

**Borough of Northumberland**  
**175 Orange Street, Northumberland, PA 17857**  
**Northumberland Borough Council Meeting**  
**December 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; Timothy Fink, Police Chief; Thomas Slodysko, Street Supervisor; Paul Ruane, Code Enforcement Officer; and Janice Bowman, Borough Secretary.

The six visitors present introduced themselves.

**Public Comment**

Mr. Gary Click, a resident of 713 Queen Street, informed the council that his neighbor at 715 Queen Street has between one and two dozen cats. He stated that something needs to be done to establish an ordinance to prohibit cats. Mr. Click had resided in Selinsgrove and he said that Selinsgrove has an ordinance that addresses cats. He also stated that his neighbors have garbage bags in back and garbage is scattered around the property. Mr. Tira advised that if the neighbor states the cats are strays, the Borough could contact a shelter and have the cats removed. He also said that the SPCA could be contacted if there is a health issue. Mr. Long and Mr. Wetzel stated that the Rules Committee had considered adopting an ordinance regarding cats; but did not come up with an enforceable solution. Mr. Long explained that the committee could not come up with a place to take the animals or who to designate as the responsible official. Selinsgrove will be contacted for a copy of their ordinance. The code officer will look into the garbage complaint.

**Mayor's Report**

- Mayor Zboray reported that Chief Fink has compiled a list of street signs that are fading or missing and need to be replaced.
- Mayor Zboray thanked Ann Roll, her committee and all of the volunteers who helped decorate the gazebo and the park. He also thanked Tom Slodysko and the street department for installing the decorations and Santa's House.
- Mayor Zboray attended a ribbon-cutting ceremony for the Susquehanna Flower Company located on Duke Street.
- He also attended an Eagle Scout Award Ceremony for Adam Leister and presented him with a Certificate of Congratulations from the Borough.
- Mayor Zboray attended the arrival of Santa on November 28<sup>th</sup> and thanked the Sunbury City Band and the volunteers who worked to make this a successful event.

- A representative from the Ford Motor Company contacted Mayor Zboray about the paint peeling on the roof of the 2006 Crown Victoria cruiser, in response to a letter he sent to them earlier in the month. Even though the vehicle is out of warranty, the company is honoring the warranty so the cost to the Borough for the repair will be the \$250 deductible which may be taken from the Parking Meter fund. The original quote was \$1,249.
- Mayor Zboray met with the Senior Action Center Board at their request to discuss parking issues, especially the “no parking” on Mondays and Tuesdays. Mayor Zboray is working on a solution.
- Mayor Zboray helped to lay wreaths at the Riverview Cemetery for “Wreaths for Warriors” on December 4<sup>th</sup>. He thanked all who donated their time to come to the cemetery to help, including the American Legion, the Fire Department, and the Boy Scouts, noting that they had a great turnout.
- The police continue to make extra patrols throughout the day to enforce the “no parking” ordinance on the borough streets.
- Mayor Zboray and Chief Fink collected the meter money.
- Mayor Zboray noted issues with the camera at the Duke and Water Street traffic light during the night hours when the volume of traffic is light. The light is not changing when someone is in the turning lane.
- Mayor Zboray read a letter from Gregory Shaffer, complimenting the professional manner in which Officer Kevin Rushton handled an accident on Prince Street.

#### **Street Supervisor’s Report**

- Mr. Slodysko reported that the leaf picking is concluded for this season. The leaf picker has been put away for the winter.
- The crew is crack sealing the streets. He noted that the heavy trucks are destroying Hanover Street and Fifth Street. The weight of the trucks is cracking the asphalt.
- The Borough trucks are undergoing repairs. The ’04 truck will be returned tomorrow and the ’06 truck is scheduled to go into the shop.
- The lights downtown are being repaired. The photo cells are being replaced.
- The 1997 truck that the Borough had been bidding on was sold at approximately \$49,000, including the buyer’s fee. Mr. Slodysko has not yet located another truck to purchase but will keep looking.

#### **Code Enforcement Officer’s Report**

Mr. Ruane reported on the activity of the Code Enforcement Office for the month of November.

#### **Northumberland Sewer Authority Report**

Mr. Orner reported that at the November 28th meeting, they retained Josh Sheraton as attorney to help negotiate the amount owed to the IRS. The Authority is discussing whether to base the sewer bills on water usage instead of the flat fee. They are also sending out proposals to engineers and solicitors. Mr. Orner stated that he then left the meeting.

Mr. Adam Klock reported that a budget meeting was held last evening and the rates for 2012 were increased to \$400 per year, an increase of \$1 per week. The increase is to save toward the capital project that will be undertaken in the future. A feasibility study is being conducted to determine the best plan of action for the upgrades. It was determined that the sewer lines throughout the Borough are carrying Inflow and Infiltration (I & I). The Authority will address the repairs to the infrastructure in the Borough.

