Borough of Northumberland

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Borough of Northumberland 175 Orange Street, Northumberland, PA 17857 Northumberland Borough Council Meeting November 6, 2017

Vice President Paul Boyer called the meeting to order. Pledge of Allegiance was recited and Mayor Len Zboray offered an Invocation.

Roll Call

Council members present were Paul Boyer, Ralph Cianflone, Ellie Rees, and James Troup. Others present were Mayor Zboray; Ryan Tira, Borough Solicitor; Jeremy Deitrick, Sewer Department Superintendent; MaryKay Clark, Code Enforcement Officer; Brian Probst, Street Supervisor; and Janice Bowman, Borough Secretary. Councilmen Paul Ruane, Ty Sees, and Harry Wynn were absent.

Public Comment

- Ms. Kate Reed requested approval to hold a 5K on Saturday, November 11th, from 8:00 to 11:00 a.m. The Fire Police have agreed to help with traffic during the race. The route is on Orange Street, both ways, to avoid the detour route. The race is a fundraiser for Athena Zellers, a girl who was injured in an automobile accident. Mr. Troup made a motion to approve the request. Dr. Cianflone seconded the motion. Council approved unanimously.
- Mr. Jay Fulkroad Jr. addressed the council. He stated that he thinks the council gets a one-sided view of the sewer plant and he doesn't think it is fair to his company. He said that there are a lot of issues on the sewer plant project that he is being blamed for. There is a grid room that cannot be used. He told the engineers that there is an issue with the pump station because the pumps aren't big enough. There is an issue with blowers in digesters. Every time that he gets a work list to be done under warranty, the items changed. He stated that he doesn't think it is fair that he is being blamed. He said that there some things were his fault, but he does not feel that the borough council and the people in the borough know the full truth.

Mr. Tira responded that since the meeting with Fulkroad, the full council has not been briefed on the outcome of the meeting. Mr. Fulkroad said that he had requested a meeting with the full council and it had not happened. This was emailed to Mark Strahota. Mr. Tira stated that Borough had requested several meetings and they eventually had one last week with representatives from council and engineers. He noted that the full council does not generally meet on an ongoing project to discuss details. Mr. Fulkroad stated that he thinks the whole council doesn't know the full story. Mr. Tira suggested that Mr. Fulkroad could provide the full council something in writing. Mr. Boyer noted that the full council wasn't present tonight but if Mr. Fulkroad would provide information in writing, the council would consider it. Mr. Fulkroad said that he talked to Mr. Troup on the phone. Mr. Fulkroad Sr.

stated that at the meeting last week, there were ten or so items that were discussed. Of the list ten items, two were false. The one about the leaking hydrants was because someone didn't know how to operate the hydrants and didn't turn them on. They were told that both clarifiers leaked. One leaked in a couple areas but the other didn't leak at all. Today Fulkroad was to put stone on the parking lot. They asked for direction. The engineer told them to put six inches of number 57 stone on a concrete and asphalt parking lot. Mr. Fulkroad had his employee email him back to say that no one would be able to drive on six inches of stone. They will be stuck. After noon, the engineer emailed back that they could use 2a, but they still needed 2b around the manhole. Or they could install four inches of 57 stone. He stated that you will still be stuck, but this is what he was directed by the engineer. He said that he still hasn't been given direction for the fence at Oueen Street. He said that he has a contractor who could be there tomorrow to do the fence properly if he received clarification. Mr. Tira stated that Mr. Strahota isn't here to respond. He added that there is an email chain that he could share with council. Mr. Fulkroad stated that there are other issues that he thinks the council should be made aware. Mr. Tira explained that there was a meeting with the engineer, the committee, Fulkroad, and the bonding company. There is a punch list that was developed. Mr. Fulkroad stated that they are working with a company to remove items that may be hazardous. The parking lot will be completed tomorrow. Another issue that a hoist which was at the plant is missing. Mr. Boyer stated that the next council meeting is December 7th. He requested that Mr. Fulkroad provide council with the list of issues by that meeting date.

