

# Borough of Northumberland

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**Borough of Northumberland**  
**175 Orange Street, Northumberland, PA 17857**  
**Northumberland Borough Council Meeting**  
**July 7, 2020**

President Paul Ruane called the meeting to order at 7:03 p.m. The Pledge of Allegiance was recited, and Mayor Dan Berard offered an Invocation.

## **Roll Call**

Council members present were Ann Boyer, Ellie Rees, Paul Ruane, Kaitlyn Simmons, Orlando Toro, and Frank Wetzel. Council member Denise Guilbault was present via teleconference call. Others present were Mayor Berard; Melissa Kelso, Borough Solicitor; C.L. Kriner, Police Chief; MaryKay Clark, Code Enforcement Officer; Vernon Morgan, Street Supervisor; and Janice Bowman, Borough Manager.

## **Public Comment**

- Mr. Robert Row questioned what has been done about the storm sewer problem that he brought to council's attention in March. Mr. Morgan stated that he has been to the site and has informed the homeowner that the debris may not be placed on the storm sewer. There is a drainage pipe that runs under the railroad tracks. Ms. Clark added that she has warned him verbally and she has taken pictures. Mr. Ruane requested that she sent the property owner a letter.

Mr. Row asked if right arrows could be painted on the roadway on Queen Street at Water Street and on Priestley Avenue at King Street. Mr. Morgan stated that he would look at it. He noted that right turn signs are posted at these corners and if someone is not obeying the signs, they probably won't obey the arrows.

- Mr. Jon Apple informed council that the Fire Police are going to be painting and installing siding on the outside of the building.
- Mr. Nate Boyer informed council that he is filming the council meeting and is streaming it live on Facebook on the Northumberland Events page.

## **Council Meeting Minutes**

Upon motion by Mr. Wetzel, seconded by Mrs. Boyer, council unanimously approved the council meeting minutes of June 2, 2020.

## **Mayor's Report**

Mayor Berard informed council that during the month of June, the Police Department issued 52 traffic citations and 3 non-traffic citations. They responded to 255 calls for service, had 26 court appearances, and 30 hours of training. Several people were arrested for misdemeanor crimes, some of which included possession of drug paraphernalia, possession with the intent

crimes, some of which included possession of drug paraphernalia, possession with the intent to deliver drugs, simple assault, fleeing and attempting to elude, and recklessly endangering another person. There were 27 assist calls in June; 12 to Point Township, 2 to Sunbury, and 13 to other agencies. 1664.1 miles were traveled during the month.

### **Northumberland Borough Sewer Department**

Mr. Ruane requested that council approve the purchase of a belt filter sludge pressure pump to replace an older pump. He explained that this is a new type of rotary pump. The price of the pump is greater \$20,000 so the purchase must be let out for bid. Mr. Ruane added that the sewer department has over \$80,000 in the budget. RETTEW will provide the paperwork for the proposal. Mr. Ruane noted that this new pump will be easier to fix than the current one.

Mr. Toro made a motion to replace the pump at the sewer plant. Mrs. Rees seconded the motion. Council approved unanimously.

Mr. Ruane informed council that the committee discussed the fire department's request to provide sewage service at no cost to the two companies. Mr. Ruane stated that the committee is not in favor of this because they are concerned that others would request the service at no cost. The only buildings that are not charged are Borough-owned buildings. Mr. Ruane asked if anyone wanted to make a motion. Ms. Kelso said that no motion is needed unless someone wants to forgive the sewer bills. No motion was made. Mrs. Rees stated that she would inform them.

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

Mary Kay Clark reported on the activity of the Code Enforcement Office for the month of July. Three building permits and four zoning permits were issued with permit fees totaling \$1,092. Five complaints were received; six code violations and one street cut permit were issued. Five rental inspections were conducted; fees totaled \$250. One Certificate of Occupancy was issued. The Code Officer made one court appearance. The judge found that the property owner would be given a continuance for one month. Two properties were condemned where there had been a fire. Six Quality of Life notices and seven Quality of Life tickets were issued with fines totaling \$175. Mr. Ruane asked how it is working out with the Quality of Life tickets. Ms. Clark responded that the tenants now know that they are responsible. She added that it saves time and is working well. Mr. Wetzel asked how long the property owners have to take care of the burned out structures. Ms. Clark that they have 12 months to do something. The insurance company for the one side of the double house contacted the Borough last week. The one homeowner has no insurance. The size of the property is too small to build two homes. If the foundation is saved, a single home could be constructed. The lot is smaller than 6,000 square feet.

