

CITY COUNCIL
Sunbury PA 17801
October 28, 2013
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 Troup, Director of Public Works
James R. Eister, Director of Parks, Recreation and Public Buildings

Other City officials in attendance:

Elizabeth Kremer, City Treasurer
Stephen Mazzeo, Chief of Police
Michael Rhoads, Zoning Officer and Fire Chief
Terry Specht, City Clerk

There were thirty-four (34) visitors present. Mayor Persing opened the CDBG public hearing.

CDBG PUBLIC HEARING/BUDGET MODIFICATION

Ms. Jamie Shrawder explained the reason for the CDBG public hearing is to discuss with the public budget modifications for the 2012 CDBG program. A modified budget will be submitted to DCED to move the current balance of \$50,000 from the sidewalk replacement program into the Chestnut St. program. The reason for the public hearing is because all the money is being moved out of that project. The new Chestnut St. Reconstruction project would be \$167,200.50. The other item is the allocation of \$47,021.67 of program income the city has earned through payments and lots sold from CDBG funded projects. \$10,000 will be in a planning activity for the identification of a targeted area for code enforcement, \$25,915.27 will go in the Chestnut St. Reconstruction project and the 30% available or \$11,106.00 for demolition will be in the demolition activity project. Ms. Shrawder asked if anyone had any comments on the budget modifications. Mr. David Whipple asked where the Chestnut St. reconstruction begins and ends. Ms. Shrawder answered it has several years of funding in it and it will start at Front St. and go to 10th St. The engineer will design the project to go as far as they can with what funds are available. Additional funds can be added in later years. The project includes sidewalk replacement, curb replacement, tree removal for trees that are tearing up the sidewalks and milling and resurfacing the street. Councilman Troup said there are also new catch basins being put on Chestnut St by the Municipal Authority. At this time the public hearing was closed.

CDBG PROGRAMS

Mayor Persing moved to approve the budget modifications and reallocation of CDBG funds as shown (see attached). Second – Troup. Unanimous vote.

Ms. Shrawder said bids were opened for the demolition of 310-312 S. Front St. and 702 Chestnut St. One bid was received from Steinbacher Enterprises who tore other houses down. The bid was \$88,590. The reason it is high is because there are 4 very large trees at both the properties and it will cost more than \$20,000 to get the trees down. 310-312 S. Front St is a large property so it will cost more to tear down. The funds are available to award the contract. It has been reviewed by the Compliance Analyst at SEDA-COG, the engineer and Ms. Shrawder. Mayor Persing asked if this was discussed at the recent RDA meeting and Ms. Shrawder said it was but the City has to approve the contract. Councilman Bartello asked for the addresses again and said that is a land-locked lot. Ms. Shrawder said they have received permission from the neighbors to go in from their property. Councilman Bartello asked what would be done with the property after the house is torn down since it is land-locked you can't rebuild on it. Ms. Shrawder said the RDA will keep those properties there for future development that may happen. It is a targeted corridor for development. Councilman Bartello said it is a brick house and asked if anyone looked at it to see if it can be rehabbed. Ms. Shrawder answered yes, when they are put on the list a code officer has inspected it and a residential/rehab contractor also looks at them and gives their opinion. It has not been in writing. Councilman Eister said the wall on the south side is bowed out about 6". The demolition contractor is worried about it kicking when it is torn down. They will have to shore it up. Ms. Shrawder said the goal of the RDA as they acquire the abandoned properties that are blighted – Councilman Bartello interrupted and asked what the estimate for repair was. He said he thought \$88,000 was high to tear them down. Ms. Shrawder said it is for all 3 houses. They did not get an estimate for repair because if it is able to be repaired they would look at doing that first. Most of the places are in such bad condition because they have been empty for so long. The RDA will try to auction them off to private individuals and if no one purchases at an auction it will be demolished if it is not rehabable. Councilman Bartello asked if it could be torn down but leave the foundation so they don't have to follow setbacks and rebuild on that foundation. Ms. Shrawder said that would be a question for the RDA. Mayor Persing said he

would like to vote on this issue tonight and let the Redevelopment Authority look at it. Ms. Shrawder said there were 3 contractors at the pre-bid meeting and 6 that had the plans but only 1 contractor bid on the project. Councilman Eister said the other contractors walked away from the job because it is a massive job with the trees to take down and clean up. There are costs included to fix the yard up they have to cross to get to the house being torn down. The home has been deteriorating since at least 2007. Councilman Eister moved to accept the bid of \$88,590 from Steinbacher Enterprises for the demolition of 310-312 S. Front St. and 702 Chestnut St. Second – Troup. No – Bartello. Yes – Troup, Eister, Persing, Snyder. Motion carried.

