

CITY COUNCIL  
Sunbury PA 17801  
January 11, 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:

Kevin Troup, City Treasurer  
John Bakowicz, City Engineer  
Brianna Apfelbaum Kula, City Solicitor  
Michael Bordner, Public Works Supervisor  
Michael Rhoads, Zoning Officer  
Terry Specht, City Clerk

There were sixty-two (62) visitors present.

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

Mayor Persing welcomed Cub Scout Pack 3333 and Boy Scout Troop 333 to the meeting.

### **MINUTES AND REPORTS**

The minutes of 12/14/15 and 12/28/15 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 Councilman Henry. Second – Eister. Unanimous vote. Minutes will be posted at [cityofsunbury.com](http://cityofsunbury.com).

### **PUBLIC COMMENT/AGENDA ITEMS**

Mr. Joe Bartello: When the first reading of ordinances occurred for the ordinance changes there were many unanswered questions about the junk yard ordinance and he did not think that was included in the first reading. It was decided that it was included as a first reading on 11/23/15.

### **CDBG**

Councilman Reichner moved to go out for bid for demolition for 714 N. 7<sup>th</sup> St. to be paid with CDBG funds. Second – Eister. Unanimous vote.

Councilman Eister moved to pass the Resolution (see attached) authorizing SEDA-COG staff to execute, on behalf of the City of Sunbury, certain documents associated with the PA DCED block grant entitlement and competitive grant programs. Second – Kremer. Unanimous vote.

### **SRI UPDATE**

Ms. Meghan Beck reported the New Year's Eve event was very successful. It was the best attendance so far. The VIP tent "Taste of Sunbury" was very well received with 12 local restaurants participating. The Veteran's Banners committee will reorganize and if anyone wants more information they can contact the SRI office.

## **REDEVELOPMENT AUTHORITY UPDATE**

Councilman Reichner moved to pass the public nuisance Resolution (see attached) naming 418 S. 2<sup>nd</sup> St. as a public nuisance. The property is vacated and abandoned however, someone went into the building and put all the contents in the yard. The code office can now work to have everything removed from the yard to remove the public hazard and safety issues. They will not have to wait the usual 30 days. Costs associated with clearing the hazard would become a lien against the property and the owner's responsibility. Second – Henry. Unanimous vote.

The next Redevelopment Authority auction will be February 6<sup>th</sup>. Properties to be named at a later date.

## **MARKET ST. UPDATE**

Councilman Eister moved to pay change order #1 for the Market St. project in the amount of \$3,450 for a catch basin replacement. Second – Reichner. Unanimous vote.

Councilman Eister moved to approve payment #2 to G & R Charles for the Market St. Project in the amount of \$89,885.44. Councilman Reichner asked if the walk through problems had been taken care of and Councilman Eister answered yes. There was a portion off Haas Ave. that was not quite level and they removed brick and leveled it off. There was also a broken stone in the wall replaced. Second – Reichner. Unanimous vote.

## **2<sup>ND</sup> READING/ORDINANCE CHANGES**

Mr. Rhoads began with the following:

In addition to the previously advertised ordinance changes there is another one for a first reading:

Article IX Neighborhood Business Section 175-49 Permitted Uses. Section L add “enclosed storage units” There were changes to this Section previously but enclosed storage units was omitted as a permitted use. This is being added because of the popularity of enclosed storage unit pods. Motion – Reichner. Second - Eister. Unanimous vote.

Second Readings (1<sup>st</sup> reading held November 11, 2015)

175-4 definition of mobile homes change to “Pre-manufactured housing” Motion – Reichner. Second – Kremer. Unanimous vote.

175-65 Mobile home parks. (Pre-manufactured Home Park). Mr. Rhoads explained the minimum mobile home park area would be changed to at least 10 acres, sidewalks must be a minimum of 5’ in width, the maximum height of any building shall be 15’ (one story) and no more than 30% of any lot shall be covered by structures. Motion – Reichner. Second – Kremer. Unanimous vote.

