

CITY COUNCIL
Sunbury PA 17801
July 8, 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 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
Michael Apfelbaum, City Solicitor
John Bakowicz, City Engineer
Stephen Mazzeo, Chief of Police
Joseph Swope, Code Officer
Terry Specht, City Clerk

There were thirty-five (35) visitors present.

KICKBALL TOURNAMENT FUNDRAISER PRESENTATION

Mr. Tyler Hertzog awarded the Elks Club the winning trophy for the City's 1st Annual Light Up the Sky Kickball Tournament for the team they sponsored that won the tournament. The tournament was held to raise money for the fireworks. There were 9 teams involved this year and Mr. Hertzog hopes next year there will be many more. He also presented a check in the amount of \$1,148.00 to Councilman Eister to be placed in the fireworks fund. Councilman Eister thanked Mr. Hertzog, a business major at Susquehanna University, for his efforts for the fireworks. Mr. Hertzog said there will be a Light Up the Sky Dodge ball Tournament in the fall to also raise money for the fireworks. Mr. Hertzog announced that Mayor Persing and Councilmen Eister and Snyder participated in the Celebrity Game to kick-off the tournament and the celebrity team beat the Max Media team.

MINUTES AND REPORTS

The available departmental reports of the Police Dept., Treasurer's Office, Controller, Health Dept. (quarterly), 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 (quarterly) are in the City Clerk's office for review. Motion to accept was made by Mayor Persing. Second – Eister. Yes – Snyder, Troup, Eister, Persing. No – Bartello. Motion carried. Minutes will be posted at cityofsunbury.com.

PUBLIC COMMENT/AGENDA ITEMS

Ms. Cheryl Snyder said Councilman Snyder gave an interview about recreational burning and she asked if his quotes were accurate. Councilman Snyder said it was a telephone call not an interview. He said the majority of the article was accurate. Councilman Snyder said if she is asking what his opinion is, it was stated in the article. Ms. Snyder read parts of the article.

Ms. Regina Russell read from a prepared statement: "I was dismayed by the constant and inappropriate behavior demonstrated by the mayor and council members with their blatant disregard of the Board of Elections Code of Ethics, the PA 3rd Class City Code and abuse of their authority as leaders who are elected as civil servants to serve and protect the rights of the citizens and residents of the City of Sunbury and not for their own personal interest. At the June 28th city council meeting the mayor shared with the public there was an investigation regarding the grievance complaints filed by Inspector Rhoads and Swope which council member Bartello and the public were denied an answer when asked to hear who did the investigation and the conclusion which I felt was a significant question. I would like to ask Councilman Bartello did the mayor call you into his office to discuss his displeasure with your job performance followed by a meeting of the whole council for you to have the opportunity to discuss and rebut whatever concerns he had. And that would be a yes or no answer. *Councilman Bartello answered no.* The mayor and 2 other council members have scrutinized and made several bogus attempts to publicly humiliate Councilman Bartello and more so because of his recent media coverage alleging comments of fraudulent behavior council members interfering and undermining his authority and responsibilities within the code office and its employees. On June 28th 2 members of council were conveniently absent from the meeting, the City Solicitor Apfelbaum and council member

Snyder. The remaining council appearing as a quorum with 4 council men present 3 to take action and vote against 1. The mayor led with a motion to vote before the public to remove from the code office the employees from Councilman Bartello's responsibilities and position them under the management of Councilman Troup. The vote passed with the mayor, council member Eister and Troup. Under the PA 3rd Class City Code, rule #4 city council members must avoid conflicts of interest between the members and the business of the City of Sunbury. A conflict of interest can occur when a member's private interest interferes or influences in any way or even appears to interfere with or influence the interest/decisions of the city. Council member Troup's vote was biased for private interests and he should have recused himself or the mayor should have recused council member Troup. Under Rule 12 of the city council rules Item D – a majority of the whole number of members of city council shall constitute a quorum. No resolution or ordinance should be adopted by city council without the affirmative vote of all members of council. The council did not have a legal quorum and the vote needs to be and should be voided. Councilman Troup I would like you to recues yourself and make a motion to void that vote and secondly make a motion to void that vote removing yourself responsible of overseeing the code administration and its employees.”