Mr. Klock received a letter from Mr. Troxell and Mr. Fasold to hold a special meeting on December 8<sup>th</sup> at 5:00 p.m. to review three resolutions. Mr. Klock stated that one resolution was to transfer land at the Point, outside the fenced in area, to the Borough. Another was to transfer the remaining land and assets from the NSA to the North-Point Sewer Authority. The third was to address the \$50,000 payment to the Borough. Mr. Klock stated that he thought that the transfer would not be completed until after the joint authority was formed and all issues resolved. He said that the new authority hasn't had a single meeting. Mr. Klock said that he has advertised a meeting date change to December 16<sup>th</sup> at 4:30 p.m. at the Sewer Authority, noting that he has not seen the resolutions and he feels that a vote on December 8<sup>th</sup> would be premature. Mr. Wetzel responded that when the council voted to move ahead with a joint authority, he thought that none of this would take place for quite a while. He added that council was assured that the negotiations would move slowly and everything would be discussed. Mr. Long suggested obtaining copies of the resolutions to see exactly what they say.

Mr. Sees asked Mr. Tira who holds the power to transfer the assets. Mr. Tira stated that the Sewer Authority holds the power to transfer the assets; however, the Borough Council does have the power to dissolve the Sewer Authority and recover the assets.

Mr. Zboray noted that a copy of the agreement that was approved at the last meeting was received this afternoon from Attorney Brosius. This copy includes a clause that provides for the Borough to receive \$50,000 a year from the North-Point Sewer Authority but does not provide for the Borough to retain ownership of the land as voted on by the Borough Council at the November 15<sup>th</sup> meeting. The original resolution that the council voted on authorized the transfer of the assets to the North-Point Sewer Authority, but another motion had stipulated that the land and built assets be transferred back to the Borough.

Questions arose about advertising requirements for resolutions and meeting dates. Mr. Klock stated that he was not included in conversations about the resolutions and does not think that this is what council intended to happen. Mr. Carl said that it is up to the Sewer Authority members to make these choices. Mr. Wetzel disagreed and asked what can be done tonight to stop any transfer of assets. Mr. Tira advised that the Sewer Authority controls their assets. Mr. Wetzel had questions about the possibility of dissolving the Sewer Authority. Mr. Tira responded that if the council dissolves the Authority, the council would assume all the assets and liabilities.

Mr. Sees asked if Jack Fasold, as an employee of the Point Township Sewer Authority, has the ability to act as a member of the Northumberland Sewer Authority to transfer assets to the North-Point Sewer Authority. Mr. Tira said that if there is no effect on Mr. Fasold's wages, it would not be a conflict. Mr. Sees asked if Mr. Tira was asked to attend the meeting on November 28<sup>th</sup>. He responded that he was not.

### **Emergency Services Board Report**

Mr. Troup reported that Steve Cimino, the Chairman of the Board, has resigned. He had been the representative from the Hookies. They do have one person who is interested and his name will be presented to the company at the next meeting. There are two at-large vacancies on the Board and no applicants.

### **Committee Reports**

#### Community Development

Mr. Carl reported that the committee would meet on December 12<sup>th</sup> at 7:00 p.m.

## Finance

Mr. Rees moved to adopt the 2012 budget. It had passed the Finance Committee with a 2-1 vote. Mr. Rees had voted no because he feels the increase in the tax for streets is too high. He noted that the increase without the additional two mills for streets would be .7 mills. He also said that the greatest increase in costs is due to the health insurance increase. Mr. Long seconded the motion. Mr. Klock asked about an increase in the recycling income. He was informed that state money was received for a performance grant. This income is not budgeted because it is not guaranteed and varies depending on the amount of state funding available, the number of applicants, and the amount of recyclables collected. Mr. Sees asked about the increase in the health insurance budget for the office. He was informed that the Borough Secretary is now taking the insurance and is contributing 7% of the premium. Mr. Rees explained that both the Borough Secretary and Street Supervisor contribute toward the premiums. Council voted 6-1 to approve the 2012 budget with Mr. Rees casting the negative vote. This was the 1<sup>st</sup> reading of the budget. The second reading will be on December 20<sup>th</sup>.

## Personnel

Mrs. Groninger stated that a personnel issue will be discussed in the Executive Session. Mrs. Groninger asked Mr. Slodysko if there is an injured laborer. Mr. Slodysko replied that everyone is working; however, Mr. Snyder broke his finger while on vacation. He is still able to work.

## Public Safety

Mr. Wetzel cancelled the December 20, 2011 meeting.

