

# Borough of Northumberland

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**Borough of Northumberland**  
**175 Orange Street, Northumberland, PA 17857**  
**Northumberland Borough Council Meeting**  
**February 18, 2014**

President James Troup called the meeting to order at 7:06 p.m. The Pledge of Allegiance was recited.

President Troup announced that the council held an Executive Session last Wednesday to discuss personnel issues.

Mayor Len Zboray offered an Invocation.

## **Roll Call**

Council members present were Stephen Reed, Ellie Rees, Paul Ruane, James Troup and Harry Wynn. Council member Adam Klock was present via telephone. Others present were Mayor Zboray; Ryan Tira, Borough Solicitor; Jeremy Deitrick, Sewer Department Superintendent; and Janice Bowman, Borough Secretary. Council member Ty Sees was absent.

## **Public Comment**

No public comment was offered.

## **Northumberland Sewer Department Report**

- Mr. Klock reported that the committee has determined that the department does not need to hire a full-time operator to replace the employee who has resigned. They are recommending that a part-time employee be hired. The job description was reviewed. Upon motion by Mr. Reed, seconded by Mr. Wynn, council voted to hire a part-time operator for the Northumberland Borough Sewer Department. The pay rate and number of hours will be determined at a later date. Ideally, the hours will be less than 30 hours, but the potential exists for additional hours during emergency situations. A CDL is not required.

Councilman Ty Sees arrived at 7:14 p.m.

- Mr. Klock stated that the solicitor and committee are pursuing local funding as interim funding until PennVest funding may be secured. This would permit the project to proceed. Mr. Brian Book explained that the next cut-off for the PennVest application is in 90 days. The first PennVest funding that the Borough could access is in October, best Monday and the report should be submitted

within 30 days; with the ruling from PHMC within case scenario. The delay is because the Pennsylvania Historic and Museum Commission has not yet provided clearance. Mr. Book noted that the field work was completed last an additional 30 days. In order to move forward with the project as fast as possible, bridge funding is needed.

- Mr. Klock stated that the Point Township Sewer Authority has not paid its past-due amount, approximately \$115,000. Mr. Tira advised that the topic could be discussed in Executive Session.
- Mr. Book informed the council that they have been working on industrial treatments.
- On January 30<sup>th</sup>, the Planning Commission toured the plant and met to discuss the plans for the new project. Mr. Book asked if they had approved the project. He said that they would also like approval to demolish the white building that is located on the property. Margaret Weirick will be contacted.
- Jeremy Deitrick informed the council that he has obtained a quote from Sunbury Motor Company through the co-stars program on a 2014 Ford F-150 at a price \$24,997.00. The old truck will be traded in for \$1,000. Mr. Klock moved to approve the purchase of the 2014 F-150 with the trade-in of the Dodge Ranger. Mr. Ruane seconded the motion. The council approved unanimously.

### **Mayor's Report**

- Mayor Zboray thanked Harry Wynn for the work that he has done overseeing the street department. He reported that the street department has been working to clear the streets. The downtown area was posted by the police department today with "no parking" signs so the street department may clear the streets in the downtown area.
- The Shikellamy School District has donated the flag pole which was at the C.W. Rice Building as well as the letters that were on the building. Mayor Zboray stated that he had contacted the School Board President, Jim Hartman, and he had helped obtain the items for the Borough. A letter of appreciation is being written.
- Ann August has started writing the "Good Neighbors" grant application for the BIMBO funding. The application is for a plan for a walking/biking trail from Liberty Hollow to the hill section, along the unopened Washington Avenue. 17857.org met today and discussed the possibility of installing exercise stations along the trail. Signage was also discussed with representatives from the library.
- More people are interested in purchasing benches for King Street Park. The older benches may be moved to other locations in the Borough if the people who donated them agree.

**Code Enforcement Officer's Report** – no report

**Emergency Services Board Report** – no report

### **Committee Reports**

Community Development

Mr. Reed reported that the committee met with Travis Fisher to discuss Liberty Splashland.

Mr. Reed informed the council that Jim Groninger attended the meeting and offered Groninger Insurance to be a corporate sponsor for the Halloween Parade. The agency is planning to donate funding for the parade. He is willing to co-chair the parade this year, if Elaine Rockey is willing to be a co-chair again.

Mr. Groninger has also offered to post Borough activities and events on their electronic billboard on Duke Street. Mr. Groninger stated that he would be willing to help with other events in town.

