

CITY COUNCIL MEETING

Sunbury, PA
June 24, 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
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:

Stephen Mazzeo, Chief of Police
Michael Rhoads, Zoning Officer
Joseph Swope, Code Officer
Terry Specht, City Clerk

There were thirty-one (31) members of the public present.

Mayor Persing announced city council members met at 5:30 this evening to discuss personnel issues.

AUDIENCE COMMENT/AGENDA ITEMS

2013 CDBG FINAL PUBLIC HEARING

Ms. Jamie Shrawder began the final public hearing for 2013 CDBG application process. 2 weeks ago council selected several projects for funding to include: \$73,000 Clearance/Demolition, \$33,660 OPG basketball court improvements, \$42,000 Ladder truck purchase, \$97,340 Chestnut St reconstruction and \$54,000 Administration. Ms. Shrawder asked if there were any comments regarding the projects selected for funding. There were none. Ms. Shrawder said there was a meeting with Barry Garverick, PA DOT District Services Rep, and a contractor that uses the nova-chip product to find out how the Chestnut St reconstruction project should be done. It was determined the contractor indicated it would work on Chestnut St. with no problems and it could be done for the available funding. Barry said he could not make a recommendation to the City but he has talked to a PA DOT pavement designer that said they use that product a lot on the interstate in District 8. He said he would not recommend it on a street like Chestnut because it is brick underneath the surface and there is a lot of heavy stop and go traffic and the trucks would push it and it would crumble. It is cost effective. Barry feels super pave is better – milling 2” and putting super pave asphalt on it. If that is done the ADA curb cuts have to be replaced. Councilman Bartello asked if it would take all the money because Bill said it was illegal to use all the funding for paving and not fund other projects. Ms. Shrawder answered it is reconstruction. The PA DOT recommendation will be more expensive, \$460,000 and a longer lasting solution. It would be \$180,000 short of funding. Ms. Shrawder suggested an engineer be hired to look at the road and learn about it and then make a decision about what to do. If council wants to pave it, the engineer will do the design and bid and use super-pave. The super-pave project would cost about \$585,000 based on estimates. Ms. Shrawder suggested using the 2013 funds to pave Chestnut St. and 2014 to do the other projects which can be done now or in the spring in a budget modification when council knows what it will cost. She does not recommend borrowing the money with the anticipation of reimbursing in future years because in 2014 there should be new census data to use. If the City’s data goes below 51% it would not be an eligible, fundable project. Councilman Troup said when the super-pave is done, the ADA ramps have to be done. He felt the nova-chip would work because it isn’t milled down and the ADA ramps should work. The entire area is crack sealed first and he thinks it would wear better with that. Then the fiber mat is put on the whole street and the nova-chip is added on top of that. He feels if it is not going down to the bricks it is capable of working and would save the cost of re-doing the ADA ramps. The ramps were put in not too long ago and should be in good shape. Ms. Shrawder said the sidewalks are in such bad shape in the Chestnut St. area that no one would be able to get anywhere on them anyway. Councilman Troup said the street is in very bad shape. The Municipal Authority will come in and do the catch basins on Chestnut St. The nova-chip is on Route 80 near the Lycoming Mall. It is quieter than asphalt and there is no kickback when wet. He does not want to make the decision on his own and asked for council’s suggestions. Engineering would cost about 20% of the project. The nova-chip is guaranteed for 15 years and the

gentleman they talked to said he has no problem putting it on that street. He feels comfortable with it. Councilman Eister said they should find out where it's been done and talk to the municipal leaders about it and find out how it has held up for them. Councilman Troup said it is out near Masser's Restaurant to Shamokin on Route 61. Councilman Bartello said Masser's to Shamokin is not stop and go traffic. Ms. Shrawder said the reason a decision is needed is because if other options should be considered an engineer should be procured to look at the street. If they are going with Councilman Troup's suggestion, an engineer will not be needed and the project can move forward with the Environmental Review and the work can be started in the spring. Councilman Troup said he feels comfortable using the nova-chip. Councilman Eister said there is time to look into it because of the ER. Mayor Persing said he would like to know if there is a town that uses it for stop and go traffic and how it wears. Mr. Bob Werline said it is stop and go traffic at the red light on Route 61 and it does have humps in it. He said there are humps where the stop and go happens. Ms. Shrawder said it will be leveled before the final coat is added. Meeting was adjourned.

