

**Borough of Northumberland**  
**221 Second Street, Northumberland, PA 17857**  
**Northumberland Borough Council Meeting**  
**September 6, 2011**

President Gregory Carl called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited and Mayor Len Zboray offered an Invocation.

**Roll Call**

Council members present were Gregory Carl, Judith Groninger, Robert Long, James Orner, Stephen Reed, Jonathan Rees, and Frank Wetzel. Others present were Mayor Zboray; Ryan Tira, Borough Solicitor; Paul Ruane, Code Enforcement Officer; Thomas Slodysko, Street Supervisor; Timothy Fink, Police Chief; and Janice Bowman, Borough Secretary.

The eighteen visitors present introduced themselves.

**Public Comment**

Ms. Gretchen Walberg read a letter addressed to council regarding the properties owned by herself and her husband, Mark Walberg. Residents park cars along Sheetz Avenue, in front of one of their properties that is a parking area for their other properties. She said that the Priestley Chapel is permitted to utilize the parking lot when they have events and the lot will become the parking lot for 96 King Street residents once the house is renovated. She requested permission to paint a yellow line on Sheetz Avenue running the length of the four double curb replacements that were allowed by the Borough and permission to erect a “No Parking from Here to Corner” sign which she will purchase. She also requested that the Borough adjust the yellow line that was painted from the edge of Front Street along the property boundary, noting that the line should follow the edge of the sidewalk on Front Street. Ms. Walberg explained that another problem exists with cars parking along Sheetz Avenue. Delivery trucks cannot turn onto Sheetz Avenue from Front Streets and they cannot drive up Sheetz Avenue from Water Street because of the width of the street. Mayor Zboray stated that he spoke with Tom Slodysko and the crew will fix the yellow line. He said that if the Walbergs post “no parking signs” at both ends of the parking lot, the police will enforce it. Mayor Zboray had also checked on lowering the speed limit on Sheetz Avenue and learned that according to state regulations the Borough may not post a 15 mile per hour speed limit anywhere in town except in an area where there is a school, a bridge or a ramp. Mr. Carl told Ms. Walberg that he thinks the work they have done to the properties at this corner is fantastic.

Ms. Kymberley Best, the Democratic candidate for the Magisterial District Justice position which became vacant due to the death of Carl Rice, addressed the council. She shared information about her background and experience as treatment court defense counsel, a public

defender, county assistant solicitor, and county chief clerk. Her opponent is Ben Apfelbaum. Ms. Best noted that she feels that she is more qualified as an attorney and an administrator. She provided those present with a card containing a brief resume. Mrs. Groninger stated that she personally was looking forward to seeing Attorney Rice in that position. She stated that the position should not be political and that the person who sits in the seat must be knowledgeable and not on a “who’s who list” and who speaks to them before going into the courtroom. The Borough of Northumberland went over there several times over the past years, and people took off work, and it was a waste of their time. She added that she looks forward to a fresh face in that position. Ms. Best stated that she spoke to Chief Mazzeo today and appreciates the feedback from the police and code officers. Mrs. Groninger also thanked her for the input that she exhibited on behalf of the Borough with Northumberland County, noting that it was the first time the Borough has received anything. Ms. Best said that she will be going door to door to introduce herself to the residents in the county and would provide signs for anyone who would like one.

Mr. Chris Skelley stated that the police ticket the cars on a weekly basis while the street crew does not always sweep the streets. He asked if it would be possible to change the signs to have no parking one or two weeks a month instead of every week. He felt that this would save time for the police since they wouldn’t have to go out every week and would give the street crew time to get other work done during the month. He also said that it would mean less wear and tear on the street sweeper. Mr. Carl responded that the reason the street sweeper is not run every week is because it breaks down periodically but it is to be run every week.

Mr. Skelley stated that he spoke with someone from the state and was told that the snow emergency route is determined by the Borough. He said that in his neighborhood, the Lutheran Church permits them to park in the church parking lot so the street may be plowed from curb to curb and then the cars are parked back on the street. He asked if it would be possible to move the Emergency Route to King Street from Queen Street since King Street is much wider.

