

Borough of Northumberland
175 Orange Street, Northumberland, PA 17857
Northumberland Borough Council Meeting
October 16, 2012

Council President James Troup 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 Adam Klock, Stephen Reed, Ty Sees, James Troup, and Frank Wetzel. Others present were Mayor Zboray; Levi Woodward, acting solicitor; Thomas Slodysko, Street Supervisor; Paul Ruane, Code Enforcement Officer; Timothy Fink, Police Chief; and Janice Bowman, Borough Secretary. Council members Greg Carl and Jonathan Rees were absent.

One visitor was present.

Public Comment

No comments were offered.

Approval of Council Meeting Minutes

Upon motion by Mr. Wetzel, seconded by Mr. Troup, council voted 3-0-2 to approve the council meeting minutes of October 2, 2012. Mr. Reed and Mr. Sees abstained because they had not been present.

Mayor's Report

- Mayor Zboray noted that council approval is required to provide for free parking during the holidays. Mr. Reed moved to cover the parking meters from Thanksgiving to January 2, 2013. Mr. Wetzel seconded the motion. Discussion ensued. The meter covers are to be secured so they cannot be easily removed. Council approved unanimously.
- Mayor Zboray welcomed a new business to town, On A Roll. The owners of the sub shop are Steve and Crystal Reed. Mayor Zboray said that he is hoping to conduct a ribbon cutting soon.
- The new planters are being positioned at the Front and Queen Streets intersection. Mayor Zboray thanked Tom and the crew for setting them up. The Savidge Trust provided the funding for the planters and the plants. The Savidge Trust has also funded the new lighted flag pole in front of the 2nd Street Municipal and Community Center. He thanked Tom for installing the flag pole and the light.
- The video for the Kickstarter campaign has been completed by Ann and Amanda August. The campaign should begin soon.
- Mayor Zboray noted that he has received many positive comments from residents of Point Township about the newsletter.

- Mayor Zboray announced that the police policy is being completed and will be available to the council by November 1st.
- New Christmas decorations will be ordered and will be paid for with a grant from the S. Luther Savidge Community Trust.
- Chief Fink informed council that ammunition is needed for rifle training. He said that the cost is \$160 per case of 500 rounds. Mr. Ruane stated that the American Legion Post 44 will donate \$500 for ammunition for training to the police department.
- Mayor Zboray requested council permission to use money obtained from the Pepsi machine for the purchase of uniforms for Officer Kevin Rushton. He explained that Officer Rushton is a part-time officer who has been working more hours due to two officers being on sick leave. Mr. Wetzel moved to use proceeds from the Pepsi machine as requested. Discussion ensued. Chief Fink offered to use some of his clothing allowance for Officer Rushton. Mr. Sees made a motion, seconded by Mr. Klock, to give \$300 from Chief Fink's clothing allowance to Officer Rushton to accommodate his uniform needs, non-precedent setting. Council approved unanimously.
- Mayor Zboray announced that the cancer walk is will be held on October 27th. The registration is scheduled for 9:00 to 9:30 a.m. The opening ceremony is from 10:30 to 10:45 and the walk begins at 10:45.

Code Enforcement Officer's Report

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

Street Department Report

- Mr. Tom Slodysko noted that the paving has been completed. Some additional sealing will be done.
- Mr. Slodysko reported that the street department will hang notices on doors at residences where leaves are not being piled in the space between the curb and sidewalk. He said that some people pile the leaves in the streets and pile them against street lights and posts. He said that it is difficult to maneuver the vacuum around the posts.
- Mr. Slodysko stated that the paving on Sheetz Avenue is completed but the ground next to the roadway must be leveled. Mr. Slodysko said that it would be made level.
- Trees are being order by the Shade Tree Committee and will be installed along 2nd Street and in the downtown area. A representative from the Penn State Conservation District made recommendations to the Shade Tree Committee about what species of trees to plant.
- Mr. Slodysko has contacted the representative for the company that sold the mats for the playground.
- Mayor Zboray read an email from Mike Krehel, complementing the street department for their quick response in trimming the Borough's oak tree that was overtaking his roof. He praised the employees for their concern, courtesy and rapid-fire work.