Councilman Troup asked where he is gaining privately in this. Ms. Russell said for the mayor to remove the responsibilities from Councilman Bartello and put them under Councilman Troup's direction that would give him personal interest. Councilman Troup said that isn't private gain and Ms. Russell answered I didn't say private. Ms. Russell asked Mayor Persing why he allowed the vote to proceed in an illegal manner. Mayor Persing asked Ms. Russell if she knows what a quorum of 5 is. Ms. Russell said there was no quorum. Mayor Persing said a quorum of 5 is 3 people. Ms. Russell said if Councilman Troup would have recused himself there would be 2 people to vote against council member Bartello and what they did was an illegal act.

SRI UPDATE

Ms. Meghan Beck said she did not have a full SRI report but on July 20th Nate Myers and the Aces will be playing at the amphitheatre. Also, she asked about the Resolution brought up at the last meeting to see if it will be approved. Mayor Persing said he feels it is tied to the budget and budget talks have not begun yet. Ms. Beck said it has to be completed as soon as possible. It takes about 6 weeks to 1 year for approval. Mr. Apfelbaum asked if the \$34,000 number has to be in the Resolution and Ms. Beck answered yes. Part of the application is proof that the full-time position can be supported. He asked if it had to be \$34,000 and Ms. Beck answered that figure matches up with the funds that SRI can add to it so they can show proof for 5 years that the position will remain funded. Ms. Beck said it is understood that the City can review the \$34,000 every year because it is understood the City cannot commit for 5 years. Mayor Persing recommended to council to seriously consider this and be prepared to vote at the next meeting. He said he is not prepared to vote tonight. Councilman Snyder said financially is the City in a position to afford another \$34,000 in the budget for anything. The answer would be no because it was so hard to get the 2013 budget to the point where it could be passed without a tax increase. Councilman Snyder said expenses in other categories would have to be reduced, revenue would have to be raised through taxes or work with SRI to develop a business plan that has to do with a means for them to show revenue generation or a way to put back the money put out. He feels that is doable and is not a lot of money. With a business plan and working day in and day out Councilman Snyder feels council members could come up with this. It presents council an opportunity to work more with SRI. Mayor Persing said he knows all council members are in support of the request and keep SRI moving forward. He just feels it is a big commitment for 5 years and agrees a plan must be put in place. The Resolution will be presented at the next meeting for a vote.

REDEVELOPMENT AUTHORITY

The next meeting of the Redevelopment Authority Board is scheduled for 4:00 pm on July 11th. Mayor Persing said it is a public meeting and anyone may attend. Several auctions are being planned for the near future.

DECLARE HEALTH HAZARD/1027 KELLER ST.

Councilman Eister explained there is a playground near 1027 Keller St which is a property discussed at prior meetings. It is a safety hazard because children are going on the property and starting fires. The DPW crew went in last week and cleaned the exterior up. The trailer will be removed soon. Councilman Eister moved, acting as the Board of Health, to declare this property at 1027 Keller St. a public nuisance and post a notice on it giving the property owner 10 days to clean it up. After 11 days the trailer will be removed if someone does not come forward. Second – Snyder. Unanimous vote.

APPROVAL TO PAY INVOICES

Councilman Snyder moved to pay the invoices reported on the voucher's payable report in the amount of \$43,285.47 from the General Fund and \$278.78 from Liquid Fuels. Second – Eister. Unanimous vote.