## Rules

Upon motion by Mr. Long, seconded by Mr. Wetzel, council voted unanimously to adopt Ordinance 2011-4 as follows:

### **ORDINANCE 2011-4**

#### **AN ORDINANCE TO AMEND THE BOROUGH CODE OF NORTHUMBERLAND BOROUGH, NORTHUMBERLAND COUNTY, PENNSYLVANIA, TO PROHIBIT PARKING ON ORANGE STREET AT 5<sup>TH</sup> STREET A DISTANCE OF 45 FEET FROM THE STOP SIGN AND TO PROHIBIT PARKING ON THE INNER SIDE OF SIDE OF ELLIOTT DRIVE**

*Whereas, the Borough Council finds that the safety and well-being of the public is promoted by safe traffic conditions within the Borough of Northumberland, and finds that fire trucks have difficulty making a safe right turn onto Orange Street heading east from 5<sup>th</sup> Street. Orange Street is a major fire truck route to emergencies on the east side of town. The largest fire truck of the Northumberland Hook and Ladder Company is the ladder truck which measures 41.5 feet long and 8 feet wide. The width of Orange Street currently is 32 feet.*

*Whereas, the Borough Council determines that the distance where parking is to be prohibited on the north side of Orange Street should be 45 feet from the stop sign at the Orange and 5<sup>th</sup> Street intersection.*

*Whereas, the Borough Council finds that the street width on Elliott Drive is such that, if vehicles are parked along both curb faces, two vehicles cannot move abreast of one another in the same or opposite direction without one yielding to allow the other vehicle to pass. The Borough Council finds that the distance between the center of the roadway and the curb of the roadway is less than 18 feet.*

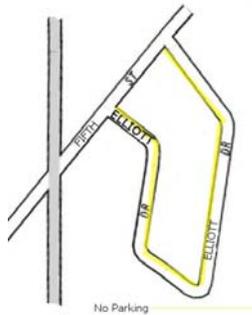
**Whereas**, Elliott Drive intersects 5<sup>th</sup> Street at two points. These two intersections are the end points of Elliott Drive. The Borough Council determines that the parking shall be prohibited on the inner side of Elliott Drive for the length of Elliott Drive from the south intersection with 5<sup>th</sup> Street to north intersection with 5<sup>th</sup> Street and shall be posted with a sign that reads “No Parking This Side of Street”.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Borough Council of the Borough of Northumberland, Northumberland County, Pennsylvania, as follows:

**Article 1**

The Code of Ordinances of the Borough of Northumberland, Chapter 58, shall be amended by adding the following to Section 58-29 A:

<u>Highway</u>	<u>Side</u>	<u>Location</u>
Orange Street	North	45 feet from stop sign at 5 <sup>th</sup> St.
Elliott Drive	North	From 5 <sup>th</sup> St. (south intersection) to Jacobs Lane
Elliott Drive	South	From 5 <sup>th</sup> St. (north intersection) to Jacobs Lane



**Article 2**

Savings Clause. All other sections of Chapter 58 shall remain in full force and effect as previously enacted and amended.

**Article 3**

Effective Date. This Ordinance shall be effective in thirty days from enactment.

**Duly Enacted and Ordained** this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the Borough Council of the Borough of Northumberland, Northumberland County, Pennsylvania, in lawful session duly assembled.

ATTEST: BOROUGH OF NORTHUMBERLAND

By: \_\_\_\_\_ By: \_\_\_\_\_  
 Janice Bowman, Secretary Gregory Carl, President Council

[BOROUGH SEAL]

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

By: \_\_\_\_\_  
 Leonard Zboray, Mayor

Mr. Long moved and Mr. Wetzel seconded a motion to adopt Ordinance 2011-5 which establishes parking permits for metered areas of the Borough and parking signs for businesses in non-metered areas of the Borough. Discussion ensued. Council voted 6-1 to approve the ordinance with Mrs. Groninger casting the negative vote. The ordinance is as follows:

**ORDINANCE 2011-5**

**AN ORDINANCE TO AMEND CHAPTER 58 SECTIONS 58-5 "DEPOSIT OF COINS AND PARKING PERMITS" AND 58-30.1 "PARKING RESTRICTED BETWEEN CERTAIN BUSINESS HOURS TO CUSTOMERS OF BUSINESS" OF THE BOROUGH OF NORTHUMBERLAND'S (THE "BOROUGH") CODE**

**WHEREAS**, the Borough Council of Northumberland Borough, Northumberland County, Pennsylvania ("Borough Council") has determined that it is in the best interest and welfare of its residents to modify the parking regulations in its business districts; and

**WHEREAS**, the Borough Council has determined that a hardship related to parking exists for businesses and those who reside in business districts within the Borough; and

