

Borough of Northumberland
221 Second Street, Northumberland, PA 17857
Northumberland Borough Council Meeting
September 20, 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, James Orner, Stephen Reed, and Frank Wetzel. Others present were Len Zboray, Mayor; Ryan Tira, Borough Solicitor; Timothy Fink, Chief of Police; and Janice Bowman, Borough Secretary. Council members Robert Long and Jonathan Rees were absent.

The seven visitors present introduced themselves.

Public Comment

No public comment was offered.

Mayor's Report

Mayor Zboray informed the council that the Shikellamy School District will vote at their October meeting to lease the tennis courts at the C.W. Rice building to the Borough for \$1.00. Copies of the letter from David M. Sinopoli were presented to the council members.

Mayor Zboray read a letter from Mr. Jerry Baldwin III from Watsontown commending two Borough workers, Steve Carr and Todd Snyder, for the excellent job they do in the Borough. Mayor Zboray noted that it speaks highly of our Borough street crew.

A letter from Mayor Zboray thanking the volunteers who worked in the Borough during the flood was published in the Daily Item. Mayor Zboray noted the work done by the fire department, the police, the EMA, and the sewer authority employees.

Mayor Zboray noted that the "Do Not Block the Intersection" signs have been obtained. One has been posted at Duke and Water Streets; the other will be hung near the traffic light at the King and Water Streets intersection. The police will monitor the traffic at the intersections and issue citations if warranted.

The owners of the property on Front Street will be contacted to remove trees that are leaning and could fall over onto Front Street. Two trees fell during the past storm. The fire department was called out to help with the removal. Mayor Zboray said that PPL crews were on their way to another call and they stopped to help. Mayor Zboray thanked the fire department.

PennDOT has examined the storm damage at two locations in the Borough, the creek that runs above the pool property and along Ivy Lane and Cemetery Run at Queen Street. Representative Culver, U.S. Representative Marino, and other officials toured the damage that was done with the Mayor and Borough employees. Mayor Zboray stated that the county EMA and PEMA would be coming to view the damage on Thursday or Friday.

The Bike Auction is rescheduled for October 8th. Ann August took pictures of the bikes and will post them on the website. Rick Dandes will publish a story in the Daily Item. The auction has been advertised.

PPL has been contacted about the pole on Priestley Avenue that is leaning. Verizon and Service Electric have been contacted about low wires along Vista Avenue.

Mayor Zboray complimented Tom Slodysko on the pavements that were installed at the 2nd Street Community Center.

Street Supervisor's Report

Mr. Reed stated that the paving will begin on Hanover Street tomorrow. High weeds at foreclosed properties were discussed. Mrs. Groninger stated that the crew was to cut the high grass and weeds between the pavements and curbing. The work must be coordinated with the code office and the notices that are sent to property owners. One property that was mentioned has been sold at a judicial sale.

Council member Robert Long arrived at 7:15 p.m.

Committee Reports

Community Development

Mr. Carl stated that the committee toured various properties in the Borough to discuss budget requests. They recommend that the council obtain a market analysis for the Jolly Hollow property.

Mr. Carl stated that all Borough Council and committee meetings will be held at the 2nd Street Community Center, beginning October 1st.

Finance

Mr. Carl said that he committee will meet tomorrow evening at 6:30 p.m. to discuss the expense side of the 2012 budget.

Personnel

No report

Public Safety

Mr. Wetzel stated that the committee did not meet this month. They will meet on October 18th at 6:00 p.m. at the new building.

Rules

Mr. Long stated that the committee will meet on Sept. 27, 2011 at 7:00 p.m. to discuss prohibiting parking on one side of Elliott Drive.

Mr. Tira informed the council that he has revised the resolution that the police had asked council to consider which addresses arrest procedures for the police, permitting warrantless arrests for summary offenses. Mr. Tira reviewed the resolution to make sure the procedure matches what is current practice in criminal procedure. Mr. Carl moved to approve the resolution. Mr. Long seconded the motion. Mr. Tira explained that the language in the paragraph four of the resolution now matches what is in the criminal procedure. The resolution states that officers are authorized to conduct a summary offense when there is violence or a threat of violence or when the subject may flee. Mr. Tira also corrected the citation as to what part of the rules of criminal procedure applies and what must be followed. He explained that this was a technical correction. Council voted unanimously to approve Resolution F-2011 as follows:

A RESOLUTION ADOPTING GUIDELINES FOR THE BOROUGH OF NORTHUMBERLAND
POLICE OFFICERS WHEN MAKING AUTHORIZED WARRANTLESS SUMMARY ARRESTS

