

Borough of Northumberland
175 Orange Street, Northumberland, PA 17857
Northumberland Borough Council Meeting
November 19, 2013

Council President James Troup called the meeting to order at 7:06 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, Ellie Rees, Ty Sees, James Troup, and Harry Wynn. Others present were Mayor Zboray; C.L. Kriner, Chief of Police; Thomas Slodysko, Street Supervisor; Jeremy Deitrick, Sewer Department Superintendent; and Janice Bowman, Borough Secretary. Council member Gregory Carl was absent.

Public Comment

Drew Starook, treasurer for the Northumberland Fire Company #1, informed the council that the audit has been completed for the fire company and is provided for the council. He stated that the truck loan payment is due on December 22nd in the amount of \$36,166.72.

The Borough Council discussed the audit and the budgeted amount for the fire apparatus.

Upon motion by Mr. Sees, seconded by Mr. Troup, council voted unanimously to accept the audit and to give the \$30,000 donation as budgeted to the #1's for their apparatus.

Council Meeting Minutes

Upon motion by Mr. Reed, seconded by Mr. Wynn, council voted 5-0-1 to approve the council meeting minutes of November 4, 2013 with Mr. Sees abstaining.

Upon motion by Mr. Wynn, seconded by Mr. Troup, council voted 5-0-1 to approve the council meeting minutes of November 11, 2013 with Mr. Sees abstaining.

Mayor's Report

- Mayor Zboray reported that he swore in Wendy Reigel as a member of the Northumberland Fire Police on November 6th.
- The Mayor attended the Veteran's Day Ceremony on November 10th at the Riverview Cemetery
- Santa will arrive in the King Street Park on Friday. Mayor Zboray stated that volunteers would be decorating the King Street Park on Friday.
- Time of Remembrance and Thanks to the Lord for former Mayor Gretchen Brosius will be held at 2:00 on November 23rd at the Norry Christian School.

- Santa will arrive on December 2nd in the King Street Park.
- Civil Service written and physical exams were given yesterday and the oral exams were given today.

Mayor Zboray offered his public condolences to the Gene Brosius family on the loss of former Mayor Gretchen Brosius. He said that she was Mayor for ten years and was a true Borough resident and a true Pineknottter. He asked that everyone keep the family in their prayers. The flags in the Borough had been lowered to half-staff in her memory.

Street Supervisor's Report

Mr. Slodysko stated that he had attended the Public Safety Committee meeting where they discussed sending letters to residents on the hill requesting that they do not park on the street during a snow storm. Mr. Slodysko asked if an ordinance is required. Mayor Zboray stated that without an ordinance and without signs being posted, tickets may not be issued for violations. However, the Mayor stated that he feels that the residents would voluntarily comply if letters are sent. He added that it is costly to install the signs along the streets. Letters will be sent to the residents who live on Susquehanna Road, Madison Avenue, and Jefferson Street.

Sewer Department Report

Mr. Brian Book explained that when a community does a sewage project, planning is done first, then the design, then the permitting, and finally the construction. The 537 Plan was skipped by doing a 537 exclusion. DEP's Chief of Planning and Permitting said that DEP would use the categorical exclusion because the new plant was to be built inside the fence on an area that is the current location of the sewage plant. By doing this, several planning steps could be skipped. One of them was clearance by Pennsylvania Historical and Museum Commission (PHMC). The categorical exclusion was submitted in February. Because the plant is located within the floodway, there was a determination by Chip Gross, a DEP employee, that he would require a Section 1-5 individual permit for building inside the floodway. That required notice to be sent to the PHMC that this work was being done. Because of an individual permit that DEP said was needed, PHMC sent a letter in October that stated that the Borough must clear PHMC. On November 4th, council authorized Rue Environmental LLC to do an 1-A study which is to dig some test pits with a backhoe. This was done on Monday. One of the test pits was dug in the drying beds. The first five feet were not native material, then there was a foot of native material, and finally an area of "mineralization". Nothing of historical significance is found below that elevation of "mineralization". The contractor determined that there is a layer in all the pits that is undisturbed earth and could possibly contain artifacts. Only archeologists are allowed to do this in Pennsylvania for PHMC. If applying for PennVest funds, this is required. Rue Environmental LLC is offering to conduct the next phase, 1-B, for a sum of \$28,369. Mr. Book expects that DEP will be forced to sit on the 105 permit, the last one that is required, until the archeological study is complete. PennVest will not fund a project until all permits are granted.