175-4 (definition) The addition of appliances, containers, parts of trailers and parts of utility trailers. After general discussion it was decided to add drums instead of containers and utility trailers and parts of utility trailers. Mr. Bartello asked how that conflicts with the closed containers because it originally says any structure used for the collection of the items listed. Mr. Rhoads said for the change #3 is applicable: “Carports or tarps or any other types of temporary coverings do not constitute the proper covering or storage of materials or objects.” It must be stored in an enclosed structure. Mayor Persing said the intent is to not allow junk to be stored unless it is in an enclosed structure. It does not pertain to garages with junk vehicles. Ms. Regina Russell asked if it would apply to the trailer she has complained about because it is not enclosed, the door to the back is open. The fire company that owns that trailer will be asked to enclose that unit. Mr. Bartello asked about enclosing a carport and Councilman Reichner said there are setbacks that would come into play and they would need a permit to do that. If it is not permissible they would not be able to get a permit from the code office. Mr. Donald Heilig said there was a structure around his carport and he asked if he could put metal to store in there so he only runs to the recycler once. Mr. Rhoads said the structure around the carport would have to be permanent. Setbacks for a carport are different than for an enclosed structure. Mr. Bartello asked what about having metal roofing laying in your yard and Mr. Rhoads said that would be considered scrap metal and would not be allowed. Firewood would not be included in “scrap.” Mr. Bob Werline asked if that included boat trailers and the answer was

anything unlicensed and in a state of disrepair would be included. An unidentified person said he was called and told he should attend the meeting because firewood is included in items you cannot store. A statement “Firewood is not included” will be added to the definition and 175-70.

175-70. Change containers to drums, and trailers to utility trailers and parts of utility trailers Also add (3) Carports or tarps or any other types of temporary coverings do not constitute the proper covering or storage of materials or objects. Include scrap wood. Due to the discussion above 175-4 definition and junkyards prohibited 175-70 are both tabled. Mr. Rhoads stated that on 12/22/14 city council members voted to adopt a Resolution to adopt the 2009 Uniform Construction Codes.

175.74 Parking Lot Screening and Landscaping. It was agreed upon to remove “No interior area of a parking lot shall be without at least one shade tree.” Motion – Reichner. Second – Henry. Unanimous vote.

175-73. Supplementary. Add B Radio Transmission and Receiving Towers. A tower was installed on Reagan St. because there was nothing to stop it from going in through ordinances. There were no changes already agreed upon by council for the 2<sup>nd</sup> reading. Motion – Reichner. Second – Henry. Unanimous vote.

175-4C (74) Mental Health Establishment. Change wording to “intellectual disability.” Motion – Reichner. Second – Kremer. Unanimous vote.

Chapter 35 Police Department -1. Number of members – delete altogether. Motion – Persing. Second – Eister. Unanimous vote.

**PAY INVOICE/G & R CHARLES/CHESTNUT ST PROJECT**

Councilman Eister moved to pay G & R Charles for payment application #7 in the amount of \$87,891.29 from CDBG funds. Second – Kremer. Unanimous vote.

**RELIEVE TAX COLLECTOR FROM COLLECTION OF 2015 TAXES**

Councilwoman Kremer moved to relieve the tax collector from collecting 2015 taxes, per Pennsylvania law. Second – Henry. Unanimous vote.

**APPOINT DELINQUENT TAX COLLECTOR**

Councilwoman Kremer moved to appoint Statewide Tax Collection as the delinquent tax collector for 2015 taxes. Second – Henry. Unanimous vote.

**DELIVER DELINQUENT TAXES**

Councilwoman Kremer moved to deliver the delinquent taxes to Statewide Tax Recovery so they can begin their collection process. Also, the county and school will get the personal and real estate taxes to collect. Second – Henry. Unanimous vote.

**2016 BOARD APPOINTMENTS**

The following are being reappointed to boards (1 new appointment is Brad Willard to the Park & Recreation board for a 1 year term):

- |   |            |                                |
|---|------------|--------------------------------|
| <u>Civil Service Board (3 year term):</u>     | Reappoint: | Robert “Toby” Lytle            |
| <u>Housing Authority Board (5 year term):</u> | Reappoint: | Bill Shipman                   |
| <u>Redevelopment Authority (5 year term):</u> | Reappoint: | Jeff Balestrini                |
| <u>Zoning Hearing Board (3 year term):</u>    | Reappoint: | Owen R. “Bob” Lagerman         |
| <u>Planning Commission (4 year term):</u>     | Reappoint: | Larry Welfer and Lisa Pfleegor |
| <u>Board of Appeals (3 year term):</u>        | Reappoint: | Gary Wolfe                     |

Municipal Authority Board (5 year term): Reappoint George Groff

Recreation Board (4 year term): Reappoint: No vacancy for 4 year term  
Reappoint: 1 year term: Mindy Hoffman, Brad Willard (new), Jenna Eister-Whitaker, Eric Long, Barry Attinger

HARB (4 year term): Reappoint: Rocky Baer and Aimee Buehner

Councilman Eister stated that Jenna Eister Whitaker is his daughter. Councilwoman Kremer moved to reappoint and appoint Brad Willard to the boards for 2016 for their new terms. Second – Reichner. Unanimous vote.

