

SELINGROVE BOROUGH COUNCIL MEETING

MONDAY, JANUARY 3, 2005 - 7:00 P.M.

COUNCIL MEMBERS PRESENT: Pres. D. Mengel, V. Pres. W. Hetherington, C/P S. Christine, C/P C. Handlan, C/P M. Inch, and C/P G. Kinney

COUNCIL MEMBERS ABSENT: C/P W. Reuning

OTHERS PRESENT: Solicitor R. Cravitz; Mgr. J. Bickhart; Mayor G. Beaver; Police Chief T. Garlock; Recording Secretary D. Long; Borough Engineer Representative Shawn Sassaman; Borough Resident Joseph Siro; CDBG Representative Bill Seigel; DH&L Fire Company Ken Stettler; Parks and Recreation Commission Chairman Dick Norman; and WKOK Reporter Tim Millard

OTHERS ABSENT: None

CALL MEETING TO ORDER:

Pres. Mengel called the meeting to order at 7:00 P.M.

RECESS MEETING TO PUBLIC HEARING – advertised for 7:00 p.m.

Presentation by Bill Seigel on FFY 2005 CDBG Funding and past allocation of funds – Bill Seigel reported that tonight is the first public hearing in preparation for the Federal Fiscal Year 2005 Community Development Block Grant Program. The meeting tonight will give an overview of the program, discuss the funds available, have a preliminary discussion of projects, invite public input on those projects, and then reconvene the meeting to Council for their thoughts and feelings. A second hearing will be held in February to finalize project activities. Mr. Seigel reported that last year the Borough received approximately \$135,000 and the presumption was that this year's allocation would be similar. However, the latest report is that there may be a 4 or 5 percent decrease this year in the CDBG program. There are two things that occur with the allocation of CDBG funds. First, there is a gross budget that is passed by Congress along with the U.S. Budget. This is based on a formula which is used to divide the monies among the states. The President, as well as the Secretary of HUD, then gets to make specific line item allocations within the HUD budget. Using a 5 percent reduction, there will be approximately \$128,000 to allocate this year. The actual amount should be determined sometime in the next few weeks. A portion of these funds are set aside for administrative services for both the Borough and for SEDA-COG. Last year the Borough set aside \$3,000 for their administrative costs. A similar amount is proposed to be set aside this year. The SEDA-COG scope of services has been held at \$16,400 since the year 2000, but this year it will increase 5 percent to \$17,220 due to an increased number of projects, rising health insurance costs, etc. This leaves approximately \$107,780 net funds to allocate to projects. The application is due on April 8, 2005 and approval is anticipated at the February 7, 2005 Council meeting. However, final approval could be delayed until the March meeting if necessary and the application could still be submitted on time.

Bill Seigel reported that the eligible activities and the funding requirements for the Community Development Block Grant project, which is funded through the U.S. government and the Department of Housing and Urban Development, is a block grant which is given to the Commonwealth of Pennsylvania and is further allocated to entitlement communities through the State's Act 179 Entitlement Grant Program. Generally, broad areas of community development activities are eligible, such as housing, streets, roads, bridges, water, sewer, recreation – any activity that can be used to improve the quality of life in a community. The easiest way to remember what is eligible is to remember what is not eligible. Generally, two things are not eligible: general purpose government and general maintenance. Once an activity meets the eligibility criteria it must then be qualified as meeting fundability in one of three ways. It must benefit predominantly low/moderate income persons, it must solve an urgent emergent need usually requiring a gubernatorial declaration, or it must eliminate a slum or blighting influence from the

community. Seventy percent of the funds must go to benefit predominantly low/moderate income persons. This is why the survey work is always being done. The CDBG program is administered through the U.S. Department of Housing and Urban Development and there are criteria and requirements that the Council must agree to in order to participate in the program. Historically, Selinsgrove Borough has adopted both the Fair Housing Policy and an Antidisplacement Plan.

Water Street Reconstruction – The first project on the table for discussion is the Water Street Rehabilitation Costs. This project has been completed in anticipation of receipt of the CDBG funds and reimbursing the financing of this cost from those funds. This is the last year that the Borough is entitled to reimburse itself for this project, so sufficient funds must be budgeted to complete the reimbursement. The actual amount outstanding is \$75,910; Bill Seigel suggests budgeting \$76,000 for that reimbursement, which will be the final payment on this project.

Pine Street Reconstruction – The second project on the table for discussion is the reconstruction of Pine Street from Market Street down and onto the Isle of Que. This project was surveyed and qualified. It was initiated this past year with CDBG funds and Bill Seigel recommends that Council continue to earmark funds for this project in the same manner as the Water Street project, using future years' CDBG funds to reimburse the Borough for project expenditures. The suggested amount for this project for 2005 is \$26,780.

Removal of Architectural Barriers (curb ramps at intersections) – The third project on the table for discussion is curb cuts to improve handicapped accessibility. The Borough has used CDBG funds for this project in the past. The recommendation for this project for 2005 is \$5,000. C/P Kinney stated that the Borough has an obligation to do so many handicapped intersections and this obligation is being met through the Pine Street reconstruction project. He questioned why an additional \$5,000 should be allocated for the curb cut project, suggesting it should be put into the street program instead. Bill Seigel replied that the law says the Borough has to provide accessibility and the courts have held in case law that as long as progress is being made it satisfies the intent of the law. He stated that an accessibility lawsuit is a civil suit and Council will have to defend against it. Is what is currently invested sufficient, or should more be invested? Are there problems areas that should be addressed besides Pine Street? These are judgment calls that Council will have to make. Mgr. Bickhart stated that the 2004 Street Program included picking up all the curb cuts throughout the Borough to bring everything into compliance. The money to do this was included in either the Pine Street improvements or the Community Acquisition Funds. Bill Seigel stated \$10,000 to \$12,000 of CDBG funds have been expended in prior years for the curb cuts that have been made to date. At this point in time the Borough has no balance of CDBG funds available for future curb cuts. Bill Seigel stated the only balance of CDBG funds that the Borough currently has is \$10,000 which is earmarked for the sidewalk program. Mgr. Bickhart stated that there are over 50 intersections, including alleys, throughout the Borough that still need curb cuts.

