

CITY COUNCIL
Sunbury PA 17801
July 23, 2018
6:15 pm

A regularly scheduled meeting of the Council of the City of Sunbury was called to order with the Honorable Mayor Kurt Karlovich, presiding. There was a quorum with the following in attendance:

Kurt Karlovich, Mayor
Elizabeth R. Kremer, Director of Accounts and Finance
Richard L. Reichner, Director of Public Safety
Chris Reis, Director of Public Works
James R. Eister, Director of Parks, Recreation and Public Buildings

Other City officials in attendance:

Joel Wiest, City Solicitor
Brad Hare, Police Dept. Officer in Charge
Michael Rhoads, Zoning Officer
Paul Brown, Fire Chief
Terry Specht, City Clerk

Visitors: 42

A moment of silent reflection was held after the Pledge of Allegiance.

PROCLAMATION/SUNBURY BUSINESSES

Mayor Karlovich stated many amazing businesses operate in the City of Sunbury. Any business that would like to be honored and not on today's list should contact the office. Mayor Karlovich presented the following businesses with a proclamation (see attached): Brewer's Outlet 50 years, Tru-Bilt Lumber 51 years, Sunbury Sub Shop 54 years, Strike Zone 56 years, Marlin's Sub Shop 61 years, Glen Raven Fabrics 64 years (formerly Sunbury Textile Mill), Moyer Electronic 65 years, Moyer Institute of Dance 66 years, Squeeze-In 73 years, The Daily Item 82 years, Benjamin T. Moyer Furniture 83 years, Purdy Insurance Agency 93 years, Sunbury Motors 103 years, David T. Zweier Funeral Home Inc. 105 years, Weis Markets 106 years, Gass Electric Inc. 109 years, Schindler's Studio 100 years, Sunbury Market House 117 years, UPMC Susquehanna Sunbury 123 years (formerly Sunbury Community Hospital), Zimmerman Motors 129 years, Olley Gotlob Funeral Home 129 years and The Hotel Edison 147 years. Mayor Karlovich moved to enter the Proclamation into the minutes of this meeting. Second- Eister. Unanimous vote.

PUBLIC COMMENT/AGENDA ITEMS

Mayor Karlovich asked for public comment on agenda items and there were none.

FFY2018 CDBG

Ms. Linda Sterling explained the process for 2018 CDBG project selections has begun. The allocation for 2018 will be \$296,249 which is an increase of about 10% than anticipated. Administration will be \$48,520 leaving \$247,729 for project funding. Project requests were received for the Reagan St. flood mitigation project, which would separate storm water and sewer lines from Front St. to 4th St. on Reagan St., replace an existing 15" combined sewer/storm water line with a 48" line for storm water only and new sewer line. Street paving will occur after the project is complete. This project will end flooding at the underpass. She is recommending \$225,729 toward this project. This will allow the opportunity to apply for a competitive CDBG grant from DCED which would be from \$750,000-\$1,000,000 for the project if approved. Julie Brosius asked if this project has to do with the City of Sunbury or the Sunbury Municipal Authority. Ms. Sterling said this project is strictly to take care of the flooding problem as far as CDBG is concerned. Councilman Eister said Penn DOT was scheduled to pave Reagan St. in 2019 and put it off until 2020 for this project to be completed. The Municipal Authority is committing \$250,000 for the first phase of the project. The entire project encompasses 137 acres and will be broken into 8 phases. Ms. Sterling said the entire project will take longer than 3 years, however, CDBG funding must be spent within 3

