

# Borough of Northumberland

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## **Borough of Northumberland 175 Orange Street, Northumberland, PA 17857 Northumberland Borough Council Meeting November 5, 2018**

President Paul Ruane called the meeting to order at 7:08 p.m. The Pledge of Allegiance was recited, and Mayor Dan Berard offered an Invocation.

### **Roll Call**

Council members present were Ralph Cianflone, Orlando Toro, Ellie Rees, Paul Ruane, Ty Sees, James Troup, and Paul Boyer. Others present were Mayor Berard; Ryan Tira, Borough Solicitor; C.L. Kriner, Police Chief; MaryKay Clark, Code Enforcement Officer; Brian Probst, Street Supervisor; and Janice Bowman, Borough Manager.

Mr. Ruane announced that the Borough Council held an Executive Session tonight from 6:00 p.m. to 7:00 p.m. to discuss a labor dispute.

### **PennDOT Update**

Mr. Ted Deptula stated that there is about a week to a week and a half worth of work to be done on Duke Street. The truck detour will still be in place, but Route 147 will be open to other traffic.

A little bit of work will be done to tie into the underpass. Some of the work will be done under flagging conditions; some may be off the roadway. Part of the work can be done now, but some must be done once traffic is switched to the other lane at the underpass.

Plans are to finish the wall of the underpass, put in the sidewalk and pave the lane. The goal is to complete this half of the underpass by the middle of December. They will then work on the other side.

Front Street requires total reconstruct between Prince and Wallace. The roadway was "slop" under the road and brick. Plans are to repair the roadway temporarily for the winter. They will come back in the spring and lower some of the utilities, support the subgrade between the utilities and where they will be working like was done on the other half of Front Street. The project will be finished next spring and everything on Front Street should be done by Pineknotters' Days.

A spring is coming out from residents' driveway. This will be addressed and tied into the storm sewer before winter. Prince, Hanover, North, and Orange Streets will also be addressed where they intersect with Front Street.

Mr. Boyer questioned why Hanover Street was not opened for the Halloween parade. Mr. Groninger stated that the confusion was the definition of "opened". Mr. Groninger explained that his definition of "opened" was that the cars would be driving right and left. Mindy's (Foresman) definition was that the signs would be up; and when you need it, take the signs down, use it; and

when you're done, put the signs up again. When Jon (Apple) sent the guys to Hanover Street, they didn't feel that they had the authority to move the signs. Jon was not able to reach Jim and when he did finally reach him, Jim told him to take the signs down. Mr. Groninger said that the sewer drain only allowed traffic on one lane. Mr. Boyer noted that they should have filled it in with stone or dirt. Mr. Groninger noted that the lane would have then been too high compared to the other lane. They had to flag one car at a time through the intersection at Hanover and Front Streets. Mr. Troup stated that the parade was very nice and did get through town.

Mr. Mark Walberg informed council that he owns two properties on King Street, 80 and 96 King. PennDOT removed all the trees on Front Street. Three trees in front of his King Street properties were compromised when the gas company replaced the line on King Street. A few weeks ago, one of the trees fell over. He has taken another tree down, and a third tree should be removed. He stated that PennDOT should have taken the trees down when they removed the trees on Front Street.

Mr. Walberg asked if PennDOT plans to take any more trees down. If not, he said that he would have the trees removed, but would need block two lanes of traffic on King Street. He added that his neighbor will have the same problem.

Mr. Deptula stated that PennDOT is working at the curb and they would not cut down other trees. Mr. Walberg noted that the trees are in the easement. He questioned if the liability would be on the Borough if a tree would fall and injure someone. Mr. Tira replied that under the Shade Tree Commission, the Borough maintains trees; but, when it comes to the planting and removal costs, it is the homeowners' responsibility. Mr. Walberg noted that he has paid for years to maintain the trees. He noted that it is a problem because the trees are old, they are going to fall down, and someone could get hurt.

Mr. Walberg stated that he has replaced sidewalks around 60% of the block. He noted that the tree that fell landed on the sidewalk. Three of the squares need to be replaced. One section of his rod iron fence was damaged.

Mr. Walberg noted that the Borough can let anyone take down the trees when they are his responsibility; the law goes only one way. If he wants to keep the tree, and the Borough decides it must come down; it comes down. But when there is a bad tree, it comes back on him, not the Borough. He asked if there is any way to be reimbursed for the damages because it is the Borough's property, not his. He said that according to the bylines, the Borough is supposed to write notes if the tree is damaged. He added that his neighbor bought his house two years ago and no one told him that the gas company cut the roots before he bought it. UGI took four feet of dirt right up to the tree. Mr. Walberg has photos of the roots being damaged when UGI put the line in. Mr. Tira noted that it would be UGI. Mr. Walberg stated that UGI says to talk to PennDOT and PennDOT says that it is UGI. Mr. Walberg said that he is coming to the Borough since the Borough has the power over the project. Mr. Tira replied that the Borough does not have power over the project. Mr. Walberg asked who owns the easement.