2013 CDBG

Mayor Persing moved to approve the Resolution to submit the City of Sunbury's 2013 Community Block grant application to PA DCED. Second – Eister. Unanimous vote.

Councilman Eister moved to make the budget revision of .50 cents from the Fire Hose Purchase Project into the Chestnut St. Paving Project. Second Troup. Unanimous vote.

DEPARTMENT OF PUBLIC SAFETY RESOLUTION

Mayor Persing explained at the last meeting there was an executive session which gave Councilman Troup the authority to investigate complaints in the code office. Upon recommendations of legal council Mayor Persing read from a Resolution (see attached). Councilman Bartello asked who decided this and Mayor Persing answered it was being decided now. Councilman Bartello asked when it came up and the answer is it was discussed at an executive session that Councilman Bartello attended and again at the executive session before this meeting. Councilman Bartello asked who was at that meeting and the answer is the Mayor, Councilman Eister, Troup and Mr. Apfelbaum. Councilman Troup said he spoke to Councilman Snyder on the telephone and gave him the findings of the investigation and Councilman Snyder said he agrees with the Resolution and told Councilman Troup to say that in the public meeting. Councilman Bartello said when the consultant gave the street department recommendations they said "the City has no systematic approach to allocating scarce resources nor does it understand how it currently utilizes personnel, equipment and materials in addressing the City's failing infrastructure." Councilman Bartello said he does not run his department any near to even be close to trying to come in and take control of his department. Mayor Persing said this only is personnel issues and that Councilman Bartello was at the 1st meeting where this was discussed and he knows what the issues are. Councilman Bartello said no what is it. Councilman Bartello said you are saying Troup is controlling my department and Mayor Persing said yes when it comes to personnel. Councilman Bartello asked if it is just the personnel with grievances or all the personnel. The answer was all personnel. He asked what else he has in his department and Mayor Persing said he should know what the guidelines are – fire department, EMT, EMA, public lighting and more. Councilman Bartello said he totally disagrees with this situation because from day 1 he has been told they are not going to run his department but it is all they have done since the time he was elected. Councilman Bartello said he wasn't given any findings and Councilman Troup said he was supposed to give him information about what he sees as problems but didn't. Councilman Bartello said he didn't want to give any names. Councilman Troup said he spoke to all 3 full-time employees and he does not want to make the grievance public because it is personnel issues. Mayor Persing moved to pass the Resolution and make the change as discussed. Second – Eister. Yes – Eister, Persing, Troup. No – Bartello. Motion carried.

APPOINTMENT TO HARB

Mayor Persing moved to appoint Mr. Rocky Baer to the Historic Architectural Review Board effective immediately. Mr. Baer will replace Architect Gary Wolfe on the Board. Second – Eister. Unanimous vote.

APPOINTMENT TO HARB

Councilman Eister moved to appoint Dan Strausser to the HARB to replace Adam Purdy. Second – Troup. Unanimous vote

APPOINTMENT TO ZONING HEARING BOARD ALTERNATE

Councilman Bartello moved to appoint Chris Wertman to the Zoning Hearing Board as an alternate. Second – Eister. Unanimous vote.

HARB APPROVAL

Councilman Bartello moved to accept the recommendation of HARB for Scott Johnson at 260 Market St. to replace windows on the 2nd and 3rd floor. Second – Eister. Unanimous vote.

APPROVAL TO PAY INVOICES

Mayor Persing moved to pay the invoices reported on the voucher's payable report in the amount of \$147,755.49 from the general fund and \$232.29 from Liquid Fuels. Second – Troup. Unanimous vote.