years and that is why the project is broken into phases. Ms. Sterling continued with the Sunbury Wetland Project request for funding in the amount of \$20,000, the project being over \$100,000. There was not enough funding for that amount so Ms. Sterling is suggesting funding \$10,000 which will match a planning grant for ADA Compliant and Pet Friendly Community Nature Park. The area was under private ownership and then deeded to the city. Regina Russell asked where the rest of the funding will come from for the wetland area. Ms. Sterling explained several grants have been applied for and they are looking for others. The planning grant will show the cost of the renovations to the wetland area so they will know how much they will need in other grants. Allen Bubb explained again that the area is the only existing right-of-way for the old Horn Railroad. Ms. Sterling went on to explain the Greater Susquehanna Valley United Way asked for funding in the amount of \$60,000 toward the purchase price of \$450,000 to acquire a building to create a community center with childcare, recreation and family support services, focusing on low/moderate income families. At this time the property is not under contract for purchase. Even though it is a good project, Ms. Sterling recommended the project be considered for funding in another year. The Sunbury Fire Dept. requested funding in the amount of \$12,000 for fire school grounds improvements for training. Fire Chief Paul Brown said the fire department received the new training equipment for free and he requested that funding be added to the Reagan St. project as it is a safety concern for the fire department. Ms. Sterling explained council needs to vote to select projects that will be approved at a public hearing at a later date. The \$12,000 in requested funding for the fire department would be added to the Reagan St. flooding project bringing that total to \$237,729. Councilman Eister said the wetlands project is a good project but the Reagan St. project is more important and serves the whole community. Working with the Municipal Authority and Penn DOT every dollar committed to the project counts. The SMA and city have committed \$250,000 to this project. If the funding does not come from CDBG funds it will have to come from city coffers. He recommends all the money goes to the Reagan St. project this year because it is important to get Phase 1 of the project completed in 2019. Regina Russell asked if the citizens could get a copy of the report. She said there are always changes made and additional funds requested for the project. Ms. Sterling explained this is not a work change – it is an entirely new project. Ms. Sterling explained the bidding process. Julie Brosius asked if a progress report is required. Ms. Sterling answered the state requires one, HUD requires one, they file tons of paperwork quarterly for each project. The state just monitored the Chestnut St. projects and will do so in the coming years. She said the wetland project serves the community and should be considered for funding. Ms. Sterling explained SEDA-COG's role in project selection is to collect all projects that come in, pass all the information to the public and give the public the opportunity to comment on the projects, be objective and make recommendations based on how the money could be spent. Council members make the final determination on how the CDBG funds will be spent. Councilman Eister moved that all 2018 CDBG funding goes toward the Reagan St. project. Second – Kremer. Yes – Reichner, Reis, Eister, Kremer. No – Karlovich. Motion carried. Beverly Mercer said she recently moved back to Sunbury and she thinks the wetlands is extremely beneficial to the city and cleans up the area. It would provide education and needs to be recovered. She feels the city should do what they can to facilitate that. Deb Betz asked how much funding was being asked for the wetland project and Councilman Eister answered the Reagan St. project has been discussed for 5-8 years. Flooding is an issue in that area. A project like this is discussed for years to get the funding sources together and lining things up. It is critical that all the funds possible go into Phase 1.

Ms. Sterling also explained a budget revision is needed every time changes are made to the way council allocates projects. A budget revision was needed because there was an error made on the CDBG Administration contract for 2016. The amount council agreed to was \$49,130 and because of an error in the contract the amount was reduced to \$40,130. Last year they asked council to consider giving the \$9,000 back to SEDA-COG in administration funds. The request was approved and the additional funding was to come from program income and from the Chestnut St. project. After several months DCED changed the way program funds are used and now cannot be used for administration. The budget revision (see attached) will take funding from the fire dept. project to purchase equipment in 2016 in the amount of \$2,510.75 which was not used into the admin budget. No funding is being exchanged however the funds are coming from different areas. Also, funding from the Chestnut St. project in the amount of \$6,489.99 would be taken out from the \$59,157.24 funding to change that project to \$52,667.99 and put into administration funding. Councilman Reis moved to accept the budget revision. Second – Reichner. No – Karlovich. Yes – Kremer, Reichner, Reis, Eister. Motion carried.

MAYOR KARLOVICH STATEMENT

In my opinion as the Mayor of Sunbury, we are in a crisis right now regarding our city police department, our city budget and our city hall is completely in disarray and disorganized and a free for all with fingers being pointed in all directions instead of working together to find a solution. While our council is great with joining the band wagon for anything positive that will help them look good, they are also all great at finding flaws of others, picking apart anything that is positive that doesn't fit their want and rearranging the public's view from them onto someone else. Our city is falling apart. We also have members of this council who were part of the previous administration who were involved with the decisions and failed actions with a grant regarding our failed city wide camera system and are trying to push the blame onto others as well. It is time for accountability and it is my duty to speak up about what is truly going on.

I am already foreseeing the backlash from our council for speaking to all of you. In my opinion when I try to be open and transparent in order to keep the public aware of what is going on, our city council members find a way to manipulate words and actions to fit their own agendas and to get the public's eye off of them and onto someone else to take the blame. I will not allow our city council to continue to use me or anyone else as their personal scapegoat any longer. I was elected by the people to serve the people and that is what I am doing. I support our city and I support our police department, but, I do not support the current actions of our city council.

I am not a business owner nor am I a landlord as other council members are and I have put on hold my future goals and career in order to be the Mayor of Sunbury. I ran for this position because the city deserves someone that will give their 100% and benefit the city and not themselves.

During my first few months in office I made real attempts to develop professional and personal working relationships with our council members by going to events and socializing with them in the office and out in the public. Perhaps I placed too much importance on that and listening to them and not as much into our city by releasing information as I should have. I am only one person on this council and I am truly an ally for our city and all people here.

