

CITY COUNCIL  
Sunbury PA 17801  
June 8, 2015  
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  
John K. Shipman, 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 E. Troup, City Treasurer  
Michael Apfelbaum, City Solicitor  
Brad Hare, Police Chief  
Michael Rhoads, Zoning Officer  
Kenneth Long, Workforce Assistant Supervisor  
Terry Specht, City Clerk

There were forty (40) visitors present.

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

**An executive session was held prior to this meeting at 5:00 pm to discuss personnel issues.**

**POLICE COMMENDATION**

Chief Hare announced that Cpl. Travis Bremigen and Officer Bradley Slack answered a call at a residence where an obstetrics emergency was occurring. Cpl. Bremigen helped with assisting in the delivery of a baby boy. Officer Slack heard Cpl. Bremigen say the baby was coming and he ran downstairs and sat with the other child in the house, keeping her calm and painting her fingernails. He presented Cpl. Bremigen and Officer Slack with a commendation. They both went above and beyond the call of duty. The family whose child was delivered was also in attendance at the meeting. Cpl. Bremigen said mom was very calm during the ordeal.

**MINUTES AND REPORTS**

The minutes of 5/11/15 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 Eister. Second – Henry. Unanimous vote. Minutes will be posted at [cityofsunbury.com](http://cityofsunbury.com).

**PUBLIC COMMENT/AGENDA ITEMS**

Mayor Persing asked for comments on agenda items and there were none.

**SRI UPDATE**

Ms. Meghan Beck reported that Wake the Lake was a huge success with about 450 people in attendance. In 2 weeks the Renaissance Festival will be held at Riverfront. On June 28<sup>th</sup> from 2 to 4 pm there will be a concert on the Riverfront.

## **REDEVELOPMENT AUTHORITY UPDATE**

Councilman Reichner acting on behalf of the Board of Health moved to pass a Resolution (see attached) to declare the property located at 326 Walnut St. a public nuisance. Second – Eister. Unanimous vote.

Councilman Reichner acting on behalf of the Board of Health moved to pass a Resolution (see attached) to declare the property located at 113 S. 3<sup>rd</sup> St. a public nuisance. Second – Henry. Unanimous vote.

Councilman Henry moved to pass a Resolution (see attached) to affirm and ratify that public auctions were held on May 16<sup>th</sup> for properties located at 449 Race St., 139-141 Church St. and 601 Edison Ave. Second – Reichner. Unanimous vote

## **CHANGES TO ARTICLE IX NB NEIGHBORHOOD BUSINESS DISTRICT**

Councilman Reichner moved to pass on a 2<sup>nd</sup> reading the changes to Article IX Neighborhood Business 175-49 and 175-51 and 53 (see attached). Second – Eister. Unanimous vote.

## **CHANGE PARCEL NUMBERS**

Councilman Reichner explained that the following parcels should be changed from Industrial Park to Neighborhood Business: 01-05-0061, 04-05-004A and 04-05-0003. That is the former Celotex site complex. Mr. Apfelbaum said before a 2<sup>nd</sup> reading the property needs to be placarded. Mr. Joe Bartello asked if there were any testing results back from the property that is being rezoned. Councilman Reichner answered the city is not doing any testing but the county is. Mr. Bartello asked why it would be changed to Neighborhood Business because residential properties could be built there including nursing homes. Mr. Rhoads said that is correct. Councilman Reichner said the plans are to build a prison, court house and pre-release center. Mr. Bartello said people can build in there and would not have to go to the zoning hearing board. The county requested this change. There are restrictions on Industrial Park. Ms. Julie Broschious asked what the intentions are for enforcing storm water management which is an ongoing problem at her property. There has been silt going into the storm water with the recent storms. Years ago Mr. Brockman asked Mr. Rhoads to check the run-off and he said there was no problem. At the 2<sup>nd</sup> St. bank of the Bimbo property you can see how it is rutted and the dirt is coming off and going into the storm water receptacle. ¾ of her yard floods and no one will do anything about it. Councilman Reichner said he will get in touch with the Municipal Authority and Ms. Broschious said they are aware of it. Mayor Persing explained that this has been going on for 30 years and it is such a massive project no one can afford to do anything with it. Ms. Broschious said Chestnut St. is being refurbished and there was money found for that. By not doing anything about it, they are creating problems for her. She would like to repair her garage or plant in her yard but she can't. 2 properties near her put improper fill in which left her property like a canal. Mr. Apfelbaum asked Mr. Rhoads to make sure when the storm water management process goes through as part of the land development plan, it must be made clear that there is a problem. When the city engineer evaluates the land development plan that will be a part of it. Ms. Broschious said near the laundry area the street also floods. Councilman Reichner said he does not know what is happening with the utilities with the county plans but he does know the Municipal Authority wants to run lines to and into the pond on 4<sup>th</sup> St. for storm water. At one time the Municipal Authority did some renovations and some residents said it did help. Another situation Ms. Broschious brought to Dan Ramer's attention is that during the last storm, the water in the drain on 2<sup>nd</sup> St. behind the Rescues is starting to spout up 2' in the air. Mr. Ramer told her there are times when the covers have blown off because of the force of the water. Councilman Reichner said there is a meeting with the Municipal Authority coming up and he will discuss this with Mr. Ramer. Ms. Broschious is going to invite Channel 16 to come look at the situation. No vote was taken at this time.