Terry and Peggy Walker of Priestley Avenue told that the council that orange fencing has been placed around that holes along the pipe between Priestley Avenue and the railroad. The fence has fallen down. The Walkers were told that the Borough had installed the pipe about 30 years ago. The Borough does not own the land. Mr. Tira stated that if it is a private structure on private property, it would be the property owner's responsibility.

Mr. Tira stated that there is no documentation of the Borough installing the pipe. He added that if the Borough does fix the problem, documentation should be created as to who would maintain the property in the future. Mr. Walker stated that if the Borough cleans out the pipe, he would take care of his property. Dr. Cianflone asked if Mr. Walker has talked to the neighbor who owns a portion of the ground. Mr. Walker said that he has not. Mr. Tira advised that a meeting be scheduled with the property owners, DEP, and council representation to discuss the problem. Mr. Tira stated that he would coordinate the meeting.

- Mr. Robert Rowe informed the council that the light at Pineknotter Park is out. He was told at the last meeting that it would be fixed. Mr. Boyer stated that he thought the lights were repaired. Mr. Probst explained that Paige Electric fixed the four lower lights; the higher one was not fixed. Mr. Probst stated that it will require someone with a high bucket truck. Mr. Troup stated that he would call Kent Nunamaker from K&N. The Borough is also waiting on K&N to rewire the third quadrant in King Street Park.
- Mr. John Springer, 555 North Avenue, stated that he has concern about BIMBO Bakery. He said that they have cut out the yellow curb to create off-street parking. He said that they got a permit from the Borough Office and asked who approved it. The Borough Secretary stated that the Code Enforcement Officer approved the permit before her vacation and she has inspected the work since she's been back. Mr. Springer noted, according to the

Northumberland Borough Code in the industrial land development section, off-street parking shall be provided for all employees plus extra spaces for visitors. At least one parking space for each 1.2 employees shall be provided. He added that they have about 11 parking spaces and there are more employees than that. He asked if this applies to them. Mr. Tira stated that it could be that they are grandfathered but he would have to speak to the code officer. Mr. Springer stated that BIMBO has trailers that obstruct the view of Pond Avenue and Hanover Street and questionable electrical connection. He was told that NEIC inspected the electrical and anything relating to construction. They are the Borough's third-party inspector. Mayor Zboray stated that he had made calls and NEIC said that it is up to code. Mr. Springer stated that since they cut the yellow curb out, there is no enforceable traffic violation if someone would park there. Mr. Tira advised that if someone blocks the driveway, that would be a violation.

 Mr. Terry Walker stated that he has a question about the ordinance for "No Parking" on Pond Avenue. Mayor Zboray stated that the ordinance will be voted on tonight. Mr. Boyer added that it is on the agenda, Number 1 on Old Business.

Fire Police

Mr. Jon Apple, Captain of the Northumberland Fire Police, informed council that Joshua Fontana wants to join the Fire Police. He has been an active member of the Fire Department for fifteen to twenty years. Both state and federal background checks have been completed. Mr. Apple stated that Mr. Fontana works at the Northumberland National Bank. Dr. Cianflone made a motion to appoint Joshua Fontana to the Fire Police. Mrs. Rees seconded the motion. Council approved unanimously.

PennDOT Project

No one was present from PennDOT. Mayor Zboray stated that he was told that Duke Street should be opened by November 22nd. He said that he attended the meeting and was told that all the steel plates would be off the street. The truck detour remains in place.

Mr. Boyer announced that there would be free parking in the downtown from November 27th to January 2nd. Santa will arrive in town on November 27th at 7:00 p.m.

Someone asked when leaf pickup would begin. Mr. Probst replied that leaf pick up will begin when 80% of the leaves are down. He noted that the machine is broken, and they are unable to load the box on the truck. He hopes to have it back this week. Mr. Troup asked if he will have enough manpower. Mr. Probst said to ask him after the first day. Mr. Troup noted that they lost a part-timer.

Council Meeting Minutes

Upon motion by Dr. Cianflone, seconded by Mr. Troup, council unanimously approved the council meeting minutes of September 5, 2017 and October 3, 2017.

