

CITY COUNCIL
Sunbury PA 17801
August 13, 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 Kula, City Solicitor
John Bakowicz, City Engineer
Michael Rhoads, Zoning Officer
Joseph Swope, Code Supervisor
Terry Specht, City Clerk

There were thirty-seven (37) visitors present.

MINUTES AND REPORTS

The Minutes of 7/9/2012 and 7/23/2012 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 was made by Councilman Eister. Second – Persing. Yes – Snyder, Eister, Persing. No – Bartello. Motion carried. Minutes will be posted at cityofsunbury.com. Councilman Bartello said he did not receive the Park & Recreation report. The city clerk will provide that report to council members when it is available.

SRI UPDATE

Ms. Kathaleen Persing reported that Ms. Kristen McLaughlin resigned her position as Elm St. Manager and has taken a position with SEDA-COG. SEDA-COG has pledged that the Wolverton St. project will still go on as scheduled with no additional costs to the City. The position will be filled for the 8 months the program is funded. River Festival kick-off is Thursday and will continue on Friday and Saturday.

REDEVELOPMENT AUTHORITY UPDATE

Mayor Persing noted that the new home to be built at 202 Washington Ave. had to be rebid because the previous company closed. The plan is still to put the home up in September. There should be demolition happening soon at 608 S. Front St. and 128-130 South St.

RIVER FRONT PROJECT

Councilman Eister announced the Riverfront Dedication ceremony is planned for Thursday August 16th at 10:00 am and the public is welcome to attend. There will also be a re-dedication ceremony for Merle Phillips Park. Councilman Bartello asked if the boat docks stay in the water. Councilman Eister explained that it has to be taken out when the fabric dam bags are let down.

2ND READING/LANDLORD/TENANT ORDINANCE

Mayor Persing stated that this ordinance (see attached) addresses 3 key issues: 1. Designation of a property manager that must live within 25 miles of Sunbury. 2. Photo identification for anyone on the lease that is renting in Sunbury and 3. No one convicted of selling drugs may be named on a lease. An appeal process for the owner has been included. Councilman Snyder said council talked about a period where, after conviction, and no further incident against them for a period of 5-7 years, they could then be put back on a permit. That is not included in the copy of the landlord tenant ordinance at this time. Councilman Eister said the HUD guidelines say after 7 years of no further convictions, people may again apply for federal housing. That is what should be included in the ordinance. Mr. Kula will add that to the ordinance and use a period of 7 years. Ms. Randi Buehner said people make mistakes and do rehabilitate. Mr. Kula will add this wording to 134.10 to include 7 years after a felony conviction with no other arrests. Mayor Persing moved to pass on a 2nd reading the changes to Chapter 134 Rental

Property as discussed. Councilman Bartello said he did not understand how it can be a second reading when it keeps changing. Mayor Persing explained that between the 1st and 2nd reading the wording can change for any ordinance that is being changed or added. Councilman Snyder said ordinances can always be changed, even after passed. Second – Eister. Yes – Eister, Persing, Snyder. No – Bartello. Motion carried. Ms. Aimee Buehner said there are regulations that have to be followed for what a property manager can and cannot do. She feels training should be held for property owners that will have to hire a property manager for their property if they live further than 25 miles from Sunbury.

COMMENDATION OF MERIT

Mayor Persing read a Commendation of Merit (see attached) for Officer Corey Zerbe for keeping an employee of the 911 Center alive until EMTs arrived. He is credited with saving the life of Mr. David Moyer who publicly thanked Officer Zerbe for himself and his family.

CONTRACT WITH DANVILLE BOROUGH FOR CODE SERVICES

Councilman Eister explained the City and the Borough have agreed upon the professional services Danville Borough will perform for the City of Sunbury. A fee schedule has not yet been set. Councilman Snyder said he would like to see insurance requirements listed so the City is not held accountable for additional liability. Councilman Eister moved to accept the services of Danville Borough for commercial and new residential code services for the City of Sunbury. The rate to be paid for this service is \$70 per hour. Councilman Snyder said he was surprised there was a rate increase if the time goes over 8 hours. He also said he feels a professional services agreement should be drafted to outline insurance clarification, indemnification, knowing what they will and will not do, etc. Councilman Eister will pass that information on to Danville. Councilman Bartello said the letter states the City of Sunbury will pay for all legal costs and Councilman Eister answered that is correct – if someone asks for a hearing Danville should not have to pay for it. Councilman Bartello said if there is a faulty inspection and someone asks for a hearing who will assume the responsibility. Councilman Eister said that is something that has to be clarified. Second – Persing. Yes – Persing, Snyder, Eister. No – Bartello. Motion carried.