**WHEREAS**, in order to alleviate the hardship experienced by business owners and residents of the business districts of the Borough, Borough Council has determined to make permits for parking in designated metered spots in these areas available to such businesses and residents; and

**WHEREAS**, to further alleviate the hardship experienced by business owners and residents of the business districts of the Borough, Borough Council has determined to designate parking spots near businesses for use during business hours solely by the customers while doing business with the designated business; and

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Borough Council of the Borough of Northumberland, Northumberland County, Pennsylvania, as follows:

**Article 1.**

The Code of Ordinance of the Borough of Northumberland, Chapter 58, shall be amended by adding subsection b.) to Section 58-5 as follows:

**§58-5 Deposit of Coins and Parking Permits.**

- a.) When any vehicle shall be parked during the time of limited parking in any space adjacent to which a parking meter is located, the owner or operator of said vehicle shall, upon entering the said parking space, immediately deposit or cause to be deposited, "U.S. legal tender" in such parking meter and operate the meter in accordance with the instructions thereon, and failure to do so shall constitute a violation of this Article. Upon the deposit of "U.S. legal tender" and placing the meter in operation, the parking space may be lawfully occupied by such vehicle during the period of parking time which has been prescribed for the particular amount deposited, to wit: thirty (30) minutes of parking for one nickel, one (1) hour of parking for one dime, and two (2) hours parking per quarter. If such vehicle shall remain parked in any such parking space for such a length of time that the meter shall indicate by a proper signal that the lawful time has expired, such vehicle shall be considered as parking overtime, and the parking of a vehicle overtime shall be considered a violation of this Article.
- b.) In lieu of depositing U.S. legal tender into a parking meter as stated in paragraph "a" above, a vehicle may be parked in a metered parking space with a permit purchased from the Borough. Permits can be purchased and used in accordance with the following provisions:
  - 1. The Borough offers two classes of parking permits: 1) Business and 2)

*Residential. A business located on a block that has designated parking meters is eligible to purchase a Business Parking Permit. Each such business is eligible to purchase a maximum of two (2) parking permits per month. Residents living on a block that has designated parking meters are eligible to purchase a maximum of one (1) parking permit per household per month. The initial price for a permit is \$20.00 per month. Borough Council may, from time to time, change the rate of the permit by resolution.*

2. *The permits shall be available for purchase at the Borough Office. The applicant for a permit shall submit all information requested by the Borough, including but not limited to name of applicant, address and a signed statement that the permit shall be used in accordance with this Ordinance. The applicant shall be reviewed by the Borough Office to verify the eligibility of the applicant. If the Borough Office determines the applicant is eligible, a permit shall be issued within five (5) days. If eligibility cannot be verified by the Borough Office, the permit shall be denied. An applicant may appeal such denial to the Borough Council solely on the basis that they meet the eligibility requirements.*
3. *A Business Permit shall have the month and year of the permit and the name of the business. The Residential Permit shall list the month and the year of the permit and the permit holder's street address. Permits must be hung on the rearview mirror of the vehicle in plain view.*
4. *A Business Permit can be used by a permit holder's employee or customer. The permits are not transferable to any other business or person.*
5. *A Residential Permit can be used by anyone living in or visiting the permit holder's household.*
6. *A Residential Permit can only be used on meters designated by the Borough with an "R". A residential permit shall not be valid for a meter not designated with an "R".*
7. *Permits do not absolve the user of any other parking regulations such as no parking on certain days, snow emergencies, etc. that may be contained in any other Borough ordinance, state or federal law or regulation.*
8. *Permits may be purchased in advance and shall be in force from the first of the month to the last day of the applicable month. If a permit is purchased for a current month, the permit is valid upon issuance by the Borough and expires on the last day of that month. The cost of a permit shall not be pro-rated due to it applying for a permit for only part of a month.*
9. *The permits do NOT guarantee parking in any particular parking space of the metered areas of the downtown. Parking is on a first come, first served basis and parking may not always be available for all permit holders.*
10. *Any business or resident in violation of the rules of the permit shall be considered in violation of Chapter 58 of the Code and subject to the penalties stated in Chapter 58 of the Code.*

**Article 2.**

*The Code of Ordinance of the Borough of Northumberland, Chapter 58, shall be amended by adding as a new Section 58.301.1 as follows:*

§58.30.1 Parking Restricted Between Certain Business Hours to Customers of a Business

Parking is hereby restricted in areas designated by Borough Council during business hours to customers of the designated businesses in accordance with the following provisions:

1. Any business, located in a commercially zoned district, may request to have a sign posted in front of their business restricting parking to their customers during their business hours.
2. To qualify for restricted parking, a business must demonstrate that the business does not have off-street parking available for its business. If a business can demonstrate that it has no off-street parking, the Borough shall approve up to two (2) parking spaces to be restricted for the use of the business customers during normal business hours. A business must request a set, continuous period of time, not to exceed a maximum of ten (10) hours, to be considered their normal business hours.
3. If approved, the business must purchase a sign through the Borough Street Department Supervisor designating the name of the business and the established business hours. The business shall be required to pay for the sign.
4. The Borough shall install all approved signs according to federal, state and Borough regulations.
5. The Borough shall paint lines designating the restricted parking spaces. The business shall be responsible for the cost of painting the lines.
6. Individuals may only park in the restricted parking spaces during the designated business hours while patronizing the designated business. An individual must remove their vehicle from the restricted parking space within fifteen (15) minutes of leaving the designated business.
7. All other applicable provisions of Chapter 58 still apply for the restricted parking spaces. Any individual in violation of this section shall be considered in violation of Chapter 58 of the Code and subject to the penalties stated in Chapter 58 of the Code.

**Article 3.**

Savings Clause. All other sections of Chapter 58 shall remain in full force and effect as previously enacted and amended.

**Article 4.**

Effective Date. This Ordinance shall be effective in thirty (30) days from enactment.

**Duly Enacted and Ordained** this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the Borough Council of the Borough of Northumberland, Northumberland County, Pennsylvania, in lawful session duly assembled.

ATTEST: BOROUGH OF NORTHUMBERLAND

By: \_\_\_\_\_  
Janice Bowman, Secretary

By: \_\_\_\_\_  
Gregory Carl, President Council

[BOROUGH SEAL]

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

By: \_\_\_\_\_  
Leonard Zboray, Mayor

Mr. Long moved and Mr. Carl seconded a motion to approve an agreement with the Central Susquehanna Council of Government to establish a joint appeals board. This is for a one year agreement. Discussion ensued. Council voted 4-3 to approve the ordinance. Mr. Rees, Mr. Carl, Mrs. Groninger and Mr. Long voted aye; Mr. Reed, Mr. Wetzel, and Mr. Orner voted nay. The ordinance is as follows:

**ORDINANCE NO. 2011- 6**

**AN ORDINANCE OF THE BOROUGH OF NORTHUMBERLAND, COUNTY OF NORTHUMBERLAND, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR APPEALS PURSUANT TO THE UNIFORM CONSTRUCTION CODE, 35 P.S. §§7210, ET SEQ., DELEGATING CERTAIN OF THE BOROUGH'S POWERS AND DUTIES TO THE CENTRAL SUSQUEHANNA COUNCIL OF GOVERNMENTS, ADOPTING CERTAIN POLICIES AND PROCEDURES PERTAINING TO APPEALS, APPROVING EXECUTION OF AN INTER-GOVERNMENTAL AGREEMENT WITH PARTICIPATING MEMBER MUNICIPALITIES, AND REPEALING INCONSISTENT ORDINANCES.**

**WHEREAS**, the Borough Northumberland, County of Northumberland, Commonwealth of Pennsylvania opted for local administration and enforcement of the Pennsylvania Uniform Construction Code, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103 ("UCC"); and

**WHEREAS**, the UCC permits the Borough to join with other municipalities to establish a joint appeals board, comprised of interested and qualified individuals, to serve the member municipalities (35 P.S. §7210.501(b)(3) and 34 Pa. Code 403.121(d)); and

**WHEREAS**, the UCC contains guidelines and criteria for establishment of an appeals board and the qualifications for membership on an appeals board (35 P.S. §7210.501(c) and 34 Pa. Code 403.121(a)-(g)); and

**WHEREAS**, the UCC mandates an applicant's right to seek a variance or extension of time or to appeal to the building code official's decision by filing a petition to a board of appeals (35 P.S. §7210.501(c) and 34 Pa. Code 403.122)).

**THEREFORE, IT IS HEREBY ENACTED AND ORDAINED**, as follows:

1. The Borough of Northumberland hereby enters into an intergovernmental agreement (see attached) with member municipalities of the Central Susquehanna Council of Governments for the sole purpose of providing a means of appeal pursuant to the UCC.
2. The Borough hereby adopts the operating procedures and policies set forth by the Central Susquehanna Council of Governments intergovernmental agreements, resolutions and by laws, as amended, with regard to UCC appeals.
3. Administrative and enforcement activities in connection with the UCC shall remain under the authority of the Borough.
4. The Borough hereby delegates its duties and responsibilities pertaining to UCC appeals to the Central Susquehanna Council of Governments. Appeals to the Borough pursuant to the UCC shall be forwarded to the Central Susquehanna Council of Governments Appeals Board in a timely manner for appropriate hearing and action.
5. Filing fees for such appeals shall be set by the established Central Susquehanna Council of Governments fee schedule resolution. The fee schedule is subject to amendment as determined by the Central Susquehanna Council of Governments.
6. The Central Susquehanna Council of Governments UCC Appeals Board shall have sole jurisdiction in matters of appeal to the Borough pertaining to administration and enforcement of the UCC. All other appeals shall remain under the authority of their respective appeals boards.
7. By entering into this Intergovernmental Agreement with member municipalities of the Central Susquehanna Council of Governments, the Borough hereby dissolves any previously established or implied UCC Appeals Board.
8. All inconsistent Ordinances or parts thereof are hereby repealed.