Sidewalk Improvement Program – This is a project that has been continued for many years to allow low and moderate income property owners to have their sidewalks replaced. There is currently just over \$10,000 of CDBG funds budgeted for this. Bill Seigel stated in his review of the transactions the past few years the Borough draws \$5,000 to \$7,000 per year for this program. He is not recommending that any more funds be earmarked for this program in 2005, but more funds will need to be set aside in fiscal year 2006. Mgr. Bickhart stated the number of properties impacted by this program are becoming fewer. There are not any on Pine Street, for example. Bill Seigel stated that if this money gets "dated" because the contract is getting old, his responsibility is to roll it forward and get it spent on something else and then do a budget modification for the funds. He stated he is working with the Borough projects on at least a monthly basis and sometimes on a weekly basis.

C/P Kinney asked how long the Isle of Que survey is good for. Bill Seigel stated that DCED has indicated that the survey will be good until the results are out from the new census, which will be 2011 or 2012. C/P Kinney stated that Second Street on the Isle of Que needs to have curbing, sidewalks and street widening done. Mgr. Bickhart stated the Pine Street project should be paid off in 2008. In 2006 the bulk of the money will go to Pine Street. In 2009 new projects will be looked at. Bill Seigel stated that if Council wants to use the Isle of Que survey while it is still valid the commitment must be made to the next

project before 2011 because the commitment to that next project would still come under the old survey even if it went forward beyond the new census figures. C/P Inch asked if a commitment needs to be made now and C/P Kinney suggested making a commitment in 2007 or 2008 to do Second Street on the Isle of Que. It is difficult to meet the criteria that the government sets down for low/moderate income persons. The Borough had tried qualifying the Isle of Que once before and could not do it. Since Council was able to do it with this census, they should take advantage of it to use that money, and then go on with some of the other projects, whatever they might be.

Bill Seigel stated he is required to ask if there are any known historical or environmental impacts for any of the projects that have been discussed this evening. There were none. He stated the Water Street project is probably one of the most significant past projects of the Borough, along with the sidewalk rehabilitation program and the curb cuts and the start of the Pine Street project.

Hear public comments on proposed activities or on proposals for new activities – There were no public comments, so Bill Seigel turned the meeting back over to Pres. Mengel and the Council.

RECONVENE MEETING at 7:25 P.M. to discuss proposed use of funds for FFY 2005 – Final Public Hearing scheduled for February 7, 2005 – There was no further discussion. Bill Seigel stated he will advertise the February 7 meeting, including the amounts that have been discussed as proposed amounts for CDBG funds.

REVIEW AND APPROVAL OF COUNCIL MINUTES FROM MEETING OF DECEMBER 6, 2004:

Pres. Mengel requested additions or corrections to the Council Minutes of December 6, 2004. Hearing none, Pres. Mengel stated that they stand approved as presented.

VISITORS TO BE HEARD:

DH&L Fire Company, Ken Stettler - Ken Stettler presented the Fire Report for December with a total of 19 incidents as follows: 3 Automatic Alarms, 1 CO Detector Alarm, 3 Miscellaneous, 1 Burglar Alarm, 5 Vehicle Accidents Without Extrication, 1 Rescue Call, and 5 Structure Fires. The breakdown of locations is as follows: 3 in the Borough of Freeburg, 2 in Hummels Wharf, 5 in Penn Township, 1 in Perry Township, 7 in the Borough of Selinsgrove, and 1 in the City of Sunbury. There was no loss within DH&L's jurisdiction. A total of 245 man-hours were spent on the various activities.

Parks and Recreation Commission Chairman, Dick Norman – Request consideration for the development of a “LifeTrail” exercise course designed for older persons, within the wooded area at the south end of Anthony Selin Park – Dick Norman had given the Council members a brochure from Playworld Systems showing a relatively new concept in exercise trails. Parks and Rec has catered more to the young children and has not done much for the middle-agers and senior citizens. This “LifeTrail” course is designed for older adults and offers approximately one-quarter mile of walking trail with 10 exercise stations along the way for physical exertion. There is also the possibility of continuing the trail around the Major Anthony Selin Park, which would increase the length of the trail to one mile. The “LifeTrail” exercise course project has been discussed in Committee and Dick Norman is presenting it tonight for Council's thoughts and input. The cost will be approximately \$20,000 for the course, not including the actual sidewalks and paths. The funding would come from grants and donations; nothing would have to come from the taxpayers' money. He also reported that he is hoping that by next year the ice skating rink will be completed for use by all ages. The ice skating rink improvements are being funded through grants and donations. Nothing has been done yet as far as funding for the “LifeTrail” system. The Borough would be the first in the area to have such a course and hopefully arrangements could be made with the manufacturer, Playworld, for Selinsgrove to be designated as a showplace for this system. Dick Norman showed a map of the Major Anthony Selin Park area, stating that the proposed location for this exercise course is on the side along High Street near the foot bridge. This will provide easy access for the senior citizens living along there. The trail will be usable by handicapped persons. C/P Kinney asked if the proposed sewer line in that area will interfere with the plans for this trail and Dick Norman replied that the trail will probably not be completed for this summer, as money has to be raised and other