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

- Mr. Vern Morgan reported that cleanup has been completed at the Recycling Center and he is waiting for the volunteers to get rid of the other recyclables.
- The crew has spread almost six tons of cold patch this year. Discussion ensued about the cost of the cold patch. [Note: The price of cold patch had been bid through the COG and is \$130/ton.]
- The street crew is going to start tree trimming.



- The water line in King Street Park was relocated. It was cracked in the box and will not be repairable another time. The option will be to line the existing pipe or dig up the pipe that goes to the gazebo.

## Committee Reports

Community Development – no report

### Finance

Mrs. Rees reported that the committee met in June. Compared to last year, this year's income is \$24,361 higher; and the net income is \$45,000 greater. The legal fees are \$11,597 less this year than last year.

### Personnel

Mr. Wetzel stated that the Personnel Committee held interviews for the vacant street department laborer position. He is recommending that the council hire Craig Harter. The hourly rate is \$14.50. Mr. Wetzel added that he is local and he was very forthcoming in his interview. Mr. Toro stated that he would like to hear from the street supervisor about the two applicants.

Mr. Ruane stated that the council would go into an Executive Session to discuss the personnel issue. The meeting was adjourned at 7:25 p.m. The meeting was reconvened at 7:54 p.m.

Mr. Ruane explained that the council had an Executive session to discuss personnel.

Mr. Wetzel made a motion to hire Craig Harter for the Street Department at a rate of \$14.50 per hour. Mr. Ruane seconded the motion. Council approved unanimously.

### Public Safety

Mrs. Rees reported that the Emergency Services Board asked if the Borough is going to continue budgeting \$30,000 per year for a new truck. The Borough Manager replied that \$30,000 is in this year's budget. It would up to the Finance Committee each year to determine the budget. The Borough has provided \$30,000 per year for trucks; first for the Hookies, and then for the Number 1's. The Borough has also budgeted four to five thousand dollars for future truck purchases for several years. The company should provide the Finance Committee with information about the truck and the funds that the department has available. When Johnny Rees was a council member, he had developed a plan for purchasing trucks. Mr. Wetzel stated that he thinks the fire companies have pulled that budget out and are looking at this plan again. Mr. Ruane stated that the Hookies are planning to purchase a new rescue truck.

### Rules

Dr. Guilbault stated that the committee recommends that the council adopt a resolution that prohibits tobacco on Borough playground and athletic fields. The program is to discourage young people from using tobacco products. By adopting this resolution, signs are provided through the Young Lungs at Play program.

The committee had a request to have signs erected on Prince Street that designate caution for an autistic child. Research is being done on this type of signage.

Mr. Wetzel made a motion to adopt Resolution E-2020. Mrs. Simmons seconded the motion. Mayor Berard asked if this ordinance addresses the area at the Sea Scout Dock. He noted that fireworks were being set off over the weekend at the dock. Mr. Ruane responded that the resolution does not address fireworks. Dr. Guilbault added that it is a separate issue. Mayor Berard stated that yesterday there was evidence of fireworks having been set off. Council voted unanimously to approve Resolution E-2020. The resolution is as follows:

*"NORTHUMBERLAND BOROUGH  
COUNTY OF NORTHUMBERLAND  
IN THE COMMONWEALTH OF PENNSYLVANIA  
Resolution NO. E-2020*

*A RESOLUTION OF THE BOROUGH OF NORTHUMBERLAND, NORTHUMBERLAND COUNTY, PENNSYLVANIA, PROHIBITING THE USE OF TOBACCO PRODUCTS IN THE BOROUGH OF NORTHUMBERLAND RECREATIONAL AREAS, PARKS, PLAYGROUNDS, ATHLETIC FIELDS AND SIMILAR FACILITIES AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF.*

