

# Borough of Northumberland

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**Borough of Northumberland**  
**175 Orange Street, Northumberland, PA 17857**  
**Northumberland Borough Council Meeting**  
**August 6, 2019**

Borough Solicitor Ryan Tira called the meeting to order at 7:00 p.m. Mr. Tira announced that the President and Vice President of Council are not able to attend. The council has a quorum to conduct the meeting; however, the position of Chairman ProTem is vacant. Mr. Tira requested a motion to appoint someone to serve in this role for tonight's meeting.

Mrs. Rees moved to appoint Frank Wetzel as Chairman ProTem. Dr. Cianflone seconded the motion. Council approved unanimously.

The Pledge of Allegiance was recited, and council member Ellie Rees offered an Invocation.

## **Roll Call**

Council members present were Ralph Cianflone, Ellis Rees, Ty Sees, Kaitlyn Simmons, and Frank Wetzel. Others present were Ryan Tira, Solicitor; C.L. Kriner, Police Chief; Jeremy Deitrick, Sewer Department Superintendent; MaryKay Clark, Code Enforcement Officer; Brian Probst, Street Supervisor; and Janice Bowman, Borough Manager. Council members Paul Ruane and Orlando Toro, and Mayor Dan Berard were absent.

## **PennDOT Update**

Mr. Ted Deptula informed council that Front Street is being prepped to be paved. Plans are to pave the road on two Saturdays, weather permitting.

Mr. Nate Boyer asked about the light at Duke Street and visibility of the traffic signals. Mr. Deptula replied that PennDOT is aware of the visibility issue, explaining that when stopped on Duke Street, you must bend down to look up to see the light. PennDOT plans to put another light on the SUNCOM side of the street.

Mr. Boyer questioned if the curb along the island could be painted so the island is more noticeable at night. Mr. Deptula replied that painting the curb does not work during the winter. They may be able to erect a reflector pole to make the island more visible at night.

Work has begun on King Street between the bridge and Priestley Avenue. There are a lot of utilities at Priestley Avenue and the contractor hit an active sewer line that was thought to be under the sidewalk. Because the line now conflicts with the storm sewer design for King Street, PennDOT must locate the line and its origins. Due to the necessary slope of the line, the contractor will relocate the existing sewer line starting at Water Street. This work may take a couple weeks. PennDOT will update the maps with the new line location.

Mr. Boyer questioned the detours for the next phase of construction. Mr. Deptula explained that the traffic will remain one way coming from the island for the duration of the construction. Ms. Weirick questioned how long the work will take. Mr. Deptula noted that PennDOT and the contractor met today to determine how much of a delay will be caused by this additional work. While the original estimate was six to eight weeks, they now hope to be able to bring the project in on schedule, or close to the scheduled timeframe which is the end of November.

Ms. Weirick asked when the trees would be planted. Ms. Mindy Foresman responded that they will be planted this fall.

Mr. Probst asked if the timing on the traffic lights could be changed to alleviate traffic that backs up on Front Street. Mr. Deptula stated that they will look at it.

Mrs. Rees stated that one resident had questioned if PennDOT could reinstate the ban on trucks to alleviate traffic backup coming north on Route 11. Mr. Deptula responded that traffic congestion is not a good reason to have a truck restriction; truck restrictions are put in place because of them not being able to move smoothly through a construction zone.

### **Public Comment**

Fourteen visitors were present.

Mrs. Peggy Walker asked about the paperwork for the easement of the property below Priestley Avenue. Mr. Tira noted that the paperwork has been sent to David McGinley and has not yet been returned. He added that once Mr. McGinley signs the agreement, it will be sent to the Walkers to sign. Everyone must sign the same one.

Ms. April Giesen, a resident on Orange Street, thanked the council for paving the alleys in her neighborhood.

### **Council Meeting Minutes**

Upon motion by Mrs. Rees, seconded by Mrs. Simmons, council approved the council meeting minutes of June 4, 2019 by a vote of 4-0. Mr. Sees abstained.

### **Northumberland Borough Sewer Department**

Mr. Jeremy Deitrick noted that the third quarter bills were mailed out today.

### **Mayor's Report**

In Mayor Berard's absence, Mr. Wetzel read the police report for the month of July. The Police Department had 230 calls for service. There were 10 traffic citations and 2 non-traffic citations. There were 28 court appearances. Several people were arrested for felony and misdemeanor crimes which included DUI, drugs, theft, simple assault, and contempt of court. They responded to 53 assist calls; 20 to Point Township, 18 to Sunbury, and 15 to other agencies. 1,475.4 miles were traveled for the month.

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

MaryKay Clark provided the activity of the Code Office for the last month. Five building permits and six zoning permits were issued with fees totaling \$871. There were eight complaints, ten code violations issued, one citation filed, and one excavation permit with a fee of \$500. Eight rental



inspections were conducted and inspection fees of \$400 and license fees of \$160 were collected. 24 miles were traveled during the month.

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

Mr. Probst noted that he provided council with a written copy.