Pineknott Park – Mr. Reed stated that Dick Simpson was at the meeting. Several items were discussed. The group would like to have the porta-potties located closer to the dugouts. The mowers should be serviced before the season begins. Some of the teams would like to have the light meter reconfigured so the lights stay on for longer periods of time.

Girl Scout House – Mr. Reed stated that the committee had discussed other uses for the building. The Girl Scouts are no longer interested in using the building. The council decided to request input from the residents as to what to do with the building. Mr. Reed said that the main problem with the building is that the basement gets flooded. Mrs. Rees suggested that the council consider if the building is sold, to use the proceeds to renovate the gymnasium.

Liberty Hollow Stormwater Study – Mr. Reed stated that Steve Siegfried attended a meeting to discuss the stormwater study. Mr. Reed thought that a solution would be proposed for the pipe at the pool; however that is not part of the study. Mr. Reed questioned if a grate could be placed across the area where the pipe is located. Mr. Klock stated that he and Mr. Deitrick met with DEP to discuss the pipe at Liberty Hollow Run. Mr. Deitrick stated that after the meeting, he informed Brian Book of the meeting with Chip Adams. Mr. Book said that the study was done to find ways to reduce the amount of water that comes through the Liberty Hollow watershed. This funding was not for the pipe. However, the Borough submitted a grant last Friday that provides for up to \$50,000 for the engineering and up to \$250,000 for construction of best management practices. The Borough should find out in a few months if this application is funded. The FEMA funding must be spent by September.

Additional funding for the Liberty Hollow trail could be available through the PennDOT funding for MAP 21. The available amount is from \$50,000 to \$1,000,000. Mr. Book stated that Stahl-Shaffer is willing to help with this grant application. The deadline for this application is April 4, 2014.

The Engineer's Status Report is included as an addendum to the minutes.

Mr. Klock asked how far the contractor has gotten on the riverbank stabilization project. Mr. Deitrick responded that they are within twenty yards of the outflow pipe.

#### Finance

Mr. Sees stated that the committee would meet on Thursday at 6:30 p.m.

#### Personnel – no report

#### Public Safety

Mrs. Rees stated that the committee would meet on Thursday at 4:30 p.m.

#### Rules

Mr. Ruane stated that the committee met. He has talked to Jim Groninger and the company is not going to put the sign up along the house on Duke Street.

Mr. Klock asked if Mr. Tira has spoken to Mr. Alba about the e-licensing software. Mr. Tira stated that he has a conference call scheduled for tomorrow. He has sent a revised agreement to Mr. Alba. Mr. Klock stated that he would like to speak to Mr. Tira before the call.

#### Streets

- Mr. Wynn told the council that the truck that was at Sunbury Motor Company has been sold to Upper Augusta. He has obtained a price on a new truck from the company. Discussion ensued.
- Mr. Wynn explained that the 2004 truck has been repaired numerous times.
- The downtown area has been bagged for the cleanup tomorrow.
- The sewer department employees have been helping to plow.
- A new water meter was required for the Kiwanis building.
- New chains were purchased for the GMC truck.
- Mr. Wynn ordered a new plow for the F-250 for \$5,600. Upon motion by Mr. Ruane, seconded by Mrs. Rees, council voted unanimously to approve the purchase of the plow with the funding to come from the sale of the GMC and the old pickup.
- Mrs. Rees thanked Mr. Wynn for the amount of time he has given to the street department.
- Mr. Reed asked how soon a new supervisor would be hired. He was told that the committee plans to interview on February 24<sup>th</sup> and hopes to hire shortly.

#### **Old Business – none discussed**

#### **New Business**

1. Mr. Wynn asked about a charge on the solicitor's bill for the review of letter from the client regarding ordinance and auditor's preparation of letter to the client. He questioned the identity of the client. Mr. Tira replied that if it is a question about the audit, it was a question from Mr. Klock about whether there could be separate

auditors for the Borough accounts and the Sewer accounts. Mr. Tira considers all council members “clients”. The charge for the reviewing the agreement is related to the agreement for the online billing for cat licensing.