WHEREAS, the Council of the Borough of Northumberland desires to have formal written guidelines pertaining to arrests without warrants for certain offenses enumerated in Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes; and

WHEREAS, these offenses under Title 18 (relating to crimes and offenses), when the conduct constitutes a summary offense, are:

- 18Pa.C.S. ss 5503 (relating to disorderly conduct)
- 18Pa.C.S. ss 5505 (relating to public drunkenness)
- 18Pa.C.S. ss. 5507 (related to obstructing highways and other public passages)
- 18Pa.C.S. ss. 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages); and

WHEREAS, Title 42 of the Pennsylvania Consolidated Statutes requires the governmental body employing police officers authorized to make said warrantless arrests to promulgate guidelines to be followed by police officers as a prerequisite to their authority to effect such a warrantless arrest.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Northumberland that police officers are hereby authorized to effect warrantless arrests when conduct constitutes a summary offense and such conduct involves violence or the imminent threat of violence or the danger that the suspect will flee; and

FURTHER, BE IT RESOLVED, that any such arrest shall proceed in accordance with the Pennsylvania Rules of Criminal Procedures, Chapter 4: "Procedures in Summary Cases, Part D(2) Arrest Procedures in Summary Cases - Arrests Without a Warrant" and any other Rules of Criminal Procedure adopted to replace, revise or supplement Chapter 4, Part D(2); and

FURTHER, BE IT RESOLVED that said regulations shall be effective upon adoption of this resolution.

RESOLVED THIS _____ day of _____, 2011

THE BOROUGH OF NORTHUMBERLAND COUNCIL,
a Municipality within
NORTHUMBERLAND COUNTY, PENNSYLVANIA

By: _____
Gregory Carl, President

ATTEST:

Secretary

Streets

Mr. Reed announced that the committee would meet on October 11, 2011 at 7:00 p.m.

Old Business

1. Sewer Authority Discussion

In addition to the council members, Dan Wiand, superintendent at the Sewer Authority, and Dean Paul, a member of the Sewer Authority Board were present. Mr. John Bender of Unitec Consulting Engineers told the council that he came to voice his company's interest if an RFP is made. He explained that Adam Klock had informed him that the council is considering a joint authority with Point Township.

When asked, Mr. Wiand stated that he has concerns. One is that he would want to have the details laid out before voting on a merger. Another concern is the inflow and infiltration (I & I). He said that the Borough has older lines in the system, some dating back to the early 1900's and I & I is to be expected. During the first 16 days of this month, certain areas of the township's flow into the Borough had almost exceeded what is the normal flow for a quarter. These are issues that must be addressed. Another concern he has is that the current staff has no knowledge of the township's infrastructure and they do not currently have enough manpower to extend their service beyond the area they now service.

During the flood, the Borough Sewer Authority employees manned the pumping station 24 hours a day. Mrs. Groninger suggested that by merging, office work that is currently done separately may be able to be done by just one employee. She also noted that if the boards merge, the new board will originally consist of the current members of each board. She also noted that with one board, there would be one plan and one board that would work together. She asked if the Borough currently has enough manpower and Mr. Wiand stated that the Borough does have enough manpower.

Mr. Long stated that there are nine or ten board members who have been serving on the authority boards and who have the knowledge and will think of the best interest of their community, but also the organization as a whole. Mr. Long added that his understanding is that if upgrades are done in a specific zone, the residents of that zone would be charged for the upgrades; not the entire population. He also thinks that if another employee is required because of work to be done in the township, the zone where the employee is needed would be charged.

Mr. Carl stated that he would like to think that anyone sitting on the joint board would consider what is best for the entire area.

Mr. Paul stated that he feels that the council should consider that while both communities own their respective infrastructures, the sewer plant is owned by the Borough. He said that an email from Adam Klock said that each entity has its own 537 plan but with a merger, a new 547 plan would be needed.

Mr. Bender said that the Borough and Township may want to draw up a memorandum of understanding and decide if they need an outside consultant to determine the needs and

responsibilities of a regional authority. He noted that sometimes it does take years to finalize a regional authority and that there are a lot of things to look at. He advised that the council should work with their solicitor and decide if they need some outside advice on how to work through this process.

