

on the 2011 money because it is now over a year old. Ms. Shrawder hopes to have an answer from HUD by March 11th in regard to the façade money. Mayor Persing asked if that would give enough time to discuss a percentage for the new economic development program and Ms. Shrawder answered yes. The amounts to be moved are not concrete. They can still be changed. Mayor Persing asked if any other business applied for funding and Ms. Shrawder answered no. Councilman Bartello asked if another meeting can be scheduled before March 11th and Ms. Shrawder said yes she will schedule a meeting. There is a lot of structure to be done to this program and this project will show how it can be done. Guidelines will be the same for every business.

RESOLUTION/COUNCIL MEMBERS REAFFIRM OATH OF OFFICE

Mayor Persing moved to pass Resolution 2013-02 as shown (see attached) which reaffirms council member's oath to support and defend the Constitution of the U. S. and to ask Congressman Lou Barletta to introduce, support and secure the passage of legislation within Section 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 that will guarantee all citizens the unalienable rights guaranteed to us under the U. S. Constitution. Second – Eister. Unanimous vote.

APPOINT ALTERNATE FOR ZONING HEARING BOARD

Mayor Persing moved to appoint Mr. Jesse Woodring as an alternate for the Zoning Hearing Board. Mayor Persing asked if anyone else had a recommendation to the board and there were none. Second – Eister. Unanimous vote.

PA DOT STREET CLOSURE/ROTARY CAR SHOW

Councilman Eister moved to send the paperwork to PA DOT for the annual Rotary Car Show to be held on June 8, 2013. Second – Persing. Unanimous vote.

PCTI WOLVERTONS T PROJECT/ADJUST BUDGET AMENDMENT

Councilman Eister explained the initial costs for this project was \$1,050,000 and has been revised to \$1,200,658. There was a light package included that made the project come in over budget. Ms. McLaughlin wrote some letters and PA DOT agreed to fund the additional costs. Councilman Eister moved to amend the budget to \$1,200,658 and authorize the Mayor to sign the adjustment letter. Mayor Persing emphasized that there is no increase in cost to the City of Sunbury. Second – Troup. Unanimous vote.

APPROVAL TO PAY INVOICES

Mayor Persing moved to pay the invoices reported on the voucher's payable report in the amount of \$121,222.76 from the general fund and \$4,440.06 from Liquid Fuels. Second – Eister. Unanimous vote.

AUDIENCE COMMENT

Mr. Ed Quiggle thanked council for taking the first step in passing the Resolution concerning the NDAA. He does not feel the Resolution went far enough. He thinks we have to look back at PA's history when the fugitive slave act was a problem. Slave capturers would come into the state and kidnap people. But PA said no, people are free and deserve a trial. Laws were passed that stopped it and people coming to the state to kidnap people were arrested. He thinks council needs to not just say to Barletta that 1021 and 1022 should be repealed but to do something that says council will not cooperate with the federal government if they come here. He thinks there is more that can be done at home to protect our rights. He said again this should be a first step and council should go further to protect people from indefinite detention. If that means not cooperating if asked to cooperate that is something that needs to be considered. If it means arresting federal agents for violating kidnapping laws, because that is what this is, because they are denying them their constitutional rights.

Mr. Nick DeFonte said PANDAA did meet council halfway and instead of an ordinance PANDAA said they would do a Resolution with council. This is now passing the buck. These are our rights. Mayor Persing said council passed an ordinance saying what council supports. Mr. DeFonte said no council passed something that said please Mr. Barletta make sure you uphold our rights. He said we are not talking about Lou Barletta we are not in Lou Barletta's office we are in your office. They are saying you support our rights and defend them as our mayor of the City. Mayor Persing said that is what the

ordinance says. Mayor Persing said he personally said he supports the Constitution of the U. S. and that was passed tonight. If they can use that in other communities, they can.

