

# Borough of Northumberland

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NORTHUMBERLAND, PA 17857

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**Borough of Northumberland**  
**175 Orange Street, Northumberland, PA 17857**  
**Northumberland Borough Council Meeting**  
**August 5, 2014**

President James Troup called the meeting to order at 7:05 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, Paul Ruane, Ty Sees, James Troup and Harry Wynn. Others present were Mayor Zboray; Ryan Tira, Borough Solicitor; C.L. Kriner, Police Chief; Jeremy Deitrick, Sewer Department Superintendent; Ted McCollum, Street Supervisor/Code Enforcement Officer; and Janice Bowman, Borough Secretary. Council member Ellie Rees was absent.

### **Public Comment**

Six visitors introduced themselves.

MacRay VanKirk from Boy Scout Troop 325 in Northumberland presented an idea to install a bridge and bench at the dog park for his Eagle Scout project. He has researched fund-raising ideas and one of them is to paint addresses on curbs for residents, for a fee. He has approached local businesses for support. He would also like to install picnic tables at the park. MacRay explained that his father is a contractor and their idea is to build the bridge off-site and install it at the creek. The Northumberland County Conservation District will be contacted to see if a permit is required

Mr. Sees moved, and Mr. Wynn seconded the motion, to give MacRay VanKirk approval to proceed with building and installing the bridge, benches, and/or picnic tables at the dog park. Council approved unanimously.

Mr. Ken Smith, an employee with the Sewer Department, asked about the status of the Teamster contract. He stated that the last negotiation meeting was held in March. Mr. Tira stated that the topic would be discussed in Executive Session and council may have comments following the Executive Session.

### **Council Meeting Minutes**

Upon motion by Mr. Ruane, seconded by Mr. Troup, council approved the council meeting minutes of June 24, 2014 with a vote of 5-0-1. Mr. Sees abstained.

### **Mayor's Report**

- Mayor Zboray announced that Memory Lane will be performing in the King Street Park on August 31<sup>st</sup> from 3:00 p.m. to 7:00 p.m. Refreshments will be available.

- The annual Day of Remembrance will be held at the Riverview Cemetery on August 23<sup>rd</sup> at 11:00 a.m. with the reading of the names at noon.
- All the part-time police are running on their own; they have completed their training.
- The Chief is here if anyone has any questions for him. Mayor Zboray noted that the Chief came in on his own time to help with security for the service for Ted VanKirk today. Mr. Troup requested that the Chief stay for the Executive Session.
- Mayor Zboray stated that today's ceremony for "Dutch" Van Kirk was well attended. The family was appreciative for the welcome they received from the Borough residents. Mayor Zboray noted that "Dutch" was a proud former resident who chose to be buried in Northumberland rather than Arlington. A fly-over was held following the ceremony with a B-17, the Memphis Belle. The plane was on display at the Sunbury Airport for the afternoon. Donations are being accepted to cover the \$5,000 for the fuel to fly the plane here from Ohio. Any amount received over the \$5,000 will be donated to the Wounded Warriors Project

### **Executive Session**

Mr. Troup announced that the council would hold an Executive Session to discuss personnel, labor negotiation, and litigation issues. The Executive Session began at 7:20 p.m.

The council meeting was reconvened at 8:36 p.m.

Mr. Tira told Mr. Smith that he received a written response from Jimmy Little last Thursday and the council's negotiating team will meet within the next week to discuss it and will be in touch with Jimmy very shortly.