Northumberland Sewer Department

- Mr. Jeremy Deitrick informed council that he has finished the 2018 budget.
- The sewer bills for the third quarter came out last week.
- Mr. Tira noted that council would discuss sewer issues in the Executive Session at the end of the meeting.

Mayor's Report

- Mayor Zboray informed council that the annual Veterans' Day Service will be held at the Riverview Cemetery on November 12th at 1:00. The American Legion Post 44 will conduct the service. Mayor Zboray thanked them for their dedication to all the veterans.
- As of October 31st, approximately 550 trucks and cars were cited and received fines since the start of road construction on July 9th. He thanked the police force for keeping the Borough streets safe during the detours. He noted that seven trucks were pulled over on Saturday and six on Sunday.
- The lone candidate for the Civil Service list has passed the physical training requirements. Chief Kriner is in the process of setting up a review board for the candidate's oral exam.
- Mayor Zboray attended a PennDOT county meeting on Tuesday, October 16th. They
 discussed the upcoming winter plans for plowing and emergency situations should they
 arise.
 - PennDOT has provided a map with emergency contacts for winter storms. The Borough Office and Police Department will have the information.
- Tomorrow is Election Day. Mayor Zboray urged everyone to vote, adding that we are blessed to have open and free elections in our country.
- Mayor Zboray welcomed Officer Rachel Shear. He noted that Officer Shear will return to service on January 10, 2018. Officer Shear thanked the council for everything.

Code Enforcement Officer's Report

Mr. Boyer read the report from MaryKay Clark, the Code Enforcement Officer. In October one building permit and two zoning permits were issued. Permit fees totaled \$261.50. She received three complaints, issued three code violations, one citation, and one street cut permit. One rental inspection and one re-inspection were conducted. Inspection fees totaled \$35. Mileage on the car for the month was 30 miles.

Street Supervisor's Report

- Mr. Brian Probst reported that he has installed stop signs on WestWay at 5th, 6th, and 7th Streets. He noted that there are no stop signs on the alleys at WestWay. He asked if they should be installed. Mr. Tira stated that an ordinance is not required per state code to erect stop signs on alleys that intersect with a street. Stop signs will be installed at the alleys.
- Mr. Troup questioned if the sign on Queen Street at Fourth Street could be moved out toward the center of the street to better block vehicles from driving around the sign. Mr. Probst stated that he would move it.
- Mr. Boyer stated that he and Brian went to a demonstration last week of another way to
 excavate the street. The company does the patches for the gas company. Mr. Boyer made a
 motion to allow Kiely to use the new process to patch holes in the Borough streets. Dr.
 Cianflone seconded the motion. Council approved unanimously.
- Mr. Probst stated that the company that is working on Front Street had been parking their
 equipment all over. He asked them to park their equipment at the pool, so the streets are not
 blocked.

Committee Reports

Community Development

Dr. Cianflone stated that council has a detail of the inventory from the pool. A meeting will be held next Monday night at 7:00 p.m. here to discuss the future of the pool.

Finance

The committee will meet the 4th Tuesday of the month at 6:30 p.m. The 2018 budget will be finalized at this meeting.

Personnel

Mrs. Rees made a motion to approve the Workplace Civility and Respect Policy. Dr. Cianflone seconded the motion. Mr. Tira stated that he is fine with the policy. Council voted 3-1 to approve the policy. Mr. Troup voted no, adding that it is too vague and there could be issues with the bargaining unit. The policy is as follows:

"WORKPLACE CIVILITY AND RESPECT POLICY

It is the policy of the Borough of Northumberland to promote workplace conditions that are humane, fair, dignified, civil, respectful and non-discriminatory. The borough will not tolerate any disorderly, abusive, or indecent conduct in the workplace that creates, encourages, or permits an offensive, intimidating, or inappropriate work environment or that endangers the safety, health or wellbeing of another person.

The borough values professionalism among its employees and council members in carrying out the borough's mission. Professionalism includes demonstrating excellence, integrity, respect, compassion and accountability in all our work interactions and responsibilities.

