

CITY COUNCIL
Sunbury PA 17801
July 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
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
Michael Bordner, Public Works Supervisor
Joseph Swope, Code Supervisor
Terry Specht, City Clerk

There were thirty-eight (38) visitors present.

MINUTES AND REPORTS

The Minutes of 6/11/2012 and 6/25/2012 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 was made by Councilman Snyder. Second – Eister. Yes – Snyder, Eister, Persing. No – Bartello. Motion carried. Minutes will be posted at cityofsunbury.com.

REDEVELOPMENT AUTHORITY UPDATE

Mayor Persing reported the Redevelopment Authority Board has approved a home to be built at 202 Washington Ave. Demolition should begin in September.

RIVER FRONT PROJECT

Councilman Eister said the project is progressing but there are still problems with the dock system. Paving will be finished Wednesday or Thursday and the finishing touches will be done. The electrical crew has some work to finish and then the project will be complete. Councilman Bartello asked what was wrong with the docks and Councilman Eister answered they are the wrong length and were not cut properly. The ribbon cutting is still on schedule for August 16th.

2ND READING/CHAPTER 53 AIR POLLUTION

Councilman Eister moved to pass on a second reading a change to Chapter 53 which will delete Section 53-3 B.(2)(a)(b)(c) which prohibits open fires for any reason other than cooking. Second – Snyder. Unanimous vote. The change will take affect 10 days after the 2nd reading.

LANDLORD/TENANT ORDINANCE

Mayor Persing stated again that if passed on a first reading at this meeting, a public meeting will be scheduled to hear public comment and the ordinance changes can also be discussed at the August 13th council meeting prior to the 2nd reading being passed. Mayor Persing said there is still a question about the \$25 re-inspection fee. Does council feel it is necessary to increase the fee for each re-inspection after the 1st re-inspection? Mr. Swope said at this time, if the home owner fails to show up for the re-inspection that \$25 fee can be doubled. He said for interior inspections they rarely return more than once but for exterior inspections they do. Mayor Persing said he is concerned about qualify of life or safety re-inspections. Mr. Swope explained that with any safety related issues, they return within 10 days. For smoke detector issues they go back the same day. Mr. Bakowicz pointed out that fines can be changed by Resolution so the ordinance does not have to be changed every time fees are changed. Mayor Persing explained that as you look at the ordinance, 134-9 and 134-2 are similar so they will be combined before the final version is passed. Another issue is how many forms of id does council want to require. Mayor Persing said most everyone has a driver's license or photo id. Councilman Snyder said he would feel more comfortable if it stated "government issued" id in the ordinance changes.

