

CITY COUNCIL  
Sunbury PA 17801  
February 22 2010  
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:

Elizabeth R. Kremer, City Treasurer  
Stewart G. Graybill, City Administrator  
Stephen A. Mazzeo, Chief of Police  
Michael Rhoads, Property Maintenance Officer  
Terry Specht, City Clerk

There were eleven (11) visitors present.

**AUTHORIZE BUCHART HORN INC TO PREPARE AND ADVERTISE FOR BIDS FOR CONSTRUCTION, MATERIALS, EQUIPMENT AND SERVICES FOR PHASE II RIVER STABILIZATION PROJECT**

Mayor Persing announced that a final pre-bid meeting was held with representatives from Buchart Horn Inc. to discuss Phase II of the River Stabilization Project. Councilman Eister moved to authorize Buchart Horn Inc to prepare and advertise for bids for construction, materials, equipment and services for Phase II River Stabilization Project. Second – Bartello. Unanimous vote.

**PROFESSIONAL SERVICES AGREEMENT/COMP PLAN**

Councilman Eister moved to approve TCA, Thomas Comitta Associates, to partner with SEDA-COG in regard to the City's Comprehensive/Strategic Plan. Second – Snyder. Unanimous vote.

**LIGHT DUTY POLICY**

Councilman Troup informed council that they have been discussing a light duty policy for city employees for several months. He has prepared a light duty policy and Mr. Apfelbaum said he would include HIPAA language in it. Councilman Troup moved to approve the light duty policy for police and non-uniform employees, with the inclusion of HIPAA information provided by Mr. Apfelbaum. Second – Eister. Unanimous vote.

**FIBER OPTICS/RIGHT OF WAY AGREEMENT**

Mr. Apfelbaum summarized this project and a modification – Northeastern ITS wants a right-of-way across the City of Sunbury as part of an overall project moving fiber optic cable from Cleveland OH to Easton PA. This is large cable as compared to the fiber optic cable of the past. He and Councilman Snyder negotiated a Right-of-Way Agreement which is the best deal offered to anyone across the route, which was in Ferguson Township. The price per square foot is increased based upon the consumer price index. Also, if the construction across City streets goes longer than 3 weeks, the City will receive \$1500 per week until the job is complete. Section 4 of the document will be changed to add the term will be as long as the fiber optic cable is in the ground on the right-of way, instead of until the end of 2020. If a large organization can hook on to the fiber optic cable in the future, the City has the agreement to hook on to the cable. Councilman Snyder moved to accept the Right-of Way Agreement with the modification to Section 4 and to authorize the mayor to sign all documents. Second – Eister. Unanimous vote.

**APPROVE ROAD CLOSURE NOTIFICATION FOR LOVE 'N CARE FAIR**

Per the new PA DOT road closure program, Councilman Troup moved to approve the road closure and send to PA DOT for the Love 'n Care Fair Committee for June 12, 2010. Second – Eister. Unanimous vote.

**2008 CDBG BUDGET REVISION**

Ms. Shrawder announced that a budget revision was necessary to start using CDBG funds toward the construction of Phase II of the Riverfront Project. She said funds had to be put in the project to send the information to DCED to get their approval. Councilman Eister moved to take \$1,000 from "Clearance/Demolition" and put it in "Riverfront Revitalization." Second - Persing. Unanimous vote.

Councilman Eister moved to authorize SEDA-COG to move forward with the Environmental Review Process/Finding of No Significant Impact that must be completed. The process usually takes 30-45 days. Ms. Shrawder explained that the Army Corps of Engineers already did an Environmental Review so SEDA-COG will proceed with a Finding of No Significant Impact and a Request for Release of Funds. Second – Troup. Unanimous vote.

Councilman Eister moved to state that CDBG funds will be used to reimburse the City for the loan payments for the project and the loan funds will only be used for activities that are consistent with CDBG funding requirements. Second – Troup. Unanimous vote.

### **ADD PROPERTIES TO BLIGHT PROPERTY LIST**

Councilman Bartello moved to have council act as the Board of Health and add the following properties to the condemned/blight properties list:

313 Packer St. – vacant since mid '80s

143 Walnut St. – vacant/foundation is making building unstable

460 Arch St. – vacant/was a business/roof collapse causing structural issues

Second Eister. Unanimous vote. A ten day notice procedure will now begin. If action is not taken in that 10-day period, action can be taken to remove a public nuisance.

### **LETTER OF SUPPORT/MID SUSQUEHANNA TASK FORCE**

Mayor Persing moved to write a letter to the Middle Susquehanna Task Force in support of the state heritage park area. Second – Eister. Unanimous vote.

### **RESOLUTION TO CHANGE FEES/DEMOLITION**

Councilman Bartello said he is reviewing the fee structure for the code office and the demolition fee is not in line with the labor involved overseeing a demolition project. Councilman Bartello moved to change the demolition fee to be more of a project cost based fee – from \$50. to \$76. for first \$1000 of project cost of demolition and \$13. per \$1000 of cost from \$1000 to \$1,000,000 and anything over \$1 million will be \$6. per \$1000. Second – Eister. Unanimous vote.

### **CHANGE HANDICAP PARKING ORDINANCE**

Councilman Troup would like to see the handicap parking ordinance changed to include the person's license number on the sign that requested the handicap parking space. They would have to pay an initial fee of \$100 and renew annually for \$50. He stated that he is afraid there will be repercussions if someone is denied a handicap parking space. Mr. Apfelbaum said if someone is turned down it could lead to legal problems. Mr. Apfelbaum will look into other community's handicap parking ordinances. He said typically uniformity is the plan – if every block has 1 space that would be the plan. He said if 10 people in one block want a handicap space and are willing to pay \$100, they each would be entitled to a space. You could not deny one of them if they are truly handicap. Mayor Persing said the original ordinance was written to be fair to all. He also said to give private parking spaces to individuals would be a problem with the rest of the neighborhood.

### **ACT 44 ASSET SMOOTHING**

Mr. Apfelbaum explained that previously council passed an asset smoothing method for purposes of determining the actuarial value of assets for the police and non-uniform pension plans. Act 44 provides temporary relief to local municipalities in the funding of their pension plans. Under Act 44 the City will probably be labeled as a distressed municipality based upon the aggregate funding ratios of the pension plans. The City would then be able to contribute only 75% of the amortization requirement used in calculating the minimum municipal obligation for 2011 and 2012. Mayor Persing moved to adopt an asset smoothing method that develops an actuarial value of assets up to 130% of the market value of plan assets as of January 1, 2009. Second – Eister. Unanimous vote.

### **AUDIENCE COMMENT**

Mr. Mike Bishop asked when the fiber optic cable would go through and the answer is within the year. He asked if it would be possible to hook up to it while they are pulling it through. Mr. Apfelbaum said this is not fiber optic that you would want at your home or business. This would be for heavy users such as Verizon or a university with heavy email traffic.

**2009 YEAR END FINANCIALS/2010 MONTHLY DEPARTMENTAL FINANCIAL REPORTS**

Councilman Snyder gave council copies of their departmental financial reports for year end 2009 and January and February 2010. Every month at the work session he will provide the monthly financial statement to council members. If there are any questions, please contact Councilman Snyder.

There being no further business to discuss, the meeting was adjourned at 6:55 pm. Council adjourned into an executive session to discuss personnel issues.

Respectfully submitted,

Terry Specht  
City Clerk