

# Borough of Northumberland

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## **Borough of Northumberland 175 Orange Street, Northumberland, PA 17857 Northumberland Borough Council Meeting October 3, 2017**

President Paul Ruane 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 Paul Boyer, Ralph Cianflone, Ellie Rees, Paul Ruane, Ty Sees, and James Troup. Others present were Mayor Zboray; Ryan Tira, Borough Solicitor; Jeremy Deitrick, Sewer Department Superintendent; and Janice Bowman, Borough Secretary. Councilman Harry Wynn was absent.

### **Public Comment**

Northumberland County Commissioner Kymberly Best stated that she was present to address the issues with the detour for the Duke Street Project, noting that the other week, a tractor trailer had hit a pole which disrupted power to some residents. The county has received calls about the traffic in town. Commissioner Best contacted Representative Schlegel-Culver about possible funding for additional police presence. She shared an idea that she has for the county to help. Her idea is that the Northumberland County Sheriff's department which is under the control of the County Commissioners can hire deputies. County Sheriffs have the authority to make traffic arrests and stops. The County Sheriff is hiring a Deputy Sheriff for the County Jail that is being built in Coal Township. Until that time, the Sheriff would like to be able to train this employee before he is required at the prison full-time. Her suggestion is that the Deputy Sheriff could work in the Borough part-time to help with the traffic control. Commissioner Best stated that the average traffic stop fine is \$400. The district magistrate has it in their discretion to set the fine anywhere between \$50 and \$300. She stated that District Justice Ben Apfelbaum assesses the fine at the highest end. She suggested that a letter could be sent to District Justice Mike Diehl asking that he consider setting the fine at the high end of range. Commissioner Best stated that she would vote in favor of allowing the sheriff's department to fill in per diem, part-time or full-time, until the employee is needed at the Northumberland County Prison or elsewhere. She noted that the person who is being hired by the Sheriff's Department is a retired police officer so he would not require training. Council thanked Commissioner Best.

Terry and Peggy Walker told Borough Council that they want to make sure that they are aware of the sink holes that are on the edge of their property on Priestley Avenue. They have been there since May. One is six by six by six feet deep. The other is eight by twelve by eight feet deep. The pipes are broken in both holes. The larger hole is near the railroad tracks. She stated that these are the third or fourth holes that they have had. The Borough has filled in the holes in the past. Mrs. Walker is concerned that if someone would walk to the edge of the hole, he could fall in. The Walkers did not own the property when the pipe was installed. A neighbor told them that the pipe was a Borough project. Mr. Walker stated that he does not think it is a difficult project. He feels that the pipe could be removed and the area could be left open. Mr. Walker stated that the deed to his property mentions

the existing pipe. Mr. Ruane stated that the Borough does not have records of when it was installed or who installed it. The minutes have been reviewed and the subject is not mentioned. The Borough does not own the property or have a right-of-way on the property. Mr. Walker stated that the last two times there were sink holes, the Borough covered the pipe with plastic and filled the holes with stone. DEP has been contacted and is in favor of opening the ditch, but voiced concern about the condition of the culvert that runs under the railroad tracks.

Mr. Tira noted that the question for Borough Council to consider is if it is taking over the responsibility to open the ditch, would the Walkers be willing to take on the responsibility to keep the ditch clean. He added that the committee could meet with DEP. He also advised that an engineer may be needed. It was noted that an engineer has examined the property and has provided an estimate of between \$2,800 and \$3,900 to determine a feasibility recommendation. The estimate did not include a final plan.

Mr. Walker asked who would be responsible if someone fell into a hole. Mr. Tira responded that the location is either on the Walkers' deed or their neighbor's deed. The Borough does not own any of the property there. Mr. Walker stated that the yellow tape that the Borough put there blew off. He has put a rope around it but feels there should be more. Mr. Ruane stated that Street Department could put up the orange fence around the area.

Mr. Tira advised that the Street Committee could examine the property to see what can be done and make a recommendation to council. Mr. Ruane invited the Walkers to attend the meeting on Tuesday night at 7:00.