things need to be taken care of. He does not foresee a problem with the sewer line. However, parking is a problem because the only parking for the trail would be on High Street. C/P Handlan asked about another foot bridge and a course in that area. Dick Norman replied that this is a different foot bridge in a different area of the park, and most of this course has been removed, as it has fallen into disrepair. Pres. Mengel stated she thought this would be a great addition to the recreational facilities in town. Dick Norman stated he wanted to find out the consensus of Council tonight and he is not asking for any funding. C/P Kinney stated he thinks the project should be given the blessing of Council, provided grants and donations can be obtained to fund the project. The rest of the Council members agreed, with no opposition being voiced by anyone. Dick Norman stated the Commission will begin pursuing this project and will keep Council informed along the way. C/P Handlan asked, considering how the former course, which was donated by Susquehanna University and installed by the Scouts, had deteriorated, how this new course would be kept up. Dick Norman stated the material for the "LifeTrail" course is mostly plastic and metal, which will not deteriorate. Bill Seigel stated that he is aware that Playworld has a history of working with communities when they have a new product that they want to get out in front of people. He suggested a direct contact with Playworld, stating that if the Borough would get a contribution of equipment from Playworld then that could be used to apply to the Pennsylvania Department of Conservation and Natural Resources for a recreation grant, which is a 50/50 match. The Borough would then receive the amount of the value of the equipment in cash to be used for the walkways. Dick Norman stated they have someone who has already committed to approaching Playworld. Bill Seigel also encouraged Dick Norman to make a contact early in the process to Farida Zaid and the Area Agency on Aging. Farida has looked into these types of courses for Union County, and she is working on a concept of a senior center without walls, where programs are developed to allow senior citizens to go to programs from the senior center or from their homes. Bill Seigel also suggested talking to Mike Fisher at High Street Manor to see if there is anything he can do to support the effort. Finally, he suggested taking the project to Senator John Gordner and State Representative Russell Fairchild as a pilot project which shows partnership and innovativeness.

UNFINISHED BUSINESS FROM PRIOR MEETINGS:

Review List of Council Issues – C/P Kinney asked Shawn Sassaman about the sewer line on Sassafras Street, which was anticipated for fall bidding. Shawn stated he does not have an answer on where this stands but he will find out. C/P Kinney again stressed his frustration over the length of time that it is taking for this project to be done. He stated if Coukart cannot get it done then the Borough will look for another engineer. Shawn stated that he thinks his office has requested information from the Borough and is waiting on that information to finalize everything. He stated he is not prepared tonight to say what that information is. Mgr. Bickhart stated the last question from Coukart was on reconstructing the Sassafras Street sewer as opposed to a fourth pumping station and Council has decided, and has let the engineer know that the decision was made at the December meeting to not go with a fourth pumping station. Shawn stated he will let John Coukart know of this decision. He stated he believes the cost estimates have been prepared and a meeting needs to be set up to present those estimates. Mgr. Bickhart stated that the costs were submitted as part of the two alternatives, so Council has an idea of the cost. The next step is bidding the project and getting the bid prices. Shawn stated he will take this information back to his office and if they are able to bid it they will, although he does know there were some outstanding issues. Pres. Mengel suggested that if there are more questions then John Bickhart, John Coukart and C/P Kinney get together to get those questions answered. Shawn stated he knows that John Coukart had requested a meeting that never happened.

C/P Hetherington asked where the sidewalk situation stands at Keller's, George Rine, and Doug MacCuish. C/P Kinney stated that Keller just put his in along High Street. Pres. Mengel stated MacCuish's are done now, too. Mgr. Bickhart stated that George Rine agreed to allow the Borough's contractor to do his sidewalks. The contractor started them, along with the Cherry Street part of Middleburg Yarns. Pres. Mengel stated she thought this was done, but she saw that there was a very big slant in the sidewalks along Cherry Street at Middleburg Yarns. It is slanted toward the road and she assumed it was for the water to run off. She has seen sidewalks like this in other parts of the Borough also. Mgr. Bickhart stated that the ground was flat along Cherry Street and he does not understand where the slope would be. He stated that there are some areas where there were drainage problems and

the sidewalks have been sloped more than normal. He stated the standard design is to get the water across the sidewalk and out into the street.

Mgr. Bickhart reported that a meeting has been scheduled for January 17 at 7:00 p.m. with the Committee regarding the University Avenue sewer project. All of the property owners, the five in the Borough and the five in Penn Township, have been notified and informed that the Committee will be looking for a final recommendation. It is C/P Reuning's and Mgr. Bickhart's hope that this meeting will get everybody together to take into consideration all the information that has been gathered, with a decision being made on how to proceed. C/P Kinney asked if John Coukart will be at that meeting and Mgr. Bickhart replied that he has not spoken with him yet but it is his intention to have him there.

BOROUGH ADMINISTRATIVE REPORTS:

Pres. Mengel suggested rearranging the agenda to place Chief Garlock closer to the beginning of the meeting. Chief Garlock stated he would appreciate this, and this is fine with the rest of the Council.

MAYOR: Garry Beaver - Presentation of Police Report for November 2004 – Approved as submitted.

BOROUGH POLICE CHIEF: Thomas Garlock – Chief Garlock stated that he has received the information from the Mid-Atlantic States Crime Information Center that he has been waiting for. He will have a report for Council by the next meeting. He also reported that the new police car is performing very well. Several Council members stated that it looks very nice with the decals that are on it. Mgr. Bickhart stated the old police car has been put out for sealed bids through the end of January.