TAX EXONERATION

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

OUTDOOR BURNING

Mayor Persing explained at the last few meetings people have come to discuss outdoor burning. He said speaking for himself he has not come to a conclusion because he feels the discussion has been about different things. He has had as many people call in favor of burning in fire pits. Ms. Snyder said the one by her house is not a pit, the bottom of it is 18” off the ground and is a chicken wire construction that is 2’X2’X3’ that has wood inside. The flames go above the outside of the container. It is less than 10’ from the house and the house is one side of a double house. Mayor Persing asked if there was a chimney and Ms. Snyder said no. Councilman Bartello said the City has 2 different laws and in the world of building codes the stricter of the 2 apply. Mayor Persing said he is saying apply it to what. Councilman Bartello said the Municipal Authority change said there would be no open fires in the City. Mayor Persing said then you can’t have outside grills. Mayor Persing said that is what he is saying. The ordinance has to be looked at to make exceptions. Councilman Bartello said a definition has to be added, just like when drug offenders were added to the definition for the code. Mayor Persing said that is what he is talking about. It all has to be put together to define it and it applies to everything. He suggested a public meeting be held and hear the pros and cons so one ordinance change can be made to address the problem. Councilman Eister said what Ms. Snyder is describing is homemade and she said it is. She said her question goes back to the article that appeared on June 29th when Councilman Snyder was not there. Councilman Snyder said that is because he has a job. Mr. Apfelbaum asked Chief Mazzeo what he would do if an officer is called to a big fire in the yard. Ms. Snyder said the police were called and came to her door and said what do you want us to do about it. Ms. Snyder told them there isn’t supposed to be burning in city limits and they said well there are a couple of people on city council that have told us now that we shouldn’t enforce that and it is ok for burning. Mayor Persing said he does not believe that and asked what officer said that. Chief Mazzeo said there is something similar sold at Cole’s. He said if the flame is that high she should call the fire department. Ms. Snyder said she was told that if she called the fire department she could be arrested for falsely reporting a fire. Councilman Bartello said he called that one in to the 911 Center himself because he drove by and the flames were huge. He said the police officer told him they could not enforce it because the code office said it was ok. Councilman Bartello said how do you enforce it as the code office. Is there a distance a hot ember could travel to someone’s roof. Chief Mazzeo said there is something about outdoor furnaces. Councilman Snyder said the one next door to Mr. Swanger is illegal. Mr. Swanger said he is no longer using that but using something similar to what chief described. He said as far as he is concerned it is open burning. The hot embers can go up in the air. It is in the City, if you want to build a campfire do it in the country. If you can’t burn paper in a burning barrel you shouldn’t have any burning. He said they use gasoline to start their fires. Mr. Swanger said what he is asking council is to stop burning completely until something is added to the code. As far as using a grill that is fine. Chief Mazzeo said some fires on grills go pretty high too. He said he agrees with the mayor’s suggestion of having a meeting to discuss it. Mr. Swanger said in the meantime they are continuing to burn. He was told by code that they were to be told they can no longer burn. That did not happen. Mr. Swanger also said they are burning too close to houses. Councilman Eister said the fire department should give a recommendation on distance to see how far away from a structure they should be. Mr. Swanger also suggested a timeline for burning – not after a certain time. The people by his house let the fire burn and go in the house. Mr. Swanger said if a home is burnt and a possibility of life lost, it is too late. Councilman Bartello said the reason this code was put in was because of the smoke and people with allergies and asthma. They have the right to enjoy their patio as much as the people that like to burn. When people live so close together situations like this happen and common ground should be found. Mayor Persing asked Mr. Jerome Alex if he could get some representation from the fire department to discuss this. Mr. Alex said he would do that before the next meeting. Mr. Alex said if a person is burning in a chimnea there is nothing wrong. If they use the wrong kind of wood there would be a lot of smoke. He thinks commonsense is needed and most people are responsible enough to do things the right way. He is not in favor of homemade devices because they are dangerous. Councilman Snyder said it is a matter of commonsense. Obviously a 5’ fire is a violation. Ms. Russell said since Ms. Snyder mentioned she has asthma which makes her legally disabled, it would fall under the ADA and maybe an amendment could be made to the ordinance regarding burning pits and the stricter one Councilman Bartello could be amended in more detailed guidelines. Ms. Snyder also said the caption from the article in the newspaper said Sunbury is considering changing its burning ordinances. She said she thought one of the ordinances in place is no burning in city limits. She said they are not saying change it they are saying enforce it. Councilman Eister explained when it was written it was for burning trash. Councilman Snyder said it is not open burning. Mr. Swope said the ordinance says no bonfires. A lot of what you can buy to burn in a yard has a screen top and he agrees with Councilman Snyder, if you use commonsense it would be ok. There are people that take the screens off and put big logs in which isn’t good. He estimated there are