All employees or others representing the borough are expected to conduct themselves in a professional manner that promotes a safe, healthful and productive work environment. Employees are expected to perform job responsibilities, adhere to workplace principles in matters of personal conduct, and exhibit a high degree of personal integrity, ethics and professionalism at all times while on the job. Employees are expected to be courteous, respectful, and helpful to residents, vendors, visitors and other employees in all their work assignments. Employees are to support the mission and values of the Borough of Northumberland and perform their assigned duties and responsibilities in a manner deserving of the public trust.

A. Definitions

Accountability refers to taking responsibility for one's behavior and activity.

Discrimination and harassment means discrimination or harassment on the basis of race, creed, color, religion, national or ethnic origin, parental status or families with children, marital status, sex (gender), age, genetic information, honorably discharged veteran or military status, or disability.

Disrespectful, retaliatory, or disruptive behavior includes, but is not limited to behaviors which a reasonable person would find embarrassing, offensive or humiliating, such as:

- Shouting, yelling or using profane, disrespectful or otherwise offensive language.
- b. Behavior intended to humiliate another person.
- c. Arrogance or condescending behaviors or comments.
- d. Insubordination.
- e. Retaliatory actions. (E.g. sabotage)
- f. Use of email, behaviors or comments that offend, degrade or humiliate others.
- g. Degrading or demeaning comments.
- h. Physical assault or other uninvited or inappropriate physical contact.
- Threats or similar intimidating behavior, as reasonably perceived by the recipient.
- Actions to obstruct or undermine established operational goals This does not prohibit respectful dissent.

Hostile work environment is created by a supervisor or coworker/employee whose actions, communication or behaviors make doing your job difficult. The harassment typically must be intentional, severe, recurring and pervasive, and interfere with an employee's ability to perform his or her job whether victim or witness. Additionally, to be illegal under one of the laws in the eyes of the courts, a hostile work environment typically must be caused by discriminatory workplace harassment based on race, color, religion, national origin, disability, genetics, age or sex; or it must be caused by retaliation in violation of a discrimination law.

Unprofessional behavior means behavior that: Violates laws or rules regarding discrimination and harassment; violates rules of professional ethics, including professionalism or is disrespectful, retaliatory or disruptive.

B. Conflict resolution

For employees covered by collective bargaining agreements, managers and supervisors are expected to apply this policy in a manner consistent with the principles of just cause, as well as any other applicable requirements of the labor agreements.

Workplace civility and respect requires that issues be addressed by a process that is fair, with a true desire for conflict resolution and without undue delay. The best resolution occurs when the parties work out agreements through direct communication among themselves. When attempting to resolve conflicts, be aware of the different perspectives and communication styles that others may have. If assistance is needed, then any party should bring the issue to their supervisor and/or the personnel committee.

The personnel committee can provide individuals with advice and strategies to attempt to resolve these issues at the most informal levels between or among employees and with their supervisors.

Supervisor responsibility: Supervisors are expected to demonstrate leadership in exhibiting and promoting professionalism, civility and respect. This includes setting clear expectations and managing performance of those they supervise in accordance with these standards through regular communication and timely performance reviews. This also includes respecting diversity of opinion and not retaliating against subordinates as a consequence of their offering respectful, dissenting views. Finally, supervisors are expected to address professionalism, civility and respect concerns and deficiencies through counseling, discipline or other action as appropriate in accordance with policies and procedures of the borough.

Complaints about peers should be presented to the employee's immediate supervisor. Complaints about managers or supervisors should be presented to the personnel committee chairperson. If an employee's inappropriate behaviors persist, borough employees should submit a written complaint to the personnel committee chairperson. Copies of any written complaints and response shall be sent to the committee chairperson overseeing the affected department and Council President.

The Personnel Committee shall take steps to review and investigate all written complaints. This may include the interview of other employees, elected officials, or third parties. The Personnel Committee will keep matters as confidential as permitted, but disclosures will likely be necessary to complete an investigation of a complaint."