### **Sewer Department Report**

- Mr. Klock informed the council that the Sewer Department met this evening at 5:30.
- Mr. Klock moved to authorize Jeremy Deitrick to negotiate up to a 2-year contract for nitrogen credits at a pre-discussed cost. Mr. Reed seconded the motion. Council approved unanimously.
- Mr. Klock stated that the committee received two quotes to remediate the white building at the sewer property to remove lead paint, asbestos tile, and chemicals which must be done before the building can be demolished. Mr. Klock moved to accept the \$8,168 bid from EHC Associates for the Haz-Mat contract. The other, higher, bid was received from ELK. Mr. Wynn seconded the motion. Council approved unanimously
- The Borough has received funding from PennVEST for the waste water treatment plant BNR upgrade project. The terms of the 20 year loan are to pay interest only during construction; for the first five years, the interest is set at 1% and after that, the interest rate is 1.7%. Mr. Klock moved to accept the PennVEST funding for the \$13.78 million loan, and to authorize the execution of all necessary documents to process the loan by any member of the sewer committee, Jim Troup, Paul Ruane, or Adam Klock; and the Borough Secretary to certify the documents. Mr. Wynn seconded the motion. Mr. Brian Book added that PennVEST has informed him that with this offer, they are using federal dollars, so federal wage rates apply. Mr. Book said that the worst case scenario, if the wages go up because of the federal wage rates, it may add \$.5 million to the job cost. However, there is a savings of \$1.5 to \$2 million between the PennVEST blended rate of 1% to 1.7% and the 3% rate from a bank loan. Council unanimously approved the PennVEST funding offer.

- Mr. Klock stated that the sewer personnel are looking at new billing software for water- usage based billing.
- Mr. Book stated that they have provided the solicitor with plans for the courthouse. Mr. Tira is researching whether the building permit will be obtained by the Borough or by the contractor. Mr. Book said that they had thought to obtain the permit ahead of time; however, there are some impediments that Mr. Tira is researching. If the permitting is not obtained by next Wednesday, they may amend the bid so the contractors know by next Friday that they are responsible to obtain the permit. Mr. Book stated that they are hoping to obtain good bid prices. The bids will be opened at 1:00 p.m. on August 15<sup>th</sup> with a bid tap prepared for the August 19<sup>th</sup> council meeting.
- Mr. Klock announced that budget meetings for the sewer department are scheduled for Mondays at 5:00 p.m. August 25<sup>th</sup>, September 8<sup>th</sup> and 22<sup>nd</sup>, October 6<sup>th</sup> and 20<sup>th</sup>. The meetings will be advertised and the bulk customers will be notified.

### **Bid Opening - Liberty Splashland pipe construction project**

Mr. Troup opened the following bids for the pipe installation at Liberty Hollow: G&R Charles Excavating, LTD - \$14,400; Tru-Line Contractors, Inc. - \$19,435; Mid-State Paving, LLC - \$8,625; Sikora Brothers, Inc. - \$18,410; Dave Gutelius Excavating, Inc. - \$18,750; J.D. Feaster Earthworks, Inc. - \$16,887; and Columbia Excavating, LLC - \$13,760. A meeting with DEP and Hazen and Sawyer is scheduled for August 11<sup>th</sup> to discuss the hydrology study. The bids are good for sixty days. The deadline for the completion of the work has been extended to November 15<sup>th</sup>. Mr. Klock moved, and Mr. Troup seconded a motion to table the award of the bid until the August 19<sup>th</sup> council meeting.

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

- Mr. Ted McCollum stated that he is repairing storm drain basins throughout the borough.
- Mr. McCollum stated that there are some issues with the new street sweeper. The nozzles are being clogged up. A representative from the company will be here on Friday to flush out the truck. Mr. McCollum said that he thinks two of them have been damaged so he will ask the company to replace the nozzles and solenoids. The sweeper has a one-year warranty for maintenance, per Mr. Wynn.
- Mr. McCollum said that the key for the tar buggy is missing. Everything else is in good shape. He spoke with a representative from Crafcro who will provide training for the machine. Mr. Ruane recommended that Danville Glass could make a key.
- Mr. McCollum plans to repair the bridge at Liberty Hollow with railroad ties. Mr. McCollum stated that he would like to re-deck the bridge on a volunteer basis. Mr. Klock suggested that the pool volunteers may be willing to help with the project. Mayor Zboray suggested that Mr. McCollum should contact the Northumberland County prison for help from the prisoners as their community service hours. Mr. McCollum plans to build the handrails from tree limbs.
- Mr. Troup asked if the street sweeper is being run up on the hill. Mr. McCollum stated that there are too many trees with low-hanging branches in the hill section of the Borough.
- Mayor Zboray received a request from Mike Splain that the trees that are located in the "park" area near the Epler Funeral Home be trimmed. These trees are on Borough property.

