

CITY COUNCIL  
Sunbury PA 17801  
March 26, 2012  
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  
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:

Michael Apfelbaum, City Solicitor  
Joseph Swope, Code Supervisor  
Stephen Mazzeo, Chief of Police  
Terry Specht, City Clerk

There were thirty-three (33) visitors present.

### **2012 CDBG PROJECT REVIEW AND SELECTION**

Ms. Jamie Shrawder explained there were a lot of projects submitted and during the last several weeks the list was narrowed down to some projects that have had funding in the past and a few new ones (see list attached) to include:

- Demolition of blighted properties \$73,800 (30% limit)
- Downtown façade improvement \$54,320 this project will begin in 2012 with 2011 CDBG funding to see how successful the program is.
- Land acquisition in Persing Complex \$30,000 to start the activity and establish the project. This will give council more time to decide how to fund the purchase
- Fire hose purchase \$5,000
- Sidewalk replacement \$50,000 to be used city-wide to income-eligible qualifying residents. Ms. Shrawder suggested going out to bid for all the projects selected and one contractor would be hired since Davis-Bacon wages would apply. Councilman Eister asked if the Wolverton St. project would run short on funding would that be an eligible area and Ms. Shrawder answered as long as the property owners qualified for the program.
- Economic development \$32,880 this would be the start of a multi-year funded initiative. Funds not used in land acquisition would be allocated to this project. The guidelines for economic development are extensive and include loans but not grants, jobs must be created and not just retained, before a loan is given to a business a financial and feasibility analysis must be performed, look at profit and loss statements, balance sheets and so on to determine whether this would be a viable business. It is a very restrictive program.

Councilman Eister moved to accept the projects as noted. Second – Troup. Yes – Snyder, Troup, Eister, Persing. No – Bartello. Motion carried. General discussion was held in regard to the façade program. The Sub-recipient agreement with the Redevelopment Authority for the blighted property project and with SRI for the façade improvement program must be voted on and signed. The guidelines are general because they weren't sure what type of response would be received. At this time there are no funding limits for either program. SRI was chosen for the façade project because they managed a smaller project in the Hill Neighborhood. Any interested business can apply and design documents must be completed ahead of time and that would be a cost incurred by the property owner. The reason for this is because if an engineer had to be hired to design the projects, they could say they don't like it. Councilman Bartello said they are only talking about a paint job or change of windows and no one will want to use the funding. A lien is put on the property for 5 years if they use CDBG funding. Ms. McLaughlin said SRI has already been in touch with business owners and they know the requirements and there are people interested in using the funds. The owners with larger projects will be the ones interested in funding since it is federal prevailing wages, no one that just wants to paint will be interested. Councilman Bartello said other communities do it on a reimbursement basis once the work is complete. Ms. Shrawder explained that the projects have to be bid to use CDBG funding. Councilman Bartello asked her to show him where in the HUD documents it explains that. Ms. Shrawder restated that every project using CDBG funds must meet federal regulations. Since the downtown business area is in the historic district the PA Historical and Museum Commission might also have guidelines for materials used for renovations. Councilman Bartello said he thinks there is more to check into before the issue is voted on. There are other façade programs besides CDBG and they all might have different guidelines. Mayor Persing asked Ms. Shrawder if they are voting on who

is administering the project and Ms. Shrawder answered yes. If SRI administers the program council members would not have to be bothered with all the details. HARB and BIU (3<sup>rd</sup> party commercial inspectors) will review the projects as well. Councilman Snyder said any time entrusted funds are administered he feels it should be dictated by council or a duly appointed authority or commission versus a not for profit agency. Ms. Shrawder said Ms. McLaughlin has run a program like this and that is why SRI was picked. Councilman Bartello asked if a lien on the property would be filed for the sidewalk program and Ms. Shrawder answered usually they are not filed for sidewalk improvements and liens do not have to be filed for the façade program. Councilman Bartello said that requirement should come out of the guidelines because they should not have to pay the money back. Councilman Eister said he agrees to the lien because someone could sell the property after the work is done and make a profit on that improvement. Mayor Persing recommended tabling this item until the April 23<sup>rd</sup> meeting. He would like to pick a committee to look at the guidelines.

The other sub-recipient agreement is for the blighted property project and is the same as council approved for the 2011 program. Mayor Persing moved to approve the sub-recipient agreement for 2012 for the blighted property project for the Redevelopment Authority to administer. Second- Eister. Unanimous vote.