Public Safety - no report

Rules

Upon motion by Mrs. Rees, seconded by Mr. Troup, council voted unanimously to approve Resolution B-2017, the Northumberland County Hazard Mitigation Plan. The resolution is as follows:

"NORTHUMBERLAND COUNTY HAZARD MITIGATION PLAN Municipal Adoption Resolution Resolution No. B-2017

Borough of Northumberland, Northumberland County, Pennsylvania

WHEREAS, the Borough of Northumberland, Northumberland County, Pennsylvania, are most vulnerable to natural and humanmade hazards which may result in loss of life and property, economic hardship, and threats to public health and safety, and WHEREAS, Section 322 of the Disaster Mitigation Act of 2000 (DMA 2000) requires state and local governments to develop and submit for approval to the President a mitigation plan that outlines processes for identifying their respective natural hazards, risks,

and vulnerabilities, and

WHEREAS, the Borough of Northumberland acknowledges the requirement of Section 322 of DMA 2000 to have an approved Hazard Mitigation Plan as a prerequisite to receiving post-disaster Hazard Mitigation Grant Program funds, and

WHEREAS, the Northumberland County Hazard Mitigation Plan has been developed by the Northumberland County Planning Department and the Northumberland County Department of Public Safety in cooperation with other County departments, and officials and citizens of the Borough of Northumberland, and

WHEREAS, a public involvement process consistent with the requirements of DMA 2000 was conducted to develop the Northumberland County Hazard Mitigation Plan, and

WHEREAS, the Northumberland County Hazard Mitigation Plan recommends mitigation activities that will reduce losses to life and property affected by both natural and human-made hazards that face the County and its municipal governments,

NOW THEREFORE BE IT RESOLVED by the governing body for the County of Northumberland that:

- The Northumberland County Hazard Mitigation Plan is hereby adopted as the official Hazard Mitigation Plan of the Borough of Northumberland, and
- The respective officials and agencies identified in the implementation strategy of the Northumberland County Hazard Mitigation Plan are hereby directed to implement the recommended activities assigned to them.

ADOPTED, this 6th day of November, 2017.

ATTEST:	Borough of Northumberland
	By Paul Boyer, Vice President Borough Council
Janice Bowman, Secretary	By James Troup, Council Member
	By Ellie Rees, Council Member"

The plan will be provided electronically to the various Borough departments.

Streets

Mr. Boyer stated that the committee would meet next Tuesday.

Old Business

 Dr. Cianflone made a motion to approve Ordinance 2017-4. Mrs. Rees seconded the motion. Council approved unanimously. Ordinance 2017-4 is as follows:

"BOROUGH OF NORTHUMBERLAND ORDINANCE 2017-4

AN ORDINANCE TO AMEND THE BOROUGH CODE OF NORTHUMBERLAND BOROUGH, NORTHUMBERLAND COUNTY,
PENNSYLVANIA, TO PROHIBIT PARKING ON THE NORTH SIDE OF FOURTH STREET FOR A DISTANCE OF APPROXIMATELY 30 FEET
BETWEEN MARKED SIGNS BETWEEN THE STREETS OF DUKE AND QUEEN AND ON BOTH SIDES OF POND AVENUE FROM HANOVER
STREET TO PRINCE STREET

WHEREAS, the Borough Council finds that the safety and well being of the public is promoted by safe traffic conditions within the Borough of Northumberland; and

WHEREAS, a portion of Fourth Street is utilized as an unloading zone for an established business; and

WHEREAS, the Borough Council finds that the unloading zone can be established as a no parking zone without negatively impacting parking in the area; and

WHEREAS the Borough also had a traffic study conducted on parking on Pond Avenue for safety purposes (a copy is on file at the Borough Office); and

WHEREAS, the Borough Council, based upon the traffic study, has determined no parking shall be permitted on the both sides of Pond Avenue from Hanover Street to Prince Street because of the width of the street and obstruction parking causes for adjacent driveways.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Northumberland, Northumberland County, Pennsylvania, as follows:

Article 1

The Code of Ordinances of the Borough of Northumberland, Chapter 58, shall be amended by adding the following to Section 58-29 A:

 Highway
 Side
 Location

 Fourth Street
 North
 Posted loading Zone (approximately 30 feet) between Duke Street and Queen Street

 Pond Avenue
 Both
 Hanover Street to Prince Street

Article 2

<u>Savings Clause.</u> All other sections of Chapter 58 shall remain in full force and effect as previously enacted and amended.