- Mr. Troup requested that the property owner on Strawbridge Road, directly above Fifth Street, be notified to cut the bushes that obstruct motorists' view when pulling out from Fifth Street onto Strawbridge Road. Mr. McCollum stated that he has hung a door-tag at the residence.

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

Mr. McCollum stated that most of the complaints he receives are about garbage, high grass, weeds, etc. There are a number of tires at the property at Fourth and Duke Street. Mr. McCollum said that he has sent him a letter to remove the tires. Mr. Ruane stated that the fire code limits the number of tires that may be stored on a property.

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

### **Committee Reports**

#### Community Development

##### Howling Hollow Dog Park

- Mr. Reed stated that the plastic bag dispensers were received from Weis Markets for the dog park. He is going to get volunteers to install the dispensers.
- Mr. Reed is speaking with Bob Orr to have a sign painted with the rules for the dog park. Mayor Zboray requested that a sign include crediting the S. Luther Savidge Trust for the generous donations for the dog park.

##### Girl Scout Little House

- Mr. Reed has talked to Gary Buck about providing a price to drywall the Girl Scout Little House. Mayor Zboray said that he would remind him. One quote has been obtained.
- Trees are being trimmed. Margaret Weirick has obtained the contractor to do the work.

##### Gymnasium

- Two quotes have been obtained for the electrical work to be done in the gym. Another contractor will be contacted to provide a third quote.

##### Liberty Splashland

Mr. Reed asked if there are any issues with the management of the pool. The Borough Secretary stated that she would prefer to discuss the question in an Executive Session since it deals with personnel.

### **Executive Session**

Mr. Troup announced that the meeting would be adjourned for an Executive Session to discuss personnel issues. The meeting was adjourned at 9:19 p.m. and reconvened at 9:23 p.m.

#### Community Development (continued)

Mr. Klock stated that he has a volunteer who is willing to help with the dog park. He asked if there is a committee. Mr. Reed stated that there is not an official committee, but a few people who are willing to help when necessary. Mr. Klock asked if there should be a committee to meet regularly. Mr. Reed said that he didn't feel it was necessary. He said that Phil Hallden and other volunteers will help to lay the stone for riprap along the creek once a permit is obtained from the conservation district. Mr. Klock stated that he spoke to someone who works for the county and is well-versed in

this type of project and learned that there will have to be a lot of stone fill behind the riprap and it may be pretty pricy. Mr. Klock said that it will take more resources and that there is backfill that will have to be put in as well. Mr. Klock thinks it would be good to stockpile the stone for the future.

Mr. Reed said that the committee would not meet on Monday.

#### Finance

##### Service Electric Cablevision Franchise Agreement

Mr. Sees said that he has received a revised version of the proposal from Service Electric. Mr. Tira added that he, Mr. Sees, Mrs. Rees and the Borough Secretary met with representatives from Service Electric on July 9<sup>th</sup> to discuss the agreement. As a result of this meeting, they provide a revised proposal which contains changes that were not discussed. He has forwarded the proposal to those who met with the representatives from Service Electric. Mr. Sees said that some of the key items that he would like to see is documentation explaining how they arrived at the amount that is paid to the Borough quarterly. Currently, they send a check with no documentation. Mr. Tira said that the gross revenue defined in the proposal does not include all the items that were discussed. Mr. Sees said that they will provide cable service to one building in the Borough and to the new school. Mr. Tira added that he has analyzed the revised proposal and will email it to Mr. Sees. Mr. Sees explained that the representatives from Service Electric would like a short-form document and we had provided a longer document. Mr. Tira was asked what the approximate increase would be based on the additional fees and he responded that it would be about 25%. The Borough currently receives approximately \$36,000 per year in franchise fees. They requested a ten year contract or longer. Mr. Tira said that they also wanted the renewal to be at their discretion and Mr. Tira would change that to the way it was, that either party could notify the other.