Mr. Ty Sees questioned what the proposed address of a joint sewer authority would be, noting that the resolution had the address listed as the Point Township Building. The current resolution that the council has to consider lists the address at 175 Orange Street in Northumberland. Mrs. Groninger noted that the resolution was an example for the Borough to go by. Mr. Sees stated that all the township's sewer authority records are located at Jack Fasold's home. Mr. Sees asked if Mr. Fasold would be appointed to the joint authority by both boards. Mr. Carl said that it would be up to the Borough to replace him since he would also have a seat from the township. Mr. Sees said that the Township currently has a service contract with the Borough to treat their sewage. He questioned why the Borough would give a "renter" ownership of the sewer plant. He feels that the Township should have to buy into the plant and an evaluation of the plant should be conducted.

Mr. Long said that after listening to Bill Seigel, he feels that an evaluation of the plant may not be worth the cost of the evaluation.

Mrs. Groninger discussed the 537 studies. Brinjac is doing the studies for both the Borough and the Township. Mr. Carl questioned where the big changes would be to a 537 plan if the authorities merge. Mrs. Groninger noted that the divisions are based on the pumping stations.

Mr. Wiand noted that the needs of the Township are going to outgrow the needs of the Borough. He's been told that a merger would assist with obtaining grants; however, since the Borough is treating the waste from other municipalities, grants would be forthcoming because they are servicing multiple jurisdictions.

Mr. Bender said that when grants are determined, consideration is given to public health and safety, economics, and politics has a role in it. The target rate for securing Penn Vest grants is a cost of \$55 per month.

Mr. Reed asked Mr. Wiand what he feels the advantage of a joint sewer authority would be for the Borough. Mr. Wiand stated that he does not know one. He said that a joint authority is not going to change the deficiencies or the needs.

Mr. Sees asked what would become of the \$50,000 that the Borough currently receives from the Northumberland Sewer Authority. Mrs. Groninger noted that Randy Yoxheimer stated at the first meeting that this could be written into the agreement. She said that she is putting her trust in the sewer authority members.

Mr. Wetzel stated that if the authority has been working for years, he doesn't understand why it should be changed.

Mr. Paul stated that it may be in the Borough's best interest to obtain an expert's opinion and to put out an RFP. He said that he is concerned that in the resolution for the joint authority, Jack Fasold is sitting in two seats.

Mr. Troup stated that he feels that the council should not give the sewer authority away for nothing. He feels that the Borough has nothing to gain by forming a joint authority.

Mrs. Groninger spoke to a former sewer authority member who stated that NSA is renting to the other authorities. Built into the amount of money NSA is charging the other authorities, is money to help NSA pay for labor, to maintain the buildings, etc. She said that there is a formula that determines the charges. Mrs. Groninger questioned without the rental income from Point and Upper Augusta, can the Borough afford to replace the old pipes?

Mr. Reed stated that since the plant is in the Borough, the Borough has control. Mr. Wetzel added that if there is a joint authority, the rent disappears.

Mr. Carl suggested that an engineer provide the value of the sewer plant and everything that is involved with it.

Mayor Zboray said that he checked the value of the plant as listed on the insurance policy and it was listed at \$6.2 million. Mayor Zboray stated that he spoke with people who write grants, and they said that the applications would include the municipalities serviced by the plant so he doesn't believe that a merger would be an advantage to obtain grant funding. He also believes that the sewer plant is worth something because it is operating.

Mr. Paul said that his understanding is that even after a merger, the collection systems would remain independent. Mr. Gene Brosius explained that there would be separate districts, but eventually, the whole thing would merge. He said that we are already connected. He questioned why wouldn't it be better to operate a joint authority since there would be one common group looking out for the whole area. He said that if the Borough would charge for a merger, the money wouldn't come from the Township; it would come from the joint authority.

Mr. Troup said he thinks Gene believes in what he says. But he feels that there is the possibility that there would still be a sense of ownership. He asked Mr. Brosius who he represents, since he is the solicitor for both authorities. Mr. Brosius stated that he works for both groups. He also noted that both the Township and the Borough have their own solicitors and it is the Township and Borough who would form the joint authority.

Mr. Orner said that he thinks the joint authority would be a good thing, but it has to be worked out. When asked if the articles of incorporation and the details should be determined before merging, he responded that it can go either way – sign the articles of incorporation before merging or after. If the group cannot develop articles of incorporation that are agreeable to both, the merger would not go forward.

Mr. Wetzel asked Mr. Brosius what he would do if there is a conflict and he represents both authorities. Mr. Tira responded that Mr. Brosius would not have a conflict of

interest because the conflict would be between the Borough and the Supervisors. Mr. Wetzel stated that he meant if one of the authorities had an issue with the other authority, how would Mr. Brosius handle it? Mr. Brosius responded that if there is a conflict between the two sewer authorities, he would recuse himself.