### **CODE OFFICE CHANGE**

Mayor Persing explained that he has received information from several other 3<sup>rd</sup> party code inspection companies and he would like to look into creating an RFP to see what other companies would offer. He said he has had people tell him contractors don't want to work in the City because there is no cooperation with BIU. It is not a reflection on the code officers but on the 3<sup>rd</sup> party inspection service. Councilman Bartello said there needs to be better cooperation in handling the paperwork from the architects sending in the plans to be reviewed. Guidelines have to be followed. Councilman Eister said there doesn't seem to be a lot of cooperation when there is a problem. Councilman Bartello said if someone else can give more time to Sunbury he is not opposed to looking into it. At this time the City is making about \$10,000 a year from BIU's work. Councilman Bartello also said he feels people don't want to do work in Sunbury because of the outdated zoning ordinance. Councilman Snyder said a lot of money has been invested in the Redevelopment Authority and it is wise to continue that path. Now would be a good time to look into other companies. Councilman Eister said there is a 30-day notice required to end the agreement with BIU. Councilman Eister moved to go out for RFP for a 3<sup>rd</sup> party inspection service for new residential and commercial inspection. Also for the solicitor to review the contract to see what the termination requirements are for BIU. Second- Troup. Yes – Eister, Persing, Snyder, Troup. No – Bartello. Motion carried.

### **APPROVAL TO PAY INVOICES/VOUCHER'S PAYABLE REPORT**

Councilman Snyder moved to pay the invoices reported on the voucher's payable report in the amount of \$172,358.90 from the general fund and \$937.39 from Liquid Fuels as funds are available. Second- Eister. Unanimous vote.

### **202 WASHINGTON AVE. UPDATE**

Mayor Persing explained that 202 Washington Ave. is now owned by the City. Because block grant funds are being used the engineering part of the project is being done at this time. The Redevelopment Authority members have been in touch with a company that will tear down the present structure and bring a modular in to replace it. There are several styles of modular to choose from. This process should take 3 - 4 months. Mr. Apfelbaum said there will be an ad placed to see if anyone else wants to make a similar competitive offer they may do so. Councilman Bartello asked which way they will transport the modular to get it to the site. Mayor Persing answered the builder said they can get it there.

### **CLEAN HARBOR UPDATE**

Mayor Persing explained that DEP had a Local Municipal Involvement Process (LMIP) and elected officials and others were invited to the meeting to discuss the permit as requested by Clean Harbors to do business at the Moran site. They explained how the permit procedure works and answered specific questions. Mayor Persing said the quality of the air and what will be released into the air and if they will be hauling fracking water into the area are his major concerns. There will be at least 1 public meeting so the public may attend and ask questions regarding the permit for Clean Harbors. Mayor Persing also explained that this permit deals with residual waste, not fracking water. Mr. Vinny Clausi, North'd County Commissioner, stated that the county has a lot of employees in Sunbury and he is concerned for them and the citizens of Sunbury. He said he has faith in the local leaders to look into the matter and make sure everything is clean. He feels that some politicians in the past have not been open with the public. Mr. Clausi's concern is to protect all of Northumberland County. He offered to work together with council members on this project. Mr. Clausi went on to say that it's important to bring in new business to the county but everyone must do what's right for the county so it does not become polluted. Mr. Stephen Bridy, Northumberland County Commissioner, thanked the mayor and