Mr. Sees stated that he plans to attend the Northumberland County Tax Collection Committee meeting tomorrow evening.

Mr. Sees asked if the outstanding bill for the payroll audit has been paid. The Borough Secretary stated that she had been told not to pay the bill until council receives more information from the auditor. Mr. Sees stated that he has reached out to Mr. Fuller twice and he responded in one fashion in the beginning of July. Mr. Sees said that he had additional questions and has resent that email requesting a response, but has not heard from him. He thinks that his next step would be to contact his higher-up. He stated that the Borough Secretary provided him with letters that were signed and copies of the bills and that he had questions regarding the hours and did not get real good answers. He asked if Mr. Tira should send a letter or what council would like to do. Mr. Tira asked when the second request was sent to the auditor and Mr. Sees responded that the email was resent today. It was decided to wait until the next council meeting to see if a response is received.

Mr. Sees asked about the rentals for the Rescue Building and the car lot at the Point. The Borough Secretary stated that both leases are up at the end of this year. Mr. Klock asked what the income is for the car lot. The current rent is \$900 per quarter.

Mr. Klock stated that there is better recreational use for that land and that there is a lack of parking for fishing tournaments. Both leases are currently for four-year terms. Mr. Klock suggested that the lease for the Point be on an annual basis. Mr. Sees asked if there is any objection to increasing the rent for the Rescue Building. No one objected.

Mr. Reed asked if the church is still using the Savidge Room. The Borough Secretary replied that they are still using this room and that they are interested in the helping to get the gymnasium renovated in order to also use that area for services.

Mr. Sees stated that the committee would meet on August 21<sup>st</sup> at 6:30 p.m.

Personnel – no report

Public Safety – no report

Rules

Mr. Ruane announced that there would be no rules committee meeting.

Streets

Mr. Wynn informed the council that there is a sink hole at Queen Street and Brickyard Avenue. The pipe had been installed in 2001. At this box, the pipe is too small. Instead of using concrete, plywood was used. The engineer had been contacted last year and stated that he contacted the contractor who said that the work had been constructed according to the specs. The inspector on the job has passed away. Last year, Tom Slodysko had repaired one side of the catch basin with brick. Mr. Tira asked if the plywood was photographed and advised that the Borough would have to prove that the work was not done according to the specs. Mr. Wynn said that the side of the catch basin that was repaired last year is holding up. Mr. Reed suggested that the other side of the catch basin be repaired in the same manner. Mr. Wynn said that there is another catch basin on Queen Street that has erosion outside the box. He added that the street department is being

The paving bid had been let through the Central Susquehanna Valley COG. The bid documents include a completion date that the contractor is unable to meet because the Borough changed the streets to be paved. The contractor is requesting that the completion date be extended to October 15, 2014. Upon motion by Mr. Klock, seconded by Mr. Troup, council voted unanimously to extend the paving contract completion date to October 15, 2014.

## **Old Business**

1. Upon motion by Mr. Troup, seconded by Mr. Reed, council unanimously adopted Resolution F-2014. This resolution sets procedures for compliance with the Professional Services Contract Provisions of Act 44 of 2009:

*"Resolution No. F-2014*

*Borough of Northumberland*

*Procedures for Compliance with the Professional Services Contract Provisions of Act 44 of 2009*

*Below are the procedures for the purchase or provision of professional services, including investment, legal, actuarial and other consulting services this municipality has adopted to comply with Act 44:*

1. Request for Proposal Application(s) including disclosures:

Applications will be drafted at the time services are needed. The application provisions will address the applicants' qualifications, experience, expertise and compensation to be charged. An Act 44-compliant Disclosure Form will be included as part of the application. This RFP is not subject to a requirement that the lowest bid be accepted.