ADDITIONAL UNFINISHED BUSINESS FROM PRIOR MEETINGS:

Award contract on Streetscape Project – Mgr. Bickhart stated he has asked Shawn Sassaman to attend the Council meeting to address any questions that may arise concerning this project. Since December 29 Mgr. Bickhart has summarized this project and sent an email to the presidents of the Selinsgrove Chamber of Commerce and SPI so that they could get it on their agendas for their January meetings to talk about options that they may see to address the issue of still having approximately \$70,000 in the streetlight part of the program for which there is no grant money. Hopefully the Selinsgrove Chamber of Commerce and SPI will help to raise the additional money and the project can be completed. There are two alternate bids which could also be completed if the money is raised for them. What needs to be done by Council tonight is to adopt a motion, subject to the review of the materials by the solicitor and the engineer, to award the contract for the base bid to the low bidder, which is Beck Electric. C/P Inch asked whether, if Council does award the bid tonight, the Borough will be responsible for the additional \$70,869 over the available grant amounts in addition to the \$85,000 that the Borough has set aside for the traffic signals, which means the Borough would be paying over half of the project themselves. Mgr. Bickhart replied that the answer to this is no. The Borough has been talking with Beck Electric to see what items can be reduced to build less than the full project. C/P Handlan stated this would mean eliminating decorative streetlights and she wonders how much more the project can be reduced. If it is going to be reduced below the two blocks that it has already been reduced to, then why even do the project at all. Mgr. Bickhart replied that the Borough will get something, including the poles and mast arms for the traffic signals at the intersections and some decorative streetlights, even if it is only on a block and a half. He stated the project was conceived from the very beginning as needing to be reduced to fit the money that the Borough had. If no one else can come up with the money, then reducing the project is the Borough's only option unless Council wishes to kick in some additional money. C/P Handlan stated that by awarding the base bid tonight, which has had nothing negotiated down with Beck Electric yet, Council will be obligating the Borough to the entire amount. C/P Kinney reminded Council that in the past the Borough and the Selinsgrove Chamber of Commerce cooperated in building the parking lot on South Water Street, which was a total venture of \$60,000 or \$70,000 at that time. The Chamber came through and paid that off. C/P Handlan asked if either the Selinsgrove Chamber of Commerce or SPI has responded to Mgr. Bickhart's email and he replied that they have only had it over the weekend, as it went out Friday. C/P Kinney stated the Borough has the ability to borrow money from the bank in a very low interest loan and he thinks that if Council wants to help downtown Selinsgrove,

\$70,000 is not a lot for a Borough to borrow. He stated he thinks the two blocks should be done and he has spoken with some people at the Selinsgrove Chamber of Commerce who are willing to head up a fundraising drive. The Borough has to put traffic lights in, whether they are decorative or not. If there was no grant at all, the traffic lights would still have to be put in. With the grant, the Borough has received \$84,000, which equals a \$14,000 savings on the Borough's behalf. On the other hand, the Council should be looking to help to improve the downtown, funding the project up front, and having legal contact with the Selinsgrove Chamber of Commerce and SPI to help to fund the project. C/P Hetherington stated that the focus is on the downtown, but what about coming up with money to help the rest of the community. C/P Kinney stated that the downtown benefits the entire town by putting pride back into the community. The White Christmas is done downtown. By revitalizing the downtown, people will begin to come downtown again. There is also a group of people looking at what to do with the CVS property, which also will improve the downtown. Just as the Borough helps the fire company and the library, Council has an obligation to the community, and the downtown is the heart of that community and something should be done to help. He stated he is not suggesting taking \$70,000 out of the treasury, but with some negotiating with the Selinsgrove Chamber of Commerce the Borough has the ability to go for a low interest loan cheaper than the Chamber could get it and the Borough could help finance this. C/P Hetherington expressed frustration that Council has to make a decision tonight without knowing that the Selinsgrove Chamber of Commerce or SPI are going to do to help out. There are no representatives from those organizations at the Council meeting to give a report. C/P Handlan stated she agrees, but both of those organizations are meeting to develop their strategic plans, which must be developed before they will approve doing anything. The intent of those two organizations is to focus on not only the downtown but the surrounding area. She stated that their intent may be to help the Borough but that does not mean that the money will come through. She asked what would happen if Council does not award the bid at tonight's meeting. Mgr. Bickhart and Pres. Mengel stated the Borough would then be in serious jeopardy of losing the grant money. C/P Handlan asked if there was a 60-day window and Mgr. Bickhart replied that in the bid documents there is a time typically given to review the bids, but Council has the additional burden of having to get this project awarded quickly to keep the grant money because it has been dragged out for so long. The mandate was to let the project by the end of December, which was done. There is no other specific deadline yet, but by not taking action tonight the grant might be jeopardized. Council has discretion to reduce the scope of the project to not involve any additional Borough funds. Pres. Mengel asked how Council can reduce anything if the contract is being awarded for \$370,000. C/P Kinney asked if tonight's meeting could be recessed to January 17 to have a representative of SPI and a representative of the Selinsgrove Chamber of Commerce attend the meeting. C/P Handlan stated that SPI does not meet until January 18 and could not get an emergency meeting together quickly. C/P Kinney then suggested meeting January 19. He stated the organizations could not make a decision one-on-one, but he would like to speak with someone from those groups. Mgr. Bickhart stated that the Selinsgrove Chamber of Commerce has a meeting this Saturday. C/P Handlan stated Council cannot jeopardize losing the grant funds and asked if Beck Electric is willing to accept the bid contingent on a change of reducing the number of decorative streetlights. Shawn Sassaman stated that, based on the specs from PennDOT, the quantity of any given item in the contract can be reduced by 25 percent. The number of streetlights can be cut by 25 percent and it would not be necessary to renegotiate costs or price changes with the contractor. Once a 25 percent change is exceeded, the contractor can ask to renegotiate prices. C/P Inch stated that Council could award the contract tonight for five lights fewer and Shawn replied that Council would award it the way it has been bid and out in the field five lights could be cut off the construction as they are doing the work. C/P Inch asked if this means Council would not be obligated to the \$374,000 in the bid. Shawn stated this is correct and Mgr. Bickhart also stated that Council is not obligated to that figure, as the contract can be adjusted up or down by 25 percent. C/P Handlan stated even with a 25 percent reduction, the amount would still be over the grant amount. Shawn stated that he did not break the bid down by conduit lines so his quote is not 100 percent accurate, but to decrease the bid by 25 percent of the decorative streetlights it would make the total project approximately \$330,000 rather than \$374,000. This is still \$42,000 over the grant. Shawn stated that the Borough is in need of signalized intersections regardless of decorative lighting. The going rate, as costs are increasing in those areas, is about \$100,000 per intersection. If the Borough would wait and do the intersections next year they would be footing a \$200,000 bill to construct two signalized intersections. C/P Kinney stated that does not include any decorative traffic signal poles and Shawn agreed, stating this would just be a flat aluminum pole. C/P Kinney stated the Borough has the