**WHEREAS**, the Borough of NORTHUMBERLAND (hereinafter "Borough") is a duly organized and existing municipality and political subdivision with the County of Northumberland, Commonwealth of Pennsylvania with offices located at 175 Orange Street, Northumberland, Northumberland County, PA 17857; and,

**WHEREAS**, the Borough of Northumberland is subject to the PA Borough Code as found in 8 Pa C.S.A. Section 101 *et seq.*; and,

**WHEREAS**, and pursuant to said Borough Code, the Borough has the authority to make regulations as may be necessary for the health, safety and general welfare of the Borough. See 8 Pa C.S.A. Section 1202(5).

**WHEREAS**, and pursuant to said Borough Code, the Borough has the authority to prohibit and regulate smoking. See. 8 Pa C.S.A. Section 1202(16).

**WHEREAS**, and pursuant to said Borough Code, the Borough has the authority to provide, improve, maintain and regulate recreational places within the Borough whereby "recreational places" includes public parks, playgrounds and playfields. See. 8 Pa C.S.A. Section 2701(a).

**WHEREAS**, the Borough of Northumberland's Recreational Areas, Parks, Playgrounds, Athletic Fields and Facilities are intended for the healthy enjoyment of all residents, especially the children and youth of the Borough of Northumberland; and,

**WHEREAS**, the annoyance to others, the litter and the second-hand smoke associated with smoking and tobacco use in the Borough of Northumberland's Recreational Areas, Parks, Playgrounds and Athletic Fields and Facilities can pose health risks to the residents of the Borough, and especially to children and youth, as determined by the United States Surgeon General.

**WHEREAS**, the Northumberland Borough Council desires to discourage tobacco use and promote clean public health by making Borough owned Recreational Areas, Parks, Playgrounds, Athletic Fields and Similar Facilities "Tobacco Free Zones"; and,

**NOW, THEREFORE, BE IT RESOLVED**, that, this \_\_\_\_ day of \_\_\_\_\_, 2020, pursuant to its powers under the Borough Code, the Borough of Northumberland here directs the following:

1. Prohibition Against the Use of Tobacco Products in Borough owned Recreational Areas, Parks, Playground, Athletic Fields and Similar Facilities.

A. Borough owned Recreational Areas, Parks, Playgrounds, Athletic Fields and Similar Facilities are hereby designated "Tobacco Free Zones" and the use of any Tobacco Product in any form is, and shall be, prohibited.

B. Appropriate signage will be posted at all subject sites delineating them as "Tobacco Free Zone".



C. The Northumberland Borough Council hereby authorizes its Council members, the Northumberland Borough Manager; the Borough of Northumberland Code Enforcement Officer, the Northumberland Zoning Officer, any member of the Northumberland Police Department and any other duly authorized agent or representative of the Borough of Northumberland to take whatever steps are necessary for full participation in, and compliance with, this Ordinance and/or any such other programs of the Commonwealth of Pennsylvania pertaining to the prohibition against the use of tobacco products as set forth in this Ordinance.

2. Definitions. The following words, terms, and phrases, when used in this Resolution, shall be defined as follows, unless the context clearly indicates otherwise:

A. BOROUGH - means the municipal corporate entity known as the Borough of Northumberland, Northumberland County, Pennsylvania and/or where applicable, the geographical confines and land owned by the Borough of Northumberland situate in Northumberland County, Pennsylvania and its duly elected or appointed public officials, designated representatives, agents, servants or employees.

B. PERSON - means a natural person, agent, firm, operator, corporation, partnership, organization, association, institution or other legal entity.

C. PUBLIC OFFICER - means any member of the Northumberland Borough Council, the Northumberland Borough Manager, the Borough of Northumberland Code Enforcement Officer, the Northumberland Zoning Officer, any member of the Northumberland Police Department and any other duly authorized agent or representative of the Borough of Northumberland.