Emergency Services Board - no report

Northumberland Sewer Authority Report

Mr. Klock reported that the NSA met last night and voted to transfer 50% of the funds in the NSA checking account and the NSA money market account to the new Borough accounts once the accounts are established. After all checks have cleared and they've obtained checks for the new account, the balance of the funds will be transferred.

Mr. Klock reported that the NSA has received the 2010 audit from Karchner, McClellan & Riddell, LLC. It is available if anyone wishes to see it. He noted that they did not find any observations. The NSA authorized the auditors to conduct the 2011 audit. The firm did not give a quote on the 2012 because they didn't know if the Borough would want them or the Borough's auditor to conduct that audit. NSA authorized Michele Cope to advertise a summary of the 2010 audit in the newspaper. The Borough Council will determine who will conduct the 2012 audit for the NSA.

The deed transfer documents were prepared by Attorney Brosius. Mr. Klock stated that the resolution that NSA had passed authorized Dean Paul and Adam Klock to sign the transfer of assets and liabilities to the Borough. The documents did not include Dean Paul's name. Mr. Klock said that his name is being added and the documents will be sent to Ryan Tira so the process may continue.

Committee Reports

Community Development

Jolly Holly Dog Park

Mr. Reed said that the committee is looking into the vinyl fencing for the Dog Park. He spoke with Apollo Fencing and is waiting for an estimate. Mr. Reed stated that the amount available for the dog park is \$8,194. The money is from the S. Luther Savidge Community Trust, the fundraiser at the pool, and money that is in the Parks & Recreation account that is not designated for any projects. Mr. Troup noted that tax money is not being used for the dog park. Mr. Klock asked if the money that was bequeathed by Geraldine Mertz could be used if the quote is higher. The bequest is to be used for recreation and history displays. Mr. Ruane reminded council that the park must be made handicapped accessible. Mr. Troup was told that grant applications are available on the PetSmart website. Mr. Slodysko advised that we should check on the gauge of the wire under the vinyl coating.

Mr. Reed said that rules would be set up for the park. He has obtained rules from other dog parks in the area. Mr. Troup stated that a committee should be established to run the dog park. Mr. Klock asked about liability if a dog would injure someone another dog. Mr. Woodward advised that the dog owner would be primarily liable. He added that they may attempt to sue the Borough; however, there are municipal and governmental immunity that favor the Borough so facilities are provided. He added the Borough can always get sued; the question is whether

they will be successful. He said that disclaiming liability is a good thing because you can point to it in litigation.

2nd Street Community Center

The kitchen cabinets are installed. Council discussed a proposal from James Aikey to install the countertops. The proposal does not include material costs for the counter tops or the sinks and faucets. Council decided that the Community Development Committee should discuss the countertops at their November meeting.

Recycling Center

Mr. Klock stated that he would like to revisit the idea of a curbside pickup for recycling. He stated that the Recycling Center is a potential revenue source for the Borough. He said that if 25% of the residents in the Borough participated in a program similar to that offered by Hometown, and the borough would charge \$5 for the pick-up, someone could be hired to pick up the recycling and to sort the recycling materials. He also suggested talking to the County Commissioners about using prisoners to do the work. Mr. Reed stated that he is concerned that if it does not work, the volunteers would no longer be around. Mr. Ruane stated that the commercial haulers take the recycling to Wilkes Barre to be sorted. Discussion ensued. The topic will be discussed further at the November 12th Community Development Committee meeting.

Finance

Mr. Troup stated that the committee will meet tomorrow at 6:30 p.m. to work on the budget.

Mr. Troup moved to approve a contribution of \$200 to the Halloween Parade committee. Mr. Wetzel seconded the motion. Council approved unanimously. Donations are to be sent to the Northumberland National Bank.

Personnel - no report

Public Safety - no report

Rules

Mr. Sees stated that the animal ordinance is being review by the solicitor and that the committee would meet on November 12th to discuss rules for the Dog Park.