Mr. Skelley suggested that parking spaces should be painted on the streets throughout the Borough. He noted that seven cars were parked on Queen Street from Fourth Street to Ropewalk while nine to ten cars would have been able to park in the same amount of space if parking spaces were designated on the streets.

Another problem he addressed is that parking for Pineknott Days creates problems for property owners because they cannot park near their residences when they arrive home from work. He questioned if the event could be moved to Pineknott Park or to the C.W. Rice field. Mr. Carl stated that Pineknott Days would be discussed at the Community Development meeting. The streets committee will review the other issues. Someone suggested that a shuttle bus be utilized during Pineknott Days. Mrs. Groninger noted that Borough Council does not put on Pineknott Days, the Kiwanis Club does.

Mr. Brian Delinski presented a proposal to the council to include Northumberland in the “Ride the Duck” tours that he will be providing in 2012. This is a 1945 World War II amphibious vehicle that is used to conduct tours. The proposed route would come from Shamokin Dam and begin in the Borough at the Barry King Bridge, turn left onto Duke Street, right onto Front

Street, right onto King street, left onto Water Street, right onto Orange Street, left onto Priestley Avenue, right onto Hanover Street and enter into the North Branch of the Susquehanna River. The tour will include the Front Street Station, the history of the Borough, and information about the Priestley home. The boat will be Coast Guard certified and inspected. Coast Guard approved captains will pilot the boat, and a mate will be on the boat. The boat will be licensed as a bus. The “duck” has been totally renovated and the Coast Guard will inspect it by the middle of next month. Mr. Delinski requested permission to use the boat launch located on Hanover Street for the “duck” tours, beginning on May 26, 2012 and ending on September 3, 2012. Plans are to conduct a total of 165 tours during the 2012 season on the weekends throughout the summer with the addition of Monday, May 28, Memorial Day; Wednesday, July 4, Independence Day, and Monday, September 3, Labor Day. The tours will begin on Packer Island at the Marina, will cross the bridge into Sunbury, tour through Sunbury, cross the bridge into Shamokin Dam, come up Route 11 into Northumberland, and then continue the tour in the Susquehanna River, ending at the Marina. The vehicle seats 24 people, 22 passengers, the captain and mate. A certificate of insurance will be provided to the Borough. Mr. Carl moved to approve the request; Mr. Long seconded the motion. Council voted unanimously to approve the request.

Mr. Carl Libby commented on the proposed joint sewer authority and asked that the council consider that Point Township has \$6.5 million in debt due to upgrades and as a Borough resident, he does not want to assume that. He said that he also understands that there is an outstanding debt owed to the Northumberland Sewer Authority. He feels that the land at the Point and the sewer plant are worth something; and he would like the council to take their time with the decision and not jump into a merger. He noted that he has heard that as a joint authority, we may be able to get some grants. However, he understands that grants are based on users, and has nothing to do with whether you merge the authorities. The number of people who are going to use the plant are the same number of people. He requested that the council take their time making a decision, adding that he can see where a merger would help the township but he does not see where it would help the Borough.

### **Council Meeting Minutes**

Mr. Wetzel moved to approve the Council Meeting Minutes of July 19, 2011. Mr. Carl seconded the motion. Council approved unanimously.

Mr. Long moved and Mr. Wetzel seconded the motion to approve the council meeting minutes of August 2, 2011. Council approved unanimously.

### **Mayor's Report**

Mayor Len Zboray requested that council approve the Borough Fire Police assisting at three events in the area. They are for the Milton Harvest Festival on September 10 through 17, the Selinsgrove Street Fair on September 24<sup>th</sup>, and the Selinsgrove Halloween Parade on October 18. Mr. Wetzel so moved. Mrs. Groninger seconded the motion. Council approved unanimously.

Mayor Zboray reminded that the American Legion Post 44 is hosting a 9-11 service at 7:00 p.m. on September 11 in the King Street Park. Parking will not be permitted along the inside parking lane around the park, but will be allowed along the outside parking lane so residents may park there. The street will be closed to traffic during the service.

Memory Lane performed in the King Street Park on August 30<sup>th</sup>. Over two hundred people were in attendance and enjoyed the free concert. He thanked Memory Lane and the Christ United Methodist Church for the use of their lavatory facilities, and Jonathan Apple and the Borough Fire Police. Mayor Zboray hopes to have a concert next year over a weekend and possibly host a car show on the same date.