Mr. Deptula stated that PennDOT is not going to take down trees just because they can. Mr. Walberg stated that when PennDOT cut down his trees on Front Street, they damaged his sidewalks. Three sidewalks were replaced. But the contractor stated that there was only one crack in another sidewalk and they wouldn't replace that sidewalk for one crack. He added that he had



paid \$8,500 to put his new sidewalks in. He asked if there is anything PennDOT can do. Mr. Deptula stated that if the contractor damaged the sidewalk, they can talk to contractor.

Mr. Walberg stated that he took two trees down on King Street and has to take down the third. The cost to remove the tree is around \$1,400. The cost to have the stumps ground is \$400 per stump, or \$1,200. These costs are on top of the \$1,400 he's already paid.

Mr. Walberg asked what he must do to close two lanes on King Street to take the trees down. Mr. Deptula stated that they must put up the proper signs. Mr. Walberg said that the branches extend over King Street. Mr. Deptula asked for Mr. Walberg's telephone number and stated that PennDOT's traffic unit would contact him.

Mr. Walberg asked who decides if they want to put trees back in and he doesn't want new trees. He said that he prefers no trees because he doesn't want to maintain them. Mr. Deptula stated that they coordinated the tree removal/replacement with the Shade Tree Commission.

Mr. Walberg noted that Margaret Weirick of the Shade Tree Commission saw the damage that was done to the trees when UGI put the new line in.

Mr. Ron Pratt, resident at 70 King Street, informed council that it is a matter of time until his tree falls on his house. He said that he would have to get a fourth job to pay to remove the tree. The gas company cut the roots. Mr. Troup stated that the Borough is not the gas company. Mr. Pratt noted that last Thursday night, there were branches that fell from two trees that are across King Street. About seven cars stopped until the branches were cleared from the road. Mr. Troup stated that he feels for the property owners, but there is nothing that the Borough can do; it is between the property owner, PennDOT, and UGI.

Mr. Walberg suggested that the Borough could call the gas company or try to get a package price as a group project since there are trees on both sides of King Street that should be taken down.

### **Public Comment**

Nine visitors present introduced themselves.

Mrs. Rees thanked Mr. Groninger and told him that they did a great job running the Halloween Parade.

Mr. Groninger thanked the WNEP news, the Daily Item, and WKOK for the publicity they received. He noted that they could not have done it without Jon Apple and the Fire Police. He added that Jon got extra fire police. He also thanked Ann August and Ann Roll and the office for their help.

Mr. Walker asked about the status of the collapsed pipe below Priestley Avenue. He was told that the bid specs have been completed and council is going to vote on advertising the project for bid. Most of the area will be an open trench. A pipe must be installed from the culvert under Prince Street to beyond the PPL pole. The railroad has offered to pay towards the project since the stream runs under the tracks.

Mr. Boyer made a motion to advertise the Priestley Avenue pipe project with the bids due at the December council meeting. Mr. Ty seconded the motion. Motion passed 6-1. Mr. Toro voted no.

### **Council Meeting Minutes**

The council was informed that there was a correction to the minutes of September 4, 2018. Mr. Sees was not present at the meeting. Mr. Boyer moved to approve the minutes of September 4, 2018, as corrected. Mr. Troup seconded the motion. Motion passed 5-0-2. Mr. Sees and Dr. Cianflone abstained.

### **Northumberland Borough Sewer Department**

Mr. Ruane read the report from Jeremy Deitrick, Sewer Department Superintendent.

- The 2019 sewer department budget is proposed at \$1,645,342.59 with no increase over the current budget.
- A proposal has been received from the Utility Services Group for Manhole Rehab of 145 feet at the cost of \$48,247. The contract is under a state contract through Co-Stars; so, it is not necessary to be bid out.
- The department would like to purchase 850 pounds of phosphorous credits as well as a sale of nitrogen credits.

Mrs. Rees made a motion to approve the proposal of \$48,247 from Utility Services Group for Manhole Rehab. Mr. Boyer seconded the motion. Council approved unanimously.

Mr. Toro made a motion to approve the purchase of 850 pounds of phosphorous credits at a price of \$3.00 per pound from the University Park Joint Authority. Mrs. Rees seconded the motion. Council approved unanimously.

Mr. Troup made a motion to sell 1,200 pounds of nitrogen credits at \$2.00 per pound to the Municipal Authority of Ralpho Township. Dr. Cianflone seconded the motion. Mr. Sees questioned if this is for the calendar year of 2019. Mr. Tira explained that the year is based on the DEP water year. Council approved unanimously.

### **Mayor's Report**

- Mayor Berard reported that the police had 71 traffic citations and 3 non-traffic citations for the month of October. There were 33 court appearances. Several people were arrested for felonies and misdemeanor crimes which included assault, DUI, drugs, and thefts. The police answered 38 assist calls; 8 to point Township; 10 to Sunbury; and 20 to other agencies.
- The Luther Savidge Trust Fund gave the police department \$8,500 for new Kevlar vests.
- Mayor Berard made two proclamations; one to the Annual Lights On of Sunbury on October 25<sup>th</sup>. The other was on November 3 for Birthright of Sunbury Day. The organization which helps women in need is non-denominational and non-judgmental.

