

CITY COUNCIL  
Sunbury PA 17801  
May 14, 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  
James R. Eister, Director of Parks, Recreation and Public Buildings

Other City officials in attendance:

Elizabeth Kremer, City Treasurer  
Michael Apfelbaum, City Solicitor  
John Bakowicz, City Engineer  
Stephen Mazzeo, Chief of Police  
Michael Bordner, Public Works Supervisor  
Michael Rhoads, Property Maintenance Inspector & Fire Chief  
Terry Specht, City Clerk

There were thirty-nine (39) visitors present.

### **MINUTES AND REPORTS**

The Minutes of 4/9/2012 and 4/23/2012 and the available departmental reports of the Police Dept., Treasurer's Office, Controller, Health Dept., 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 are in the City Clerk's office for review. Motion to accept Eister. Second – Snyder. Unanimous vote. Minutes will be posted at [cityofsunbury.com](http://cityofsunbury.com). Effective for the June meeting, the reports will be sent to council members prior to the meeting, instead of making printed copies. Councilman Bartello requested the reports before the day of the meeting.

### **PROCLAMATION/2012 POLICE WEEK**

Mayor Persing read the proclamation for 2012 Police Week (see attached) and Tuesday May 15<sup>th</sup> as Police Officer's Memorial Day.

### **SRI UPDATE**

Ms. Meghan Beck told council the Bitner Building study has been completed. A meeting is being held to see if tax credits can be used for that building. Mr. Apfelbaum asked what that means and Ms. Beck answered there are tax credits available for renovating historic buildings. The city-wide yard sale is scheduled for June 9<sup>th</sup>. The Valley's Got Talent contest will be held on August 16<sup>th</sup> and River Festival is August 17<sup>th</sup> and 18<sup>th</sup>. The New Year's Eve celebration plans are coming along and children's activities will be included.

### **REDEVELOPMENT AUTHORITY UPDATE**

Mayor Persing said there was a successful auction at 349 Chestnut St. – the property sold for \$17,000 and that property will be put back on the active tax roles. The Redevelopment Authority will choose who will be putting a modular home on the property at 202 Washington Ave. and that announcement will be made at the next council meeting. 608 S. Front St and 128-130 South St. will be demolished soon. The property at 716 Packer St. has been torn down and a community garden has been created on that lot. Councilman Eister added that the property at 1031 N. River Ave. has been torn down and most of the debris has been hauled away.

### **RIVER FRONT PROJECT**

Councilman Eister said the project was shut down for a few days for rain. The project is still pretty much on schedule to be finished by May 31<sup>st</sup>. The grass will not be growing by May 31<sup>st</sup>. Councilman Snyder asked about concrete pads that could be put in place to allow vendors to sell goods during events. Councilman Eister said they are working on a junction box for the marina itself and vendors can plug in there. There probably will not be any concrete pads. Mr. Bob Miller said he was at a meeting at the hospital last week and corporate bosses from Tennessee drove up Front St. and they love the way it looks.

## **OPEN BIDS FOR MEMORIAL DRIVE PROPERTY**

There were 2 bids received for this project after notification was re-sent to all banks in Sunbury. The bids were: Northumberland National Bank at 2.5% fixed rate for 10 years with \$300 in bank fees and Swineford National Bank at 2.96% fixed rate for 5 years and the remaining 5 years would adjust based upon a formula provided and a \$500 Loan Origination Fee. Councilman Eister moved to award the bid to the apparent low bidder, Northumberland National Bank and authorize the mayor to sign all documents. Second – Snyder. Yes – Persing, Snyder, Eister. No – Bartello. Motion carried.