probably 1000 devices in the city to burn and out of them there are maybe 4 or 5 people that don't listen. He thinks council should define what a bonfire is. Ms. Snyder asked if they couldn't go by the more restrictive ordinance that says no burning until something is decided by council. Until council makes a decision she will have to hide in her house because someone down the street is burning. Mayor Persing said they meet in two weeks. Ms. Snyder said it isn't fair in the meantime that she can't enjoy her yard. Councilman Snyder said it isn't fair to penalize the 995 people that use them the proper way for the sake of the 5 doing it wrong. Councilman Bartello said several people have said this particular one is a violation and doesn't fit the current code. Councilman Troup asked Mr. Swope if he checked the burn pit Ms. Snyder is talking about. Mr. Swope said yes and it is home made. Councilman Troup told Mr. Swope to tell him if he uses it again he will be arrested. He asked Chief Mazzeo if that is correct and he answered yes. Mr. Bob Werline said he agrees the pits should be away from a house at a designated spot and the flames should not be higher than the device itself.

DEMPSEY SUB-DIVISION

Mr. Bakowicz explained that an application for sub-division was received on Miller St at a double-home. He did clarify that it is not Dempsey Uniform and Linen, it is a private residence. The Dempseys would like to make a property 2- ½ doubles. The Planning Commission will review it this month and after that a recommendation will be made to city council to approve or disapprove. It will probably be on the August agenda. Councilman Bartello asked if it was a vacant lot. Mr. Bakowicz said it is 1 double home to be sub-divided into ½ doubles. Councilman Bartello asked why it took so long. If it is already existing and all that is happening is a paperwork chain why does it have to wait. Mr. Bakowicz explained it comes under a sub-division ordinance and as such must go into review. Some issues have been found. His report is on file for review. Before council acts on it the Planning Commission must review all the reports and make a recommendation to council.

AUDIENCE COMMENT

Mr. Bob Werline thanked whoever cleaned up the property at 1027 Keller St.

Mr. Ron Krieger said prior to the Riverfront project there were 7 boat ramps. At this time the river rescue has to go in below the fabridam to get above the fabridam. He said there has to be an emergency ramp put in. There must be accessibility to the river. They could not use the marina because the water was too high. He said time is a factor for something to be done. Mayor Persing said he knows that was discussed early in the project and one of the agencies said it couldn't be done. He said he has been calling about getting right-of-ways to cross people over to the riverfront especially at Chestnut St and Arch St. Market St. is not a good place to cross because there is no time someone can walk across. Mayor Persing said that would have to be approved by PA DOT and Councilman Troup can get on that.

Mr. Gordon Lamb said he called about brush pick up about 3 months ago and it has not been picked up. Councilman Troup asked if it was at the curb and Mr. Lamb said it is in the back. Councilman Troup said they are picking up a lot of brush and he will see that it is taken care of.

Ms. Regina Russell said regarding Councilman Bartello and Troup, since everything she said will be disregarded by not voiding the vote, she believes the City will need to rewrite the job descriptions on the city council website and revise it and add pictures of Councilman Bartello and Snyder.

ANNOUNCEMENTS

Councilman Snyder said he is working with the company the cameras were purchased from to put a person in Sunbury to install the cameras. He is starting next week. He will first complete upgrades on all the equipment and then will start to install the cameras. The installation should be complete by the end of October.

Councilman Troup announced the road will be closed on 12th St. from Highland Ave to Race St for a block party on July 21st so residents can meet each other. Councilman Troup said neighbors don't know each other and improved communication will make for better neighborhood relations.

Ms. Cheryl Snyder said traffic in that area is a nightmare because of PA DOT working on the bridge. Councilman Troup said he tried to get them to add signs but they will not change traffic patterns or the traffic lights.

Music in Cameron Park: July 9th Billy Dee & Rose and July 16th Smooth Country.

There being no further business the meeting was adjourned at 7:15 pm.

Respectfully submitted,
Terry Specht, City Clerk