Mayor Zboray has obtained a sponsor, the Norry Pharmacy, to provide t-shirts for the street department. The shirts will be imprinted with the borough logo. Mr. Slodysko will provide his own shirts to be imprinted since he wears shirts with collars. The shirts will also have the Norry Pharmacy name on them. Mayor Zboray asked if anyone had a problem with allowing the Norry Pharmacy to provide the shirts and no opposition was voiced.

Mayor Zboray attended a reception at the Priestley-Forsyth Memorial Library on August 15<sup>th</sup>. The library has been designated a family library, one of 80 in the state. A banner was presented to the library and is on display.

Mayor Zboray spoke with Robin Musto, Superintendent, and Dave Sinopoli, Business Manager of the Shikellamy School District. The Borough has been given control of the tennis courts by the school district. The district will send a letter to the Borough confirming this and requesting a certificate of insurance.

Mayor Zboray spoke to the Schleig family who had a fire recently at their home.

The school crossing sign on Front Street may be eliminated since students need not cross Front Street due to a new bus stop on Water Street. Because of the location of the bus stop, the crossing guards are no longer required.

Mayor Zboray met with Matt Schwartz from PennDOT District 3 about installing “Do Not Block the Intersection” signs at two locations. One would be posted for traffic on the northbound lane of Water Street coming from the Barry King Bridge and the other for traffic on the westbound lane of King Street, coming from Sunbury. The cost for the signs is \$42.50 each. The police will cite violators. Mr. Reed stated that he felt the signs were a good idea to remind people to keep the intersection clear. The mayor suggested that we check with PennDOT if the Borough could set the amount of the fine. Mayor Zboray said that if we start enforcing the laws, and the people know we are enforcing the laws, compliance will improve. The police have been enforcing the speed limit on Duke Street with the ENRADD system. The police are also enforcing the jake brakes ordinance.

Mr. Libby stated that Sheriff Reiner is willing to provide additional manpower to enforce speed limits.

Mr. Skelley suggested that a “dummy” police car be parked on Duke Street to slow traffic.

Mayor Zboray would like to install an electronic sign in Shamokin Dam that would be programmed with cameras that can sense the traffic stopped on Route 11 between

Northumberland and Tedd's Landing. The sign would inform travelers that traffic is backed up for 20 minutes going through Northumberland and recommend that they take Route 15. PennDOT does not have any extra signs, but the Mayor has met with Josh Phillips from Representative Culver's office and they are looking into obtaining a grant to purchase one. Mayor Zboray said that he would hope the Borough Council would permit him to continue to pursue this. Council encouraged him to continue.

Upon motion by Mr. Carl, seconded by Mr. Long, council approved unanimously to install the "Do Not Block Intersection" signs.

Mr. Skelley asked if the Borough could purchase metal and the crew could make the signs. Mr. Tira replied that it is not feasible since they must be federally approved.

### **Street Supervisor's Report**

Mr. Tom Slodysko informed the council that the river will crest on Thursday. He anticipates that Route 11 will be closed if the river rises to the predicted level.

Mr. Slodysko has purchased a used, refurbished flat-bed bucket truck. There is a 60-day full warranty on the vehicle and a lifetime warranty for parts.

Mr. Slodysko is communicating with SEDA-COG and the railroad about painting the curbing along the streets at the railroad crossings.

The street sweeper will be operational next week. The cost for repairs was \$610. The crew is cleaning drains.

Mr. Slodysko has provided a list of items that have not been used for many years that he would like to sell, including 24 and 21 inch pipe and old lights. Mr. Tira advised that anything valued at over \$1,000 must be put up for auction or sold to another municipality. Mr. Reed suggested that the lights could be installed at the tennis courts. Discussion ensued.

Mr. Slodysko would like to obtain a temporary employee to assist with the crack sealer.

Holsum has been contacted about to avoid Hanover Street since the milling has been completed and the weather has prohibited the paving. The trucks will take alternate routes.

Sixth Street between Orange and Wallace needs patched and an area above there also needs attention.

Upon motion by Mr. Long, seconded by Mr. Rees, council voted unanimously to approve that all the items on Mr. Slodysko's list of unneeded items, except for the lights, be sold through a municipal sale.

