA Third Class City Code from the Mayor's quote in The Daily Item – "Execution of laws, powers of sheriff's emergency powers. It shall be the duty of the mayor and chief executive of cities adopting the city manager form of government and adopting the city form of government to be vigilant and active in causing the ordinances of the city and the laws of the commonwealth relating to the government of the city to be executed and enforced." Mr. Saxton said he failed to do that. Mayor Persing answered no he didn't. He said at the last meeting that was what he was going to do because he was done putting up with all the accusations and he was going to get to the bottom of it. Then the group specifically took him to court and stopped him from doing it. So it can't be both ways. They can't say you want an answer and then stop him from doing it and then blaming him for not doing it. Councilman Eister said to Mr. Saxton that numerous times he has referred to Councilman Troup and him about blocking Councilman Bartello. He asked Mr. Saxton to site him the information of when either one of them voted on anything against the Moran site. Mr. Saxton said when you talk about the Moran site – not dealing with the Moran site it goes beyond that in council meetings. In March 2011 Edward Morales was hired above Councilman Bartello's objections. Councilmen Eister and Troup and Mayor Persing hired Mr. Morales and in the minutes they voted for it against the wishes of Councilman Bartello. Councilman Troup said he was hired to be part of cleaning up yards. He was not hired as a direct hire for public works or the code office. He was cleaning yards and trash and garbage. He worked hard and then got a position somewhere else. Mr. Saxton said he begged to differ with Councilman Troup he was hired as a new hire for public works and code. Councilman Troup said he was an all around employee and asked what was wrong with that – just because Councilman Bartello didn't want it. Councilman Troup asked how they did not work with Councilman Bartello on that. Mr. Saxton said Councilman Bartello told them the money was not there for him and he did not want the hire but they did it any way. Councilman Troup said there was no loss of money that year, there was a balanced budget and taxes weren't raised so the money obviously was in the budget. Mr. Saxton said they found the money. Councilman Troup said there were cut backs all year so they had the money. Councilman Eister said Mr. Saxton did not answer his question. He brought something up that happened a couple years ago. Councilman Eister said Mr. Saxton keeps referring to Moran in The Daily Item but never explained that he was referring to a part-time person that was hired. Councilman Eister asked again where does he have it documented that he and Councilman Troup stopped anything for Moran. Mr. Saxton said he does not have a date. He accused them of blocking what Councilman Bartello was trying to do. Mr. Saxton said in

2012 Councilman Bartello tried to go on the site but wasn't allowed on. Councilman Eister asked how that was their fault. Mr. Saxton said they didn't give the support of the council to let him on the site.

Mr. Vinny Clausi said when Moran Industry came to Sunbury to purchase the Celotex land, he was part of the negotiation. He said the county commissioners feel Moran Industry did not violate any rule when they purchased the property. It went by the book. He said he does not want audience members coming to a city council meeting where the council members are trying to do their job in Sunbury, to bring industry, and the group just wants a ghost town. He asked the audience to let council members do their job. Ms. Cora Campbell said they want something good and that a hotel could be built there. Mr. Clausi said there was no contamination. The county hired an engineer to talk to the mayor. Ms. Campbell said they asked them to run a soil test and no one ever did it. Councilman Troup asked her who said that would be done. Councilman Troup said Councilman Bartello said he would get that done. Ms. Campbell said they do not want that in their backyard. Councilman Bartello said he is looking for a storm water plan. Brockman was asking for the same thing in 2008. Jesse Woodring said they should have a storm water plan. Dan Ramer said they should have a storm water plan. The only person who said they don't need a storm water plan was Mike Rhoads. Councilman Bartello said they said it is going down the same holes so they should prove it. Mayor Persing said they have a soil conservation letter that said they don't need one. Councilman Bartello said that is .97 acres out of 14 acres that doesn't tell him anything about storm water. He asked where the storm water plan is that is required by law. Mayor Persing said he would need something showing the conservation district letter is not correct. Councilman Bartello said the mayor does not read the Sunbury code book to read Chapter 143 that says they need a storm water plan. That is all he is trying to get across and it has nothing to do with Moran and computers or anything else. Councilman Eister asked Councilman Bartello to make a motion to tell them they need a storm water plan. Councilman Bartello said it is a law and council does not have to vote on it. Mayor Persing told Councilman Bartello to bring them something that says they need it and Councilman Bartello replied he can't give them anything more than they already have.