### **APPROVAL TO PAY INVOICES**

Councilwoman Kremer moved to pay the invoices reported on the voucher's payable report in the amount of \$191,764.55 from the General Fund and \$3,071.95 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.

### **MOVE GENERAL FUND**

Mr. Troup explained that BB&T is no longer a community bank. He put out an RFP to all Sunbury banks and Service First Credit Union because they will be moving to Sunbury in 2016. The two that gave the best proposal were Northumberland National Bank and Swineford Bank. Many wanted to charge fees and charge for the checking account. Councilman Shipman, Ms. Apfelbaum Kula and Ms. Specht all looked at the proposals and everyone agreed the best deal came from Northumberland National Bank. Ms. Russell asked if the city controller agrees with the move. Mr. Troup said he kept the controller and the mayor out of the decision making on this issue so there would be no conflict of interest if the controller was involved. Mr. Troup also said he went to the cash management teams at the banks and discussed the move with them. Ms. Julie Broschious asked if he tried the West Milton Bank and Mr. Troup said he wanted to keep it in Sunbury. Councilwoman Kremer moved to move the general fund and private grants, fire demo, police grants and the debit card accounts to Northumberland National Bank. It will be a slow move due to accounts payable and payroll. Second – Henry. Yes – Reichner, Henry, Eister, Kremer. Abstain – Persing. Motion carried.

### **AUDIENCE COMMENT**

Ms. Becky Enders: The traffic light at 5<sup>th</sup> & Market St. does not seem to be working properly and you cannot turn on red. Police vehicles do not obey the no turning sign. There is a drain at Reagan St. and Fairmount Ave. that is very deep and she is afraid it would break a vehicle's axle. Councilman Henry said he will contact the Municipal Authority about that.

Ms. Aimee Buehner: The traffic light at 5<sup>th</sup> & Market St. does not change properly. Councilman Henry said 2 weeks ago they had that checked and there was something wrong with the panel and it needed new parts. It turns red very quickly after turning green on 5<sup>th</sup> St.

Mr. Don Heilig: Wanted to purchase a solicitation permit but it is \$50/day or \$500/month. He feels that is too high. He wants to offer a survey to receive a free bottle of Pepsi and it helps him know what kind of vacuums cleaners are in the city. Other municipalities are about \$6/day to \$8/day. Councilwoman Kremer explained the reason for that is because there are so many complaints from residents that do not what solicitors at their door. Mr. Heilig said the city is losing money because he would purchase the permit if it was reasonable. He said there is a criminal element involved. He has to pay for his own fingerprints and back ground checks for himself and his employees. Councilwoman Kremer said there are a lot of elderly in Sunbury that may get confused when people come to their doors and are being taken advantage of. Mr. Heilig said that is not the American way and capitalism. It is a big part of making money and the do not call list. Mr. Heilig said some people are soliciting without permits and Councilwoman Kremer said when they find anyone like that the

police are called. Mr. Heilig said since he is a business owner in the city he feels there should be exceptions to the law. He said the restaurants are hanging coupons on doors and not purchasing permits. Mayor Persing said this is an old ordinance and he will see that council members receive a copy of it for review and they will decide if it should be changed. He said with a customer survey it is not illegal because he is giving something away, not selling anything. Ms. Aimee Buehner said hanging things on doors is probably different than knocking on doors. Mr. Heilig said Boy Scouts sell cookies and do not get a permit. Mr. Troup said they are non-profit organizations. He also said he was told a police officer can walk onto a property to tag an improperly registered vehicle but if it is facing in so the license can't be seen, can they do that? Mayor Persing said there is an ordinance that says you cannot have an unregistered vehicle on your property. He said the ordinance will be legally enforced. Mr. Werline said it is against state code for anyone to walk on your property for that purpose. Mr. Heilig showed pictures to council of a trailer at 5<sup>th</sup> St. & Line St. It has been there since 2004 and the wheels are sinking into the ground. There are no tags on it either.

Mr. Dave Whipple: There are vehicles on N. River Ave. that are sitting for weeks at places that have no parking signs. The windows are smashed and tires are flat. Doesn't the police department ever cruise around the city?

Ms. Donna Swanger: Asked Councilman Reichner how many occupants can reside in a ½ double home. She said it should not be legal for 3 families/12 occupants to live in one home. Mr. Rhoads visited the home in question where a family with 3 adults and 2 children live. They watch 2 or 3 younger children during the day. When he visited the property with the owner, everything was legal. There were no extra mattresses in the home including in the attic and basement. Ms. Swanger said at least one of the bedrooms is wall to wall mattresses. Mr. Rhoads did not observe that. He does have to give the tenant 24 hour notice before entering the home. Mr. Swanger said on the weekend there are many people there and the street is lined up with vehicles.