council members for addressing the blighted properties problem. A comprehensive plan for the county is being put together and if the local municipalities choose to partner with the county, a lot can be accomplished. He feels the industry coming into the Moran site has circumvented the county and local government and the local government does not have the say they deserve. Councilman Snyder thanked both commissioners for attending the meeting. He said DEP has a 140-day window to look at the permit and get feedback from the communities in the area. He feels the citizens, council and county have a requirement to respond as a community and ½ of that time has already passed while the information has just started to be shared. He would like to have a special public meeting on this issue and DEP did offer to attend the meeting as a precursor to the formal public meeting DEP will have. He said the engineer would take public comment and consider it part of the public record. There has not been a lot of opportunity for the local community to have a say in this process. Councilman Snyder moved to solidify a date in preparation for the next meeting to have a public meeting and hear as much information as possible from the citizens and give DEP a chance to respond. Ms. Houser said she would get here whenever it was convenient. Mr. Clausi said as a public official, council has the power to hold the permit as long as they want and they should not let DEP push the issue. There are extensions available. Ms. Nancy Whitmer asked why there is such a need to bring this industry into Sunbury. Councilman Troup said it is because of the accessibility to the railroad. The railroad company established a bulk transfer site very quickly in the City and did not confer with local officials at all. It is the only transfer site in a 150-mile radius of a lot of the activity occurring with the Marcellus Shale industry. The permit they are requesting involves 1000-tons a day at the site. Even 1000-tons of mud is a concern, even if it does not have chemicals in it. Councilman Snyder feels 1000-tons is the tip of the iceberg for what will be brought in. He said he doesn't feel it will bring a lot of jobs to Sunbury and wonders how many of the employees will be residents of Sunbury or even the county. It is all cause for concern. Mayor Persing said he wanted to announce another new business coming to Sunbury but they aren't ready for the announcement yet. Several weeks ago he spoke to a couple that purchased a building in downtown Sunbury to bring a business in. He feels that is his job – to bring business to Sunbury. The Celotex building was an eyesore that would have sat there for years and would have just deteriorated and would have been a huge eyesore. Mr. Clausi said several years ago there were tax issues with the Celotex people. Ms. Carol Mazzeo said the permit specifically states that the acceptable residual waste will be fracking fluids, flow-back fracking fluid and sand. Councilman Troup said that is a specific question to ask DEP at a public meeting. She said the concentrations of pollutants are going to be extremely high because they are reclaimed. Ms. Mazzeo said at the LMIP meeting someone said that a lot of things will be airborne. Mayor Persing said Ms. Mazzeo was at the same meeting he attended and they were all told it is residual waste. Councilman Snyder said they asked DEP how much detail they have on the composition of the fracking fluid residual waste and the engineer said they are not sure because the fluid blends are not disclosed and different companies use different blends. DEP made it very clear they were talking about drill cuttings only. The permit details being reviewed since that meeting discloses that they are talking about fracking fluids. Ms. Mazzeo said Councilman Eister asked at that meeting if there was a list of chemicals approved for use in the industry and they could not answer that question. Mayor Persing said they said every company uses a different mixture. DEP is overwhelmed with this new industry. Ms. Jan Dockey said she feels everything is being railroaded. She asked who is paying for the fence that is going up around the site and the answer is Moran Industries. Unknown man – they are already hauling stuff in and it is stacking up. He asked if the City is being proactive and checking to see what is going on with it. Mayor Persing answered they already have a permit and are licensed to bring it in. He explained that he checks with DEP twice a month to make sure there are no issues. The code officers are on site almost every day. Mr. Ruell Whipple said the citizens do not want this industry in the City. Unknown - asked if the commissioners could bring someone in to do testing of the materials brought in. Councilman Eister said Ms. Mazzeo has done testing and has a report. Ms. Mazzeo said they obtained a sample from the site and had it tested at Sewald Labs in Williamsport and the results came back that it was in the C-10 to C-28 range which was basically diesel fuel. They took what they were given and compared it to their library of chemicals and they said there was acetone, tylene, benzene, isopropyl alcohol and many other things. Mr. Dale Henry said the drill cuttings coming in now is a different issue than what they want to bring in with the permit. He stated the reason he scheduled a meeting with council members and the county commissioners was to get a game plan, allow the public to submit questions to them and get the proper answers from DEP. Mr. Bridy asked if a sample could be obtained and tested? Mayor Persing explained that every pad is different. They must document what is used and must be documented with DEP. If a test is performed, they could tell what well it came from due to whatever is in the mud. Councilman Snyder said the new permit includes more than just drill cuttings, it includes other residual waste items but according to the permit, it is not just drill cuttings and it includes fracking fluids and other items that come out of the ground. He said he needs convinced that this is ok. Mr. Clausi said he would like the county engineer to look into it and asked the Mayor's permission to do that. Mayor Persing said that would be fine. Mr. David Whipple said when DEP was here for the LMIP, no trucks went into the site. He said when they know DEP is coming, there are never any trucks. If they have nothing to hide, why didn't the facility operate as usual? Mr. Cora Campbell said she is not against bringing industry to Sunbury but it is the type of industry that is coming in that she is opposed to for the health of people living in that area. One of the trucks coming in was rejected because it was too wet. The other truck had holes in the tarp covering the load and it was also rejected. Both trucks were rejected while DEP was on site. She is wondering

how many trucks coming in when DEP is not there that gets dumped and shouldn't be. She has a copy from DEP from January 2011 that shows radiation levels of .05-.1 and the site was unprotected and access was unrestricted. The report said the reading was not extreme but was significantly above the background level. A call will be made to the engineer at DEP to schedule a public meeting so questions can be answered. Ms. Dockey asked who would be responsible for the damage to the roads. Mayor Persing answered road repair can be done with block grant money, liquid fuel funds, and the hauling companies also pay for road repair. Councilman Eister explained that the industry is being taxed now for road repairs and he feels the City can justify getting some funding to repair roads as needed. That is why the traffic is staying on Susquehanna Ave. Front St. is a state highway. Northumberland County was initially excluded from the bill to receive any impact fees from the industry. Rep. Lynda Schlegel was checking in to why North'd county was excluded.

### **AUDIENCE COMMENT**

Mr. Bob Miller thanked Councilman Eister for the work done at the riverfront. It looks really nice and he appreciates all the work Councilman Eister has put into that project.

Mr. Dale Henry asked if a permit is necessary for a demonstration in the City. Mayor Persing said he is not sure but doesn't think so. Mr. Henry also asked if they could be out in the street stopping traffic and if there was another protest the police should be on site to make sure traffic isn't stopped.

### **LANDLORD/TENANT ORDINANCE**

A review of the final pages of the landlord/tenant ordinance occurred at the end of the meeting. The public were welcomed to stay or go as they please.

There being no further general business to discuss the meeting was adjourned at 7:30 pm so council could discuss the landlord/tenant ordinance.

Respectfully submitted,

Terry Specht  
City Clerk