### **Committee Reports**

Streets – the tree in the cul-de-sac on Susquehanna Road has been removed for \$750.

#### **Community Development**

- Dr. Cianflone informed council that the contractor is in the process of installing the HVAC system in the gym. When that is completed, he will run the gas line for the generator.
- Lemonade Day was held on Saturday. Mrs. Simmons stated that 15 stands were created.
- The Fall Festival is being planned for October.
- The Longs will be chairing the Halloween Parade this year. The parade will be on October 30<sup>th</sup>.
- Dates for Music in the Park were announced: August 12<sup>th</sup> -Sunbury City Band, August 26<sup>th</sup> – Strawbridge; and September 1<sup>st</sup>- Memory Lane.
- The Community Yard Sale is planned for August 31<sup>st</sup>.
- There were 201 participants in the PineMudder. There have been requests to hold a PineMudder for adults next year.
- The committee plans to use the restrooms at the rear of the Fire Police Building to store the soapbox cars.
- A price is being obtained to install the flooring in the gym.
- Bob Long, owner of W&L Sports Cars, is paying to have the basketball court resurfaced. Mrs. Rees voiced her appreciation to Mr. Long.
- The bowl slide is being removed.
- The committee discussed what to put in the pool area. Basketball courts and a splashpad are favored.
- Dr. Cianflone explained that Bill Roll has agreed to give the Borough a right-of-way on a portion of his lands for the trail that is planned for Liberty Hollow. The trail runs from behind the pool along the unopened Washington Avenue to the hill section of the Borough.

#### **Finance**

Mr. Wetzel stated that the committee met to review the budget. The committee will begin preparing the 2020 budget the 4<sup>th</sup> Tuesday of the month at 7:00 p.m.

#### **Personnel**

Mrs. Rees requested an Executive Session to discuss personnel issues. The Executive Session will be held at the end of the meeting.

#### **Public Safety**

Mr. Sees reported that he reached out to Nick Klose but Mr. Klose hasn't gotten back to him. Ms. Kendra Aucker, CEO of Evan sent an email to Mr. Sees saying that they withdrew their proposal to the Borough regarding EMS; but in the future will look at a request from the Borough regarding an RFP process. Mr. Sees stated that he has made several inquiries to various individuals, trying to determine who solicited Evan. He noted that no one has admitted to soliciting Evan. He added that during the Public Safety

meeting, Ms. Persing alluded that it was a member of council. Mr. Sees stated that he does not see a need to press forward at this time. He feels that transparency is appropriate in this matter. He added that council has an option of setting up a contract with Mr. Rumberger (A.R.E.A. Services) to put out an RFP. Representatives from Evan, A.R.E.A., Americus, UPMC, and Geisinger were present at the committee meeting.

Rules – no report

### **Old Business**

1. The Priestley Avenue stormwater project is on hold until the paperwork is signed by the property owners.

### **New Business**

1. Mrs. Rees made a motion to pay the bills, including a bill for \$150 from Susquehanna Tree Service. Mrs. Simmons seconded the motion. Council approved unanimously. Bills to be paid from the General Fund total \$57,181.98; Liberty Splashland bills total \$33.01; Parks and Recreation bills total \$918.40; Donation Fund bills total \$67.85; and Sewer Department bills total \$72,979.43.
2. The Capital City Bass Masters Leukemia Lymphoma Society is hosting a benefit on September 7, 2019. The event is planned for the marina. However, because the docks are being removed before the event, they are requesting the use of the Borough's boat ramps, and parking areas, if needed. They would also like permission to use the pavilion at Pineknott Park. Dr. Cianflone moved to approve a request to use the boat ramps, parking areas, and pavilion for the Capital City Bass Masters Leukemia Lymphoma Society Benefit on September 7, 2019. The cost to reserve the pavilion is \$50.00. Mrs. Rees seconded the motion. Council approved unanimously. Mr. Sees requested that the group leave the area as they found it and remove any garbage.
3. Dr. Cianflone had questions about whether council should consider sending RFPs to the ambulance services in the area. Mr. Sees stated that A.R.E.A. rents the building for \$900 per month, plus makes improvements to the building. They've remodeled the computer desk area, kitchen, bathrooms, installed a new HVAC system.
4. Mr. Brian Ginck requested that council approve a fire hydrant at the recycling center to give the fire department the ability to have water at their training center which is located on the property. Dr. Cianflone so moved; Mr. Sees seconded the motion. Council approved unanimously.
5. Mr. Ginck informed council that the Fire Department's fund-raising letter has been sent out to Borough residents. The information is on the Borough's Facebook page.

### **Executive Session**

The council meeting was adjourned at 8:14 p.m. for an Executive Session to discuss personnel and a potential litigation matter. It was announced that the meeting would be reconvened.

The council meeting was reconvened at 8:43 p.m.