Mr. Klock made a motion to authorize the Sewer Committee to retain professional services for a 1-B archeological study at a cost not to exceed \$28,500. Mr. Wynn seconded the motion. Discussion ensued.

Mr. Sees left the meeting at 7:51 p.m.

Mr. Book stated that the tanks could be raised to keep the area undisturbed underneath. However, to keep the tanks higher, the cost would be more than the cost to conduct the study.

Mr. Sees returned at 7:54 p.m.

Mr. Book explained that the state has a list of archeologists that may be used. He stated that he would obtain quotes from other firms and recommend a firm to conduct the 1-B archeological study. Council voted unanimously to approve the motion.

Mr. Book stated that everything else is set up to bid on December 18th. The bidding could proceed before the archeological study is completed. The bid would be advertised on December 18th and the bid opening would be set for mid-February. As of now, Mr. Book recommended that the council proceeds with the bid. If something is discovered in the 1-B archeological study, the project deadline could be postponed by DEP. If nothing is discovered, the project would proceed as planned.

Mrs. Rees stated that she was not able to be present at the meeting when the copyshop owner, Jennifer Dorman, was here to ask about the sewer charge for her business and people would pick up their copies and leave. She said that she understands that the council did not do anything about the charge. Mr. Klock stated that there are no special provisions for businesses that are in-home businesses. The fee had at one time been one based on one e.d.u. and had been reduced to ½ e.d.u. Mrs. Rees stated that she feels in that Ms. Dorman pays a sewer charge for her home, she should not be charged additionally for her business. Mr. Reed added that he feels each situation should be handled on a case by case basis. Mr. Klock stated that the council is opening up a big can of worms if the businesses are handled case by case and he would not be willing to handle it. He said that the best solution would be to base billing on water usage.

Mrs. Rees stated that she received a bill for her counseling business. Mr. Wynn asked if her clients use the bathroom. She replied that she can only recall one time. She added that she does not feel that it is right to charge people for things that they have already paid for. Mr. Book stated that there is policy, which council sets. The staff implements the policy. He explained that the average single family home is billed 1 e.d.u. regardless of the number of bathrooms. The billing is based on the possibility of what the residence could discharge. Other uses are defined by “something” that was adopted. That set of rules says that if it is an in-home business, it is charged for an extra ½ e.d.u. Restaurants are typically charged by the number of seats that they have. The council should consider if this is the right way to figure out what the charge should be. The rules and regulations do not discriminate based on use, but what could be used. Mr. Book stated that the council could make a policy decision based on whether the in-home business has a separate bathroom, etc. The total number of e.d.u.’s determines the rate. Milton Borough creates separate categories of customers with separate rates. The Borough is currently billing every customer the same rate per e.d.u. Mr. Book has testified on behalf of clients on the rules and regulations. If the rules are applied evenly, the courts will usually agree. If the rules become arbitrary, they usually do not. Mr. Klock stated that he thinks the water-based system is the way to go. However, now is not the time. Mr. Book stated that the council could begin to look at changing to a water-based system with the projection of using flow-based billing in 2015.

Mr. Reed stated that he has one sewer hookup and one bathroom for his two businesses. He has received two bills. One for On A Roll and one for the building on the corner at 96 Queen Street and there is no water or sewer hookup to this building. Mr. Book stated that the clerk at the plant has taken it upon herself to do some of this billing. Mr. Klock stated that the company is reviewing the procedures. Mr. Book stated that he and Mr. Deitrick would provide council with a recommendation by the first meeting in December with rules that could be set for in-home businesses.

Mr. Sees asked if Mr. Book feels that the previous authority did not do their due-diligence. Mr. Book stated that there were a lot of bad practices and not having an audit did lead to problems.

Committee Reports

Community Development – no report

Mr. Troup questioned if Mr. Carl will stay involved with the pool. He has not indicated if he is willing to do so.