NORTH'D COUNTY HAZARD MITIGATION PLAN RESOLUTION

Mr. Jerome Alex explained this Resolution is for the City of Sunbury to adopt the County All Hazards Mitigation Plan (see attached) which has been developed to allow the City to piggyback on the county's plan to drawdown federal and state funds if there is a disaster. It covers transportation issues, flooding, snow emergencies and man-made disasters to name a few. This is a comprehensive plan which allows the City to not have to go out and contract out to develop a City plan. Councilman Bartello asked where the entire plan is and the answer is a cd was given to each participating municipality with the plan on it. It will be on file in the City Clerk's office. Mayor Persing moved to accept the Resolution for the Northumberland County Hazard Mitigation Plan Resolution. Second – Eister. Unanimous vote.

CHANGES TO CHAPTER 35/POLICE FORCE

Mayor Persing stated that the police department has the authority to write non-traffic citations. He would like the meter officer and the code officers to also be able to write non-traffic citations for code violations they observe in their travels around Sunbury. This topic will be brought up at future meetings.

NEW POLICE CONTRACT

Mayor Persing said it is police contract time and copies of the new contract will be available to council members in the office on Tuesday. The two main issues in the new contract are no salary increase for the year 2013. The only increase shown will be to eliminate the 2 corporal positions and create 2 more sergeant positions. For years there has been a distinction between the two ranks but their duties are similar. That would make the 4 supervisors second in command next to the chief. After 2013, there is a proposed 3% increase per year for the remaining 3 years of the contract. Also, longevity will be capped at \$3,000. The base will be \$500 from \$125 and the years of service will increase from \$125 to \$150/per year. The savings for 2013 will be in the range of \$12,000-\$13,000. Before the next meeting, they are the issues council members should be looking at. The longevity amount does affect their pension payments. There are 3 or 4 officers not eligible for longevity payments in 2013 because they have not been working for the City of Sunbury for 5 years. Councilman Bartello asked what this would do to the budget within the police department and would the costs be absorbed somewhere else. Mayor Persing answered the budget will go up by \$8,700 in 2013 instead of \$22,000. Every year after that the salaries will go up by 3% if that is what council passes. Councilman Bartello asked if this was all they asked for and Mayor Persing answered these are the 2 items in the contract that was discussed that would have a financial impact. Cpl Brad Hare added they are the 2 biggest items and it is to council's

benefits because there will be no salary increases in 2013. Mayor Persing would like to have a vote on the new contract at the August 27th council meeting.

DOJ POLICY AND PROCEDURES FOR GRANTS

Councilman Snyder said the auditor has pointed out in the annual audit that the City must continue to improve on the audit trail and account transactions. The Department of Justice, in reviewing the City's audits, wants a written copy of policy and procedure for grants. The approval for council is simply the procedure process for administering grants. Councilman Snyder moved to pass the additions to the Policy and Procedures manual for DOJ grants as written. Second – Eister. Unanimous vote.

APPROVAL TO PAY INVOICES/VOUCHER PAYABLE REPORT

Councilman Bartello said he noticed that at times the ball fields have the lights on at 6:30 pm and they are expensive to run and he thought they should be asked not to turn on the lights that early. Mayor Persing said he was never at the fields when the lights were turned on before dark. Councilman Bartello said this was at the SMA field. Mayor Persing said he would mention that to the league representatives. Councilman Snyder moved to pay the invoices reported on the voucher's payable report in the amount of \$138,771.04 from the general fund and \$4,310.21 from Liquid Fuels as funds are available. Second – Eister. Unanimous vote. Councilman Snyder asked council members to caution their departments to watch spending through the end of the year as this is the time of the year funds start to get low. Councilman Eister said he is having a study done on the street lights on Market St. to see if it would be feasible to change out to LED lighting.

TAX EXONERATION

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

AUDIENCE COMMENT

Mr. Ed Quiggle Jr. said there are a few things in the landlord tenant changes that have not been brought up before council. He asked if there was an estimate on costs to defend the ordinance in court when it is challenged. He also said there are several local groups including Susquehanna Valley Liberty Alliance and Pennsylvanian's for Action _____ (could not hear on tape) have expressed concerns about extra judicial punishment on people that have already served their time. Certain people arrested and convicted of selling drugs are convicted of attempting to distribute and weren't actually doing that. He feels council members should consider the cost to the taxpayers to defend this in court. If it is proven unconstitutional it will just cost money and won't accomplish what it was intended to accomplish. He urged council to vote no on the ordinance. Mayor Persing answered that the same ordinance just went through the court system in Berwick and was not ruled unconstitutional. It is used in Lancaster, Altoona and other municipalities. It is only for people convicted of selling drugs and the landlord will be notified. If the charges are pleaded down there is nothing that can be done about that. Mayor Persing said you don't plan on being sued and they have done their due diligence to make sure it is legal. Mr. Quiggle said it is a different ordinance than Berwick because it is not word for word the same. He also asked about evictions for pregnant women or people with children because there are special laws about that. Councilman Bartello said Berwick spent about \$200,000 defending their ordinance in court and if someone contests it the City will have to defend it. Mr. Mike Kula stated that the changes made to the ordinance are less intrusive than the Berwick ordinance is. The wording states a person must be convicted of a felony drugs conviction and an appeal period would have to be expired. If there is a revocation or non-renewal of the rental permit the property owner has the right to appeal it to city council. It is very clear in the ordinance and it is asking the landlords to help city council with this growing problem.