Ms. Shrawder said when she was here 2 weeks ago she handed out a proposal for the data collection entry and matching for the determination for the targeted code enforcement area to concentrate on. She asked if council wanted to table that until the next meeting. That issue was tabled until a later time. Mayor Persing said he would like to look at the system the SMA has now and what layers they have to look at before discussing this issue further.

AUDIENCE COMMENT ON AGENDA ITEMS

Mayor Persing asked for audience comment on agenda items and there were no comments.

SRI RESOLUTION

Mayor Persing moved to pass a resolution to waive the noise ordinance requirement to 1 am on January 1st and the open container ordinance requirements also waived (see attached) for the New Year's Eve celebration. Second – Eister. Unanimous vote.

APPROVAL TO PAY INVOICES

Councilman Snyder made a motion to pay the invoices on the vouchers payable report totaling \$82,694.56 from the general fund and \$1,259.40 from the liquid fuels fund. Second – Eister. Unanimous vote.

ANIMAL/CAT ENFORCEMENT

Mayor Persing said council members received a copy of Northumberland Borough's animal control ordinance. They want to take this a step further and get interested parties throughout the county together to discuss this issue. Mayor Persing said he does not know how they are going to fund this. He is going to attend the meeting to see what they will be discussing. He said Mr. Schwartz is not the only one that has brought this subject up. Mr. Schwartz said the North'd ordinance discourages outside feeding and requires licenses for all owned cats. If you feed them you own them. He said when he left the last meeting at least 6 people told him it is time to do something about this. He asked what happens now moving forward. Mayor Persing said he wants to know how North'd is making out with enforcement. Their ordinance discusses the code personnel catching the animals and he does not think our code personnel have enough time to do that and what would they do with them after capture? He said he does agree with not allowing outside feeding and feels that would be enforceable. Mr. Schwartz said licensing is too. Northumberland is asking for donations to get the feral cats fixed and who knows if that will even happen. Mayor Persing assured Mr. Schwartz council will continue to look at this issue. Mr. Schwartz said for his understanding, are there any parameters of time. The Northumberland meeting is scheduled in 2 or 3 weeks and not before the next meeting. Mayor Persing explained they don't want to pass something that can't be enforced. Councilman Troup explained he has trapped cats and also taken sick cats to be euthanized and paid for himself. He thinks the county getting involved will be a better solution. Councilman Troup said he thought outside cats can't be licensed because they are considered wild animals by the state. He will check into that. Mr. Bob Miller said that issue came up when there was an issue with pellet guns. Mr. Bob Werline asked if they are talking about a cat you own a cat and let out. Mayor Persing replied Northumberland's ordinance says if you do that it is your cat and must be licensed. If you are feeding wild cats it is a violation of their ordinance. Mr. Werline said his neighbor feeds cats but doesn't take them in. Mr. Schwartz said he thought Northumberland's ordinance requires outdoor cats to be on a leash and they cannot run free on other properties. Councilman Snyder said he has 3 dogs he has to have licensed. If his dog wandered into his neighbor's garden and left "surprises" the way his neighbors cats leave in his yard, he would be in trouble. That is part of the health impact issue. When you are working in the garden or yard you have a mess. If they are licensed or not is not an issue, it is a matter of whether your neighbor is keeping their cats on their own property. If they let their cat out it should be on a leash or fenced in. Councilman Snyder said if he sees a dog wandering in the neighborhood you check to see if it has a license and try to get it to its home. With cats, most of the time there is no collar and the only option is to take them to the SPCA. A lot of the time they can't take them either. He thinks having a pet tagged would be part of the solution. He feels with education and awareness toward people who have animals, there might be a solution. If your pet is outside of your property one or two times it may be forgiven like a nuisance, but if it continues you could lose your cat or dog. Mr. Schwartz said Northumberland's ordinance is a general animal ordinance, not just directed at cats. Mr. Drew Bingaman said just because an ordinance is passed does not mean it is illegal. It is legal and enforceable even through state law. If cats can't be licensed then an ordinance should be passed and test it through the courts. He also said it is not just the cats in homes that are let out but the feral population that keeps repopulating and are wild. There is also a wild rabbit population. They have their own food source. Unless someone is actively

capturing the cats, the feral cat problem will continue. People that feed them make the problem worse. He sees as many rabbits as he does cats in city limits.