Mr. Robert Row reported that as of 9/14 the lights at Pineknott Park are working, four out of five were done. He stated that he made his first complaint 321 days ago, noting that he talked to the Borough, PennDOT, and PPL. He questioned why it took so long to get the repairs done.

Mr. Jim Groninger stated that he is present to answer any questions or concerns about the Halloween Parade. None were voiced.

Mr. Joe Latora presented the council with a petition to address issues at WestWay because motorists are using WestWay instead of following the detour since construction began. Mr. Latora explained that the road is not paved and is in deplorable condition with pot holes. He said that the vehicles speed down the street, creating a dangerous situation.

Mr. Ruane stated that he spoke with the Chief. The Borough may erect some temporary stop signs. Mr. Tira advised that temporary signs may be posted for sixty to ninety days. He added that an ordinance could be adopted at the November council meeting to establish permanent stop signs on WestWay.

Mrs. Rees moved to advertise an Ordinance to establish stop signs on WestWay at the intersections with Fifth, Sixth, and Seventh Streets. Mr. Boyer seconded the motion. Council approved unanimously.

### **PennDOT Project**

Ms. Mindy Foresman informed the council that the contractor has not be able to work because the utilities have been sent to areas in Florida and Texas where there were hurricanes. PennDOT had



hoped that the car detour would be lifted by November 1<sup>st</sup>. But because the project has slowed down, the detour will be in place until Thanksgiving. The utility poles are in the process of being moved and de-energized. Other utilities will be working next week. The contractor has been waiting on the poles being erected at Sixth Street so they can install the storm drains.

Mr. Ruane asked about the vacant lot at Water and King Streets. He noted that the house next door to the lot gets water in the basement during heavy rains. Mr. Ruane added that he wouldn't want the lot to be a liability if the Borough agrees to take the lot over. Mr. Troup stated that he feels that the Borough should not accept the lot. Mr. Tira said that a council vote would be required.

Mr. Troup questioned the roadblock signs at Eighth and Duke Streets. He asked if the signs could be moved back. Mr. Troup suggested that street lights be erected at Route 147 and Ridge Road because it is totally dark at night. Mr. Ted Deptula stated that this intersection isn't completed yet and that there will be a traffic light at this location in the future. It is scheduled for the next phase of the project.

Mr. Sees asked if Ms. Foresman could project where the project will be on Duke Street next year. Ms. Foresman stated that they hope the project will go smoothly next year because they shouldn't encounter the setbacks that occurred this year. They are thinking about starting earlier than March 1, depending on weather. Phase 5 will be started first and then they will jump back and finish Phase 3 which is from Pond Avenue to Fourth St. They are currently working on Pond Avenue to Fifth St. Mr. Sees asked if that completes the construction on Duke Street. Mr. Deptula stated that at the end of the construction season, all of the bituminous paving will be completed. The concrete at the intersection of Duke and Water Streets will be the following year. Mr. Sees asked if plans could be made for the Halloween Parade next year. Mr. Deptula responded that the work should be completed in early October, barring any unforeseen problems.

Mr. Zboray asked what is to be done on Duke Street before the detour is lifted. Ms. Foresman responded that the street will be completed from Eighth to Fifth Streets. They must still install the top layer of asphalt and some curbing. The car detour will be lifted after Thanksgiving until next year.

Mr. Troup asked if it would be possible to get another sign at Ridge Road stating that all trucks must turn, to try to prevent trucks from entering the Borough. Ms. Foresman stated that she thinks there is a sign there. Ms. Foresman was also asked if a sign prohibiting trucks from traveling on Strawbridge Road could be placed on Ridge Road because trucks are taking Ridge Road to Strawbridge Road and coming into town from that direction.

Mrs. Rees asked if a traffic light could be placed at Fifth and Duke Streets when the project is finished. She asked if they could advocate for the traffic light.

