

CITY COUNCIL  
Sunbury PA 17801  
April 9, 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  
Kevin E. Troup, Director of Public Works  
James R. Eister, Director of Parks, Recreation and Public Buildings

Other City officials in attendance:

Elizabeth Kremer, City Treasurer  
Lisa Martina, City Controller  
Michael Apfelbaum, City Solicitor  
John Bakowicz, City Engineer  
Stephen Mazzeo, Chief of Police  
Ken Long, Public Works  
Michael Rhoads, Property Maintenance Inspector & Fire Chief  
Terry Specht, City Clerk

There were thirty-three (33) visitors present.

### **MINUTES AND REPORTS**

The Minutes of 3/12/2012 and 3/26/2012 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 – Troup. Unanimous vote. Minutes will be posted at [cityofsunbury.com](http://cityofsunbury.com)

### **SRI UPDATE**

Mr. Bob Lagerman gave the following update for SRI:

- 75 Hometown Veteran's banners were sold and they will hang on Market St and in Cameron Park. An unveiling ceremony will be held on May 5<sup>th</sup> at 10:00 am.
- The Bitner building feasibility study with Donald Ryckema from Place Economics was very successful. When the owner decides what he wants to do with the building there may be funding available through the PA Downtown Center (PDC).
- The Neighborhood Improvement District meeting is scheduled for April 19<sup>th</sup> in city council chambers at 6:30 pm. In the week prior to that, residents in the district will receive a letter with information in regard to what will take place in this session. The outcome of the discussion at this meeting will determine whether the project will move forward. There will be some businesses included in this initiative.
- The Wolverton St/PA Community Transportation Initiative (PCTI) is a fast track project. A slight snag happened when it was decided to use the south side of the street for a bump-out and the committee met with the Municipal Authority and rather than have a contractor do an environmental study the work will be done in house to keep the project on schedule.

### **REDEVELOPMENT AUTHORITY UPDATE**

Mr. Apfelbaum said there is a new filing based upon blight property that will result in eminent domain for 121 Julia St, 608 S Front St, 1126-1128 Wolverton St and 128-130 South St. The Redevelopment Authority will then have the opportunity to do whatever needs to be done with these properties. Mayor Persing included that the Redevelopment Authority will be going out for bids for 202 Washington Ave. They are looking for modular builders to put a home on the foundation after it is razed so the foundation does not have to be filled and then dug out. Mr. Scott Johnson said he thinks what the Redevelopment Authority is doing is a fantastic idea. Mayor Persing also said he was at the Hill St. Neighborhood meeting and the committee went out and took pictures of homes they were worried about and submitted that to the code office. If every ward could do that it would be a great help and sites could then be prioritized for improvements.

### **RIVER FRONT PROJECT**

Councilman Eister explained that the contractors are pouring concrete every day. The north end has a final coat of paving to the fishing pier. By the end of the week it should be paved from the fishing pier to the amphitheater. Councilman Bartello asked if a May finish date is still feasible and Councilman Eister answered yes.

### **ROAD CLOSURE/RESCUE HOSE CO**

Councilman Troup moved to pass the road closure as requested by the Rescue Hose Co. to have a block party. The road closure will be Edison Ave. from Packer St. to Amy St. Vendors will be set up in the street and they will have 4 bands. Second – Eister. Unanimous vote. The block party will be held on June 30<sup>th</sup> from 12:00 noon to 11:30 pm.

### **COMMUNITY GARDEN**

Ms. Sarah Small from Bucknell University asked if it would be alright for her committee to use the 7<sup>th</sup> & Packer St. property where a house was razed recently as a community garden. They thought they could get approximately 8 plots in that area. Councilman Eister said he would be happy to meet with the committee. He said there would have to be topsoil brought in. Ms. Small said on Earth Day April 22<sup>nd</sup> they would like to have a ceremony at the site and get the community involved in the process. Mayor Persing said he appreciates the work Professor Marsh's class is doing in Sunbury.

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

Councilman Snyder moved to pay the invoices reported on the voucher's payable report in the amount of \$74,674.03 from the general fund as funds are available. Councilman Bartello asked what the repair for the SMA field fence was and the answer is it is for flood repair to the fence and field and hopefully the City would be reimbursed by PEMA/FEMA. 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.

### **PARKING LOT DIRECTIONAL SIGNS**

Councilman Bartello said he was wondering what the chances of getting directional signs to the municipal parking lots made by the public works department would be. Or a sign that says Central Business District like Lewisburg has to be placed at Front & Market Sts. Councilman Troup answered that he thought there are signs to some of the lots but he would check to make sure.