### **Code Enforcement Officer's Report**

Mr. Paul Ruane reported on the activity of the Code Enforcement Office for August. Five permits were issued for a total of \$437; three code violations were issued, one hearing is

scheduled for September 12. The office had seven complaints, 21 code violation letters were sent out; and Mr. Ruane attended a seminar regarding rental programs. Eight street cut permits were issued for \$2800 and backfilling fee of \$25. Mr. Ruane noted that UGI has made street cuts on Hanover Street. He said the backfilling must be done before the street can be paved. Mr. Ruane said that the code office is citing owners of properties who do not clean up their properties.

### **Northumberland Sewer Authority Report**

Mr. Orner stated that he did not attend the last meeting and has not received the minutes of the meeting. The next meeting will be on September 26<sup>nd</sup> at 4:30 p.m.

### **Lease Agreement**

The Northumberland Sewer Authority has provided a lease agreement for the riverfront land that is at the Point, outside the fence. This is land that was transferred by the Borough to the Sewer Authority. Mrs. Groninger suggested that the Borough should obtain ownership of the property outside the Sewer Authority fence, especially if a joint sewer authority would take possession of the property. Discussion ensued. The Borough must show ownership or an agreement for the property in order to apply for grant funding for the stabilization of the riverbank. Mr. Long suggested that the lease agreement be approved which would give the Borough time to explore the option of obtaining ownership. Upon motion to Mr. Long, seconded by Mr. Rees, council voted unanimously to approve the lease agreement.

### **Emergency Services Board Report – no report**

### **Committee Reports**

#### **Community Development**

Mr. Carl stated that the committee would meet on September 12<sup>th</sup> at 7:00 and will visit several parks in the Borough. Bryan Luden has been contacted to attend for Pineknotted Park and if he is available, Mr. Carl would like to start the meeting at Pineknotted Park.

Mr. Carl informed the council that the committee recommends the abcon style railing. A sample of the railing was presented. So far, only one company has been located that supplies this railing; if other companies can be located, they will be contacted for pricing.

The bike auction is set for Saturday, September 10<sup>th</sup> at noon. *[Note: It was rescheduled for October 8<sup>th</sup> due to the flood.]*

#### **Finance**

Mr. Rees announced that the committee would meet to discuss the 2012 budget on September 21<sup>st</sup> at 6:30.

#### **Personnel**

Mrs. Groninger stated that personnel issues would be discussed in the Executive Session at the end of the meeting.

It was noted that due to a new bus stop on Water Street at Orange Street, the Crossing Guards are no longer required at Water Street and Front Street. No action was required.

#### Public Safety

Mr. Wetzel stated that the committee would not meet on September 20, 2011.

#### Rules

Mr. Long said that the committee would discuss the traffic studies, including the one designating no parking on one side of Elliott Drive. Mr. Long stated that the committee would meet at 7:00 p.m. on September 27, 2011.

Mr. Tira advised that a new state law came into effect in April which gives municipalities the ability to not issue permits to property owners who owe back taxes, have fines or code violations anywhere in the state. The municipalities may adopt an ordinance that would incorporate this law into the code book. This law also contains provisions to extradite out-of-state property owners back to the state to deal with property violations. A copy of a sample ordinance was provided to the Rules Committee.

The police provided a resolution that approves the guidelines for police when making authorized warrantless summary arrests. The resolution was tabled until the next meeting so council may review it.

#### Streets

Mr. Reed stated that the committee would meet on September 13, 2011 at 7:00 p.m. to discuss the budget for 2012.