Mr. Ruell Whipple said his place gets flooded since they put curbing in, in 1957. They took a storm sewer out. People drive through and it throws water on his house. He asked if Front St. Motors was expanding on the Celotex property and Councilman Reichner answered no one is expanding on that property except the county.

## **PENN DOT ROAD CLOSURE**

Councilman Henry moved to approve the road closure on Market St. for National Night Out on August 4th. Second – Reichner. Unanimous vote.

## **APPROVAL TO PAY INVOICES**

Councilman Shipman moved to pay the invoices reported on the voucher's payable report in the amount of \$46,851.26 from the General Fund and \$47.57 from the Liquid Fuels Fund. Second - Henry. Unanimous vote.

## **TAX EXONERATION**

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

## **AUDIENCE COMMENT**

Mr. Bill Shipman: Presented the mayor and council with a historical picture from 1953 or 1954 of a train on the Horn Railroad track in honor of them giving him the new address of S. Horn Railroad Path. The home in the background was the original Marlin's Sub Shop. The train went through the playground at what is now the Grace Beck Elementary School.

Mr. Bob Werline: There is a dangerous slide at the Keller St. playground. This is the 3<sup>rd</sup> season that it has not been fixed. Councilman Eister explained that in partnership with Bimbo Bakery, there has been a grant received and the slides and other items on the equipment will be replaced. Volunteers from the playground will be adding new mulch and beautifying the playground as well.

Mr. David Whipple: Last year a line was tied in on Alice St. and when they did that his basement no longer floods and he is located 1 ½ blocks from the main flooding. He feels there must be something not working right in the lines. When they tore Edison Ave. up they lowered it 10" than what it was before and that could be causing flooding problems. There is only 1 sewer drain in the area as well.

Unidentified: Does the street sweeper do alleys and the answer is no. He recommends that the alleys be cleaned at least once a season.

Unidentified: Problem in their neighborhood on Fairmount Ave. and they have called the code office and police more than once. There are neighbors that harass her 10 year old daughter, he gives her the finger regularly and the police say there is nothing they can do because it is not illegal. Every time they call code they are retaliated against. Another woman said her property was vandalized as well. There is a sexually violent predator living there. She called the police to find out why no one in the neighborhood was notified he was there because they must be notified by 3 business days that someone is moving in the neighborhood. When she came home Monday her pool was vandalized. They work during the day so no one is home. They have to take turns watching each other's homes to curb the vandalism. They went to code on Monday and they don't know if it was followed up on. They also went to code Friday. There is garbage piled up. A huge trailer is there with garbage on it. The neighbors are not harassing them, they just want the property cleaned up. The people that visit are trash as well. They have mice. They were pounding on her door at 1:30 in the morning and she called her neighbor to come to the door with her. It took the police ½ hour to arrive. She wants to know who is going to protect them. Mayor Persing explained the police and code office can only do what they can through the law – there must be a violation. She asked if something could be done with the nuisance ordinance. There have been many calls about this property. Mr. Rhoads said the property is scheduled for an inspection this year. Mr. Swope was there Thursday and today but Mr. Rhoads does not know what transpired. The neighbors are coming to council to find out what to do because every time they call they are retaliated against with vandalism. The address is 123 Fairmount Ave. At 125 Fairmount Ave. they are renting to a sexually violent predator. She has been in correspondence with a state police officer who in turn contacted Chief Hare about this man. There are 13 children living in that area. Mayor Persing said he would discuss this with the chief and the code inspection of the rental unit will take place in July. Councilman Reichner said there is a mother, daughter and grandchild on the housing permit at that property. If anyone new moves in they must update the rental permit. Councilman Reichner said if he is properly registered with the code office there is nothing they can do. He is unsure what the Meghan law issues are and perhaps it is a police

issue. That does not excuse the trash issue. There have been more than 3 calls in regard to the property issues. Councilman Shipman said they need to look at this property. Unidentified woman said Children and Youth should be called but they are afraid to do it. Her daughter told council that they watch them out the windows when they are playing outside. When they moved away they went to another window to watch them. The sexual predator watches them non-stop. The family is being evicted from 139 Fairmount Ave and 532 Market St. All they want is help in following up on this issue because it is important. Mayor Persing said they will do something within the limits of the law. Mr. Swope probably already cited them for trash if he was there last week and followed up this week.