Councilman Eister said he thought a discussion was held to only require 1 form of id and Mayor Persing said that is correct. Councilman Bartello said he thinks council is getting too far off the track of Berwick's ordinance. Councilman Snyder asked Mr. Apfelbaum whether this version would be exposing the City to more liability if an ordinance is adopted that is not like Berwick's, since Berwick's ordinance has already been tested by going through the courts. Mr. Apfelbaum said on an issue such as a fee, there is no constitutional problem, it is a business policy decision. When council starts to discuss government issued id, they are starting to move closer to where council has to be careful. As council is looking at this ordinance, council must prepare as if someone will challenge it. So far, it doesn't appear to intrude on people's lives. Mayor Persing asked if the code office requires any form of id at this time and the answer is no. Councilman Eister said he feels 1 would be enough and Mr. Apfelbaum said he agrees with that. Any time you complete a form it is good practice to ask to see id. Mayor Persing asked if anyone from council was against one form of id and Councilman Snyder said he would like to see 2 because 2 forms are more difficult to fake and he feels government issued is the most important aspect. Mr. Apfelbaum pointed out that if someone presents a fake id, it is considered giving false information to authorities and that is something someone could be arrested for. Officer Hare pointed out that it is harder to make fake copies of licenses now because of security features on the licenses. Mayor Persing said 134-11 Illegal Activities needed changes. Someone asked at a previous meeting how far you go back to see if someone was arrested. Mayor Persing said Lancaster's ordinance states that "an illegal substance distributor shall not be eligible to be listed on the annual permit and shall be considered in violation of this ordinance." He said, effective when this ordinance goes into effect, what you did in the past does not matter, but after passage, if you get arrested and convicted for selling drugs, the landlord will be notified (as they do in Lancaster and Berwick) and they will have 10 days to begin the eviction process. The change is from the 2 convictions to 1 conviction after the ordinance passes. Councilman Snyder asked Mr. Apfelbaum if he feels the word "convicted" should be in there and Mr. Apfelbaum agreed it is important to have the word convicted in that sentence. Mr. Brad Niemic stated there are different types of wording for different convictions when he is looking up background checks and he asked if the definitions would be made available. Mr. Apfelbaum said that would more than likely say "convicted" along with what they were convicted of. If there is a question, bring a copy of the docket sheet to the code office and they could call him to clarify. Mayor Persing said one of the goals is to have all the landlords do background checks on whomever they are renting to. Usually if someone has a conviction and you tell them you are doing a background check, they will back away from the rental. Mr. Rick Sinko asked if under 134.11, if a renter's minor son has a party and is arrested, how would that affect the renter and can they be held liable. Mr. Apfelbaum said the renter should be sure that if there are minors at the premises, the renter should restrict their activities so they do not break the law at the premises. The main goal is to stop the drug houses. Ms. Julie Brosius asked if, in that same chapter, would it include illegal possession of a firearm. Mr. Apfelbaum said yes that would apply. Chief Mazzeo was asked to look into the illegal activity section and clarify it. Chief Mazzeo said if a gun is passed down from generation to generation, that is a different story. If they run a gun through their database and it is hot, it is considered illegal and the police would take it. Councilman Snyder said that 134.4 Notification of Information Changes should state that there should be a time limit for notification and it should be 30 days. Ms. Beck said 134.9 has a 10 day limit. It was decided that Section 134.4 could be deleted. Councilman Snyder also said that in 134.6 (C), Berwick's manager said it was necessary to begin the ordinance with established consistency and fairness with the inspection schedule. At this time, it is defined that the code office may or may not do inspections every 3 years and he feels it is important to at least be specific and state that an inspection will be done once a year and if the code office feels a place always has a quality inspection, it should be stated they could be rewarded for consistency and quality by only inspecting in 3 years. If anyone feels the code office is picking on someone by not inspecting them every year, the code office is open to liability. Mayor Persing said there is no way the code office could do 1900 inspections every year and that is why it was changed back to every 3 years. Mr. Swope said the properties they have trouble with, even inspecting every 3 years, they are in them several times a year with different agencies. There are a lot of good rentals in Sunbury which no one hears about. Councilman Snyder said ultimately the properties turn over, the good owner may sell and leave the area, and the new owner may not be as good. He feels a fixed schedule must be in place or the City will be open to liability. He said if it is every 2 years it must say once every 2 years, or it must say once every 3 years. Councilman Snyder said the code office must be armed with whatever they need to do the job to get things cleaned up. Councilman Snyder also asked how will properties that change tenants be handled. To him, each time a tenant changes, the property should be inspected. In the end, this ordinance should curtail bad rental units. Councilman Snyder said the code office has new software that tracks all interaction with each property so there will be a history documented and there will be a paper trail as to why decisions are made. Mr. Niemic said it is unfair that Councilman Snyder said landlords that rent on shorter terms are not good landlords. Councilman Snyder said that was not a general statement but the objective is not to turn over tenants as often as some landlords do, and for the tenants to have a decent place they are moving into. If a change in a tenant is reported, the unit should be inspected. Councilman Snyder said he would like to change wording in Section 134-9 Section G to "required" from "recommended." Mayor Persing said the question is still inspecting every year or every 3 years. Mr. Jim Shively asked why 15 miles was selected as the area that a landlord must live in or provide a manager for the property. Mayor Persing said that is because if someone in authority must be at a rental unit, there must be someone locally that can be there immediately, not someone that lives

in FL or CA that can't be there in a day. Mr. Shively said he has driven 30-50 miles to work already and he feels the 15 miles is unrealistic. Mayor Persing moved to pass on a 1st reading additions and changes to Chapter 134 as stated. Councilman Eister said he would like to change the area an owner or manager has to live within to 25 miles. Chief Mazzeo and Mr. Apfelbaum will meet to discuss Illegal Activities and bring more information to the next meeting. Second – Eister. Yes – Eister, Persing, Snyder. No – Bartello. Motion carried.