#### **Old Business**

1. The council met with Point Township Supervisors to discuss the possibility of forming a joint sewer authority. A resolution was provided for council's consideration. Mr. Tira stated that he thinks the resolution may be premature since a 537 plan for a joint authority may be required. Mr. Reed stated that he feels the council should slow down and examine everything before deciding to approve a jointure. Discussion ensued. Mr. Reed said that Mr. Tira suggested that the Borough obtain an unbiased engineer for an opinion. Mr. Long stated that Bill Seigel had attended the meeting with Point Township and he has experience assisting with other sewer authority mergers. Mayor Zboray stated that he questions two things that were stated at the meeting. One was that the plant has no value. He says that it exists, is working, and the insurance evaluation is over \$6,323,000. He said that the citizens of the Borough have put money into this plant for many years. He also stated that a merger isn't necessary to obtain grants because grant applications can now include Point and Upper Augusta Townships as areas serviced. Mrs. Groninger said that she has reviewed the insurance evaluation, which council cannot use until someone with some knowledge about the plant reviews it. Mr. Tira agreed, which was why an unbiased engineer be contracted. He noted that regardless of whether a value is put on the system, an engineer can tell you what's coming as far as requirements from the Chesapeake Bay System and DEP. He said that many municipalities are being pressed to upgrade systems. Mr. Carl said that there are many cases where businesses buy out other

businesses to do what's best for the business. To him, value means nothing since the Borough is never going to sell it. Mr. Rees said that one thing that the Borough has value in it is that the Sewer Authority provides \$50,000 to the borough each year. Mr. Rees also questioned why the Borough would ever give up control of the sewer authority. Mrs. Groninger said that these are things that must be worked out. Mr. Troup stated that he thinks the question should be put on the ballot in November. He also stated that he felt the meeting should have been in the Borough, not in Point Township. Mrs. Groninger said that Point Township has the most room, the most parking and they advertised the meeting. Mr. Dean Paul noted that they have an interest in the merger. He feels that the council must get involved. Mr. Wetzel stated that he knows nothing about the workings of the sewer authority. Mr. Paul asked if the council knows anything about the Borough's 537 plan. Mr. Wetzel stated that he feels that the township has more to gain while the Borough does not. Mr. Carl said that if the sewer plant were owned by the township, would the council want more input in the decisions that are to be made concerning the upgrades to the plant. Mr. Long stated that he felt very confident at the meeting that the sewer authority now runs as a joint sewer authority. Mrs. Groninger noted that it was stated that at any point, the Borough could step back from forming the joint authority. Mr. Seigel has offered to meet with the council or the council and sewer authority if council would be interested. Mrs. Groninger said that she is willing to move forward but she questioned why council wouldn't want to take the ground at the Point and own it permanently. Mr. Tira stated that the council needs to know what the Borough's obligation is going forward as far as what the goal is. Mrs. Groninger asked for Gene Brosius's opinion. Mr. Gene Brosius explained that the sewer plant would not be conveyed to Point Township. It would be conveyed to the joint sewer authority so the Township does not gain the plant. The township has their facilities, pipes, pump stations. Therefore, the question about value is not an issue because the plant is not being given to the Township. Mrs. Groninger said that if the Borough would sell the sewer plant, it would be the joint authority, not the Township, who would purchase the plant and everyone would be responsible for paying for it, including the Borough residents. Mr. Carl said he would not like to see rates increase so the Borough may get the money. Mr. Brosius explained that a 537 plan explores the needs of a particular community and what is needed to move forward. The plan is submitted to DEP and they review and approve the plan. Mrs. Groninger noted that the proposed resolution and joint authority proposal is a work in progress. Council decided to invite the Sewer Authority members, Bill Seigel, and Dave Brinjac to the council's work session on September 20<sup>th</sup> to discuss a merger. When asked if another engineer should be invited, Mr. Tira responded that he does not know what Brinjac has done. He feels that the council should hear from them first to learn if they already have a plan developed. Mr. Tira was asked to be present. When a question was asked about money owed to the Northumberland Sewer Authority by the Township Authority, Mr. Brosius said that the money will be paid before a jointure is completed. Mr. Tira agreed that when a jointure is formed, there are ways to structure the current debts.

2. Mr. Carl announced that a Town Meeting with Representative Lynda Culver will be held on September 19, 2011 at 6:00 p.m. in the Savidge Room.

3. Mr. Carl announced that beginning October 1<sup>st</sup>; all Borough meetings will be at the 2<sup>nd</sup> St. building.