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

Ms. MaryKay Clark reported that three building permits, and one zoning permit were issued with fees totaling \$762.50. One zoning hearing was held; fee collected was \$525. She had six complaints; issued eight code violations and four citations. One street cut permit was approved, with a backfilling fee of \$500. Ms. Clark conducted 20 rental inspections, fees totaling \$600, issued two Occupancy Permits and drove 129 miles.



## Street Supervisor's Report

Mr. Brian Probst provided a written report to the council.

Mr. Boyer asked if the estimate of \$27,000 was to repair the loader or the backhoe. Mr. Probst stated that the estimate is for the loader. The cost to fix the backhoe is \$17,000.

## Committee Reports

### Streets

- Mr. Boyer reported that the street paving was finished on Friday. The streets that were paved were Second Street from King to Queen; Wheatley Avenue from Park to Church; Birkenbine Avenue; Ropewalk from King Street to Queen Street; Hanover Street from Second Street to PermaStone; and Vista Avenue above the cemetery.
- Mr. Boyer noted that there is a drain on Ropewalk that should be repaired. Mr. Ruane suggested that the street crew cut the grating out, put a new one in, and fill with cold patch.
- Mr. Troup noted that the street cuts on Second Street have not been repaired. Mr. Ruane added that there are several on Hanover Street as well.

### Community Development

- Liberty Hollow Run  
A walk-through Liberty Hollow will take place on November 17<sup>th</sup> from 10:00 a.m. to noon. Brian Auman will be present to discuss ideas for the area. Notices have been placed in the hallway. Mr. Probst noted that he has cleared logs from the lower portion of the proposed trail.
- A meeting was held two weeks ago to review the plans for the Walkable/Bikeable Communities DCNR grant that the Borough has obtained in conjunction with Point Township.
- Dr. Cianflone stated that he has a party interested in purchasing the Bowl Slide. Mr. Tira recommended that council authorize Dr. Cianflone to negotiate an offer for the bowl slide. Dr. Cianflone so moved. Mr. Boyer seconded the motion. Council approved unanimously.

### Finance

- Mrs. Rees made a motion to approve the first reading of the 2019 budget. Mr. Toro seconded the motion. Discussion ensued. Council voted 5-2 to approve the 2019 budget. Mr. Sees and Mr. Troup voted no.
- 2018 Excess Interest Award for PMRS  
The uniform retirement plan is funded by 100.7%. Excess interest in the amount of \$30,554 is being awarded to the uniform plan. The last time excess interest was awarded was in 2007. At that time, the distribution was allocated at the group level as follows;
  - 25% to the active/deferred vested plan members
  - 25% to retired plan members/survivors
  - 50% to the plan sponsor/employerThe member level allocation was as follows:
  - Active/deferred vested plan members - Proportionately by account balance
  - Retired plan members/survivors – An equal percentage increase to the monthly retirement benefit for all eligible retireesThe council may change the allocation formulas if they desire.

Mr. Boyer moved to keep the allocation the same as it was in 2007. Dr. Cianflone seconded the motion. Council approved the motion by a 5-2 vote. Mr. Sees and Mr. Troup voted no.

- \$50,000 Loan for truck

The Borough hasn't yet received information on when we will take possession of the new truck and the interest rate at the Northumberland National Bank has increased by 1/8 of a percent. Mr. Probst stated that he spoke with the salesman and was told that they are expecting the truck to be ready by Thanksgiving. Mr. Tira stated that this would replace the resolution that was approved before. Mr. Toro moved to approve the \$50,000 loan for the 2018 Ford F550 at 3.5% interest for 3 years. Mr. Boyer seconded the motion. Council approved unanimously.

#### Personnel

Mr. Toro noted that Officer Cope is back on duty.

Public Safety – no report

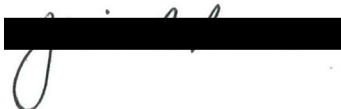
Rules – no report

#### New Business

1. Upon motion by Mrs. Rees, seconded by Dr. Cianflone, council voted unanimously to pay the bills. Bills to be paid from the General Fund total \$63,022.99; Liberty Splashland bills total \$40.70; Parks and Recreation Fund bills total \$149.54; Parking Meter bills total \$804.99; Shade Tree Account bills total \$1,525; and Sewer Department bills total \$84,311.67.
2. Mr. Boyer made a motion to approve Resolution C-2018. Mr. Toro seconded the motion. This resolution sets the Police Pension Contribution Rate for 2017 at 1.5%. Council approved unanimously.
3. Mr. Sees made a motion to approve Resolution D-2018. Mr. Toro seconded the motion. This resolution sets the Police Pension Contribution Rate for 2018 at 1.5%. Council approved unanimously.

Mr. Toro moved to adjourn. Mr. Boyer seconded the motion. The meeting was adjourned at 8:17 p.m.

Respectfully submitted,



Janice R. Bowman  
Borough Manager