### **2016 Audit Report**

Mr. Tony Gagliardi provided a summary about the 2016 audit. He thanked the staff at the Borough Office and the Sewer Department for their cooperation. He reported that there were no findings or deficiencies with the audit. The DCED report was filed in April, on line. The reason for the delay for the final audit is because he was waiting on additional information. He stated that he and the Borough Secretary completed the filing of the Federal Report that was required due to having received Federal money. All the revenues and expenditures remained similar to past years. The

additional monies received were for the treatment plant. Mr. Gagliardi asked if anyone had any questions. None were asked. Mr. Boyer made a motion to approve the 2016 audit report from Klacik and Associates; Dr. Cianflone seconded the motion. Council approved unanimously.

### **Council Meeting Minutes**

Mrs. Rees moved to approve the council meeting minutes of August 1, 2017. Mr. Boyer seconded the motion. Council approved unanimously.

### **Public Comment**

Mrs. Fran Bogovich asked why council would want to assume ownership of the property at King and Water Streets. Mr. Ruane stated that it would have to be voted on by council. Mrs. Bogovich stated that she doesn't know why council would want the property. It was noted that the council had considered the acceptance of the property before and had turned it down.

### **Northumberland Sewer Department**

Mr. Boyer moved to approve Payment No. 21 to Lecce in the amount of \$32,472.84. Mr. Troup seconded the motion. Discussion ensued. Council approved the payment unanimously.

### **Executive Session**

Mr. Ruane adjourned the council meeting for an Executive Session at 8:00 p.m. The meeting was reconvened at 8:12 p.m.

Mr. Boyer moved to approve the release of \$144,702.95 from prior payment applications to Myco, Contract 14-2H. The amount of \$43,400.02 is being withheld. Dr. Cianflone seconded the motion. Council approved unanimously.

### **Mayor's Report**

- Mayor Zboray reported that the 9-11 Service was well-attended. The St. Louis de Montfort Band from Herndon performed.
- Mayor Zboray noted that 469 trucks were cited by the police since the PennDOT project began in July.

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

Ms. MaryKay Clark provided council with a written report. Three building permits were issued with fees of \$157; six complaints were received; twelve code violations and four citations were issued. Twelve rental inspections and one reinspection were conducted with fees totaling \$440. The care mileage for September was sixty miles.

Mrs. Rees moved to appoint Mary Kay Clark as the Borough Code Official (BCO) since she has passed the state examination. Dr. Cianflone seconded the motion. Council approved unanimously.

### **Street Supervisor's Report – no report**

### **Committee Reports**

#### **Community Development**

- Trunk or Treat  
The area churches have requested permission to conduct a "Trunk or Treat" on October 29 from 1:00 to 3:00 at King Street Park. They would like the streets around the park closed



for the event. Mr. Troup made a motion to approve the request. Dr. Cianflone seconded the motion. Council approved unanimously.

- Trees at Point

Margaret Weirick has located a contractor to remove the large tree in King Street Park. The contractor has also provided an estimate of up to \$1,000 to remove three trees at the Point. Mr. Boyer made a motion to hire the contractor to remove the trees at the Point at a cost not to exceed \$1,000 with the funds budgeted in the King Street Park line item of the budget, contingent upon the contractor submitting a Certificate of Insurance. Dr. Cianflone seconded the motion. Council voted 4-2 to approve with Mr. Sees and Mr. Troup voting no. [Note: The contractor is Rick Jordan.]

- Liberty Splashland

The committee plans to hold a public meeting on November 13 to discuss the future of Liberty Splashland. It was noted that the pool ending the year in the red by about \$43,000. Major expenses were the payroll with hourly rates for lifeguards increased to \$9.25 to compete with other pools. The cost for water was \$17,000. The number of gallons purchased this summer was enough to fill the pool four times. Mr. Ruane stated that there is a well at the pool, but it has iron and is unusable. Due to the age of the pool, there may be leaks in the concrete and also in some of the pipes. Mr. Troup stated that there was an email sent out to some council members. Dr. Cianflone responded that he thought the email was sent to those who were at the committee meeting.

#### Finance

The committee met last month to start the budget process. The committee will meet on October 24<sup>th</sup> at 6:30 p.m. to continue the process. Mr. Sees asked what the committee is looking at for a tax increase. He was told that the committee had only discussed expenses, not income so it is not known at this time if there will be a tax increase. Mr. Ruane noted that the Borough received \$9,000 from the District Justice in August for the traffic violations during the detour.