2. Mr. Reed moved to pay the bills. Mr. Wynn seconded the motion. Mr. Reed questioned a refund for an LST payment. The response was that the individual did not earn \$12,000 in 2013 but had paid the \$40 tax which is being refunded. Mayor Zboray asked about a bill for the repair to the culvert between Queen and Duke Streets. He was informed that the company had completed the repair to the culvert, but will return in the spring to repair the yards that were torn up by their machinery. Council voted unanimously to approve the payment of the bills. Bills to be paid from the General Fund total \$44,632.32; Chesapeake Bay Trust Grant bills total \$2,950.00; bills to be paid from the DEP Grant total \$22,847.49; Liberty Splashland bills total \$9.60; Parking Meter bills total \$2,484.09; and Sewer Department bills total \$9,813.86.
3. Mr. Wynn informed the council that the Borough has purchased its allotment of salt through the state co-stars contract and is unable to purchase any more salt for the streets through the contract. Mr. Wynn stated that he would purchase a load of gravel to mix with the salt. Mr. Ruane asked about the possibility of obtaining cinders and Mayor Zboray asked about using sand. Mr. Wynn will look into the alternatives and the possibility of obtaining salt from another company.
4. Mr. Wynn asked if the council is still pursuing another EDU charge for people who have a home business. Mr. Book stated that the rate study is being conducted to change the billing system in 2015 to be based on water usage. He said that the Sewer Department is reviewing the records and cross-referencing them with the Borough’s tax records to determine if all properties are being billed properly. Mr. Deitrick informed the council that a post-card survey is being conducted with the businesses in town. Mr. Wynn stated that he feels that it is not fair to charge someone for the sewer system when they do not have facilities. Mr. Wynn moved to rescind the billing for in-home businesses that do not have facilities. Mr. Klock stated that this would open up a can of worms and would be making special exceptions. He noted that the water-based billing system planned for 2015 would eliminate the problem. Mr. Wynn questioned why the Borough would charge someone for something they don’t have and then charge a penalty on top of it. Mr. Wynn said that he is only talking about an in-home business that does not have a facility for public use. Mr. Klock noted that a concession had been made to reduce the charge from one EDU to one half EDU. Mrs. Rees stated that it is immoral and unethical and that if it opens up a can of worms, so be it. Mr. Ruane noted that no additional sewage is going to the sewer plant than if there was no business. He added that when the attorney on Queen Street starts paying his bill, the other businesses could be charged. Mr. Klock stated that it is in the rules. Mr. Sees questioned when the amount was changed. Mr. Klock responded that the change was made in 2012. Mr. Klock said that this is not an uncommon billing method; other municipalities also use it. Mr. Wynn responded

that it is still wrong. Mrs. Rees stated that she thought the council should be encouraging businesses in Northumberland. Mr. Ruane questioned how the water could be shut off when the homeowner pays for the residential usage. Mr. Tira noted that legally, the water could be turned off. Mr. Book stated that this is the Borough's policy and that the way the current billing structure is set up; there is a definition of what the charge is for a residence and what the charge is for a residence with an in-home business whether or not there is water usage. He noted that restaurants are charged based on the number of seats in the restaurant. He stated that the former sewer authority had based the billing system on EDU's and this is the system that the council is currently using. Mrs. Rees stated that the Borough does not need to charge the copy shop lady for a toilet that is used in her home and her customers never use. Mr. Book said that charges now are by EDU, not by usage. It was noted that people had received refunds from NSA for vacant properties because the sewage system was not being "used". Mr. Book noted that there had been all kinds of bad things that NSA had done. Mr. Wynn said that someone has no water in his building, but he still pays an EDU. Mr. Book explained that it is because the definition of that property being an EDU has nothing to do with whether or not anything is discharged to the sewer plant. Mr. Book stated that this is why the rules are being changed. Mr. Tira stated that the rules that are in place are to ensure that the rates produce enough revenue to run the plant. If the rules are made piecemeal, the rates that are in place won't generate enough revenue. Mrs. Rees stated that she feels that it is unethical to charge people for something they don't use. Mr. Tira said that if the council determines to change the schedule, they may need to address a loss of revenue. Mr. Book said that neither Ryan nor anyone with Hazen and Sawyer wrote the rules that are in place. He said that he does not know how many residences this would affect. The water-based system would mean that the billing for sewer usage would be determined by the amount of water that is used by a household. Mr. Wynn noted that he uses water to wash cars and water his lawn and that this water does not go through the sewer system. Mr. Troup said that the billing would be fairer because a household with ten people use more water than a household with just one or two people. He recommended that until the new system is in place, the topic could be turned over to the sewer committee. Mr. Book explained that the water-based system would include a base fee which would be paid by everyone who has a water meter. The base fee would include 1,000 gallons per month. Additionally, charges would be assessed for usage over the 1,000 gallons per month.