## **HILL NEIGHBORHOOD IMPROVEMENT DISTRICT (NID)**

Councilman Bartello said he had some requests from Hill residents for council to officially end the NID process. If it starts again, council could once again vote on it. Councilman Eister said council always had control over the issue. The meeting that was held was just to see if residents were willing to have a study done on the subject. Councilman Eister said after the meeting to discuss the NID, someone told him that Councilman Bartello went to the code office the next day and reported that he had been at Mr. Bob Lagerman's personal home and the porch was not up to code. Councilman Bartello said that had nothing to do with the meeting because he was at the house to deliver a letter to him and he noticed the handrail was insufficient and he asked the code office to send him a letter to tell him the handrails don't meet code. Councilman Eister said he didn't think the City did owner occupied home inspections. Mr. Lagerman has been a volunteer for the City for many years and he does not think an official letter should be sent to a home-owner for his own home and he thinks Councilman Bartello was retaliating against Mr. Lagerman because of the NID meeting. Councilman Eister said a phone call would have been sufficient or he could have verbally told him when he was on the porch. Mr. Lagerman asked where the rail was missing and Councilman Bartello said you have to have enough to grip and the treated wood at the top is not enough to grip. Councilman Eister apologized to Mr. Lagerman. Mr. Lagerman said he thinks this incident stemmed from a Hill Neighborhood meeting held at the hospital. Councilman Bartello said that is wrong. Mayor Persing said you can't go to a privately owned home and point out code issues. Councilman Bartello said even privately owned homes must meet codes. Mayor Persing asked Ms. McLaughlin if this issue is over in the Hill Section and she said she is not doing anything further with it. Ms. McLaughlin said Mr. Fontana told the agencies at the state not to fund this project for Sunbury. SRI board members are meeting with him to discuss further fundraisers. Mr. Lagerman said the NID session was an attempt to sustain the Elm St. project. The state has already told them the City dropped the ball with the Main St program years ago and the chances of ever getting another Main St. are nil. If Elm St expires, that will be the end of any future Elm Sts in Sunbury. Mr. Fontana told them if the communities sustain their Elm St programs they will receive funding from the state as it is available. Mayor Persing said he agrees with that and he thinks council will look at budget time to see if any of it can be funded locally. Mr. Lagerman said it is a 3-way project involving the City, the Hill Neighborhood and SRI and all 3 must be involved for it to be sustainable in years to come. Councilman Bartello moved to withdraw council's support of the NID project. Second – Persing. Unanimous vote.

## **LANDLORD/TENANT ORDINANCE**

Mayor Persing said instead of looking at 28 pages of Berwick's ordinance, in order to keep this change moving forward, he added portions of that ordinance to the City's Chapter 134 that he felt were important. He asked council members to review it and let him know of any changes they think should be made within the next 2 weeks. A public meeting will be scheduled so landlords and tenants can attend and participate in the discussion. The changes will clearly show who is responsible for what. He would like to get something in place by August 2012.

## **3<sup>RD</sup> PARTY INSPECTION SERVICE**

Mayor Persing stated that there must be a better way for a 3<sup>rd</sup> party inspection service to interact with businesses trying to upgrade or build new buildings. There always seems to be an issue – Dunkin Donuts and the car wash are 2 examples. Now there is an issue with a parking lot. Mayor Persing thinks perhaps the Appeals Board needs to be more active. Councilman Bartello said the parking lot job was shut down because they did not have a permit. Mayor Persing said 3 months ago the owner turned in the plans for the demolition of the building and the creation of the parking lot. 30 days later BIU told him what was owed for the permits for the work to be done. The pavers were supposed to be there the next day and the job was shut down because they didn't have the proper permit for electric in the parking lot. Mayor Persing said he is working hard to get people to invest in Sunbury and they come and have to deal with issues like this. He further stated that someone at a prior meeting said contractors don't like to work in Sunbury. Councilman Bartello said that is because of the fees, not the inspection people. Mayor Persing has had several meetings with Mr. Hudack from BIU. Councilman Eister said the inspector never showed up to look at the rubber roof at the car wash that is being renovated and it wasn't a ½ hour job, it took days. The inspector is only in Sunbury 3 hours a week which naturally slows the project down. Councilman Snyder said a vote was taken 2 meetings ago to open up discussions with other vendors. 3 vendors answered the RFP. He said with the existing