**DULY ENACTED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by Borough Council of the Borough of Northumberland, Northumberland County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOROUGH OF NORTHUMBERLAND

By \_\_\_\_\_  
Borough Secretary

By: \_\_\_\_\_  
Council President

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

By: \_\_\_\_\_  
Mayor

Mr. Long announced that the December 27<sup>th</sup> committee meeting is cancelled.

#### Streets

Mr. Reed noted that the Walberg's driveway is being done. Mr. Slodysko added that the driveway is being completed as discussed. Mr. Reed stated that there would be no committee meeting on December 13<sup>th</sup>. The streets to be paved in 2012 were discussed at the last meeting.

Mr. Carl announced that the Community Development meeting would also be cancelled for the month of December.

#### Old Business

1. Mayor Zboray announced that the Shikellamy School Board has approved the lease agreement for the C.W. Rice tennis courts. Mr. Long moved, and Mr. Reed seconded a motion to approve the lease agreement at a cost of \$1.00 per year. Council voted unanimously to enter into the agreement.
2. The following applications have been received for the various committee vacancies:
  - Emergency Services Board – no applicants
  - Planning Commission

Applications were received from Judyann Schmidt and Margaret Weirick. Ms. Weirick is currently a member with a term expiring on December 2012. Ms. Schmidt is currently a member of the Planning Commission with her term expiring at the end of this year. Mr. Long moved and Mrs. Groninger seconded the motion to appoint Judyann Schmidt to the Planning Commission for the term ending December 2015. Mr. Carl noted that Ms. Schmidt has also volunteered to serve on the Zoning Hearing Board and that a member of the Zoning Hearing Board may not serve on any other committee. Roll call vote was unanimous to appoint Ms. Schmidt to the Planning Commission.
  - Shade Tree Commission

Applications were received from Judyann Schmidt and Margaret Weirick. Ms. Weirick's term expires the end of December. Mrs. Groninger moved, and Mr. Carl seconded the motion to appoint Margaret Weirick to the Shade Tree Commission. The new term would expire on December 31, 2014. Council voted unanimously to approve the appointment.
  - Zoning Hearing Board

Applications were received from Richard Hort, Judyann Schmidt, and Joseph West. Mr. Carl noted that since Ms. Schmidt was appointed to the Planning Commission, she is not eligible to serve on the Zoning Hearing Board. Mr. Hort is currently a member of the Zoning Hearing Board. His term expires at the end of December.

Upon motion by Mr. Wetzel, seconded by Mrs. Groninger, council voted 6-1 to re-appoint Richard Hort to the Zoning Hearing Board. Mr. Long cast the dissenting vote, explaining that he was interested in appointing Mr. Hort to the Northumberland Sewer Authority.

- Northumberland Sewer Authority

One vacancy exists on the authority. Mrs. Groninger appointed Don Troxell to the vacancy. Mr. Rees seconded the motion. Mr. Carl stated that the other applicants are Judyann Schmidt, Robert Stahl, Joseph West and Richard Hort. Mr. Hort may not be appointed since he is on the Zoning Hearing Board. Mr. Wetzel nominated Joseph West. Mr. Rees seconded the motion. Mr. Long, Mr. Orner and Mr. Wetzel voted to appoint Mr. West; Mr. Reed, Mr. Rees, Mr. Carl and Mrs. Groninger voted to appoint Mr. Troxell. Mr. Troxell was appointed to the 5-year term.

- Northumberland County Tax Collection Committee

Mr. William Roll had served as the Borough's representative. He is not interested in continuing on the committee. Mr. Tira advised that someone must be appointed to the committee. A court hearing is set for this Thursday because one faction of the committee has filed a lawsuit regarding the way the vote is conducted; claiming the vote should be a weighted vote. This group is in favor of appointing a company that did not present the lowest proposal

Mr. Ty Sees volunteered to serve as the Borough's representative. Upon motion by Mr. Long, seconded by Mrs. Groninger, council voted to appoint Mr. Sees. The Borough Secretary was asked to remain as an alternate. The motion was revised to include the alternate. Council voted unanimously to approve.