SRI/KEYSTONE COMMUNITIES GRANT

Ms. Meghan Beck gave council a copy of a Resolution regarding the Keystone Communities designation. She said from 2004-2006 the City Vision's program helped to create the Hill Neighborhood. The Elm St. designation for that area grew from there. It continues to thrive today holding activities and events throughout the year. The PDCC said the next step is to go to the Keystone Communities designation. The Elm St. funding for administration will run out this year. In future years the funding for the program will increase to \$250,000 a year and then go up to \$500,000 per year to request in grants, but not for administration. The designation would give the City priority for the grants and will be less restrictive. The Elm St. manager had to spend 90% of their time on the Elm St. project but the Keystone Communities designation can be for the entire City, including downtown. The concept SRI is working from includes the corridors and gateways which includes Front St, 4th St and Market St. Mayor Persing asked if it has to be 5 years and Ms. Beck answered yes, someone must be dedicated to the program full-time for at least that amount of time. There are smaller grants that may have administration funds to them that SRI would be applying for. The application could take 6 months to 1 year to be approved and is due now. A letter of intent has been submitted and the application is 2/3 complete. Councilman Troup asked what happens if council approves it and the next budget year the project would have to be cut from the budget and Ms. Beck answered then that's what happens. If SRI can keep a full-time person without the City's donation, keeping the grant is not a problem. If they can't they would no longer be eligible. There must be proof of support for 5 years before the designation can be made. Councilman Troup asked how much SRI is putting into the match and Ms. Beck answered \$10,000/year. Mayor Persing said when you have successful projects like the Hill Neighborhood has been, the state would look favorably at funding. It is a lot of money to commit to for 5 years. Councilman Bartello said he thinks it's a great idea. Mayor Persing thanked Ms. Beck and told her this subject would be on the next agenda.

AUDIENCE COMMENT

Ms. Brittany Bartello asked why an unbiased mediator is not being brought in to investigate the code office instead of someone that previously ran the department. She said she feels it would be more appropriate that someone that has not been involved would see it from an unbiased point of view. She said she thinks it is a conflict of interest. Mayor Persing said the decision was made through the legal people for the city.

Ms. Regina Russell asked if council didn't find it to be a conflict of interest that Councilman Troup is not over the code department but now he is in charge of the code employees. If he is given the employees they might as well kick Councilman Bartello out. She said it is undermining Councilman Bartello and his authority under the code office. Mayor Persing said there are issues with employees that are within the legal system and until that is straightened out Councilman Troup will be in charge of that department. Ms. Russell said anyone that works with anybody has had problems with their employer and they have not gotten in the newspaper. She said that was orchestrated so all of this could be transferred right now. She thinks council is not looking good to the public by doing that. He started out with the responsibilities, the public does not know what he did wrong and they are taking his responsibilities away from him. Councilman Bartello said maybe it should be treated like Mr. Sinko and suspend the employees without pay while it's under investigation like was done to Mr. Sinko. That would be his recommendation.

Mr. Robert Werline said there is a safety issue with the trailer on Keller St. Kids are going in the trailer and tearing wood out of it and taking it to the playground. There are animals in the trailer and he is afraid

someone is going to get hurt. It should be fenced off so kids can't get in there. He has discussed it with Councilmen Bartello and Eister to try to find the owner. Mayor Persing asked if it was on the Redevelopment Authority list. Councilman Eister said they are trying to track down the owner. Mr. Werline said he spoke to someone in Williamsport that knew him. The grass has been cut but there is a tree growing on the inside of the trailer, the porch is rotted out and has a lot of holes in it. It is a fire hazard. Councilman Eister said they went through the police, a private source and through the internet to try and track down the owner. Mr. Werline said if a kid would start a fire in there it would not take long for it to take off.

Mr. Ed Quiggle, Jr. asked what happened with the consideration of the 2nd Amendment preservation resolution. It was supposed to be discussed at the last meeting and would it be on the agenda next month. Mayor Persing said he has not looked at it. Councilman Eister said he thought the last time they discussed it they were waiting for Harrisburg to do something. Mr. Quiggle said the Harrisburg Resolution is different than what he recommended for Sunbury. It could take years to get the bill passed in Harrisburg. Since it was discussed other municipalities in PA passed it. Mayor Persing said they would look at it again.