Mr. Walt Bostian asked if that was not a toxic material they were bringing into that site why did they pull out. Mayor Persing said CleanHarbor never hauled any material in. He said they aren't doing anything up north that is why a lot of the drillers left.

Mr. Dale Henry said he is a property owner, taxpayer, and a registered voter for the City of Sunbury and addressed Mr. Saxton who said he represented 10,000 people, he does not. His family of 3 should be crossed off his list because he doesn't want anything to do with them. He said Mr. Saxton is not a property owner or a taxpayer and he doesn't understand why council even lets him talk at meetings. Mr. Saxton said he owns property just outside the City.

Mr. Gordon Lamb said at the last meeting an ordinance was passed that anybody could look at city computers. Mayor Persing said they recognized that anything on a computer is the same thing as a piece of paper. Mr. Lamb said he filed a request under that ordinance asking for access to the mayor's computer and he was declined because access is not given to third parties. He wants to know which of the 2 answers is correct. Mayor Persing said he did not fill out a Right To Know request form and even if he did what he is allowed to get he can't get through 3rd party because of the personnel files and other private information. He told Mr. Lamb if he gives a list of specific items he is entitled to that information and he will get it. You can't just pick up a computer and go through all the files per the state. Mr. Lamb asked why is okay for John Moran to check Joe Bartello's computer. He has stuff that is confidential as well. Mayor Persing said a 3rd party is not going to see that. Mr. Lamb said they will according to the vote 2 weeks ago. Mayor Persing said that is why the computer is locked up – no 3rd party is going to see it. Mr. Lamb asked who drafted the motion. Mayor Persing said the solicitor drafted it so everything would be more transparent. Mayor Persing said the City can't draft an ordinance that is illegal and it is illegal for a 3rd party to look at a computer. Mr. Lamb said it was drafted and illegal and adopted any way so someone is not doing their job. Mayor Persing said there is nothing illegal about it. It was not passed to break laws. Mr. Lamb said it was very poorly done and they should be asking questions why. Councilman Troup thanked Mr. Lamb for pointing that out to council.

Mr. Ric Reichner said Mr. Lamb just made a statement about personal information on a public computer – being a government employee if he had personal information on a government computer he would lose his job and be in violation of laws. Councilman Bartello said he is twisting things – it is other people's personal information – people that complained.

Ms. Jan Dockey asked if the Soapbox Derby will be held this year. Mayor Persing answered there will be a derby but the police department may not sponsor it. Councilman Eister said the Eagles will be sponsoring it this year. Ms. Dockey said she did not see it on the list for closing streets.

ANNOUNCEMENTS

Mayor Persing announced the Spring Clean-up will be April 23, 25, 30 and May 2 from 8 am to 7 pm at the Transfer Station. Proof of residency is required.

Mayor Persing announced Sunbury's Revitalization Inc will be moving to 249 Market St and renting office space from the Sunbury Eagles. There will also be a visitor's center. It could also be a location for the Edison turbine and other city related historical objects.

Councilman Eister said he has been asked if a group can play soccer in the area the City purchased on Memorial Drive. Mayor Persing said he didn't object to that.

Councilman Eister said they will start to inflate the fabridam the week of April 22nd and the water will increase slowly. In 2 weeks the project should be completed.

Mayor Persing said Chief Mazzeo told him there are out of date munitions that have to be gotten rid of. This will be on the agenda next week. If anyone knows of a better way to get rid of it they should let Chief know. Mt. Carmel has a place to dispose of these items properly. Councilman Eister asked for a letter stating the City is not liable during transport.

Mayor Persing thanked Mr. Joe Swope for helping get the tree that fell on 2 roofs on Front St. removed from that area.

Mayor Persing read a letter (see attached) from Mr. Jesse Woodring thanking the code officers for their courtesy and pleasantness with his tenants.

Mayor Persing stated that old drugs can be properly disposed of at the police department on April 27th from 10 am to 2 pm.

There being no further business the meeting was adjourned at 7:05 pm.

Respectfully submitted,

Terry Specht
City Clerk