3. Mayor Zboray announced that a fund raiser for the Fire Police is planned at Hoss's on December 15<sup>th</sup>. Coupons are available at the Borough Office and online.

### **New Business**

1. Mr. Long moved to approve payment of the bills. Mr. Reed seconded the motion. Discussion ensued.

Mr. Long left the meeting at 8:21 p.m. Mr. Tira advised that a new motion be made.

Mr. Rees moved to approve payment of the bills. Mr. Carl seconded the motion. Mr. Slodysko requested that the following bills not be paid: Bradco Supply Co. for \$299.67; Rovendale Ag & Barn, Inc. for \$183.49; and Sunbury Motor Company for \$450.49.

Mr. Long returned at 8:25 p.m.

Council unanimously approved payment of the bills. Bills to be paid from the General Fund total \$25,096.92; 2<sup>nd</sup> Street Community and Municipal Center bills total \$1,307.82; Liberty Splashland bills total \$1,489.11; and Park & Recreation Fund bills total \$175.30.

2. Upon motion by Mr. Long, seconded by Mr. Carl, council voted unanimously to transfer \$4,000 from the General Fund to the Fire Apparatus Fund. This was a budgeted item.
3. Upon motion by Mr. Rees, seconded by Mr. Long, council voted unanimously to purchase cellular shades for the Borough Office and Code Office. There is money remaining in the 2<sup>nd</sup> Street maintenance and repairs line item of the 2011 budget.
4. Upon motion by Mr. Long, seconded by Mr. Long, council approved 6-1 to advertise Ordinance 2011-7, the Tax Levy Ordinance for 2012. The millage rates in this ordinance are based on the proposed 2012 budget. Mr. Rees cast the dissenting vote.

5. Mr. Reed stated that he would not be present for the first meeting in 2012. He asked if it is legal for him to participate by telephone or internet. Mr. Tira replied that it is.
6. A letter was received from the #1's requesting that council approve giving them the money in the Fire Apparatus Fund toward the down payment of their truck. The fire company also requested that the Borough supply a letter of support to the bank. Mr. Tira stated that the council needs to know what the bank wants because if they are looking for a guarantee of the monies, certain steps must be taken to comply with state rules. Filings with DCED because of the local debt unit act may be required. Mr. Rees stated that when the plan was developed for truck purchases, the agreement with the Emergency Services Board was that the council wouldn't commit any future council to pay for loan payments. The plan was to purchase a new pumper truck in 2013. The 2012 budget includes \$30,000 for apparatus replacement. Mrs. Groninger moved to give the #1's the money in the Fire Apparatus Fund toward the down payment of their new truck. Mr. Rees seconded the motion. Council voted unanimously to approve the motion.
7. Mrs. Groninger noted that volunteers are needed to serve on the Emergency Services Board. Mr. Troup stated that he feels that council needs to look at the requirements for the board members, noting that by limiting the members at large from being members of either company, there are many people who are social members of the companies who may not be appointed.

Mr. Carl adjourned the meeting for an Executive Session at 8:38 p.m. to discuss a personnel issue. He stated that the meeting would probably be reconvened.

Mr. Carl left the meeting at 9:04 p.m.

The meeting was reconvened at 9: 08 p.m. by Vice President Rees.

Mr. Long moved to begin the Civil Service process. Mr. Reed seconded the motion. Council voted unanimously to approve.

Mr. Rees moved to give Tom Slodysko a 50¢ per hour raise, retroactive to the beginning of 2011. The money is in the budget. Mr. Long seconded the motion. Council voted 4-2 to approve the motion with Mr. Wetzel and Mr. Orner dissented.

Mr. Troup asked why Mr. Wetzel couldn't make a motion to hold up on the articles of incorporation of the North-Point Sewer Authority until there is further investigation by the Northumberland Sewer Authority. Mr. Tira replied that the council does not dictate to the Sewer Authority the actions to take. One of the things council may do is dissolve the authority. If there are outstanding debt allegations, the council would dictate the authority to satisfy the debt or transfer it over so the municipality may take it over. He said that the joint authority could still be formed. Mr. Klock stated that he sees the NSA voting to transfer the assets to the new authority. He recommended that the Borough protect its assets. Mrs. Groninger asked if he wants the council to dissolve the Northumberland Sewer Authority. He replied that if that is the only way to protect the assets to prevent this from being railroaded through and losing our assets before anything is agreed upon which is what was portrayed to them, that the merger negotiation would happen before assets were transferred. Mr. Long asked if anyone had seen the documents that Mr. Klock was speaking about.