2. Advertisement:

The municipality shall advertise the availability of a Request for Proposal for professional services contract to potential participants or candidates in a timely and efficient manner. An advertisement of such will include the following:

- The services that are the subject of the proposed contract
- Specifications relating to the services
- Procedures to compete for the contracts
- Required disclosures and additional information desired

3. Review:

The evaluation process will involve several steps. The initial responses to the Request for Proposal will be evaluated by the municipality. The municipality will determine a list of finalists, interview finalists if applicable and make a final decision.

- The criteria to be used in the evaluation process can differ depending on the professional services requested but all will include:
- The applicant's qualifications, experience, and expertise related to Pennsylvania Municipal Pensions;
- The applicant's approach to managing risk and research capabilities;
- The applicant's knowledge of Act 205 and Act 600;
- The quoted fee(s) associated with the desired service(s) sought;
- The applicant's availability to meet with convened pension committees for periodic review;
- The response of the references provided by the applicant; and
- The ultimate confidence of the municipality as represented by the vote to accept the applicant in contract.

4. Personnel:

Prior to entering into a professional services contract, the contractor shall disclose the names and titles of each individual who will be providing professional services to the municipal pension system, including advisors or subcontractors of the contractor. Furthermore, disclosures will include all of the following:

- Whether the individual is a current or former official or employee of Borough of Northumberland;
- Whether the individual is a current or former registered Federal or State lobbyist;
- A description of the responsibilities of each individual with regard to the services provisions of the contract;
- The resume of an individual listed in the aforementioned disclosure shall be provided to the municipality upon request.

5. Conflict of Interest:

All Requests for Proposal proceedings shall include a minimum restriction of one year on:

- Participation by a former employee of a contractor or potential contractor in the review of a proposal or negotiation of a contract with that contractor;
- Participation by a former employee of the municipal pension system in the submission of a proposal or the performance of a contract.

Additionally, all Requests for Proposal proceedings shall include a permanent disqualification for:

- Any entity that currently holds a professional services contract, responds to, applies for, or otherwise solicits, a professional services contract, that has conveyed a gift having more than a nominal value, to any municipal official or employee of this municipality since December 17, 2009; or
- Any entity that currently holds a professional services contract, responding to, applies for, or otherwise solicits, a professional services contract, that has made a political contribution to any parties, candidates or current office holders of or for this municipality since December 17, 2009.

6. Public Information:

Following the award of a professional services contract, all applications and disclosure forms shall be made public except for proprietary information or other information protected by law.

7. Notification and Posting of Proceedings:

Following the decision by the municipality of a finalist, the relevant factors that resulted in the selection for award of the professional services contract must be summarized in written statement and included or attached to the documents awarding the contract. Within 10 days of the selection for award of the professional services contract, the original application, the RFP summary of proceedings and selection statement and all disclosure forms must be transmitted to all unsuccessful applicants and posted on the municipal pension system's website, if a website is maintained, at least seven days prior to the execution of the professional services contract.

8. Increase:

A professional services contract shall not be amended to increase the cost of the contract by more than 10 percent or \$10,000, whichever is greater, unless the increase and a written justification for the increase are public and posted on the municipal pension system's website, if a website is maintained, at least seven days prior to the effective date of the amendment.

The above Procedure has been duly adopted by the Northumberland Borough Council on the 5th day of August, 2014.