Mrs. Rees said that the motion on the floor is about home businesses that do not have toilet facilities for their customers. She feels that adjustments could be made to these particular accounts. Mr. Tira recommended that for the legal enforceability, there should be objective criteria. Mr. Troup asked how the council would know that the residence does not have toilet facilities for customers. Mrs. Rees responded that, if necessary, someone could go and look. Mr. Troup responded that a new system is being developed.

Mr. Sees asked how long the in-home businesses had been paying for 2 EDU's before it was changed to 1½ EDU's. Mr. Book responded that he thinks it was around 1995; however, he does not feel it was equally enforced. Mr. Klock stated that some businesses had never received bills and the NSA had updated its records and billed back to 2008. Part of the agreement with these businesses was that if they paid up from 2008, they would not be billed for the time prior to that. Mr. Book stated that the NSA has had the worst record keeping of any system he has seen. He said that the authority changed the rules in a motion from 2 EDUs to 1½; however, the change was not made in the rules. He added that the Borough inherited a system from the sewer authority that was not a good system. He said that if the council passes a motion, it will be enforced.

Mrs. Rees noted that this issue is not just about her business. She said that if she had been at the meeting where Jennifer Dorman brought the issue to the council's attention, she would have made the motion that night. She learned since then that her business is in the same category as Jennifer and doesn't know if she can make the motion. Mr. Tira stated that Mrs. Rees could make the motion because it would affect everybody in the public as a whole. He explained that if she was just affecting her own rate, she would not be permitted to vote. But when the issues affect the general public the same as it affects her, she is permitted to participate in the vote. He said that the motion could be made to amend or modify the current rate schedule for the sewer department. Mrs. Rees asked Mr. Wynn if he would care if she made the motion. He responded that Mrs. Rees should go ahead and he would rescind his motion.

Mrs. Rees moved to amend the sewer department rate schedule that if you have a home business that does not have a separate toilet for customers and doesn't use water in the business that the business is not charged the ½ EDU and a refund is given to anyone who has paid the extra ½ EDU. Mr. Tira requested that the motion be broken down. Mrs. Rees moved to amend the rate schedule going forward, so that a home business that does not have separate toilet facilities for its clientele, the total charge would be 1 EDU for the residence. Mr. Ruane seconded the motion. Mr. Klock stated that the 2014 bills have already been sent out. The motion was clarified as effective as of the second quarter. Mr. Reed, Mrs. Rees, Mr. Ruane and Mr. Wynn voted yes; Mr. Klock, Mr. Sees and Mr. Troup voted no. Motion carried 4-3.

Mrs. Rees made a motion that any home business that would not be charged the ½ EDU moving forward, and has paid for the additional ½ EDU, be issued credit for payments going back to 2013. Mr. Klock stated that this would affect the 2013 budget. Mrs. Rees stated that she does not think there are that many people affected. Mr. Klock requested that Jeremy determine how many people this would affect. Mrs. Rees asked about changing the motion to beginning in 2014. Mr. Book stated that he and Jeremy would determine how many businesses would be affected for the next meeting; whether there would be five or fifty businesses

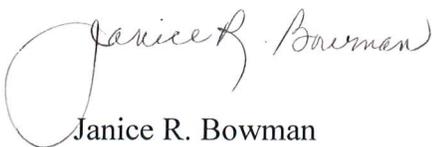
affected. Mr. Troup asked if home businesses are taxed differently. He was told that they are not.