### **New Business**

1. Upon motion by Mr. Rees seconded by Mr. Long, council voted unanimously to approve payment of the bills. Bills to be paid from the General Fund total \$64,272.12; bills to be paid from the Liberty Splashland account total \$10,377.71; bills to be paid from the Norry Playground fund total \$118.13; and bills to be paid from the 2<sup>nd</sup> St. Community fund total \$881.35.
2. Upon motion by Mrs. Groninger, seconded by Mr. Wetzel, council voted unanimously to approve a transfer of \$2,726 from the General Contingency account to the General Fund for the ENRADD system and a transfer of \$952.10 from the General Fund to the Liberty Splashland account for the third PHEAA payment.
3. Upon motion by Mr. Orner, seconded by Mr. Rees, council voted unanimously to approve payment of the bills for budgeted items due before October 7, 2011.
4. Upon motion by Mr. Carl, seconded by Mr. Long, council unanimously approved the following contributions: \$1,500 to the Priestley-Forsyth Memorial Library; \$1,000 to the Revitalization Committee; \$600 to the Penn Valley Airport Authority; and \$250 to the Halloween Parade Committee.

Mrs. Groninger left the meeting at 9:28 p.m.

5. Upon motion by Mr. Rees, seconded by Mr. Long, council unanimously approved a transfer of \$1,000 from the General Fund to the Shade Tree Account.
6. Mr. Long moved and Mr. Rees seconded a motion to approve Verizon's request for a right-of-way to the leased ground for the cell tower. Council voted unanimously to approve.

Mrs. Groninger returned at 9:33 p.m.

7. Mr. Long noted that the Untangled Salon in the Borough has been featured positively in several news articles lately.
8. The Halloween Parade will be held on October 26, 2011. Elaine Rockey will chair the committee again. She has requested that anyone willing to help with the event contact her or the Borough Office.
9. Mr. Carl stated that several months ago he gave council a letter about a request for documents that he had made of the Northumberland Hook and Ladder Company. Mr. Carl provided a timeline of dates when documents were received or filed with different agencies to obtain information. On November 12, 2010, he made a request of the Northumberland Borough Office for certain documents from the NHL. In the week

following that submission, he realized that he should have submitted it directly to the NHL, so on December 13, 2010, he submitted the request directly to the NHL. On December 14, 2010, Dave Bogovich and Mr. Carl had a conversation at the Borough Office. On December 21, 2010, because he had received no reply from the agency (NHL), it was deemed denied. On December 28, 2010 he appealed to the state Office of Open Records. The Office of Open Records received the request on December 30, 2010 and on January 3, 2011, an appeals officer was assigned. On January 11, 2011, Mr. Bogovich submitted a letter, an unsworn statement, as President of the NHL, to the Office of Open Records. On January 19, 2011, there was a letter from the Office of Open Records denying a hearing that Mr. Carl had requested via telephone. On January 24, 2011, there was a final determination by the Office of Open Records granting the appeal and the fire company was directed to provide the requested records to the requester within thirty days. This determination was binding upon all parties. Within the thirty days of the date of the letter, either party had the opportunity to appeal to the Northumberland County Court of Common Pleas. On March 1, 2011, Mr. Carl spoke with the appeals officer in Harrisburg and was told that if it was not appealed within thirty days, the determination became binding. If the information requested was not received, Mr. Carl was advised that he would have to file an enforcement action in the same court. On March 30, 2011, Mr. Carl hired an attorney who petitioned the court to enforce the action by the Office of Open Records. A hearing was set for June 9, 2011. On March 7, 2011, the Emergency Services Board received the same letter that was sent to the Office of Open Records by Dave Bogovich. The Emergency Services Board reviewed the letter and voted 5-0 to have Steve Cimino, Dave Bogovich and Jim Troup present the letter to the complete Borough Council for response to Mr. Carl's request. On April 5, 2011, Mr. Carl wrote a letter to all Borough Council members, which everyone received except for Mayor Zboray, and the Emergency Services Board, describing the process and mentioned the letter that was submitted by Mr. Bogovich to the Office of Open Records. On June 9, 2011, Mr. Carl attended the hearing. NHL was not present at the hearing. Under oath, Mr. Carl described the conversation he had with Mr. Bogovich and the process that he went through. The same day, the court ruled that the NHL was directed to turn over the requested documents and pay \$640.10 in fees. On July 18, 2011, Mr. Carl did receive some of the documents from the NHL. Because it was six weeks later, Mr. Carl asked his attorney what he should do to continue receiving information or to obtain all of it and his attorney suggested that he file a motion for civil contempt for failing to provide the ordered documents. That motion was filed on July 27, 2011. On August 5, 2011, Mr. Carl received a notice to appear for a hearing that is to take place on September 8, 2011 at the Northumberland County Courthouse. On August 15, 2011, Mr. Carl received a partial payment and some of the documents. More documents were received on August 16<sup>th</sup> and since then he received more documents. However, several documents are missing. Mr. Carl noted that this whole process is about transparency and public access to government documents. He does not understand why it took so long or why it should cost any resident \$1,200 in fees to get information that the government has determined is public information. He personally feels that as an agency under the umbrella of the Borough, that receives tax dollars, in his opinion, there should be some answers provided. He asked if the council would like to request a meeting with the Board Member of the NHL to find out where the failure took place. Mrs. Groninger