I felt that it was important to try and socialize and get along with our council in the beginning and I still will continue to try and work with them. They clearly and publicly do not have the same interest and have shown their unwillingness to accept me as a member of the team. Not everyone must like everyone and be best of friends, but we must work together during our official capacity for the best interest of our city and not ourselves and that is currently not happening here in Sunbury.

In my opinion our council continues to fuel negativity which causes turmoil and stress while our city is circling the drain. Our council is more worried about trying to push one guy out of office who the council feels is a threat to their current established regime and who is trying to be transparent and represents a positive change to our city.

Sunbury deserves better than what is currently being given and I apologize to our residents, our visitors, and our police force for all of the negativity that is surrounding our city, especially by all of our elected officials, myself included. During this time of crisis that our city is facing, we should be showing that we are united and not divided and pushing out as much positive that our city has in order to help maintain our city's morale and showcase that we will overcome all that is going on.

Employment agreement

A section of a previous statement of mine to WKOK with exact words, *“Tim Miller is under a signed contract with the salary and benefits that Mayor Dave Persing, Ric Reichner, Beth Kremer, Jim Eister and Dale Henry all voted 5-0 and approved at a council meeting in 2016. Tim Miller will remain on the city's current budget for the remainder of the year and we must budget accordingly for 2019 until April 30. In January of this year we renewed Tim Millers contract as a sign of good faith and his salary was not affected.”*

The councils released statement, *“In the Mayor's statement he said Tim Miller would remain on the city's budget until 2019 due to a contract that was given to Miller by former council members and former Mayor Dave Persing.”...“ Earlier this year Mayor Karlovich decided to meet to renew the contract with new terms and conditions.”*

In my opinion their combined statement is incorrect and manipulative.

The employment agreement in 2016 which was approved by the previous administration which three of our current council members were, was in effect and was the reason how 2018 was budgeted before I became Mayor, hence Tim Miller's current salary. During January of this year, Tim Miller did approach me about changing his employment agreement in order to show the public that we were working together and council was well aware of this during the process.

I am one person out of five and one equal vote on this council. For them to suggest or imply that I have done this on my own, clearly shows that they are insulting your intelligence because they are assuming you do not understand the laws and rules that we must abide by. No one person on our council could ever enact an official city contract on their own without a majority vote by council to accept it.

The original employment agreement was voted and accepted by council in December of 2016 and became effective in January 2017 for a period of four years ending in 2020 and the January 2018 employment agreement was in place for a period of three years ending in 2020 as to not change the length of time from the original agreement. Yes, Tim Miller is under the same salary as the previous administration approved because the salary remained exactly the same as the original agreement. His benefits also remained the exact same except for the addition of a \$200 monthly travel allowance which replaced the use of a city owned vehicle to take home due to him not living close to our city. He is no longer receiving the travel allowance. The original agreement also allowed a lump sum payment of salary if something were to happen to his employment with us. We agreed to change it in the new agreement to being paid in bi-weekly payments instead of a lump-sum. Council approved the updated agreement on January 22 of this year during a public council meeting with Councilman Eister moving to pass the resolution and seconded by councilwoman Kremer, followed by a unanimous yes vote. I am respecting and honoring the settlement agreement that all of our council unanimously voted yes to accept and will not comment any further regarding such.

In regards to my Facebook Page

Council's recent statement was that it is "illegal" to delete things from my public mayor's page. In the beginning of the year I was approached by councilman Eister in the city clerk's office and was asked to delete any postings that referenced him in anyway off of my mayor's page. I said okay and I deleted the postings that referenced him out of respect due to him asking. In my opinion at that time, he either knew that it was illegal and was trying to get me to unknowingly break the law or he did not know and when he did find out he did not approach me to make sure I knew it could no longer be done. I did not know that I was not allowed to delete my postings off of my mayor's Facebook page that I personally posted. The deletion was not meant to censor anyone as I represent and support transparency in our government and our council never approached me about this to make sure I knew.

I have now looked into this topic which is extremely new and it does seem that with me being an elected public official with a public account. It means I may not be allowed to delete information that is posted on the account. I am moving forward and nothing will be deleted from my public page so that nobody feels that they're being censored in anyway because that is not my agenda. The public's input is extremely important to me and if you go to my public page, you will be able to view many negative comments that have been written by the public and are still there because the public's input is important.