ability to borrow the money on its own. C/P Hetherington stated a loan would have to be paid back and C/P Kinney stated that the Borough is still saving \$50,000 and he really does not think it will be the case that the Borough will have to pay back an entire loan on its own. He stated he thinks that the Selinsgrove Chamber of Commerce and SPI are willing to help raise some money. He stated even if the Borough has to come up with an additional \$25,000 they are still getting a bargain. C/P Inch stated that he thought Susquehanna University had offered \$45,000 for downtown revitalization. C/P Handlan stated that was correct, but that money was earmarked for the Main Street program. C/P Inch stated that if SPI, the Selinsgrove Chamber of Commerce, Susquehanna University and anyone else interested would come forward he would not mind, but he is worried about being stuck with the whole \$370,000. The money for the traffic lights has already gone up from \$63,000 and he is afraid that without a written agreement and no discussion with these organizations that the Borough will have to spend the entire amount. C/P Kinney suggested having the lawyers get together to work out an agreement. C/P Handlan stated the intent of the Selinsgrove Chamber of Commerce and SPI is to help the Borough, as this project was initially a Chamber project. Council needs to accept the fact that the Borough may have to pay out the money first and then look for reimbursement. Pres. Mengel stated this has been in the back of Council's minds all along that this is what would have to be done. C/P Handlan stated she would hate to see the decorative streetlights be truncated any more than they have already been. Mgr. Bickhart stated he would also hate to see that, but he was addressing C/P Inch's concerns in that Council is not obligating itself to the total bid amount, as the contract can be negotiated down. The contract can even be reduced more than 25 percent with the contractor's permission. C/P Handlan asked if Beck Electric is aware that this is problematic for the Borough and Mgr. Bickhart replied that they are aware of this. He stated typically what contractors do is make their recommendation based on their review of the design. Beck Electric suggested two things, one of which would be to get a different style of light which they could get from other manufacturers at a cheaper price. Council does not want to do this, as they worked for over a year to come up with a very distinctive design by one manufacturer and got PennDOT to give its permission to go with the single source. The second suggestion from Beck Electric was to not put the decorative coatings and the decorative treatments on the poles for the traffic signals. This is a major part of the original concept and Shawn calculated that it does not result in that much money anyway to take that element out. The bid needs to be awarded to the low bidder and Council has the latitude to stay within the grant money that is available. The project would have to be cut back but that is at least a fallback position that Council has. In the meantime, more money might be received from the State. The Borough will reapply for the Safe Streets program. Letters can be sent to Senator Gordner and Representative Fairchild, asking for walking around money. Banks and universities can be approached for funds. The \$60,000 parking lot project that C/P Kinney mentioned earlier was a five-year pledge from major businesses, banks and universities. C/P Hetherington stated a lot of this should have been done before tonight's meeting.

Motion by C/P Kinney to award the bid to Beck Electric for the \$374,000 with the understanding that the project can be reduced by up to 25 percent if the Borough is not able to obtain additional funds from negotiating with other entities, including SPI and the Selinsgrove Chamber of Commerce. Seconded by C/P Christine.

Mgr. Bickhart reported that on Saturday morning the Selinsgrove Chamber of Commerce is having their action agenda meeting and this will hopefully be on their agenda for that. Judy Spiegel, president of SPI, is adding this issue to the agenda for the SPI meeting on January 18. By the time Council meets in February there will be more information available, and the contractor is not going to start work yet. C/P Handlan asked how long the alternative bids are good for, since Council is only presently awarding the base bid. Shawn stated Council does not have the option to award alternate bids later; they must all be done now. Solicitor Cravitz agreed, but also stated that if there were a side agreement with the contractor to award alternate bids later then it could be done. Mgr. Bickhart stated he thinks the prices are good as long as the contractor is willing to continue to accept them. C/P Kinney stated that the other organizations may raise more money than is needed so more work could then be done. Shawn stated that Beck Electric is feeling as though they have underbid the prices and probably will not extend the prices for longer than necessary. In answer to a question from C/P Inch, Mgr. Bickhart stated that Council will have to have a known dollar figure before giving the contractor notice to proceed with the project. Shawn stated that the project will probably begin in the spring in order to have it completed by fall. He