Ms. Julie Brosious asked if the version of the landlord tenant ordinance as approved by council does not have the potential to bring lawsuits. Mayor Persing said he does not believe it does. Mr. Apfelbaum has looked at it. The 1 invasive item that was taken out was that the City is in on the lease agreement. He does not feel the City has the right to tell the landlord what to put in the contract. Berwick's ordinance has pages of things about the lease. Ms. Brosious said she forwarded an email to council through Ms. Delsite in the office and she wants to make sure council members saw the email and know of her concerns. Mayor Persing said he did.

Mr. Dave Weaver explained that he had been arrested 28 years ago and since then he has not been in trouble. He wants to know if this will apply to him. Mayor Persing answered it would not. The ordinance goes into effect 10 days after final passage.

Mr. Bob Miller said he just saw a tax sale notice for the property at 217-219 12th St and it is on the blight property list. Mayor Persing explained all liens against the property must be paid in a tax sale. Mr. Kula said after the county tax sale, if the property is not sold, it will go to a tax upset sale where

only the back taxes are resolved. Mortgages and liens must still be satisfied. After that if the property is not sold, the county will ask for it to be sold at judicial sale where all liens other than taxes are wiped out. The City has acquired some properties in this way.

Mr. Gene Swanger said the Elm St/Market St project on Market St is very nice from 11th to 12th Sts. He said on E. Market St. between 12th & 13th St is in bad shape. Mayor Persing mentioned that Ms. McLaughlin did apply for a grant to extend that project to the next block. Mr. Swanger said there is a property that looks like it was being remodeled but there hasn't been any work done on it for years. Councilman Eister said the code office just cited someone in that area. Councilman Bartello asked if it would be possible to get community service workers to do grass cutting for the code office.

Ms. Brosious asked what the process is if someone reports an issue at a neighboring property. She explained that there is a place on Spruce St. where items in the yard such as a sofa, rodents, etc. were reported. The code office is following up on that complaint. She also said 844-846 Edison Ave. is cutting their grass but are not trimming anything. This is a property she reported earlier in the year.

Mr. Bob Werline said the abandoned trailer at Keller St. is now a mess again. There are groundhogs living under the trailer. Mr. Werline has the owner's name and he lives in Williamsport.

Mr. Ruell Whipple said he thinks there should be information about what is going on new at the Moran site on the agenda every month. Mayor Persing informed him there is nothing new going on at that site and when something new happens it will be discussed at a meeting. Mr. Whipple said they must have something to hide or they would not have put the green fence around it. Mayor Persing said there have been no changes to the use of the site.

Mr. Jerome Alex, who sits on the City's Planning Commission, explained that when they came to the Planning Commission about putting a fence up on the Moran site, one of the stipulations the Commission made was they had to put the green fencing up for the privacy. That way, when trucks are driving through the property it does not cause problems for the houses in the area or vehicles on City streets.

Mr. Dave Whipple said he thinks the city is filthy. He said people are putting trash out expecting the street sweeper to pick it up. John St. has huge potholes in it. Mayor Persing said someone just told him it's nice to see people fixing up their properties and putting in new curbs and sidewalks. Mr. Whipple said in the 5th ward it is filthy. Mayor Persing suggested to Mr. Whipple that he talk to Mr. Bob Lagerman to see what help he could give the 5th ward to start a neighborhood group.

Mr. Gene Swanger said he has dirt and litter in his neighborhood and he takes a bag out and picks it up. He said if more people would do that than complain about it the city would look better. Every morning when he walks on Front St he picks litter up and throws it in the cans. Most of the litter is near the car wash and the ice cream shop.

Ms. Connie Beegle thanked everyone for making National Night Out a huge success. Mayor Persing thanked Ms. Beegle because there were more people ever in attendance due to her planning the event.

Ms. Julie Brosious asked if the City ever considered going green – as in solar panels. Councilman Eister explained he is working with PPL right now to try to find the least expensive way to pay for street lighting and lighting in the buildings. By updating all the light fixtures at city hall the City is saving a lot of money. Ms. Brosious also asked if the city is aware that Danville Borough is offering to contract out to Riverside as well and the answer is yes.

There being no further business to discuss the meeting was adjourned at 7:46 pm.

Respectfully submitted,

Terry Specht
City Clerk