contract, a grievance could be filed to change the representative from BIU that services the City. It seems like he is the one everyone takes issue with. Mayor Persing said he has already met with him twice but is willing to meet again. Councilman Snyder also suggested the solicitor should send a letter to the company and state that several meetings have taken place and things need to be fixed in a specific time frame or the contract will be considered void. Councilman Bartello said he is trying to get permits for where he works and was told it would be 4 weeks for the permits to be issued. Councilman Snyder said there isn't a transition plan at this time so it would not be a good idea to drop the company servicing the City now. Councilman Eister said initially the inspector was in the City more than 3 hours a week. Councilman Bartello said BIU was short on man power so they asked if they could be in Sunbury shorter hours. Councilman Eister and Snyder are supposed to meet to look at the RFPs that were received. Mr. Apfelbaum said there are several options – terminate the current contract, renegotiate the current contract or leave it as status quo. A business decision should be made by council. Mr. Scott Johnson asked if it would be possible to hire someone locally to do the 3<sup>rd</sup> party inspections and the answer is there are certifications that have to be completed for business and new residential inspection. Mr. Rick Reichner asked if he heard correctly that the company requested to have the number of hours in Sunbury reduced and the answer is yes they did. He also asked if anyone in-house could be certified and the mayor answered that it takes many years to be certified. At the end of discussion, Mayor Persing moved to send BIU a letter terminating the agreement between the City of Sunbury and Building Inspection Underwriters (BIU). Second – Eister. No- Bartello. Yes – Persing, Eister, Snyder. Motion carried.

### **PLANNING COMMISSION/SETBACKS**

Mayor Persing explained that he and council received a letter from the Planning Commission asking for changes that would allow new construction to take place that would duplicate dimensions and setbacks of the previous structure. Fire separation should be a consideration. Some of the small areas that are being created by tearing buildings down do not allow other structures to be added. Mr. Rhoads said this stemmed from when the City was discussing implementing Smart Codes.

### **CODE OFFICE APPEAL PROCESS**

The Board of Appeals was active several months ago and will probably meet again soon.

### **PCTI/WOLVERTON ST PROJECT RESOLUTION**

Councilman Eister moved to pass a Resolution (see attached) that will allow funds to be broken out into the costs of the phases as requested by PA DOT and authorize the mayor to sign all documents. Second – Bartello. Unanimous vote.

### **TEMPORARY SUMMER HIRES/PARK & REC**

Councilman Eister moved to hire temporary seasonal help such as lifeguards, concession stand, playground supervisors and grass cutters. Second – Persing. Unanimous vote.

### **TEMPORARY SUMMER HIRES/DPW**

Councilman Eister moved to hire temporary seasonal help for public works. Second – Persing. Unanimous vote.

### **PAY RAISE/DPW**

Councilman Eister moved to give a pay raise to Mr. Timothy Grubbs in the public works department in the amount of \$1.00/hour. Second – Bartello. Unanimous vote.

### **VOUCHER'S PAYABLE REPORT**

Councilman Snyder moved to pay the invoices reported on the voucher's payable report in the amount of \$453,453.56 from the general fund which includes the police pension annual payment in the amount of \$280,286 and \$429.05 from Liquid Fuels as funds are available. Second- Eister Unanimous vote.

### **TAX EXONERATION**

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

### **BLACK DIAMOND ENERGY CONSULTANTS, INC.**

Mike from Black Diamond Energy Consultants, Inc. explained to council that his company does not work for any one specific electric company. They will take the bill and shop it around to the 15 largest

electric suppliers to get the best rate. They are based out of Mt. Carmel and have worked with other area municipalities. The City is under contract until January but they would like to get copies of the electric bills to see what rate they can give. PPL prices at this time are trending up due to natural gas prices being so low but they will be going up as natural gas prices go up.