### **CLEAN HARBORS ZONING HEARING**

Councilman Bartello said Clean Harbors never went before the Zoning Hearing Board (ZHB) for what they are trying to do at the Moran site. After seeing the DEP permit and what is listed on it, Councilman Bartello said he thinks it would be in the City's best interests for them to go before the ZHB. Councilman Troup asked if what they are doing meets the zoning ordinance. Councilman Bartello said Zoning Section 175.6F says it prohibits industrial processes that may be noxious, injurious by reason of production of dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or conditions. All businesses would have to go before the ZHB who then has the say to put restrictions on to protect the public health. Councilman Eister said DEP has not ruled on the permit yet. Councilman Bartello said this is regardless of DEP issuing a permit. Councilman Bartello said because they are solidifying liquids it should be looked at. Councilman Eister asked if Clean Harbors has decided to do that project and Councilman Snyder said it is very clear that they are moving forward with the project. They do not even have a building permit yet so Councilman Eister questioned why they would need a zoning hearing. Councilman Snyder said the City still has the ability to make them have a zoning hearing to ensure they meet the City's criteria. Councilman Bartello said the office is probably open now because they were remodeling it. Councilman Snyder said the intent is to communicate with Clean Harbors that they must go through the ZHB as part of the local permitting process. The Zoning Hearing Board decides whether it is in the public's interest for the business to come in. Mr. Rhoads said the only discussion the code office has had with Clean Harbors is in regard to remodeling the office and storing the pods. Mayor Persing agreed saying once they define what will be done on a permit application that is the time to tell them about the ZHB. Councilman Bartello said the initial permit has a lot of items on it that are prohibited by City ordinance. Mr. Apfelbaum explained that there are land use regulations in the City which comprise the zoning ordinances. There are state regulations as well but they are totally separate items. As it applies to the City, if someone is using land, it must be used in compliance with the zoning regulations. If the code office finds that someone is using land outside of the regulations, a citation procedure can be used. If as a follow-up, a land-owner or user wants to file an application to use land in a separate way from how it is being used today, it would come before the code office. They would say yes or no and if

the code office's answer is no, then it would move on to the zoning hearing board. During the ZHB meeting, the public could put on record whether they feel it is an issue and the ZHB members would make a decision. An appeal could be made to the Court of Common Pleas. Mr. Rhoads explained that this goes beyond prohibited uses because it will have to go through reviews for land development, and possibly a sub-division. At this time, what they are doing is within the ordinances of the City. Ms. Cora Campbell asked if they are applying for a permit to bring fracking fluid in and Mayor Persing answered they are not. She said she has a page from the permit that says they are. Mayor Persing explained that it says fracking fluid waste which is not frack water. The site cannot accept frack water because they are not set up to do so. They do not have the equipment to accept it. Ms. Campbell said there were 3 water tanks in there and wondered why. Mayor Persing explained that they are trying to keep the dust down because of the neighborhood complaints. Mayor Persing also explained that they are building the additional road to get into the site 3 years ahead of schedule to get the trucks off the streets and lighting will be added to the site and the new road. Ms. Campbell asked if the City of Sunbury is keeping an eye on what they are doing and Mayor Persing answered that yes, working with DEP, the City is keeping an eye on it. Ms. Carol Mazzeo said on the permit it specifically says oil and gas drilling fraction fluid. Mayor Persing asked if it says fracking water and Ms. Mazzeo read several other items that Mayor Persing said will come out of the mud. Councilman Eister said Ms. Mazzeo was at the DEP LMIP meeting and they said the fracking process comes after the drilling is done. The product she is referring to is the drilling lubricant, according to DEP at the LMIP meeting. It is the product used when drilling. They then reclaim as much of that product as possible because they reuse it. Then the fracking people come in and that is when the frack water comes into play. Councilman Snyder said no one at the council table is an expert on fracking, drilling, drilling mud, etc. DEP must review the permit request and approve or deny. He said this project is completely backwards because after the fact (after DEP permit is obtained) the City would then question what they are doing. He feels an uneasy precedent is being set because no other location has been done this way. Councilman Snyder said the county planning commission doesn't know what's going on either. Councilman Eister said they cannot build anything at the site until they come to the City for a building permit. Councilman Troup said it is common sense that a company would not start to build anything until the DEP permit has been approved. At that time the plans will go to the city and county and that is when a zoning hearing request should be made.

### **AUDIENCE COMMENT**

Mr. Scott Johnson said he owns a restaurant/bar at the corner of 3<sup>rd</sup> & Market St and his customers have been ticketed because street sweeping started last week. His business is open until 2:30 and the sweeper starts at 1 am. Last year the street sweeper schedule was changed to the opposite sides of Market St. on alternate days. Part of the problem is the police do not follow the sweeper when they ticket. The no parking signs say no parking between 1 am and 7 am so any cars on the streets on the sweeper schedule are ticketed. Mr. Ken Long said Market St is usually swept around 3:30 am. Councilman Troup will look into the situation with Chief Mazzeo to see what can be done. Mr. Johnson also said there is a handicap parking space on Market St at 3<sup>rd</sup> St and since the Social Security office moved no one uses it. Mr. Long will paint over the blue handicap paint as soon as the public works department can get to it.

North'd County Commissioner Rick Shoch explained that while he was solicitor for a municipality they dealt with an issue with a DEP permit and there is a timing issue. The company applied for the DEP permit at the same time they applied to the municipality for special exception uses. The municipality had to turn them down because their requirements were such that they had to establish how they would comply with the DEP and/or Bureau of Mining requirements. They could not do that until the permitting process was complete. When the land development plan is filed with the county, that would trigger the zoning hearing if needed. This is a huge project and the company would incur a lot of costs if DEP would deny the permit. Councilman Bartello said he wanted to send a letter to inform them about the zoning hearing so they did not come back and say they didn't know. Commissioner Shoch said the company knows a lot of people are watching them so they will follow the necessary steps.

### **ANNOUNCEMENTS**

The city-wide clean-up is scheduled for April 24<sup>th</sup>, 26<sup>th</sup>, May 1<sup>st</sup> and May 3<sup>rd</sup> from 8 am to 7 pm at the transfer station. Residents must show proof of address.

Mayor Persing said if anyone has Sunbury memorabilia they should hold on to it so when a historical library is created, those items could be displayed there, including the Edison turbine.

There being no further business to discuss the meeting was adjourned at 7:25 pm.

Respectfully submitted,  
Terry Specht, City Clerk