CIVIC AND VOLUNTEER ORGANIZATION LAW

Mayor Persing explained that he is concerned about the new law passed by the state that only 30% of funds generated by gambling in fire halls, civic clubs and others can be kept for operating expenses. Mayor Persing said the City cannot support a paid fire department so it is important to keep track of this new law that goes into effect in February 2013. He will follow-up with Rep. Culver. Councilman Snyder said his interpretation was for the case of fire departments, the 70% is specific to work in the public interest. The 70% would apply to the fire departments. Mr. Apfelbaum said that is an accurate statement. The way the law is written, the focus was more to track the winnings and if there would be an audit completed, 70% would be able to be used for public interest purposes.

ALCOHOL WAIVERS FOR RIVER FESTIVAL

Discussion was held regarding requests for alcohol to be served at River Festival. The Edison Hotel and Peace Valley Winery are requesting to be able to serve alcohol at River Festival. Councilman Eister moved to allow The Edison Hotel to sell beer at the Sunbury River Festival provided the River Festival Committee gives their permission. Ms. Laurie Johnson stated that as of several months ago she thought the committee decided not to allow alcohol at the festival. Ms. Meghan Beck said she doesn't know if the River Festival Committee is going to allow it but they were told this is the first step to be able to satisfy PLCB regulations if they do. Second – Snyder. Unanimous vote. Councilman Eister moved to allow Peace Valley Winery to be able to sample wine and sell bottles of wine at Sunbury River Festival provided the River Festival Committee gives their permission. Second – Persing. Unanimous vote.

USE OF COURT ST PARKING LOT/ELKS

Councilman Eister moved to allow the Elks to use the Court St. parking lot on August 4th to hold a block party from 3:00 pm to 11:00 pm and are inviting all the fire companies and the civic clubs to set up a stand. They will also have entertainment. Second – Persing. Unanimous vote.

REMOVE 2 PARKING SPOTS/PA AVE

Councilman Bartello said at 135 N. 4th St there is a 2 car garage behind the home owner's house. He said he can't use the garage because there are 2 parking spots behind the door and there is 7' to maneuver the vehicles out. Councilman Bartello said previously Councilman Troup said he did not want to remove 2 spots from PA Ave. but by not doing this, 3 spots are being removed because he has 2 vehicles and a motorcycle he can't put in his garage. Councilman Eister gave a response from Councilman Troup – Chief, Troup and Bordner looked at that area before and decided it was not necessary. Chief Mazzeo said the issue was not line of sight or clearance, the issue was the property owner's wife did not have the driving skills to put the vehicle into the garage. There was more than enough room for Chief to put a police cruiser in. Parking is tight in that area. Councilman Bartello said it is 7' and design standards are 24'. Chief Mazzeo will look at that area again and report to council. Councilman Bartello moved to ask the public works department to remove the 2 spots and paint the curb yellow. Mayor Persing said he would like to see it for himself before he votes. Councilman Snyder said it is neither a gain nor a loss. He would also like to look at it. Councilman Eister said why would he take his time to look at it when officials have already looked at the area. Chief Mazzeo said he will look at it again but part of the issue was that he did not get along with the neighbors.

POTHoles ON CHESTNUT ST.

Councilman Bartello said vehicles are swerving out of their lane to miss potholes. He said potholes are all over Chestnut St., the major ones being near 2nd & Chestnut St., in front of the welfare office and others. Councilman Eister said Councilman Troup is aware of that situation and some of them have been patched and others are slated for repair in the near future when public works gets the milling machine out to repair them properly.