Attest:

BOROUGH COUNCIL

By:

\_\_\_\_\_  
Secretary / Treasurer

\_\_\_\_\_  
Council President"

2. Upon motion by Mr. Reed, seconded by Mr. Wynn, council unanimously approved the Joint Permit application to DEP and the Department of Army Corps of Engineers for the DCNR Greenway project.
3. Upon motion by Mr. Reed, seconded by Mr. Wynn, council unanimously approved to authorize the Borough Secretary to sign on the Borough's behalf for the Joseph Epler bequest to the Borough agreeing to use the funds for a recreational center or museum.
4. The Borough Secretary stated that at the last meeting she erroneously requested that the council approve the purchase of a second power cord for the generator at the King and Water Street traffic light. The Fire Police are requesting that a second power cord be purchased for the generator at SUN Home for the Duke and Water Streets traffic light so both the police and fire police will each have a power cord to connect to the generator in case of a power outage. The cost is less than \$300. Mr. Klock so moved. Mr. Wynn seconded the motion which council approved unanimously.

**New Business**

1. Upon motion by Mr. Wynn, seconded by Mr. Reed, council unanimously approved payment of the bills. Bills to be paid from the General Fund \$12,285.76; bills to be paid from the Liberty Splashland account total \$11,620.66; and bills to be paid from the Sewer Department account total \$28,759.64.
2. Upon motion by Mr. Troup, seconded by Mr. Wynn, council unanimously approved the transfer of \$10,815.17 from the Liberty Splashland account to the General Fund for the pool payroll from July 12, 2014 through August 1, 2014.
3. Upon motion by Mr. Wynn, seconded by Mr. Reed, council unanimously approved Resolution I-2014. This resolution sets the Police Pension Plan Contribution Rate for 2013 at 1.5%:

*"BOROUGH OF NORTHUMBERLAND  
RESOLUTION NO. I-2014*

*WHEREAS, Northumberland Borough, Northumberland County, by Ordinance No. 465, entered into an agreement, dated January 18, 2000, with the Pennsylvania Municipal Retirement Board to provide a police pension plan; and*

*WHEREAS, Paragraph 11 of said Agreement allows for the Borough to annually waive or reduce the required employee contributions; and*

*WHEREAS, Northumberland Borough, Northumberland County now desires to reduce the required member contributions for calendar year 2013 from five percent (5%) to one and five-tenths percent (1.5%).*

*NOW, THEREFORE, BE IT RESOLVED this 5th day of August, 2014, that in accordance with Ordinance No. 465 and the Agreement, dated January 18, 2000, the Borough agrees to reduce the required member contributions to the police pension plan for calendar year 2013 from five percent (5%) to one and five-tenths percent (1.5%); and,*

*FURTHER BE IT RESOLVED, that a copy of this resolution shall be filed with the Pennsylvania Municipal Retirement Board to so indicate the Borough's intent.*

*DULY ADOPTED this 5th day of August, 2014, by Northumberland Borough, Northumberland County.*

TALLY OF VOTES – YEAS 6 NAYS 0

ATTEST:

\_\_\_\_\_  
Secretary

BY: \_\_\_\_\_  
President"

4. Upon motion by Mr. Wynn, seconded by Mr. Reed, council unanimously approved Resolution J-2014. This resolution sets the Police Pension Plan Contribution Rate for 2014 at 1.5%:

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TALLY OF VOTES – YEAS 6 NAYS 0

ATTEST:

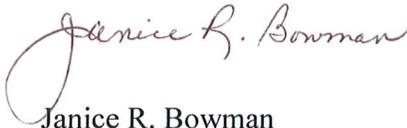
\_\_\_\_\_  
Secretary

BY: \_\_\_\_\_  
President"

5. Upon motion by Mr. Wynn, seconded by Mr. Sees, council unanimously approved the plans for a sub-division of the property at 280 Susquehanna Road as submitted by Robert Mull. The Planning Commission had reviewed and approved the plans.

Mr. Wynn moved to adjourn. The meeting was adjourned at 10:01 p.m.

Respectfully submitted,



Janice R. Bowman  
Borough Secretary