does not know if the traffic lights will be done first or if the decorative streetlights will be done first. Mgr. Bickhart stated the Borough can talk to the contractor to see what his preferences are. Pres. Mengel stated it is important to get the traffic signals in. Pres. Mengel stated that if Council does reduce the contract by 25 percent someone is obligated to come up with an additional \$42,000 rather than \$71,000. She asked if Council needs to make a decision tonight on the alternative bids and Mgr. Bickhart replied that, after speaking with Beck Electric, he feels that Council does have some more time. This will give the Selinsgrove Chamber of Commerce and SPI time to have meetings and decide on the level of their involvement in this project. C/P Handlan suggested putting this in the next Borough newsletter to make the public aware of this project. Mgr. Bickhart stated he is meeting with Marcia Moore from The Daily Item tomorrow. He has given her the background on this story and she is interested in writing it up.

Pres. Mengel called for a vote on the motion.

AYES: FOUR (4) NAYS: TWO (2) – C/P Hetherington and C/P Inch

MOTION CARRIED

COMMITTEE / COMMISSION / BOARD REPORTS:

FINANCE & BUDGET COMMITTEE: C/P Inch, Chairman

Payment and Ratification of Bills - C/P Inch reported that the bills were reviewed and everything seems to be in order.

Motion by C/P Inch to pay the bills. Seconded by C/P Hetherington. Pres. Mengel called for a vote on the motion.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Statewide Tax Recovery, Inc. - Exoneration Requests - Mgr. Bickhart reported two requests for exoneration. One is from Jeffrey Turner for the year 2003. He submitted evidence that he was a resident elsewhere. The second is from Patricia Hassey for the years 1999 and 2000. She also submitted evidence that she was a resident out of state at that time.

Motion by C/P Kinney for exoneration of these two people. Seconded by C/P Hetherington. Pres. Mengel called for a vote on the motion.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Money in anticipation of taxes, \$50,000 borrowed from selves – C/P Inch stated that Sheri has informed the Finance Committee that they need some money in anticipation of the taxes coming in. C/P Inch is asking Council for authorization to borrow \$50,000 from themselves.

Motion by C/P Kinney to borrow \$50,000 from selves. Seconded by C/P Hetherington. Pres. Mengel called for a vote on the motion.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Mgr. Bickhart reported this should be less this year, as Sheri told him that there is an approximately \$16,000 carryover from 2004 to 2005.

PUBLIC FACILITIES & SERVICES COMMITTEE: C/P Reuning, Chairman

Approve dates for Spring Cleanup 2005 – Mgr. Bickhart reported the proposed dates for Spring Cleanup 2005 are April 18, 19 and 20.

Authorize advertisement for contracted services for collection and disposal – Motion by C/P Kinney to advertise for contracted services for collection and disposal. Seconded by C/P Hetherington. Pres. Mengel called for a vote on the motion.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

Recommendations on 2005 Spring Cleanup – Mgr. Bickhart reported that nothing has changed in the restrictions and procedures from last year so they will be republished for 2005 as they were last year.

BOROUGH ADMINISTRATION / PROPERTY AND EQUIPMENT: C/P Kinney, Chairman – No Report

COMMUNITY ACTIVITIES AND PUBLIC AFFAIRS: C/P Handlan, Chairwoman – No Report

PERSONNEL MANAGEMENT COMMITTEE: C/P Christine, Chairman – Council received the employee handbook information on December 29 and will take until the February meeting to read the information. It will be discussed then.

PUBLIC SAFETY COMMITTEE: C/P Hetherington, Chairman – C/P Hetherington asked the members of the Safety Committee to stay for a few minutes after tonight's Council meeting to come up with a date to meet with George Praul on Civil Service. The Committee was asked to consider smoke detector issues in the building code. Input from Council is encouraged on this.

C/P Handlan stated she would like to schedule a Town/Gown meeting in February. The students will be back in another week. C/P Hetherington stated he has a complaint about the girls on Chestnut Street.

AD HOC COMMITTEE ON LANDLORD ORDINANCE: Pres. Mengel, C/Ps Handlan and Kinney – Pres. Mengel asked the Committee members to stay after the Council meeting to arrange a meeting date.

PLANNING COMMISSION – No Report

ZONING HEARING BOARD – No Report

CIVIL SERVICE COMMISSION: George Praul, Chairman – No Report

PARKS AND RECREATION BOARD: Richard Norman, Chairman – No Report

SHADE TREE COMMISSION: Mark Vergauwen, Chairman – Mgr. Bickhart reported that the Commission has not met, but they are aware that they need to find two more members. C/P Handlan stated she spoke with Donnie Rowe, who said that one of the Commission members will be stepping down so they are now looking for three members. She gave him some names and told him they need to have a woman on the Commission for more perspective.

BOROUGH ADMINISTRATIVE REPORTS:

BOROUGH SOLICITOR: Robert Cravitz – No Report

BOROUGH ENGINEER: J. A. Coukart & Associates –

Curb/Steel Plate Installation on Eighth Street Project – Identification of Other Contractors – No report.

C/P Handlan asked about a big chunk of curb that has fallen off at Broad and Pine Streets. She stated something needs to be done about this, preferably just having the piece removed, before someone gets hurt or something gets damaged. Mgr. Bickhart stated he will mention this to Gary tomorrow.