CITY VEHICLES BEING DRIVEN HOME BY EMPLOYEES

Councilman Bartello asked whether city employees drive city vehicles home and if so is it a liability issue and is gas being paid by the City to go back and forth to home? Mayor Persing asked what department he is asking about and Councilman Bartello said anyone working for the City that uses a vehicle. Mayor Persing said no one in the police department is, however if they live in the City he

thinks they may stop by their homes at certain times with his permission. The K-9 officer drives his vehicle home on occasion. That is the only use of that vehicle. Councilman Eister asked if Councilman Bartello knows something the other council members don't. Councilman Bartello said he sees Mike Bordner around 6:30 am in a city vehicle. Mike said he starts at 6:00 am when the weather is so hot. All vehicles are covered by liability insurance throughout the City.

STREET CLEANER STATUS

Councilman Bartello asked what the status of the street cleaner is. Councilman Eister said it has been running for 2 weeks. Councilman Bartello said it must have missed his street because it doesn't look like it was cleaned.

NO TRUCK SIGN AT FRONT & PINE STS

Councilman Bartello said there was an incident where a truck pulled in and pulled wires down several weekends ago and he is recommending a no truck sign be put up. Councilman Eister said Councilman Troup said he cannot put a sign up at every location where there is an accident. Mayor Persing agreed saying he is not a fan of extra signs. One truck accident does not warrant a sign.

APPROVAL TO PAY INVOICES/VOUCHER PAYABLE REPORT

Councilman Snyder moved to pay the invoices reported on the voucher's payable report in the amount of \$78,441.97 from the general fund and \$5,574.47 from Liquid Fuels as funds are available. Councilman Bartello asked about the payment for skate park equipment. Councilman Eister answered that he purchased the equipment with a private grant. Councilman Bartello asked why council never voted on items like that. Councilman Eister said when someone offers to pay for something why would a vote be needed? Councilman Bartello said it increased the exposure to liability and Councilman Eister said it did not. Councilman Bartello asked where the port-a-potties are located. Councilman Eister said they were at the Wolfe Field and other fields in the recreation area. Mayor Persing further explained that during the season the baseball and softball organizations pay for more port-a-potties so there would be adequate toilet facilities. They are left for the football games in the fall as well. Councilman Bartello asked if they were open to the public and the answer is yes. Councilman Bartello asked what the pad was that was being paid for in this check run and Councilman Eister said it was to replace the pad in the baby pool that was falling apart. Councilman Bartello asked about the pump for the OPG playground in the amount of \$5,000 + and he thinks operating expense funds should soon be depleted. Councilman Snyder said everyone has the option each month to get a copy of the expenses. 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.

AUDIENCE COMMENT

Mr. Rick Reichner asked if PA Ave was accessible and is it used? Chief Mazzeo said state law says 20' is what is needed for the intersection. He also said there aren't many intersections in Sunbury at 20'.

Mr. Richard Good said he thinks it is more than appropriate to inspect rental units every 3 years. He said council should realize that the landlords usually work as do the tenants and they have to be present for the inspection.

Mr. Louis Ramirez said he owns a property at N. 4th St. and he does not want to put a garbage container at the front of the unit which would be on N. 4th St. He said he thought he had to provide the container and Mayor Persing explained as long as they have a can that is all that is needed so bags aren't exposed.

ANNOUNCEMENTS

Music in Cameron Park at 7 pm on July 10th will feature Higher Hope Praise Team and on July 17th Past Country.

Sunbury Celebration – July 12th Family Fun Night at OPG playground, July 13th free swimming and a Splash Hop at the Sunbury Pool and July 14th is Sunbury Celebration ending with fireworks at dark. The Bass Tournament to benefit Lymphoma/Leukemia is also on July 14th at the Shikellamy Marina. The Soapbox Derby is Sunday July 15th.

National Night Out is August 7th beginning at 5 pm sponsored by the Sunbury police department and Crime Watch and Target.

There being no further business to discuss the meeting was adjourned at 7:40 pm.

Respectfully submitted,

Terry Specht
City Clerk