Mr. John Bird asked if believing in the Constitution would include interposing the police with anything that would be unconstitutional. Mr. Bird said it is one thing to say that you uphold the Constitution but if you don't want to do anything about it, like willing to do anything physically, Mayor Persing said he does not think that would ever come about. Unidentified said if he doesn't think it will ever come about why not ease the concerns of citizens and say that we will certainly not allow that to occur. Mayor Persing said he can take what was passed tonight any way he wants to, that's what passed tonight on behalf of the city council of the City of Sunbury and that's where it ends. If another councilman wants to propose something else in the future that would be something else to look at. Tonight the council adopted a Resolution.

Mr. Ed Quiggle asked if the federal government asked for the police department's cooperation in indefinitely detaining someone what would the mayor's response be as the person in charge of the police department. Mayor Persing said he would sit down with the chief of police at that time and look over the situation.

Mr. Darwin Klock presented a check to the mayor from the Men's Slow Pitch League from an all-nighter tournament they held in September for the Sunbury fireworks fund for 2013.

Mr. John Bird said he wants to help out the PANDAA group but his main concern is with the TSA checkpoints which are no longer considered confined to border issues or airport security. They can go to a bus station and feel free to rifle through people's stuff. It is against the 4th Amendment to the Constitution. He would like to see wording later on. He said constitutional rights for Sunbury and it should say we will make sure your constitutional rights are protected as far as travel. Hopefully nothing will happen but throughout history people have said that and the higher ups go too far and it gets a little too late.

Ms. Jan Dockey asked if they have to have a reason to do that – to go through people's suitcases. She said no one can just stop her.

Ms. Julie Brosius asked how the newest member of the police department is doing. Mayor Persing said the dog is training with Officer Hause. They have to get used to each other. They have only known each other for a few weeks. Ms. Brosius asked if he was going to be used as a drug dog and Mayor Persing said yes. Ms. Brosius asked what his certifications and credentials are. Mayor Persing said he does not have them here. Chief Mazzeo said it will be several weeks until all his certificates are in. Copies will go to city hall. There are several things he will be certified in.

Mr. Nick DeFonte said he wanted to ask each member of council that said they would support the Resolution with a yes or no, do they believe Sections 1021 and 1022 are constitutional. Mayor Persing said the Resolution asks Congressman Barletta to make sure that this falls within the acts of the Constitution. He said they want things changed so he is saying parts of that are not constitutional. Congressman Bartello said he thinks the 2 sections are unconstitutional. Councilman Eister said he is not sure exactly what they say but there is an issue and that's why the Resolution was passed.

Mr. Gordon Lamb said Lou Barletta voted for the NDAA in Congress. He supports it. Mayor Persing said that is why they are asking him to look at it again. He also asked about the donation from the Degenstein Foundation to Geisinger to check into harmful effects on people's health from the fracking industry. Mayor Persing said that has nothing to do with the City of Sunbury. Mr. Lamb said he knows he is leading into what he is going to ask about. Last year the mayor told everyone the stuff was harmless coming to Celotex and yet there is a million dollar research project checking into its harmful effects on the people. And last month the mayor said the frackers left the state and went to Colorado which is apparently untrue. He said he wants to know if the issues at Celotex are safe or unsafe. Mayor Persing said there is nothing coming in now. What was coming in was legal and permitted and handled correctly. The stuff people accused us of coming in and never did was clearly an issue and that's why it didn't come into the City. No one lied and no one said anything else. The facts were discussed at the meetings. Not stuff that is dreamt up or happening elsewhere in the country. At this time there is not much going on. A lot of wells have been capped here and in Ohio. The Norfolk Southern part is still on-going but there isn't much coming in for them either. Clean Harbors moved and that will be discussed later. Mr. Lamb said (*not distinguishable on recording*). Mayor Persing said there are issues with different parts of it. There is no difference than a wood-working facility having 10,000 gallons of thinner. It is dangerous too but has to be handled correctly. The City of Sunbury never intended for water to be brought in which was a big issue