Mr. Tira stated that the council cannot dictate what the NSA does because they are an independent board. Mr. Tira said that the council could vote to have the NSA take the necessary steps to retire the debt and transfer the assets back to the borough. Mr. Zboray stated that Mr. Brosius does not have anything in the resolution about the land at the Point coming back to the Borough as passed by the Borough Council at the November 28<sup>th</sup> meeting. Mayor Zboray added that he spoke to Mr. Brosius and told him that the resolution was not written correctly. Mr. Klock stated that he is not against the merger. He said that there are no terms to consider and everything will be gone before they have terms to consider. Mr. Tira said that the NSA needs to know what they need to accomplish with the plant.

Mr. Tira reviewed the motions that were made at the November 28, 2011 council meeting. The first motion was to authorize the NSA to transfer its assets and liabilities to North-Point. The second motion was to transfer the land with the plant back to the Borough. He said that the motions are inconsistent. Mrs. Groninger stated that Mr. Brosius had the sewer authority won't be able to do anything without the land. Mayor Zboray said he met with Mr. Brosius the next day and he clarified the motion and said that the council could do that, but every time the sewer authority would do something to the sewer plant, they would have to come to the Borough Council. Mayor Zboray said that he didn't see an issue with that.

Mr. Wetzel said that he would like to rescind the resolution. Mr. Tira advised that the council could pass a resolution taking away the authorization from the sewer authority to transfer the assets to North-Point; keeping intact the rest of the resolution saying that the Borough is forming the North-Point Sewer Authority, and clarifying that it was the intention of the council to have the assets eventually transferred back to the Borough. He explained that council has already authorized the forming of the North-Point Sewer Authority.

Mr. Wetzel moved to take away the Northumberland Sewer Authority's power to transfer any assets to the North-Point Sewer Authority because the Borough Council's intent was to have the assets transferred to the Borough. Mr. Rees seconded the motion. Mr. Rees noted that by securing the assets, the Borough has a reason to receive \$50,000 each year from the authority. Mr. Tira stated that the council is not taking away the joint authority. They are taking the assets back and will eventually either transfer them over to North-Point when the agreement is fully worked out or lease it to them when council comes up with some terms. Mr. Rees stated that he feels the Borough should always have four seats on the joint authority every year and the Township should have three seats. The resolution is I-2011. The council voted 4-2 to approve the resolution with Mrs. Groninger and Mr. Long casting the dissenting votes. Resolution I-2011 is as follows:

**RESOLUTION NO. I – 2011**

***WHEREAS**, on November 28, 2011, the Council of the Borough of Northumberland ("Borough Council") passed a resolution to organize a joint municipal authority with Point Township to be known as the North Point Sewer Authority for the purpose of operating a sewer system within the Borough of Northumberland (the "Borough") and Point Township; and*

***WHEREAS**, as part of said resolution, the Borough Council authorized the Northumberland Sewer Authority to convey its assets and liabilities to the North Point Sewer Authority; and*

***WHEREAS**, the Borough Council also passed a second resolution directing the Northumberland Sewer Authority to transfer all of its assets back to the Borough; and*

***WHEREAS**, the two resolutions passed by the Borough Council on November 28, 2011 were conflicting in that they directed the Northumberland Sewer Authority to transfer its assets and liabilities to both the North Point Sewer Authority and to the Borough; and*

***WHEREAS**, the Borough Council desires to correct the conflict between these two resolutions; and*

**WHEREAS**, Borough Council has resolved to correct the conflict of these two resolutions by rescinding the authority of the Northumberland Sewer Authority to transfer its assets and liabilities to the North Point Sewer Authority and reaffirming its directive to the Northumberland Sewer Authority to transfer the sewer treatment plant and associated real estate back to the Borough; and

**WHEREAS**, Borough Council reaffirmed its intent to organize the joint municipal authority between Point Township and the Borough known as North Point Sewer Authority; and

**NOW, THEREFORE, BE IT RESOLVED**, this 6<sup>th</sup> day of December 2011 as follows:

The Northumberland Borough Council hereby rescinds the authority it granted to the Northumberland Sewer Authority to transfer its assets and liabilities to the North Point Sewer Authority. Further, the Northumberland Borough Council reaffirms its directive to the Northumberland Sewer Authority to transfer its assets back to the Borough and to take all steps necessary to consummate this directive.

**ADOPTED** as a resolution of the Council of the Borough of Northumberland, Northumberland County, Pennsylvania, this 6<sup>th</sup> day of December 2011.

ATTEST:

BOROUGH OF NORTHUMBERLAND

By: \_\_\_\_\_

By: \_\_\_\_\_

Borough Secretary

Council President

Mr. Reed moved to adjourn the meeting. Mr. Rees adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Janice R. Bowman  
Borough Secretary