An unidentified woman said there is an organization that spays cats and releases them. Councilman Eister said 5 years ago they came and did hundreds of cats for free.

AUDIENCE COMMENT

Ms. Regina Russell asked Councilman Snyder how much money was received from the demolition of properties. Councilman Snyder asked if she is talking about that in relation to the Redevelopment Authority and Ms. Russell answered yes. Councilman Snyder said that would be something he would have to talk to the Redevelopment Authority and get the figures he does not have them in front of him. She also said it seems every municipality in the country has a financial problem and she does not see how that would not affect Sunbury. She asked why council would want to put the city in debt \$300,000 to repair the WPA wall instead of taking the advice of the Army Corps of Engineers who surveyed the wall and said it could get by with repairs. She asked why it is taking this long to do the repairs when the wall should be monitored on an annual basis so if there are areas that need repaired it can be done that year and not wait 10 years to do any repairs. Mayor Persing said the city is not going \$300,000 in debt and asked Councilman Eister to address the statements made. Councilman Eister explained there is funding coming from the federal government in the amount of approximately \$55,000 and the Municipal Authority is funding for \$100,000. The \$300,000 is an estimate. Ms. Russell asked if bids would be submitted and Councilman Eister said yes. She asked if the bids would be outside bids or from friends and family. Mayor Persing said everything bid is public. Ms. Russell said she still has a problem with Councilman Eister's property across from her house with parking commercial and other vehicles that ordinance 163.28.3 says they should not be permitted to do. Councilman Eister said she should address that to the Chief. Ms. Russell stated that every ordinance she presents council with this issue will protect Councilman Eister because she knows the Chief is an employee of the City and chosen by council and if he speaks against any of council his job will be on a short string. Chief Mazzeo said there is a property line and a sidewalk. Where the truck is parked is the property line. The sidewalk is a 3-5' area depending on the sidewalk used as public access. Where the garage entrance is there is a sprayed mark which may or may not be the property line and where he puts his stuff is in that line and it is protected. As long as there is a pathway for a wheelchair or a few people to walk through, it is allowable. Chief Mazzeo said back when he used to arrest people he gave tickets for that and he would lose that in court because of property lines and sidewalk lines. If it changed he does not know. He had this disagreement with someone on Haas Ave recently and that is what he is told consistently. The sidewalk is public accessible and the rest is private property. That is the case as far as the vehicular parking goes. Whatever she has with other city ordinances is outside his purview. Ms. Russell said the dumpster is commercial and this ordinance that Councilmen Troup and Eister and Mayor Persing voted on covers it because the dumpster is so large it is commercial. She said therefore you are giving the rest of the people permission to park any vehicle on their property because their yard from the house to the public sidewalk is they can park anything they want because it is private property therefore it makes the ordinance 163-28.3 null and void. Councilman Bartello said the ordinance she is referencing has nothing to do with sidewalks but with parking oversize vehicles in a residential zone that is forbidden in the city. She lives in a residential zone. Ms. Russell asked if he is running a business out of the garage and she has been told he doesn't. She said she will keep bringing this up because as a community activist she is not the only one coming here like she has nothing else to do but give council a headache over this issue. Chief Mazzeo said he will look it up tomorrow. Ms. Russell said as a community activist she has a lot of senior citizens in her area. Some are terminally ill or have dementia or are just old and they are afraid to make phone calls with an attitude that they don't want to make trouble because they aren't going to do anything. They have seen the code office come here and they told them to remove it several times and nothing gets done because it is so and so's property better leave them alone. She is going to make complaints to the code office and wants council to look at some of them and help the addresses she may list. It is not for her it is for the neighbors. She has one neighbor who is very ill and has new owners next door and they are piling trash on his fence and it is pushing the fence over so it is now leaning. He is scared to make a phone call to the code office. She asked Councilman Troup about the hire that is supposed to be going out on complaints how that is working. Councilman Troup said at the last meeting he had a report showing what he has been doing. He walks the streets. Councilman Troup said if there is a problem with trash let them know and they will check it out. She said she goes through the website so it is documented and no one can say it hasn't been reported. Ms. Russell's final comment is that she found it highly unprofessional and disrespectful that Ms. Specht was allowed to get on public media and insult and disrespect a sitting council member. She was surprised. Mayor Persing asked if this happened during work. Ms. Russell said she did not know she didn't think it matters because she sits on the council and represents the city and is appointed by the mayor. Mayor Persing said she does not sit on the council. Ms. Russell said Ms. Specht is considered a council member because the 3rd Class Code says it. If she is not a member of council she should not be able to talk during a meeting. She said it was very unprofessional whether it was done on city time or privately.