Article 3

Effective Date. This Ordinance shall be effective in thirty days from enactment.

Duly Enacted and Ordained this $\underline{6}^{th}$ day of <u>November</u>, 2017 by the Borough Council of the Borough of Northumberland, Northumberland County, Pennsylvania, in lawful session duly assembled.

ATTEST:	BOROUGH OF NORTHUMBERLAND			
Ву:	Ву:			
Janice Bowman, Secreto	Paul Ruane, President Council			
[BOROUGH SEAL]				

Ву:	APPROVED	this <u>6</u> th	day of <u>November</u> , 2017.
	Len Zboray, Mayor"		

Dr. Cianflone made a motion to approve Ordinance 2017-5. Mrs. Rees seconded the motion. Council approved unanimously. Ordinance 2017-5 is as follows:

"BOROUGH OF NORTHUMBERLAND ORDINANCE 2017-5

AN ORDINANCE TO AMEND THE BOROUGH CODE OF NORTHUMBERLAND BOROUGH, NORTHUMBERLAND COUNTY, PENNSYLVANIA, TO ESTABLISH A STOP INTERSECTION ON ELLIOTT DRIVE AT THE NORTH INTERSECTION WITH FIFTH STREET

WHEREAS, currently at the North intersection between Elliott Drive and Fifth Street there are no stop signs in any direction; and

WHEREAS, the Borough Council finds that it is in the best interests of the safety and wellbeing of the public to establish a stop intersection on Elliott Drive where it intersects with Fifth Street; and

WHEREAS, Elliott Drive intersects with Fifth Street in two locations; and

WHEREAS, a stop sign already exists on Elliott Drive where it intersects Fifth Street at the southern intersection; and WHEREAS the Borough Council desires to establish a stop intersection on Elliott Drive at the northern intersection with Fifth Street

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Northumberland, Northumberland County, Pennsylvania, as follows:

Article 1

The Code of Ordinances of the Borough of Northumberland, Chapter 58, shall be amended by adding the following to Section 58-22 A:

Street

Intersection

Elliott Drive Elliott Drive Fifth Street (northern) Fifth Street (southern)

Article 2

<u>Savings Clause.</u> All other sections of Chapter 58 shall remain in full force and effect as previously enacted and amended.

Article 3

Effective Date. This Ordinance shall be effective immediately.

Duly Enacted and Ordained this $\underline{6}^{th}$ day of <u>November</u>, 2017 by the Borough Council of the Borough of Northumberland, Northumberland County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOROUGH OF NORTHUMBERLAND

Janice Bowman, Secretary

Paul Ruane, President Council

[BOROUGH SEAL]

New Business

- Upon motion by Dr. Cianflone, seconded by Mrs. Rees, council unanimously approved payment of the bills. Bills to be paid from the General Fund total \$57,453.43; Liberty Splashland bills total \$214.90; Parking Meter bills total \$1,879.90; and Sewer Department bills total \$169,628.96.
- Upon motion by Dr. Cianflone, seconded by Mrs. Rees, council approved a handicap parking request from Darren Troup at 39 Queen Street by a vote of 3-0-1. Mr. Troup abstained.
- 3. Upon motion by Dr. Cianflone, seconded by Mr. Troup, council unanimously approved a request from the ballfield committee to purchase materials at a cost of \$2,035.09 from

Keystone Building Products to side the building behind the backstop at Pineknotter Park ballfield. Volunteers from the ball teams will install the siding.

Executive Session

The council meeting was adjourned at 8:07 p.m. for an Executive Session to discuss litigation and personnel issues. The council meeting was reconvened at 8:51 p.m.

Mr. Troup made a motion that payments received by employees from workers' compensation and stipends in lieu of health insurance be considered compensation and 3% of the payments are to be contributed by the employee to the Pennsylvania Municipal Retirement System toward the employees' retirement fund. Dr. Cianflone seconded the motion. Council approved unanimously.

Motion to adjourn. The meeting was adjourned at 8:54 p.m.

Respectfully submitted,

Janice R. Bowman