5. Mr. Klock asked if quotes have been obtained for the telephone system. The Borough Secretary replied that she has one quote from Verizon that does not include the telephones and the price is over \$100 more a month than the current price. Mr. Klock suggested looking into an internet phone service. The Borough's current service is an internet phone service. The Borough Secretary added that someone is coming in March to provide a quote on hardware. Mr. Troup requested that the appointment be later in the day so council members could attend. The Verizon representative did say that phone service to other buildings could not be included as part of the system. Evenlink has also been called.
6. Mr. Tira stated that the prevailing wage act has been revised and the new threshold for requiring prevailing wage rates for repairs to local highways and bridges has been increased from \$25,000 to \$100,000. The \$25,000 threshold still applies to all other types of public works projects.
7. Mr. Tira advised that Federal rules require that municipalities undergo an assessment to determine if their current traffic signs are in compliance with Federal standards. In order to be in compliance with the Federal rules, a Municipality must have a plan in place by June 14, 2014 that assesses their current signs and provides for how the Municipality will replace its signs based upon its financial resources and replacement priorities. As long as the municipality has a valid plan in place by June 14, 2014, a Municipality may limit its liability for potential sign related crashes by demonstrating it is taking steps to remedy non-compliant traffic signs. Mr. Tira gave one example which is that the "4-way" signs on stop signs must be changed to "all ways". Mr. Ruane stated that the information is in the Borough News magazine.
8. Mr. Tira stated that Volunteer Firefighters and Emergency Services Personnel are excluded from the employment requirements of the affordable care act when determining the number of full-time employees.

#### **Executive Session**

The meeting was adjourned at 8:55 p.m. for an Executive Session to discuss personnel issues. Mr. Troup stated that the meeting would not be reconvened.

Respectfully submitted,



Janice R. Bowman  
Borough Secretary

February 18, 2014

Borough of Northumberland  
175 Orange Street  
Northumberland, PA 17857

**RE: Engineer's Status Report**

Dear Council Members:

Please find a report on our engineering activities on your behalf ending February 4<sup>th</sup>. We will report on significant matters during your Borough Council meeting, but please ask us regarding any of these matters.

**RETAINER (90135.001)**

Chapter 94 Report:

The final report will need to be signed by the Council President and submitted before March 31<sup>st</sup>, and we have the report for staff and council review in early March.

Intermunicipal Agreement Revisions:

We remain available to discuss at your direction.

Nutrient Credits 2014:

I have spoken with Mount Carmel and Gregg Township.

Rules & Regulations:

The Northumberland Borough Sewer Department meet on February 12<sup>th</sup>. We discussed the need to update the schedule of EDU's and we sent some suggestions for review. With regard to the Municipal Industrial Pretreatment Program (MIPP), we need to start enforcing the existing rules and regulations. Hazen and Sawyer will work with staff.

Grease Trap Ordinance:

We have provided Ryan with example grease trap ordinances.

**WWTP BNR UPGRADE PROJECT (90135.003)**

Project Status:

Rue Environmental has completed the Phase II PHMC Investigation. We are attempting to coordinate a preliminary review with PHMC. We are two months or less away from having a determination on whether or not a Phase 3 is necessary. Assuming it is not, we could re-advertise in approximately 45-60 days. The next PennVEST application deadline is approximately 90 days. We would need to approach Banks for interim financing, and also get a Letter of No Prejudice from PennVEST if we intend to push the schedule. The earliest PennVEST money would be available assuming an award in July, would be September/October.

Local Approvals for Construction:

Based upon the 1/30/14 Planning Commission approval, we have 30 days to get this approval recorded.

**LIBERTY HOLLOW GI-SW STUDY (90135.004)**

Final Draft has been submitted. With staff help, we submitted a grant application for the second round of financing from the Chesapeake Bay Trust. Staff is also preparing an application package for Bimbo Bakery. Finally, we are jointly working with Staff and Stahl-Shaffer to put together a grant to MAP-21 (PennDOT) which is due April 4<sup>th</sup>.

Ultimately, we are formatting a multi-faceted – multiple sources of funding project that address the ruptured SW pipe, the Liberty Hollow Run area, and the runoff from the development. We are aware that the FEMA/PaEMA dollars for the repair of the pipe are set to expire this fall and are adjusting our plans accordingly.

**SHIKELLAMY MIDDLE SCHOOL (90135.005)**

We believe this is done.

**RATE STUDY (90135.006)**

We have been in contact with PA American regarding access to water meter data. We are otherwise working through the study.

**I/I REHAB PROJECT 2014 (90135.007)**

We are preparing the contract for the I/I Rehab Project. We intend to approach SEDA-COG about DCED/CDBG funds for extending this work to other areas of repair. The Borough will be receiving info to make an application. This money will not be available immediately, and carries a 3 year fuse.

We look forward to discussing these issues with you. If you have any questions, please do not hesitate to ask me.

Very truly yours,

HAZEN AND SAWYER, P.C.



Brian L. Book, P.E.  
Senior Associate