Mr. Eric Long said he is a certified official for the Central PA Corn hole organization (bean bag toss). He wanted to thank the city officials for allowing the use of the park for a Corn hole tournament. There were 11 youth participants that earned a state certificate. He is hoping more youth will turn out for other tournaments. Mayor Persing asked if there were also adults participating and Mr. Long said yes. The website is www.americancornhole.com. There was a couple from Pittsburgh in attendance to play in the regional tournament. He is hoping to bring a state tournament to the city which will bring in revenues.

Chief Mike Rhoads thanked everyone for the outpouring of help at the fire on Chestnut St. It was very windy and a hard fire to fight. He said the Eagles brought food, and drinks for the firefighters and they opened up so the firefighters could go in and get warm and rest so they could then continue to fight the fire. Mayor Persing and Councilman Eister came out to support him as fire chief. Mayor Persing thanked Chief Rhoads and he said again firefighters take so much time away from their families to help others. This fire could have been a lot worse and there were no serious injuries.

Mr. Jerome Alex asked Mayor Persing about rumors he has heard that there is a possibility that the council is looking at eliminating the fire department as a volunteer organization. He said the City cannot afford a part-time or full-time paid fire department. Mayor Persing said he does not know where he heard that but it is not true. Council knows they cannot afford a paid department. Mr. Alex said as shown at the recent fire the support of the other communities is critical.

Ms. Julie Broschious asked what the status of Kowabungas is. Councilman Troup said he doesn't know. Mr. Rhoads said they submitted plans for approval and is in the hands of the 3rd party commercial inspectors.

Ms. Meghan Beck thanked the fire department because she owns one of the properties involved with the fire. She also said she appreciates what the Eagles did and the Red Cross. She announced that on behalf of SRI the grand opening of the new SRI office at 249 Market St. will be held on Tuesday from 4:30 pm to 7 pm. They have many artifacts on display that have been loaned to SRI.

Ms. Pat Wertz commented about the lady who talked about the elderly that are too scared to call. She doesn't understand why that was brought to council. She questioned the involvement of their families and the family's responsibility to take care of them.

Ms. Regina Russell asked if the rumor about city council and the county discussing a sale of the prison and knocking it down and not keeping it as a historical site. Mayor Persing said city council has not discussed that with the county. Councilman Bartello said it is in the national registered historic district and it would be hard to tear it down. Ms. Meghan Beck asked if it comes under HARB and Mayor Persing answered there would be a lot of agencies involved in that decision.

Ms. Julie Broschious said it seemed like there is a lot of childishness and bullying going on with the political event. She asked what the penalty is for taking or destroying political signs. She said it seems to be happening on both sides. Ms. Kremer said first you have to catch them doing it and report it to the police. There is a fine involved because it is a criminal act. Mayor Persing said he does not know what the penalty is. Ms. Broschious said she thinks home surveillance will help in finding out who some of these people are. Mr. Eric Long said he thinks a lot of that is happening by children.

2014 BUDGET

Councilman Snyder said there was a meeting last Monday to discuss the 2014 budget. Another one was scheduled for Monday 11/4/13 but it has been cancelled. The next meeting will be held on November 18th at 6:00 pm in the council room.

ANNOUNCEMENTS

There being no further business the meeting was adjourned at 7:14 pm.

Respectfully submitted,

Terry Specht
City Clerk