asked if he did finally receive the answers. Mr. Carl responded that he's received about 90%. Someone commented that this was a nine to ten month process and asked what the total cost was to Mr. Carl. He responded that his cost was \$1,200 and change. Mr. Carl stated that the NHL did not have any representation at the hearing so he does not know if they incurred any other costs. The court determined that they were to pay the legal fees. Mrs. Groninger stated that this is an ongoing process. The council has asked NHL for an audit and they have never received a real audit. The council is responsible for tax dollars. She added that she feels that the council should receive audits from both fire companies. Mr. Carl commented that the issue is that this information was denied to a citizen. If the woman across the street had asked for the same information, and came to council with this story, what would be done? Mr. Long noted that in the past few years, the borough has had some not good press. People have been here and talked about the need to be transparent. We need to be open. That includes everything that falls under the guise of the Borough. He has had the experience requesting records from the Borough Office and although he did not receive them for reasons he doesn't need to discuss, there was a two-way street of conversation taking place. He feels that the Borough must show the public that if it is an open record, we will oblige to make sure you have what you requested. He feels that the council should have some answers, if not for themselves, for the citizens of the Borough. Mr. Jim Troup said that if Mr. Carl wants to bring the Borough into this, they will get legal representation. *Cannot understand tape*. He said that they will have a meeting on Thursday and Mr. Carl would all the documents that they have available. He added that the reason it took so long is because they had to research it. NHL is a private club and minutes just don't go out the door. There are bylaws set that have been followed for a hundred years and you do not just give them to anyone. They were told by their representation what to do and they followed it. Mrs. Groninger asked, by your membership representation? Mr. Troup responded, legal representation. He said that they have gotten all the information to Mr. Carl and if he says that he doesn't have it, that is not *cannot understand tape*. He did not want to bring this up, because he felt it was to be dealt with at the court house and thought it would be done there and be over. He asked if Mr. Carl's request is in retaliation for what he and Steve did in regard to the bowl slide. Mr. Carl responded that he has collected information on just about every agency in the Borough. Mr. Troup asked if he has information on the Number 1's and stated that he would like to see it. Mr. Carl answered that he has 990's from them. Mr. Troup asked if that was all and Mr. Carl said that was all he requested. Mr. Carl explained that the requester does not have to provide a reason about why he's requested information. That is the open records law. The agency is not allowed why the information is requested. Mrs. Groninger asked council if they want to sit down with the Hookies and have a discussion. Mr. Wetzel stated that he thinks it is wrong to bring the Borough into it. Mr. Carl, as an individual, requested the information for his personal information and it is not the business of the council. The council did not make a formal request for the information so he thinks it's wrong for him to ask the Borough to get involved. Mr. Long asked if a public citizen, not someone on council, came to council, would he tell them it is not the council's business. Mr. Wetzel responded that he believes there are other circumstances involved in this. Mr. Carl stated that he is asking council for their opinion and he is not suggesting that they take a vote. Mrs. Groninger stated that she saw the notebooks that Mr. Carl has for the various organizations. She noted that