with people. No one said there were no problems with the whole process. Whenever chemicals are being used there could be an issue. That is why it is monitored and DEP gets involved. Mr. Lamb said the mayor met with Clean Harbors to discuss an evaporation pit which takes liquid waste from the fracking industry. Mayor Persing said and they didn't do it did they. Mr. Lamb said not yet. Mayor Persing read a letter from DEP (see attached) which said per Clean Harbors request, they withdrew the permit application and DEP was returning same to Clean Harbor. Mayor Persing explained this is the original application put in a year or so ago. There were no other applications sent to DEP even though people came to the meeting and said there was. Mr. Lamb asked if the mayor could guarantee that no fracking liquid is coming to Sunbury. Mayor Persing said Clean Harbors is not bringing anything to Sunbury. Mr. Lamb said what about anyone else. Mayor Persing said he doesn't know if the drillings are still coming in. If they are, they are coming in legally and he cannot say that is completely stopped. Ms. Carmen Campbell asked Mr. Lamb if he knows all fossil fuels are dangerous. General discussion was held between them.

Ms. Julie Brosius asked if a permit is needed for the backfill being brought into the Celotex lot. There is activity going on there. Mayor Persing said he is not aware of permits needed. Councilman Bartello said he checked with the county and they do not have anything as far as planning or storm water drainage there either. Ms. Brosius asked how they can do all the backfill without a permit. Councilman Bartello said he didn't know who told them it wasn't required. He was trying to get a hold of DEP today to see what is going on. Ms. Brosius said it is right in view on Front St. and Susquehanna Ave. Mayor Persing asked if they were talking about building a road and Ms. Brosius said she is not certain of what they are doing but you would have to be blind not to see it. Mr. Whipple said the fence has been down since Hurricane Sandy and has not been fixed. Councilman Bartello said there should be storm water data because it is over a 20,000 sq. ft. area they applied to DEP for and for some reason they are saying it is not required. He is trying to get in touch with DEP to say it is required and we should have storm water drainage data. Councilman Troup said there is storm water drainage at the site. It has been there since Celotex. Councilman Bartello said they are now raising the road up 6' or so and it is changing all the drainage but they haven't submitted anything new. Ms. Brosius asked Councilman Troup where the outlets for drainage goes – into the river or streets? Councilman Troup answered no that goes to Adam St at a mainline and goes down Front St. to a pumping station.

An unidentified person said there are 3 high-rises in Sunbury but there are no benches in the downtown area for people and it is too far to walk and people need a place to sit and rest. She said there should be benches downtown and near the Market House. She said one in each block would be nice. Also, a bus pavilion would be nice. Councilman Bartello said he has been gathering information for bus shelters. Mayor Persing said the benches would be on private property because the city does not own anything but Stroh Alley.

METER ENFORCEMENT OFFICER

Mayor Persing said applications are being accepted until March 1st for this advertised position.

LETTER OF INTEREST SENT/CREATION OF SOLAR ORDINANCE

Mayor Persing asked Councilman Bartello if he wanted to discuss the letter sent in regard to this subject. Councilman Bartello said the Department of Energy has a grant program called the Sunshot Program. They are trying to develop a standard solar panel ordinance and zoning permitting statewide. Part of the grant application was to commit 60 hours of staff time and he said Public Safety would commit to the 60 hours of staff time and he will put it in himself if someone else does not want to do it. By participating in the grant, if Sunbury is accepted, we will get a good ordinance and there is nothing in the zoning ordinance at this time. There will be free consultation with professional planners and they will reimburse the fee for the solicitor to review the proposed ordinance and an electrical inspector in the City will get free training on solar installation. Also, free training with the code staff for the permitting of solar installations. Also, PennFuture will do a presentation for council to go over the particulars of the program. He said it seems positive. Mayor Persing said someone approached council a few years ago about a solar ordinance and Councilman Bartello said that was someone that wanted an ordinance to say you had to use the electrical union to install.

ANNOUNCEMENT

The new restaurant in the N. 4th St. Plaza will be called The Bottleworks and should be open in a month or so. That is going to be a restaurant that will serve sandwiches and beer.

The State of the City is Wednesday at 7:00 pm at the Degenstein Library.

There being no further business to discuss the meeting was adjourned at 7:00 pm.

Respectfully submitted,

Terry Specht
City Clerk