Sewer

Mr. Klock stated that the NPDES transfer process has begun. The permit was signed by Dean Paul on behalf of the NSA. The Borough Council has authorized Mr. Klock to act on behalf of the Borough. He said that a \$200 fee is associated with the transfer. He would take the check to the DEP office on October 29th when a meeting is scheduled. Both Point Township and Upper Augusta Township officials have been invited to attend. Mr. Klock stated that in conjunction with signing the permit transfer, the council would be agreeing to the option that was

selected by the NSA to build a new SBR treatment facility. In that the council is of the opinion that they would like both options to be studied, the agreement currently with DEP wouldn't work for the Borough. He would like to request a revision to the consent order agreement that would remove the language that makes reference to the SBR process and would eliminate one of the interim milestone dates. He explained that we cannot meet that milestone date if we are pursuing an Act 537 plan looking at the two treatment options. He said that he would request that the first interim milestone date be pushed back and to allow the Borough to study another option. If the DEP agrees to the changes in the permit transfer, he would sign the agreement. The alternative is, if DEP is not willing to change, should Mr. Klock sign the permit and we move forward with the treatment facility, or should Mr. Klock wait for council to reconvene and discuss other options. He said that the Borough could apply for a new permit, instead of transferring the permit, if DEP does not agree to alter the permit.

Mr. Brian Book was available by conference call. He explained the three alternatives:

1. DEP is willing to transfer the NPDES permit and that the consent order agreement (COA) that currently exists between NSA and DEP doesn't transfer with it.

2. The only way to transfer the permit is for the consent order to automatically transfer with it, no concessions given. Mr. Book stated that he does not see any advantage to the Borough to make application for a permit transfer under that situation.

3. The third option is that some concessions are granted. The question would be what kind of direction would council give Adam toward the negotiation process.

Mr. Woodward summarized that Mr. Klock would sign the transfer if the COA is not connected to the transfer; and he may sign the transfer if the COA is compromised through some negotiations. But if the COA and transfer are that interconnected, he is not signing the transfer.

Mr. Sees asked if Mr. Book sees DEP moving on any concessions or some leniency toward the original consent order. Mr. Book responded that he is hopeful that the DEP will give some concessions on the interim milestone dates as long as the Borough can meet the ultimate goal of being compliant with the Chesapeake Bay by the 2015 date. Discussion ensued.

Mr. Klock made a motion that the Borough Council allows him to move forward with the execution of a permit transfer application with DEP if DEP removes the consent order agreement or amends the consent order agreement by removing the first milestone and removes mention of the treatment alternative (SBR). Mr. Sees seconded the motion. The motion was unanimously approved.

Mr. Klock moved to approve payment of \$200 for the permit transfer application fee to DEP for the NPDES transfer. Mr. Sees seconded the motion. Council approved the motion unanimously.

Mr. Klock noted that council must determine what will be required to transfer the employees from the NSA to the Borough.

Mr. Book stated that he would make a presentation to the Borough Council at the first meeting in November.

Streets – no report

Old Business

1. Upon motion by Mr. Klock, seconded by Mr. Wetzel, council unanimously approved Resolution P-2012. This resolution authorizes opening a Sewer Department checking account and money market account at NNB. The signers for the accounts are Gregory Carl, Michele Cope, Jane Ressler, James Troup, and Janice Bowman.

New Business

1. Upon motion by Mr. Reed, seconded by Mr. Sees, council unanimously approved the handicap parking request from Annabelle Litchard at 595 Queen Street, to be revisited in one year.
2. Upon motion by Mr. Wetzel, seconded by Mr. Reed, council unanimously approved payment of the bills. Bills to be paid from the General Fund total \$15,153.31; Liberty Splashland bills total \$32.50; Liquid Fuels bills total \$106,571.51; bills to be paid from the Norry Playground account total \$44.95; Park & Recreation Fund bills total \$45.38; and 2nd Street Community and Municipal Center bills total \$669.41.
3. Mr. Klock stated that Barb Spaventa has asked if pot-bellied pigs are permitted in the Borough. The question will be referred to Mr. Ruane.
4. Mr. Wetzel announced that the auction for the former Borough Building would be held on Saturday at noon. He will be the auctioneer.

Mr. Wetzel moved, and Mr. Klock seconded the motion, to adjourn. Mr. Troup adjourned the meeting at 8:55 p.m.

Respectfully submitted,



Janice R. Bowman
Borough Secretary