Mr. Wetzel stated that Mr. Fasold could also have a conflict of interest in that he serves on both boards. Mr. Orner stated that the Borough may select the members of the authority. Mrs. Groninger said that Mr. Fasold has done a lot of work and has spent a lot of time at the sewer authority. She also knows him to be a very frugal man. He has served on the NSA since 1996.

Mr. Tira stated that he feels the council should know what the expectancy is for the plant. He added that he has no knowledge of what the plant is like. He feels that the council needs to have that information. It was stated that the Act 537 draft is done. Mr. Paul said that it was mentioned that if the authorities merge, a new 537 plan would be required. It is also necessary to know the contents of Point Township's 537 plans.

Mr. Paul stated that the township has a \$6 million project and the borough has a joint \$3 million project to upgrade the plant. Mr. Carl questioned why NSA doesn't pay for the upgrade and add the township's share of the cost to their rent. Mr. Orner explained that the authorities have an agreement in place for capital improvements. Mr. Orner noted that the township authority has not paid for the Queen Street pumping station. Discussion ensued about the billing.

A question was asked about dissolving the authority. Mayor Zboray noted that there are things that authorities can do that councils may not do. Floating bonds is one example.

Mrs. Groninger asked if the council could plan another meeting with the sewer authority and Brinjac. She feels that council needs Brinjac to address the 537 plan.

Mr. Tira said that he feels that Brinjac should inform the council about what is in the Borough's 537 plan and what is in the Township's plan. The plan should address what the best option would be. Since Brinjac will be at the Sewer Authority's meeting on Monday, Mr. Carl suggested that the council attend their meeting to learn what is planned for the sewer plant. Mr. Tira advised that you need to know what the problem is that you are trying to solve before you take steps to solve the problem. You need to know what the standards set by DEP mean to the Borough's plant. Mr. Brosius added that council should have a list of questions that it would like answered. Mr. Bender said that the executive summary of the Act 537 will break down the different alternatives that will meet the twenty year projection of the study. He added that as far as going from two authorities to one, the administrative section in the 537 plan will address this.

Mrs. Groninger commented that the council must be able to trust that the engineer and sewer authority members know what is best for the plant.

Mr. Wiand stated that a representative from Brinjac is always present at the monthly meetings of the Sewer Authority. The authority's secretary will be contacted to obtain a copy of the 537 plan for the council members. It was suggested that the Sewer Authority should hold their meeting at the Borough Building. The meeting begins at 4:30. The

authority will be notified that the council members would like to attend to discuss the 537 plan and the options. Mr. Tira said that he has a prior commitment and is unable to attend.

New Business

1. Upon motion by Mr. Wetzel, seconded by Mr. Carl, council voted unanimously to approve payment of the bills, including payment of \$100 to Carl Ross for welding. Bills to be paid from the General Fund total \$20,917.04; Liberty Splashland bills total \$1,694.51; and Norry Playground Fund bills total \$40.69.
2. The Borough Secretary provided the council with the Borough's PMRS 2012 MMO. No questions were asked.

Mrs. Groninger left the meeting at 8:41 p.m.

3. Benecon provided an updated Health Plan Document for 2011. The update includes items that were required by law in addition to one change to the plan that addresses pre-Medicare retiree eligibility. This change was made because the police contract provides for health insurance for retired officers who are not eligible for Medicare or do not have health coverage through another employer or a spouse's employer. There are several additional documents that Benecon will provide upon request. One is the Business Associate Agreement that requires Benecon, ConnectCare3 (CC3) and Pennsylvania Municipal Health Insurance Cooperative (PMHIC) to keep everything confidential. Another option is for Benecon to create a premium only plan for the Borough. This document contains information regarding a cash incentive for employees who elect not to be covered by the Borough's plan and addresses employees that contribute toward their health plans. The Borough currently has both. A health reimbursement arrangement is another document that they will provide. The police contract does require that the Borough self-fund the difference if the amounts of co-pays change.

Mr. Sees asked if other health plans were considered. It was explained that this document concerns the plan that was in effect in 2011. New rates for 2012 have not yet been received. Other plans have not been considered.

Upon motion by Mr. Carl, seconded by Mr. Orner, council voted unanimously to approve the updated Health Plan Document for 2011.

Executive Session

Mr. Carl stated that an Executive Session would be held to discuss negotiations and personnel issues. He added that the meeting may be reconvened. [Note: The meeting was not reconvened.]

The council meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Janice R. Bowman
Borough Secretary