#### Personnel

Mrs. Rees stated that there is a personnel issue to discuss in Executive Session. The meeting was adjourned 8:30 p.m. The meeting was reconvened at 8:34 p.m.

#### Public Safety - no report

#### Rules – no report

#### Streets

Mr. Boyer stated that the committee would meet next Tuesday at 7:00 p.m.

#### Old Business

1. PennDOT Resolution

Mr. Tira explained that PennDOT wants their form resolution passed in regards to the reimbursement agreement for the relocation of the utilities. Mr. Boyer made a motion to approve Resolution A-2017. Mr. Troup seconded the motion. Council approved unanimously. The resolution follows:

*"Resolution A-2017  
Municipal/Authority Resolution*

*BE IT RESOLVED by authority of the Borough Council of the Borough of Northumberland, Northumberland County, and it is hereby resolved by authority of the same, that the President of said Municipality/Authority be authorized and directed to sign the attached Agreement on its behalf and the Borough Secretary by authorized and directed to attest the same.*

*Borough of Northumberland  
(Name of Municipality)*

*ATTEST: Janice R. Bowman, Borough Secretary-Treasurer      BY: Paul J. Ruane, Borough Council President  
(SEAL)*

*I, Janice R. Bowman, of the Borough of Northumberland do hereby certify that the forgoing is a true and correct copy of the Resolution adopted 10/3/2017 at the regular meeting of the Borough Council held the 3<sup>rd</sup> day of October, 2017."*

2. Mr. Troup asked if a list has been compiled of the left over soda and food items per the directive approved by council. Mrs. Rees stated that she understands that Nicole has submitted the list to Ann. Mrs. Rees added that some items that were left have expiration dates that will be able to be used next year. Dr. Cianflone stated that they stopped ordering food items before the close of the pool. Mr. Sees asked how much was sold, what was made from the sales, and what was the inventory. Dr. Cianflone stated that list was provided to the committee at the meeting. Mr. Sees stated that it was agreed that all council members would receive a copy. Mr. Sees asked what was done with the used grease that is in the 55-gallon drum. Dr. Cianflone stated that he contacted the guy in July who said he would come and pick it up along with the 5-gallon jugs that are out back. He added that he would contact him again. Mr. Troup stated that the information that is obtained at the committee meetings must come to the council. Dr. Cianflone stated that the committee is bringing up the issue about the pool here to the council. He said that the committee feels that before making a decision to close the pool, they want to provide a meeting for the residents to come to see what can be done about the pool. Mr. Troup stated that he said that at the beginning of the season he said that the Borough couldn't afford to hire all these people. He said that it was \$30,000 for the management. He added that there used to be a manager for \$10 an hour. Mr. Troup said that any committee that meets should provide information to the other council members, adding that he just received a policy today and has not had time to review it for a vote tonight. Mrs. Rees stated that the policy does not have to be voted on tonight. Discussion ensued. Mr. Ruane said that the policy should be reviewed by the Rules Committee and council could vote on it at the next meeting.


### **New Business**

1. Mr. Boyer made a motion to approve payment of bills. Mr. Sees questioned why the Borough is paying Rachel Shear toward her telephone bill when she hasn't worked for over a year. Mr. Tira asked if that is a modification to exclude this from the bills. Mr. Sees stated that she is not working, therefore, she is not using it for work use and shouldn't be reimbursed. Mr. Boyer made the motion to approve payment of the bills, excluding the bill for Rachel Shear's cell phone. Mr. Troup seconded the motion. Council voted 5-1 to approve with Mr. Sees voting no.

2. Mr. Sees made a motion to approve a handicap parking space requested from William Colby at 446 Water Street with the stipulation that it be reviewed annually. Mr. Boyer seconded the motion. Council approved unanimously.

Mr. Troup moved to adjourn. The meeting was adjourned at 8:54 p.m.

Respectfully submitted,

  
Janice R. Bowman  
Borough Secretary