during budget time, the organizations ask for money, and everyone has a story and rightfully so because they are trying to support their organization. But we can't give to everyone what they want and we don't always get the numbers. One organization in particular came and said that their state funding was being cut and the council was asked to contribute more. But later, when the funding in the state budget was not cut as expected, the organization still requested the money from council. She did not feel that this was right. Mr. Wetzel asked Mr. Tira if a private citizen would come to the council and say that it took ten months to get right to know information, does council have any rights to do anything to that organization. Mr. Tira responded that you would want to penalize them under the right to know act. The Borough is not the enforcement agency; that is the courts. But if it is a Borough agency or organization, council could request information, which they could do for any questions or complaints brought to them. Mrs. Groninger asked what the council's responsibility is, using tax dollars which in this instance is the Fire Tax, to the accountability of those funds that they give to the organizations. Mr. Tira stated that council has a right to know how they are spent and have the right to hold them accountable. Mr. Wetzel stated that it goes through the Emergency Services Board now. Mr. Tira noted that the council has the right to make rules and regulations for that Board and for those departments. It is in the Emergency Services ordinance. Mrs. Groninger stated that she thought that the Emergency Services Board made up the budget, working with the fire companies, and that they also got audits. But the Emergency Services Board doesn't ask for audits, so the council asks for audits. Mr. Troup said that they go to the Emergency Services Board first and then to council. Mrs. Groninger said that she doesn't see the minutes from the Emergency Services Board meeting. Mr. Troup said that he didn't mean the minutes; he meant the audit. He added that it is done by Lewis Barlett Klees. The Borough Secretary stated that it is not an audit; it is a financial statement which says that the accountant does not guarantee anything that is in it. They don't audit the books; they are just compiling the information that is given to them. Mrs. Groninger asked if council wants to sit down with the Hookies and have a discussion or an understanding. Mr. Long responded yes. He thinks the council owes it to the citizens of the Borough because if someone outside this room made the request, he would feel council should obtain answers for them. Mr. Reed stated that he didn't want to spend any tax dollars on this. He is fine with a meeting. Mr. Rees suggested that a letter be sent to the Hookies asking for an explanation about why the information wasn't given. Mr. Troup responded that there are legitimate reasons for why it wasn't done in the time given. Mr. Carl asked, even though the court ordered it? Mr. Troup said that the court can order anything they want but if the records are not there and available to them, they cannot produce them. Someone mentioned something about people having to pay back money per court orders *but the tape was unclear because others were talking*. Mr. Troup explained that things change hands as far as the records, house committees, secretaries, treasurers, many times over. He asked Mayor Zboray to confirm since he was secretary. Mayor Zboray said that was seventeen years ago and many changes go on. Mr. Troup said that records are not kept like they should be, which is probably the same at the Borough with tapes and stuff. He also said that he wants a copy of the meeting tape by tomorrow. He was told that the tape would not be available tomorrow. *More comments were made that couldn't be deciphered*. Mr. Carl stated that this isn't about a fire department; it's about access to public records. Mr. Long added

that a citizen has a right to this information. Mr. Rees again suggested sending a letter to them, asking for the reason. Mr. Carl asked to whom the letter should be addressed. Mr. Rees said whoever is in charge at the Hookies. Mr. Carl said that would be Mr. Troup, adding that he felt it should be sent to the entire board. *More conversation that was not understandable on the tape.* Mr. Carl asked if Mr. Troup was aware of it the entire time. He responded in the affirmative. Mr. Orner agreed with sending a letter. Mr. Wetzel stated that he does not think this is the council's business. He added that he would not go into more detail. Mr. Reed agreed. Mr. Rees said if someone came to the council and said that they didn't receive information that they requested from any other organization, he felt that the council should be able to say, what's the reason? Mr. Rees moved to send a letter to the president of the Hookies, asking why the information wasn't given out as requested and as ordered by the court. There was a question about whether the letter should go to the treasurer, Paul Ruane, Jr., since he is the one who provided the information to Mr. Carl's attorney. Mr. Rees said that his motion is to send the letter to the president and he can forward it to whoever he wants to. Mr. Orner seconded the motion. Mr. Carl abstained; Mrs. Groninger, Mr. Long, Mr. Orner and Mr. Rees voted aye; Mr. Reed and Mr. Wetzel voted nay. Motion passed 4-2 with one abstention.

The meeting was adjourned for an Executive Session at 9:56 p.m. Mr. Carl announced that personnel and negotiations would be discussed and the meeting may or may not be reconvened in order to take action. The meeting was not reconvened.

Respectfully submitted,

Janice R. Bowman  
Borough Secretary