Council's Misrepresentation of facts

In my opinion our council members from the very beginning have been trying to find a way of keeping me out of the decisions and business of Sunbury, especially with our Sunbury Police Department and try to destroy my reputation. I feel that with my Military Police background, combat experience and a Bachelor's degree in Criminal Justice makes me more experienced than our council members with learning and understanding what our police department needs and goals should be for the safety of our city. In my opinion I am the only member on our City council that truly supports our Sunbury Police Department, I have talked with our officers, I have done ride-alongs and want to see it succeed and hire new officers because our city cannot continue with only five officers in our department.

I have a screenshot from July 5th of a text message that in my opinion Councilwoman Kremer unknowingly sent to a group text which involved all council members when she thought she was only texting Councilman Ric Reichner because he was the last to respond to a previous discussion of a different matter.

Councilmember Text 1 *"Now we have to take pd away from Kurt. Give it to me or Chris"*

Text 2 *"oh well"*

Text 3 *"I thought it just went to Rick".*

In my professional opinion as your mayor, their combined agenda is to disband the police force and they are using our lack of officers right now to fuel their own personal goals. Councilman Chris Reis since January has been discussing with and trying to persuade our council and myself why we should disband the Sunbury Police Force and bring in the State Police for coverage. I do not support his plan of disbanding our police force which means the removal of the Sunbury police department. If we only received state police coverage would mean that a majority of the police calls would go unanswered and the coverage would take 1-2 hours or even longer for response. The size of Sunbury and the amount of calls and trouble that we currently have here would not be able to handle not having our own police force and it would further risk great safety to our city, our residents and visitors if it were to happen.

City employee morale

In my opinion the morale of our city employees is also at an all-time low. We have city employees in different departments that are afraid to speak up about the truth and actions of certain council members due to the risk of losing their jobs. Our City employees deserve to be treated better than what they are and have been receiving by some of our current council members. It is absolutely sickening that some of our city employees feel they cannot discuss how they are treated or what is happening because they know that majority of the council is a group that will stand by one another and will fire the employee for speaking up against them.

Closing remarks

As I have stated repeatedly since I have been in office, I have faith in our city, our police department and the public and I truly hope that all of our council can put aside their differences and move forward for the best interest of our city and work together as a team and not try to divide us further than we already are by nitpicking.

Only you, the public can truly make a difference and bring about the change that is needed for our city to succeed and survive. I call upon you, the public to continue coming to our city council meetings, be engaged in our city, pay attention to what is truly happening and make your decisions and bring the change that is desperately needed to the polls. If this statement is viewed by our council as it is me not wanting to get along, I apologize and that is not the case. We are at a critical turning point in the history of Sunbury. The reality is as of right now, all I am able to do is defend myself from our council while trying to protect our city's best interest and bring you the information and call attention to what is really happening in City Hall because it is my opinion that members of our council will continue to try and block me every step of the way.

Copies of this statement are available to all members of the press and to the public.

Thank you

Kurt Karlovich, Mayor
7/23/2018

Councilman Reis commented that as a new council person coming in and sitting in executive sessions every week due to one person, it is irresponsible to not think about options. He has brought up about potentially getting rid of the police department and also consolidating. After conversations with multiple police officers he feels it does not make sense to get rid of the police department. He also said they never said the chief's contract had to do solely with the mayor. They referenced that the previous contract was no longer in place. Everyone voted to do a new contract in January. Councilman Reis said he has personally approached the mayor to try to work things out for the

following issues: an email sent to everyone that said everyone has to respond to his and council's emails. When he approached the mayor he was ignored, hung up on or told to get out of the office. Also, there was a directive about going home early and no one approved that. He was looking into the consolidation of the police force and was told to stay out of it. It's not his department. Councilman Reis said there should be a Sunbury Facebook page and it did not happen. Regina Russell said if you are in charge of a department that should be your department and you are undermining the other department heads if you are in their department. Cpl. Hare said he called Councilman Reis because there was a street closure and Councilman Reis mentioned there were many rumors going around about him and the police department. He told Cpl. Hare he considered consolidation or disbanding the police department but now realizes that would not be in the best interests for Sunbury. Cpl. Hare said he doesn't care about any of that but the priority should be hiring new officers. Councilman Reis said his first assignment as a councilman was to look for a new police station because there was a conflict of interest with the mayor. An unidentified person said Chief Miller should void his contract because he knew he could not fulfill the job when he was hired. Solicitor Wiest stated the chief is not a union employee. He said because it involves a medical condition, the council members cannot discuss it. Because of that, none of the facets of the condition can be discussed, such as, whether they knew about it before he was hired. Deb Betz asked if pre-employment tests were done prior to his hiring. Mr. Wiest answered to be a patrolman there is a protocol to follow, when a chief is hired, it is different. At this point, that cannot be changed, however, going forward it can be.