Mr. Tira explained that there are two items for consideration. One is a mutual general release and settlement agreement with MYCO Mechanical for HVAC work. The council had previously approved a settlement amount of \$28,000. Mr. Tira requested that council approve this with the condition that MYCO provide the required outtake documentation in exchange for the release of settlement agreement and payment. Mrs. Rees so moved. Dr. Cianflone seconded the motion. Council approved unanimously.

Mr. Tira stated that the second item for consideration is a settlement agreement and mutual release with Jay Fulkroad and Sons, Inc., the general contractor on the sewer project. This would authorize an additional net payment for change orders in the amount of \$155,000 to Fulkroad for work that has been shown to be beyond the scope of their original work. This would include terms that would provide fifty days for the bulk of the payment with an automatic extension to December 6<sup>th</sup> if Penn Vest has not released it by the December 7<sup>th</sup> deadline. Dr. Cianflone so moved. Mrs. Simmons seconded the motion. Council approved unanimously.

Mrs. Rees stated that on the basis that Mr. Tira has stated that this is his last council meeting, personnel has recommended that except for the sewer department lawsuits and all that Ryan's law practice has taken care of for the sewer, for everything else that Melissa Kelso would be the Borough's official solicitor. Mrs. Rees moved that Melissa Kelso would be the Borough's official solicitor with the exception of the sewer work that Ryan's law firm has already worked on. Mr. Tira noted that this would be the Point Township sewer lawsuit and closeout of the Fulkroad matter. There are the items of the agreement with the Walkers and McGinley for the culvert pipe. Dr. Cianflone questioned if the council should check on other solicitors. He said that there are a couple of things being addressed here. He asked Mrs. Rees to restate the motion. Mrs. Rees said that her motion is that Personnel is recommending that council hire Melissa Kelso as the Borough Solicitor with the exception of those items that are in process. Mr. Tira noted that as he is leaving his practice, he will no longer have an interest in the law firm at the end of August. He suggested that the council meet with or interview Daryl Yount, who will be his replacement here. Mr. Tira added that the firm he is leaving is a firm of multiple attorneys, not just a one-attorney practice. Mrs. Rees explained that as far as dealing with personnel issues, the committee thinks that Melissa has done an excellent job. Mrs. Rees added that the cost would be a little less than Mr. Tira. She charges half her rate for mileage and her rate isn't as high. Mr. Wetzel asked for a second to the motion. No second was offered. Mrs. Rees asked if the council would have Melissa Kelso come to the September meeting and take care of things until the October meeting.

Dr. Cianflone made a motion to look for a new solicitor, that council interview solicitors as the Borough counsel and keep the law firms that are assigned for the cases that are pending. Mr. Tira summarized the motion to interview other candidates for Borough Solicitor and maintain the current relationships until such a time. Mr. Sees questioned if Dr. Cianflone means that all council members may interview. Dr. Cianflone agreed. The question was asked who would be present as solicitor for the council meetings in the meantime? Dr. Cianflone questioned how it works now. Mr. Tira stated that now the Borough Solicitor is he and his firm. He added that council could authorize it differently. Mrs. Rees stated that it is not a reflection on the people that he sent; but they weren't able to give council the advice that they needed because they don't know everything that Ryan knows, adding that she believes that council should have a solicitor at every meeting. Dr. Cianflone asked how the contracted is written. Mr. Tira stated that they do not have a contract; they may be terminated at any time. Dr. Cianflone said that his motion is to look for a new solicitor, and in the meantime to keep one of Ryan's associates on board until council finds a new solicitor and to keep the attorneys that have been working on some of the other projects that we have

pending. Mr. Sees seconded the motion. Mr. Sees questioned if that means to keep Daryl Yount on the sewer project; keep Melissa on personnel; and at least for next month have somebody from his firm come to the meeting. Dr. Cianflone agreed and added that council could then advertise for a solicitor and go through the interview process to see what we want. Mr. Sees stated that this is reasonable. Mrs. Rees agreed that it is reasonable. She said that in addition to that, we know Melissa's value to this Borough. The time that Mrs. Rees spent this last year, during the time that Melissa was the Borough's personnel attorney, and she does do other Boroughs and Townships, Mrs. Rees hasn't spent one tenth of the time on all the issues that have come up. It is really discouraging that having seen Melissa's work and having her here, that council is even entertaining anybody else. Mrs. Rees added that is what she wanted to contribute. She added that council doesn't need to agree with her. Dr. Cianflone stated that this is for one month until council gets advertising for a general borough solicitor. Mrs. Rees asked if council would all be present for the interviews. Dr. Cianflone said that he would be present. Mrs. Rees noted that when Dr. Cianflone was on personnel, they worked around his schedule all the time because it was essential that he be there. She added that she doesn't think that they can expect that seven people can be there. Dr. Cianflone replied that he doesn't know that. Mrs. Rees said that she doesn't either. Mr. Wetzel called for the vote. Roll call was 4-1. Mrs. Rees voted no.

Mr. Sees moved to adjourn. The meeting was adjourned at 8:55 p.m.

Respectfully submitted,



Janice R. Bowman  
Borough Manager