Ms. Laurie Johnson: Can signs be put up for the busses going to the Chinese restaurant. She is happy they come in to the city but they do not shop in any other businesses, they eat at the Chinese restaurant and roam around town and leave. Last week at 9:30 am there were 4 busses parked there. Their delivery trucks cannot even find a place to park. Mayor Persing said they have been trying to get them to park in the parking lot by the synagogue. Ms. Johnson said sometimes they park there and sometimes they do not. They are giving them parking tickets. She asked if there could be no bus parking signs put up. If they were going in other businesses and spending money it wouldn't be as much of an issue but they do not.

Mr. Lawrence Henry: When will the paving be done at the OPG. Councilman Eister answered there is a pre-construction meeting at 10:00 Wednesday morning and if Mr. Henry would like to attend he is welcome.

Unidentified Male: One of the tenants is his on Fairmount Ave. he wants to know if a rule could be made for pedophiles such as they did for convicted drug dealers. Mayor Persing said they would look into that. Councilman Shipman said several years ago an ordinance was passed in regard to pedophiles but were told it was unlawful because they had to let them live some place.

Unidentified female: Stated she works at OIP. On April 16<sup>th</sup> she had a court appearance at Judge Apfelbaum's court room. She was supposed to be at work at 10:30. She was finished at 10:20. She had to be fingerprinted right away. Officer Bennick did not show up until 11:00 am. She asked the receptionist if she could leave and come back on her break and she was told no. OIP terminated her because she was not at work. The next day she spoke to Officer Mazzeo who explained to her that she should get her fingerprint order and they did not have it. It said she could have been there from 9 am to 5 pm. The whole time she sat there and was told not to leave, she could have left and gone to work and not lost her job. She still does not have a job. Mayor Persing said there is never an officer that is there all day to do fingerprinting. Chief Hare explained the county states that they can go from 9 am to 5 pm but that is not the city's rule. When they have hearings they may have several in a row and don't get back to the police station right away. This happens every Tuesday. It is a process. When Officer Bennick came in she had to ask again to get her fingerprints done after he came back. She doesn't know what to do. Mayor Persing said he is sorry about her situation but she has to understand that there is not an officer at the station to do fingerprinting at all times. Chief Hare said this happens every Tuesday. Unidentified male: She is trying to do something with her life and it isn't right that she lost her job. He wants to give people a second chance.

### **MARKET ST. PROJECT**

Market St. Project: Mr. Lee Zeger, engineer for the project, said there were 2 bids received for this project. One from G & R Charles was \$432,382.62 and Mid-State Paving at \$519,495. The estimate for the project was \$464,000. The bids were reviewed and they are recommending to council to award the bid to G & R Charles. There are alternates that were bid. If the job has to be re-bid it will cost approximately \$25,000. Councilman Shipman said there is approximately \$300,000 for this project. The rest would have to be borrowed and paid back over the next 18 months. It would be about \$5,000-\$6,000 in interest to borrow short term. Councilman Eister said that would not be due until 2016 and there may be other funds to shift to that project. Councilman Eister moved to award the bid for the entire project to G & R Charles in the amount of \$432,382.62. Second – Reichner. Unanimous vote.

### **BURGER KING LEASE AGREEMENT**

Councilman Eister asked council members and Mr. Apfelbaum to review the lease agreement being proposed by Burger King for a vote at the next meeting. Mayor Persing asked if SUNOCO was

starting their project yet and Councilman Reichner answered it was supposed to be this week but it was backed up because they wanted a permanent easement which meant they could sell their own property and still have the easement. Mr. Kula said it should be a temporary easement. Mr. Rhoads said the permits have been filed and delays due to corporate reasons happened.

### **ANNOUNCEMENTS**

2016 Brush pick-up: Councilman Henry said they will only be picking up brush twice a year in 2016. It will be for a 2 week period in the spring and fall. They cannot use trucks and manpower to patrol the streets looking for brush. Someone called them 5 times to get their brush picked up on the same day he put it out and they cannot do that. Next year if someone has brush at a different time of year they are welcome to take it to the brush pile during normal hours.

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

Respectfully submitted,

Terry Specht  
City Clerk