### **ADDITIONAL WAY-FINDING SIGNS/PARKING LOTS**

Councilman Bartello said this was discussed at a previous meeting and Councilman Troup said there were enough signs indicating where parking lots are. Councilman Bartello said he has not been able to find any of them except one on S. 4<sup>th</sup> St. He suggested putting a committee together of Councilman Snyder, Troup and himself to see where they should be placed.

### **AUDIENCE COMMENT**

Unidentified audience member – said that it was mentioned how nice Front St. looks and the area at N. Front St. now has chain link fence, a privacy panel and barbed wire on it. Mayor Persing said that was put up when the big, old, ugly building was taken down. He asked why such a fence was required to safeguard perfectly safe and non-harmful materials. Mayor Persing said there are playgrounds and the Municipal Authority have fences around them. Another unidentified person said he was not aware of playgrounds with barb-wire fence around them. Councilman Eister said there is a playground in Sunbury with a chain link fence and barb-wire fence around it. It is not owned by the City. Second unidentified man said he didn't want to see in the Moran site until the privacy fence went up and now he does. Mr. Rick Reichner said at one time all the playgrounds had barb-wire around them, including at schools to keep unwanted people out. Mr. Fred Campbell asked if the property was privately owned and Mayor Persing answered yes. Mr. Campbell said if it is legal, they should be able to put a fence with barb-wire on it if they want to. Councilman Eister asked Mr. Rhoads if they had a permit to build the fence and Mr. Rhoads answered yes.

Ms. Gail Leighty asked council to go on the record that there is nothing hazardous coming into the lot. Mayor Persing said nothing has changed – it's the same thing that has been going on. She asked if there was hazardous waste coming into that lot and Mayor Persing answered no. She asked why it was being shipped to Ohio and Councilman Eister said Ohio has the landfill space for it. Unidentified audience member said there are landfills in PA that can take all sorts of material but the really hazardous materials have to go to West Virginia and Ohio and that indicates that they are extremely hazardous. Mayor Persing explained that Clean Harbor is not bringing anything in to the Moran site because they are still in the permit phase. Ms. Leighty then asked if the Mayor is saying when Clean Harbors gets their permit, there will be no hazardous waste coming in? Mayor Persing said yes, the permit does not include hazardous waste. Councilman Snyder said everyone knows he is not in favor of the residual waste being brought in so he is adamantly against any non-compliant hazardous waste being included in that mix. Mr. Apfelbaum said what everyone is talking about is a land-use plan and when that is presented to the code office, it would be brought to city council. Mr. Rhoads said yes and there is an ordinance that protects the City from having hazardous waste brought in. Mr. Apfelbaum raised this issue to show that city council is limited to what the codes of the City of Sunbury say. With those codes, a land-use plan must be presented and that plan does not allow hazardous waste. Councilman Snyder said in the past council agreed to send a letter to the companies that occupy the site as well as the property owner requesting permission to go to the site and complete an independent analysis of whatever was there. That letter was never sent requesting that analysis. He said it should be reconsidered or find out why it isn't being sent. Council also agreed to pay for the study if needed and citizens have also offered to pay for the analysis. Councilman Snyder said if citizens are making a request to get an independent analysis done, it would behoove everyone to get it completed. Councilman Eister asked what would be checked. Councilman Snyder said current materials being stored and transported in and out of the facility. Mayor Persing said you can get that information right now from DEP. Councilman Snyder said DEP indicated at the meeting they do not have a clear understanding of all of that. Mayor Persing said DEP can identify what comes out of each well so they should be able to test the sample. Mr. Robert Werline asked what would happen if there would be a spill and it goes into the water system and chemicals from frack come in and cause other chemicals which are hazardous. Mayor Persing said those trucks go up and down Front St. every day but don't go to the Moran site. Mr. Dale Henry said the residual waste is being transported to Ohio because they are getting a better rate than they can in PA. Lycoming County is the closest landfill to the area and they are close to being capped (almost full) and can't take residual waste if they were guaranteed a lot of money per ton right now. Mr. Henry also said the public water system comes from ponds; there is no well water in the City. In the summer the water is drawn from the creek if the ponds get low and in extreme droughts it is drawn from the river. Sunbury's intake is on the far-side of Route 11. Councilman Bartello said the City's ordinances are vague enough to protect Sunbury and the zoning hearing board could block anything they feel is hazardous. Mr. Cora Campbell said the permit says they are bringing frack water in and Mayor Persing explained it says fracking fluid waste, not water. There are no tank trucks coming into the site with fracking fluid. Ms. Campbell asked what the 7 big tanks are on the site if it isn't going to be fluid and the answer is they are being stored there to be moved out. Ms. Carol Mazzeo told Mr. Apfelbaum she distinctly showed him part of the permit, and