BOROUGH TREASURER: Sharon Badman

Review Treasurer's Report for December - Pres. Mengel asked if there were any questions on the Treasurer's report. Hearing none, she stated that it is on file for audit.

BOROUGH MANAGER / SECRETARY / ZONING OFFICER: John Bickhart

Non-Police Matter Suggestions Update – Mgr. Bickhart reported that he received a letter from Ruth Lundberg and David and Joy Hoke, who would like the Borough to reconsider its skateboard ordinance to allow skateboarding in areas where it currently is not allowed. Currently the Ordinance only allows skateboarding on Industrial Park Road. C/P Hetherington stated that about a year ago this woman was going to try to start something on her own as far as a park. Mgr. Bickhart stated there were a number of people who had come in and were going to try to work together on something. Council had told these people that the Borough did not want the liability but was willing to work with them in any other respect.

Pres. Mengel asked about the 319 Orange Street property that is always such a mess. She stated something has to be done about this yard. Mayor Beaver stated that as far as he knows a letter was sent and the residents satisfied the letter but nothing more has been done. Mgr. Bickhart stated this was all prior to the adoption of the new Property Maintenance Code and this should be revisited under the new Code through CK COG, if necessary.

C/P Hetherington asked about the property on Market Street across from the nursing home. Pres. Mengel stated that there is also a property at the corner of Orange Street and 522 that needs to be addressed. It is supposedly a business.

C/P Handlan asked if the apartments on Orange Street that were converted from the moving company have more work to be done on them. Mgr. Bickhart stated the property owners are trying to get permission to add on. He stated there are stormwater management computations and floodplain computations, as well as applications for a permit from DEP, that need to be addressed. He stated it should be taken before the Planning Commission at the February meeting. C/P Hetherington stated that as a resident he is opposed to putting any more college students down there. C/P Handlan asked if the decorative streetlight was taken out. Mgr. Bickhart stated it was vandalized to the point that the property owners finally removed it. C/P Kinney stated the two men who own that property did a beautiful job with it, as well as the property on the alley, but he agrees with C/P Hetherington, who stated that they did not live up to their promises on crowd control. C/P Kinney stated it has been an improvement but he was wondering if the property is in the floodplain. Mgr. Bickhart replied that it is property that is subject to flooding and the 100-year floodplain has to be evaluated. C/P Kinney stated that they could not do more than 50 percent renovation to the property without raising it and he is concerned that more than that was done, as they did not pay a lot for the building. Mgr. Bickhart replied that the numbers that were supplied indicated that the property was not over the 50 percent in the renovations. C/P Christine questioned the fact that a vacant building could be turned into apartments and not have more than 50 percent of the value put into it. Mgr. Bickhart replied that there is a value attached to the structure and this value was used in the figures.

C/P Hetherington asked whether anyone had checked out the property on Front Street to see whether that one had gone over 50 percent. C/P Kinney stated that since the flood they have not done anything. Pres. Mengel stated that these people need to be contacted. She thought the CK COG was going to come in and do an appraisal on this property.

Status Report on Mary Searer property, 700 Orange Street concerning Violation Notice and Declaration of Property Unfit for Human Habitation – Mgr. Bickhart stated he does not have a report back from CK COG on this property yet. C/P Hetherington asked if the COG is doing the job they have been hired to do. If the property is unfit for human habitation, why are two people still living in it. Solicitor Cravitz stated the COG has to proceed very cautiously because there is the possibility of the residents suing the Borough for taking their property and the Borough will end up having to buy the property. Mgr. Bickhart stated that Tom Sauers indicated that this issue got lost in the COG office for about a

month during the flooding. In November Tom assured Mgr. Bickhart that this would get put back on their agenda and he stated that, because of the liability issue, he is proceeding cautiously to find a place for these people to be relocated to before he goes ahead and declares it unfit for human habitation. C/P Hetherington asked what the Borough is doing in the meantime to enforce ordinances at the property. He asked if they are getting fined for not doing what they have been told to do. Solicitor Cravitz stated they can be taken to the magistrate but he does not know if they will get any money out of them. C/P Hetherington stated if Council is going to enforce Ordinances they should do it right and take people to the magistrate if needed. Mgr. Bickhart stated that the two "boys", who are approximately 55 and 52 years of age, have been keeping the electric bills paid. Pres. Mengel asked Mgr. Bickhart to ask Tom for an update.

Update of PROPERTY TRANSFERS and BUILDING PERMITS ISSUED: Janet Powers, Deputy Zoning and Permit Officer – No Report

Consider revising Pennsylvania Municipal Retirement System Plans for Uniformed and Non-uniformed to permit the exclusion of permanent part-time employees from the Borough's retirement plans – Mgr. Bickhart reported that at one point in time the Borough was able to do exclude permanent part-time employees from the retirement plans. Then there was a period when the Borough was not permitted to do it and they had to put any permanent part-time employees on the retirement plans. In that time period the Borough did not have any part-time employees so no problem ever presented itself. This new initiative comes from an act of the General Assembly that was recently adopted which allows the Borough to amend its plan and exclude permanent part-time employees from the retirement plans, which is what the Borough's policy has always been. In order to do so, both the uniformed and the non-uniformed plans must be amended. Solicitor Cravitz stated that he has reviewed this. The normal part-time figure with most retirement plans is 1,000 hours. If a part-timer did not have, or anticipate having, 1,000 hours per year the Borough did not have to put money in a plan even if they went over. So if the Borough hired somebody in an emergency situation to cover perhaps for someone who was going into the hospital and that person worked over 1,000 hours the Borough was not forced to put that person into the pension. If the person were hired seasonally and continually worked over 1,000 hours but was a part-time employee, the person would have to be put on the plan. This revision is being done to state that municipalities can exclude part-time employees no matter how many hours they work. It is basically an end run around the 1,000-hour rule. C/P Kinney asked if this amendment would be an Ordinance change. Solicitor Cravitz stated it probably would be for the Borough's plan.