D. TOBACCO PRODUCT - includes, but is not limited to, all of the following:

(1) Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, snuffed, dipped or ingested by any means including, but not limited to, cigarettes, cigars, chewing tobacco, pipe tobacco and snuff, or dipping tobacco; and,

(2) Any electronic device that delivers nicotine or other substances to the person inhaling from the device including, but not limited to, electronic cigarettes (e-cigarettes), vape pens, juul devices, pipes, hookah pipes or devices and any other similar electronic tobacco devices which ignite tobacco and/or emit smoke, aerosol or vapor; and,

(3) Notwithstanding any provision of Sections 2(D)(1) and 2(D)(2) above, to the contrary, "tobacco product" further includes any component, part or accessory of a tobacco product whether or not sold separately. "Tobacco Products" does not include any product that has been approved by the United States Food &

Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marked and sold for such use; and,

(4) The list identified in Sections 2(D)(1) and 2(D) (2) above are subject to adjustment to conform to terms used in federal, state or local laws.

3. Enforcement.

Any person who violates any provision of this Ordinance shall be directed to cease use of the Tobacco Product and, if such person shall refuse, shall be directed to leave the Borough owned Recreational Areas, Parks, Playgrounds, Athletic Fields.

4. All other resolutions, regulations, and policies of the Borough of Northumberland, Pennsylvania not specifically amended or affected by the provisions of this Resolution shall remain in full force and effect. Any Resolution conflicting with the provisions of this Resolution shall be, and the same is, hereby repealed to the extent of such conflict.

ATTEST:

By: \_\_\_\_\_  
Janice Bowman, Borough Secretary

**BOROUGH OF NORTHUMBERLAND**

By: \_\_\_\_\_  
Paul J. Ruane, Council President"

## Streets

Mr. Ruane reviewed the streets that the committee proposes for paving this year. The Borough's municipal services representative from PennDOT has prepared the bid documents. The streets are as follows:

Wallace Street from Sith Street to 7<sup>th</sup> Street

Front Street from Duke Street to Front Street Station property

Riverview Drive

Wheatley Avenue from State Route 11 (Water Street to Depot Avenue)

Orange Street from 3<sup>rd</sup> Street to Fourth Street, as directed

Some areas require milling in addition to the asphalt wear course and binder course. ADA Curb ramps are to be installed on Wallace Street. An inlet box on Wheatley Avenue is to be rebuilt.

Mr. Ruane explained that the state has not yet awarded the PennDOT multimodal grants. The Borough has applied for funding to pave a portion of Queen Street and some alleys, and toward the purchase of a backhoe. The Borough's match can come from Liquid Fuels funds. If the award is made this year, the work may be completed next year with the match from next year's Liquid Fuels allocation.

Mr. Wetzel moved to advertise the paving contract as proposed. Ms. Boyer seconded the motion. Council approved unanimously.

## Old Business

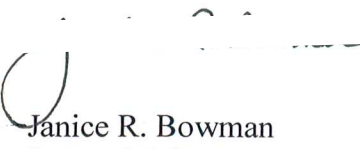
Mr. Wetzel discussed the lease agreement for property storage of RVs at Pineknott Park and Liberty Splashland locations. He suggested that the rental fee be set at \$25 per month from the middle of October to May 1<sup>st</sup>. The solicitor has drawn up the agreement. Mr. Wetzel made a motion to approve the lease agreement with the \$25 per month fee Mrs. Rees seconded the motion. Discussion ensued. Mr. Wetzel withdrew his motion, so council has more time to review the agreement.

## New Business

Upon motion by Mrs. Rees, seconded by Mr. Toro, council voted unanimously to approve payment of the bills. Bills to be paid from the General Fund total \$51,409.6; Liberty Splashland bills total \$29.31; River Valley Training Center bills total \$2,000; and Sewer Department bills total \$86,857.45.

Mrs. Boyer moved to adjourn the meeting. The meeting was adjourned at 8:16 p.m.

Respectfully submitted,

  
Janice R. Bowman  
Borough Manager