she asked him if it did not say fracking fluid, flow back and fracking sands. Mr. Apfelbaum answered he does not have it in front of him and he is not subject to cross examination and he is not an environmental expert. Ms. Julie Brosius asked if anyone checked with Watsonstown to see why the process was stopped in Watsonstown. Ms. Brosius said they wanted to establish the same type of process that is on the Moran property. Mr. Henry said Watsonstown was going to be having frack fluids brought in and that process was stopped.

An unidentified audience member asked if there are any plans to pave the area near 8<sup>th</sup> St & Line St. She said the pavement is disintegrating. Mr. Bordner will check that area out. She said she recently moved to Sunbury and wondered why council is not looking to build a motel or business center instead of a frack disposal area.

Mr. Werline said the street in front of the high school is in bad shape because of repairs to lines made by UGI. Ms. Rose Reitz said her husband contacted UGI and they said they will be repairing streets in Sunbury beginning June 28th. He also asked if there was a solution for renters coming into the City and having to be registered. Mayor Persing explained this will be part of the landlord/tenant ordinance which will be discussed at the next several meetings.

Unidentified audience member said she works at the soup kitchen on Thursdays and serves on the board of Elijah's Bowl which is open every Saturday. She invited council members to stop by. There are a lot of people that have lost their extended unemployment and are in extreme need. Haven Ministries receiving 3 calls a day asking for housing. This problem is going to be increasing if Sunbury does not get more industry to provide employment.

Ms. Carmen Campbell asked if it was ever considered to build a theater in Sunbury. Mayor Persing said several years ago he sent letters to several different theater companies and no one is interested in building in a downtown area plus they want to put in 10-12 theaters instead of just 1 free-standing one.

Ms. Diane Whipple said Chestnut St. is very dangerous and could a yellow line be put down the middle so vehicles do not cross lanes. Mr. Bordner will check with PA DOT.

## **ANNOUNCEMENTS**

Team Sunbury is a new concept that everyone will hear more about in a few weeks. Mayor Persing is asking local financial people to sit on the committee and once a quarter they will get together and discuss ways to improve the City. There are several main properties to look at to see what they can be used for. Mr. Charlie Ross from the Greater Susquehanna Valley Chamber of Commerce has agreed to join the committee.

The city-wide camera program is progressing. A bid request will be sent out soon for materials only. Businesses will be asked to participate. Cameras will be put at riverfront on both sides of the wall, near Ft. Discovery and the ball fields, the Burger King parking lot near the police department and Market St. Councilman Snyder said most importantly, there are cameras that will be mobile. This way crime can be followed where crime goes.

The community garden is not yet full. If anyone is interested in a lot they should contact the mayor's office.

There will be no council work session on May 28<sup>th</sup> because it is a holiday.

There being no further business the meeting was adjourned at 8:00 pm.

Respectfully submitted,

Terry Specht  
City Clerk