Motion by C/P Kinney to revise the Ordinance to reflect the exclusion of permanent part-time employees from the Borough's retirement plans for both uniformed and non-uniformed employees. Seconded by C/P Inch. Pres. Mengel called for a vote on the motion.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

SELINGROVE MUNICIPAL AUTHORITY – No Report

EASTERN SNYDER COUNTY REGIONAL AUTHORITY – Pres. Mengel read a letter from ESCRA as follows: "Ladies and Gentlemen, The Eastern Snyder County Regional Authority Board has been informed that you have requested the manager to appear at a Borough Council meeting in early 2005 to discuss or answer questions relative to Regional Authority expenses and budgets. In order to support the manager in his endeavor we would like to have at least one Board member attend the meeting along with the manager and answer any questions or concerns with a member of the Board also in attendance. In order to have your meeting proceed as quickly as possible and for ESCRA to answer and address all concerns, please provide us with a list of questions or areas that will be discussed so that we may prepare in advance to address in detail your areas of interest. John L. Whitner, Chairman of the Authority." C/P Kinney stated this is insulting that Council has to submit the questions ahead of time. It makes him feel as though if a question were to pop up during a meeting that he would not be allowed to ask it. He stated the Borough is a 39 percent owner of the plant and Council should not have to give them questions in advance. C/P Handlan stated that the other side of that is that ESCRA wants to be sure that they have the answers to Council's questions rather than prolong the issue. C/P Inch suggested

having some written questions in addition to questions that come up at the meeting. C/P Kinney stated that John Abromitis is very knowledgeable about what is going on and should be able to answer any questions. Mgr. Bickhart suggested inviting John and the Borough's two board members to the February meeting and he will give them some idea of the issues that Council has questions about. He stated a lot of it has to do with ESCRA's operation expenses. It does not have anything to do with their financing or their debt service or the merits of the expansion. C/P Kinney stated there are eight members representing ESCRA, just as there are seven members of the Borough Council. He stated one has to assume that they know what they are doing and he asked if it is Council's business to interfere with what they are doing. He asked if Council would like ESCRA to come over and interfere in the Borough's business. C/P Hetherington stated Council is not interfering; they just want to ask some questions. C/P Kinney asked why Council is second guessing ESCRA. If Council has questions they should attend an ESCRA meeting and address them at that time. He stated he has the utmost faith in ESCRA. For the 20-some years they have been in operation he feels they have done a tremendous job and he understands costs are going up. ESCRA is under mandates from the federal government. Maybe salary raises of 4 or 10 percent should be questioned, but ESCRA is rewarding their people for the job they have to do and C/P Kinney stated that is what Council should be doing for the Borough. ESCRA does not have to go through taxes like the Borough does. He stated one of the Borough's representatives is talking about getting off of that Board so if Council hits them too hard it could cause problems. Pres. Mengel stated she does not think Council will be hitting them hard. C/P Hetherington stated Council wants to know if they are paying their fair share and C/P Kinney stated this cannot be known until there is a sewer metering pit. Pres. Mengel asked how ESCRA determines what the Borough's share is. She understands that the other three municipalities are deducted and the Borough pays what is left over, but how are the other three municipalities' shares determined. Solicitor Cravitz and C/P Kinney stated the other three municipalities are metered. C/P Kinney stated the Borough is paying I and I and other things. When the metering pits are in it may be determined that the Borough is not paying its fair share. He stated he suspects the Borough is paying more than its fair share because of all the growth that is going on around the Borough, but it is possible the Borough is paying less than it should. He stated Council has to be careful of the type of questions they ask so that the Borough does not lose its own ESCRA members. He stated that whenever he has had questions over the years he has gone to the ESCRA meetings and he has always been satisfied, even if not happy, with the answers that he was given to his questions. He stated the federal government is clamping down and ESCRA is doing a very good job for the Borough and the other three municipalities it serves. He stated that Dave Foust is ready to leave ESCRA because he is not happy with some things. However, the Borough representatives are doing their jobs, making ESCRA stand up and take notice. Pres. Mengel suggested asking John and somebody else other than the Borough's representatives to attend the February meeting, rather than putting the Borough's representatives on the spot. C/P Kinney agreed that this would be a good idea, but technically the Borough's representatives should be coming to Council to give a report and let them know what is going on. It was decided that if anyone has specific questions they should be submitted to Mgr. Bickhart by January 24 and he will then forward them on to ESCRA. He will also invite John and anyone who cares to come to the February meeting.

Properties on Bough Street – Solicitor Cravitz stated he wrote Mr. Lutze a letter putting him on notice that if he does not take care of this the Borough will take care of it. He has two or three days left to comply. Pres. Mengel stated someone made the comment that the slab was already in place before the Cease and Desist was issued. She asked if this makes a difference. Solicitor Cravitz stated the property owner cannot proceed and people have 30 days to appeal the permit. If the property owner proceeds he does so at his own risk.

RECESSION:

With no additional business, the meeting recessed at 9:03 P.M. to a meeting on January 10, 2005 at 7:00 P.M. with Omega Bank officials to discuss the Banking Services Proposal submitted and to walk through the building that has been donated to the Borough.