Ms. Jan Dockey: What do people do that are asking for votes or signing petitions for office. Do they have to pay a solicitation fee? Mayor Persing said he does not know without looking at the ordinance and that is why they are going to review it.

Mr. Rick Stahl Jr.: Said he rides a motorcycle and he can sit at a red light for a long time because his bike is not heavy enough to trigger the light changing. He wants to know what would happen if he would go through the light when it stays red. He lives in an unnamed alley and every time it rains it floods his yard at 2<sup>nd</sup> St. & s. River Ave. It is a 4" pipe to take the water away and it is probably not enough to move the water fast enough. Mayor Persing said they would let the Municipal Authority know of about this issue. Councilman Eister said the SMA knows about it. Ms. Julie Brosicous mentioned her property still floods. Councilman Reichner said Mr. Stahl should attend the SMA meetings and report the flooding issue.

Ms. Regina Russell, Community Activist: The street light at S. 4<sup>th</sup> St & Walnut St is not working properly. Councilman Eister explained that is a PPL pole so someone will have to get the number to report it. Ms. Julie Brosicous said there are a number of lights throughout the city that are out. Councilman Eister said he is aware of that. The ornamental lights belong to the city. If it is on a wooden pole with a tag with a set of 2 numbers, it is a PPL pole. Anyone can call PPL with the number on the pole and let them know the light is not working properly.

Ms. Julie Brosicous: What is the status of the police force? She said the mayor said in the media that 2 officers may be fired. Why is he talking to the media and not the residents at the meetings? Mayor Persing said nothing is new. He met with Ms. Apfelbaum Kula and she is to let Ballard Spahr know that he wants it done by January 25<sup>th</sup>. What he can release he will.

Mr. Jim Snyder: Asked Councilman Reichner if he has the information he requested regarding permitting for SUNOCO sub-contractors. Councilman Reichner said he has the information to give to Mr. Snyder. There is a contractor and 3 subs. Mr. Snyder said he does not agree with that. Mr. Rhoads said another contractor came on-site today and he instructed them to go to the code office to get registered – it was R. H. Markon and they are finishing trim. The general contractor is JEB and the subs are Lock Haven Plumbing and Heating, L G Dickey Contracting and Rick's Refrigeration. Mr. Snyder asked who put the blockwork up and Mr. Rhoads answered JEB Construction. JEB Construction builds 10-12 SUNOCO's a year and they do most of the work themselves. Ms. Brosicous asked why Stadium Dirt was there and Mr. Rhoads said SUNOCO put 2 rain gardens in so they were probably hauling the dirt off site. They would not need a contractor's license to do that.

Mr. Snyder asked who put the barricade fence up because there is a sign on it that says J & B. He also asked if he was receiving a citation on the water cooler installation. Councilman Reichner said he does not know. Mr. Snyder asked the mayor if he knows of Metro Service Specialties. Mayor answered he doesn't think so. They were doing work at the ASA building. It was determined it was Scott Kline doing the work on a furnace at the ASA building and he does have a contractor's license. He is moving back into the area from Texas.

Ms. Cora Campbell: What is happening with the jail and the Celotex site? Mayor Persing said he read in the paper that Commissioner Shoch wanted to pursue other locations. The county purchased the land. There is no state money to be released to use for grants.

Ms. Regina Russell: Has anyone discussed what will be done with the old prison? Mayor Persing explained that is a county building and the city cannot do anything about it unless the county hands it over to the city.

Mr. Don Heilig: The carpets are dirty at the police department and he would like to clean them for free. He was told he could not do that. Mayor Persing said no, the police department nor the city can accept free gifts.

Ms. Julie Broschious: Asked if there has been initial designs on the new prison at the former Celotex property. Mayor Persing answered the county has had meetings and a groundbreaking ceremony. Ms. Broschious said Mr. Eister was involved in the meetings. Councilman Eister said they did a survey and an engineering study. That has nothing to do with the city. Councilman Reichner said the county got a permit to demolish the silos on that property. Ms. Broschious asked if they received any storm water management plans from that property. Councilman Reichner said the requirement to have that submitted is when they start the building.

## **DISCUSSION**

The brush pile is closed until further notice.

There being no further business the meeting was adjourned at 7:45 pm.

Respectfully submitted,

Terry Specht  
City Clerk