Mr. John Burd said he is at the meeting about surveillance issues but he is also in support of Mr. Quiggle. When he brought this up before he said he has been vindicated in his thinking because Rep. Barletta has voted twice against the Resolution sent him from Sunbury. He has a lack of confidence in DC. There has been an amendment to NDAA that says Americans are not going to be deprived of due process and it failed. He asked council members to watch YouTube videos of Tom Woods to start to understand what is happening.

Ms. Meghan Beck said the first community bicycle ride was successful and had about 50 participants. Mr. Marquette asked her to mention there will be another one on Wednesday June 26th at 6:30 meeting at the swimming pool parking lot.

Mr. Dale Henry told council he encourages the use of cameras because his 7 year old went into the Ft. Discovery playground and found items a 7 year old should not see. He supports cameras because then you could see who is doing thing like that.

Ms. Cheryl Snyder said in the newsletter there was a segment about healthy Sunbury and it was talking about getting people to walk to lose weight. She would like to say that speaking as a person with asthma, she and her husband came back to Sunbury several years ago and found there are no more burn barrels but a person can build a 3'X3' chicken wire screen 1 1/2' off the ground in their backyard and have a bonfire at night to where the smoke is so bad that they cannot enjoy their house because the smoke comes in all the time. She is forced to shut windows and doors or go to the hospital because she can't breathe. She does not think it should be allowed. She should have a right to enjoy her property and back porch and not let that be decided by if her neighbor wants to have a bonfire. They have called the code office. One person said there is no burning allowed and the police come and say what do you want from us. She said the burning is 6' away from their double house so if one goes the next doors will go too. The police said they cannot tell them to stop because they have been told..... Chief Mazzeo said there is a disparity in the code and his department should not be drawn into it. Ms. Snyder said he was not there and did not talk to the 2 police officers. Chief Mazzeo said yes he did. Ms. Snyder said not standing on my porch and Chief Mazzeo said he did look into it. Until code sorts it out his department is not going to make a criminal arrest. Mayor Persing said this was brought up before and the issue is about 6-8 months ago council banned all burning for the Municipal Authority. There are still some code issues that allow that to happen. He said those 2 things have to be straightened out. Mayor Persing said they will try to take care of it next month. Ms. Snyder said you are telling me by July 8th she will hear council say there is no burning allowed in Sunbury. Mayor Persing said he said they will address the issue at the next council meeting on July 8th. Once it is reviewed, if council decides there is no burning that is what they will tell her. Ms. Snyder said is there 2 places where one says you can burn and one says you can't. Mayor Persing said the code says you can burn specific things. There is a law that says you can't burn anything. They are not sure what supersedes what and they are going to find out in 2 weeks.

Mr. Gene Swanger said Ms. Snyder's incident is not the same as the one he complained about at other meetings. He asked council to reconsider and change the code. Councilman Eister said they are not talking about outdoor furnaces.

Ms. Regina Russell said she hoped they would share the findings from the report from the investigation of the grievances from the code employees regarding Councilman Bartello. Mayor Persing replied it is

personnel information and he cannot talk about it. Ms. Russell said it was in the newspaper there were grievances but council can't tell the public what the grievances were. Councilman Bartello said he was sure the paper said what the grievances were. He can get the article.

ANNOUNCEMENTS

On June 25th Timothy's Burden will be Music in the Park. On July 2nd Ann Kerstetter Band will perform.

The Riverfront concert series will feature the Ann Kerstetter Band on June 29th from 6:30 -8:30.

There will be more information coming about "Destination Sunbury" as there are more people coming into town especially for recreation.

Laser Tag is at the ice rink from July 8th to 16th.

The Sunbury Challenge for Health Expo is at the ice rink on June 27th.

The 1st Annual Kickball tournament at the DLP Complex will be held on July 6th.

There being no further business to discuss the meeting was adjourned at 7:06 pm.

Respectfully submitted,

Terry Specht
City Clerk