Finance

The committee meeting is scheduled for Thursday night at 6:30 p.m.

Personnel –

Mr. Klock stated that the Personnel committee went through the resumes and would like to extend an offer to Todd Wenrich for the part-time position with the street department at a rate of \$13.50 per hour. This position is on an as-needed basis. Mr. Klock so moved. Mr. Reed seconded the motion. Council voted 5-0-1 to hire Mr. Wenrich with Mr. Sees abstaining.

Public Safety

Mrs. Rees stated that she was pleased with the participation at the committee meeting. The group discussed the emergency snow route and feel that some of the streets on the hill should be included as emergency snow routes. Because of the cost to post the signs, it was suggested that the residents in these neighborhoods be sent letters explaining that vehicles should not be parked on the streets so the streets may be plowed and kept open for emergencies. While the police may not ticket any vehicle that remains on the streets, it is felt that most residents will comply with the request without having to post the signs. The streets affected would be Jefferson Street, Madison Avenue, Susquehanna Road, and Woodrow Avenue.

Mr. Klock read a complaint that he received from a resident who lived across from the Exchange Hotel. The resident is complaining about the noise and lights from the fire trucks during the fire department training exercises at the building.

Rules

Mr. Klock stated that he has not had any response from the veterinarian about whether she is willing to participate in the TNR program.

Mr. Troup stated that the Rules Committee would meet on December 9th at 6:00 and would draft an application for the cat permits, etc. Mr. Klock offered to help with this.

Streets

Mr. Reed announced that the downtown crosswalks are finished.

Old Business

1. Susquehanna Riverbank Rehabilitation Project

The Borough Office staff recently learned that DEP has additional funding for qualifying projects. The Borough Secretary requested council's permission to submit a request to DEP for additional funding in the amount of \$60,216 for the Susquehanna Riverbank Rehabilitation Project. This is the difference in the low bid and the amount remaining in the original grant funding. Mr. Klock moved and Mr. Wynn seconded the motion to apply to DEP for the additional funding. Council voted unanimously to approve.

2. Payroll Audit

The first invoice was received for the payroll audit. The amount of the invoice was \$4,868.75. The audit is not complete and the original motion to conduct the audit was at a cost not to exceed \$5,000. Mr. Klock moved to increase the limit for the payroll audit to \$7,000. Mr. Wynn seconded the motion. The motion passed unanimously.

New Business

1. Upon motion by Mr. Reed, seconded by Mr. Wynn, council voted unanimously to approve payment of the bills, including the invoice from Wagner, Dreese, Elsasser & Associates, P.C. for \$4868.75 to be paid from the General Contingency fund. Bills to be paid from the General Fund total 19,933.93; bills to be paid from the General Contingency fund total \$5,234.29; bills to be paid from the Shade Tree fund total \$285; and bills to be paid from the Sewer Department account total \$13,568.04.

2. Mayor Zboray requested permission to cover the meters from December 2, 2013 to January 2, 2014. When the meters are emptied, they will be removed and calibrated. Upon motion by Mr. Wynn, seconded by Mr. Klock, council voted unanimously to approve the request.

3. Mr. Wynn stated that he feels the stop sign at Prince Street and Strawbridge Road should be a three-way stop. Council also discussed increasing the speed limit on Strawbridge Road from 25 m.p.h. to 35 m.p.h. Mayor Zboray stated that traffic studies are required before changes may be made.

Mr. Troup stated that the meeting would be adjourned for an Executive Session for personnel and litigation issues with the possibility of returning for a vote. The Executive Session began at 9:14 p.m.

The council meeting was reconvened at 10:06 p.m.

Mr. Troup asked if anyone would consider a motion to pay \$300 for having a vehicle towed. No motion was made. Mr. Troup stated that a letter would be sent to Mr. Bower stating that fact.

Mr. Klock made a motion to terminate Michele Cope as the clerk in the Sewer Department. Mr. Wynn seconded the motion. Council voted 4-1-1 to approve. Mr. Sees voted nay and Mr. Troup abstained from the vote.

Mr. Wynn moved to adjourn. The meeting was adjourned at 10:08 p.m.

Respectfully submitted,

Janice R. Bowman
Borough Secretary