RESOLUTION/FLOOD MITIGATION GRANT

Councilman Eister moved to pass the Resolution (see attached) to apply for a Multimodal Transportation fund grant in the amount of \$1,750,000 from the Commonwealth Financing Authority to be used for the Susquehanna Ave. Rehab Project and authorize the mayor to sign all documents. Second – Kremer. Unanimous vote.

CES ENGINEERING INVOICES

Councilman Eister moved to pass the following invoices for CES Engineering for various projects:

Chestnut St. Phase 2/180038-180037-180039 \$5,409.84
Chestnut St. Phase 3/180040 \$90.00
4th St. Traffic Signal Upgrades/180035 \$2,126.25
Reagan St. Project/180041 \$7,773.25
WPA Wall/180036 \$2,464.56

Second – Reis/Reichner. No – Karlovich. Yes – Kremer, Reichner, Reis, Eister. Motion carried.

ROAD CLOSURE

Councilman Reis moved to approve the road closure request for the Halloween Parade on October 18th, the Santa Parade on November 23rd and SRI's New Year's Eve Celebration on December 31st. Second – Reichner. Unanimous vote.

APPROVAL TO PAY INVOICES

Councilwoman Kremer moved to pay the invoices reported on the voucher's payable report in the amount of \$79,888.98 from the General Fund and \$45.37 from Liquid Fuels. Second – Reis. Yes – Eister, Kremer, Reis, Reichner. No – Karlovich. Motion carried.

DISCUSSION

Councilman Eister moved to allow Councilman Reis to review the health insurance benefits for city employees. Councilman Reichner asked if this is the current insurance and Ms. Specht answered Benecon is the broker for the insurance and Capital Blue Cross is the provider. Second – Reichner. Yes – Kremer, Reichner, Reis, Eister. No – Karlovich. Motion carried.

ANNOUNCEMENTS

Mayor Karlovich moved to accept Officer Vern Petty's resignation from the police department effective August 12, 2018. Second – Reis. Unanimous vote. Councilman Eister asked if Officer

Mazzeo is also leaving the force. Mayor Karlovich said he was notified Officer Mazzeo accepted a position with the Kulpmont Police department. This change is allowing Officer Mazzeo to move forward with his personal and professional goals. He is thankful for the friends and opportunities he has been given by the residents of Sunbury for the past 10 years. Officer Mazzeo has not officially turned in a resignation notice. So far this year, 1 officer retired, 1 resigned to move out of the state and 2 officers resigned due to other employment opportunities. The city will be conducting another civil service testing procedure later this year. Councilman Eister said part-time Officer Mike Vognetz is interested in full-time employment. Cpl. Hare said under civil service regulations Provisional Appointments 5.4, the city can hire a qualified officer to work under emergency circumstances without following the civil service procedures. They will then have to pass the civil service regulations after being hired. Cpl. Hare said they cannot sustain the police department with the personnel they have now. There are just too few officers available. Mr. Wiest said he and the mayor and all council members have witnessed that Sunbury has very dedicated and hard-working officers right now. They are working a lot of overtime and answering calls by themselves. He is more worried about the current officers being seriously injured while we only have enough officers to work one officer per shift. There is a lot of liability there to go with the liability of the way new officers are hired. After general discussion and under the advice of the City Solicitor, Mayor Karlovich moved to hire both candidates conditionally and on different contingencies. Both start on the full-time schedule at their earliest opportunity. Neither candidate will be fully hired and begin their one year probationary period until such time as they pass all required testing. All legally required benefits will be provided as deemed necessary under the law. Vognetz will be put on the full-time schedule immediately but will not be hired full-time until he passes the civil service tests. Mr. Libby will start to work as soon as he is eligible and passes the civil service tests. Second – Reis. Unanimous vote. Cpl. Hare asked the public to be patient with the police department. The remaining officers are all trying their best to keep the department running as best they can.

Mayor Karlovich asked council members if they would all stop nit-picking and running to the media and trying to push out one another and begin to work as a team to work for the best interests of the city. Councilwoman Kremer answered as long as everyone does that. Councilman Reis said yes but if they go to the mayor they cannot be put off. Mayor Karlovich said everyone has to stop being negative with one another. Councilman Reis said they cannot all do what one person wants and Mayor Karlovich said that doesn't happen. Councilman Reis also said he is 100% for it if everyone is on board.

AUDIENCE COMMENT

No audience comment.

The next city council meeting will be held on August 13, 2018 at 6:15 pm.

There being no further business to conduct, the meeting was adjourned at 8:12 pm.

Respectfully submitted,

Terry Specht, City Clerk