

## SELINGROVE BOROUGH COUNCIL MEETING

MONDAY, MARCH 7, 2005 - 7:00 P.M.

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

**COUNCIL MEMBERS ABSENT:** C/P C. Handlan

**OTHERS PRESENT:** Solicitor R. Cravitz; Mgr. J. Bickhart; Mayor G. Beaver; Police Chief T. Garlock; Recording Secretary D. Long; Daily Item Reporter Marcia Moore; WKOK Reporter Tim Millard; Borough Employee Robert Wendt; Borough Residents Kathy Bowers, Lynn Bressler, Kurt Carey, Pete Carroll, Doug Cirillo, Maelec Gelnett, Ken Mease, Chris Reiland, Mila Rie, Joseph and Margaret Siro, Andrew Steenburg, Shane Ulrich, Cindy Vennie, Pamela White; Lewisburg Residents Keith Willoughby and Mark Willoughby

**OTHERS ABSENT:** None

### CALL MEETING TO ORDER:

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

### VISITORS TO BE HEARD:

#### **Borough Police Chief, Thomas Garlock – Presentation of Police Report for January 2005**

**Consideration of proposed Police Department space requirements** – Chief Garlock gave a report to Council regarding the potential use of the Omega Bank building for a police department. He updated the 2000 train station report specifically to the Omega Bank building, showing the department's needs and how the building could be used to suit those needs. He has not included square footage in the report. While not what he would request if a new building were built, the property is better than what the department has now and is certainly workable, and the cost to transition to the building should not be exorbitant. The only structural change would involve placement of a security barrier in the main entrance. There are some rooms that will have to be multi-task rooms, with different functions.

**Communication from Bureau of Justice Administration, Office of Justice Programs** – Chief Garlock reported that a communication was received by John Bickhart indicating that there is funding available to the Borough under a different grant system than the Borough used to get. They used to get local law enforcement block grant monies, but these have been done away with due to restructuring so that small communities do not get these monies any more. There is a new grant for 2005 called a Justice Assistance Grant (JAG). This replaces for the small communities what the law enforcement block grants did. It is basically the same grant as before without all the paperwork. This will be a more streamlined system to get money to the local communities more quickly. The grant monies are to be shared with the County on a 50/50 basis. This money is non-budgeted but could definitely be used. Chief Garlock stated he has approached Mgr. Bickhart about using some soft grant money for computerization, as some of the department's computers are five to six years old and the server is six years old. This new money would fit in well with this project.

**Laser Detectors** – C/P Hetherington asked if the state has ever approved local municipalities using radar like the State has. Chief Garlock stated he does not know the status of this. It has gone through the House and may be in the Senate now. He does not think it has been signed yet, but he will check on it. C/P Hetherington asked about a laser detector and Chief Garlock stated it is the same thing as a radar detector, but it uses a laser beam instead of a radar beam. It is regulated the same way as radar in the State of Pennsylvania.

**JAG Grant** – Pres. Mengel asked about this \$10,000 grant. Mgr. Bickhart replied that he and Chief Garlock are working on this. A public hearing must be held before making the application. The hearing was advertised for 7:10 tonight and this is being done. Pres. Mengel asked for any comments from the public on the grant application. Hearing none, she instructed Mgr. Bickhart to proceed.

**Mayor's Office** – Mgr. Bickhart reported that he has a question on locating the Mayor's office inside the Borough Administration offices. The Mayor's office is currently in the basement and Chief Garlock has some good reasons as to why there needs to be some separation between the Mayor and the records of the police department. These can be discussed in another forum. There remains the issue of where to place the Mayor's office. Mgr. Bickhart suggested considering one of the front offices in the Omega Bank building which could be accessed off the main lobby area in the front of the building by way of adding an additional door. Either the office on the right or the office on the left could be accessed in this way and disconnected from the rest of the police department through construction of a wall. This is an issue that needs more discussion. Pres. Mengel asked Chief Garlock if she understands from his report that he prefers the Mayor remain in the administrative offices. Chief Garlock replied that he has a limited amount of space in the building and if a room is taken away for use as the Mayor's office he will have less function in the building and will have to double purpose another room somewhere else in the building. He is already giving up tasks to specific rooms because of the way the building is set up now. This is a cost-effective issue in that there is space within the Borough building. There is an office downstairs that used to be the United Way office, which has a restroom in it. The police department is obligated under state law to maintain the confidentiality of criminal history records. There are suspects, victims, juvenile victims, and narcotics agents entering and exiting the police department and it is a better and more efficient way of conducting business to have the Mayor's office separated from the confines of the police department.

**DH&L Fire Company, Ken Stettler** – Ken reported on the fire report for February, which included 8 alarms: 1 False Alarm, 1 Medical Assist, 2 Vehicle Accidents Without Extrication, 1 Over-Pressure Rupture and 3 Structure Fires. There was no loss within DH&L's jurisdiction. The breakdown of responses includes 1 in the Borough of Freeburg, 1 in Monroe Township, 2 in Penn Township, 3 in the Borough of Selinsgrove and 1 in Washington Township. A total of 201 man-hours were spent on the various activities.

**Ken Mease – Concerns about EMS Tax** – Mr. Mease passed out some information, stating that he is an employer in the Borough of Selinsgrove and he is upset by the EMS tax. He got a copy of the Ordinance and a copy of Act 197, which is the law that allows the EMS tax. The more he read these documents, the more concerned he became about Selinsgrove and other municipalities that are getting into the EMS tax. The document he passed out includes some examples of situations and solutions relative to his concerns.

The first of these concerns involves a non-resident employer and a non-resident employee. For example, Wood-Mode Commercial Products on North Market Street is a non-resident employer and they have non-resident employees working there. Under Article 126.20 the Borough assumes that it has the authority to impose employment conditions on both the employer and the employees, both non-residents, to which neither party has agreed. The Borough also assumes the authority to categorize a salaried non-resident employee as a self-employed person in the event the tax is not paid and further states the Borough shall have the option of proceeding against either the employer or the employee for the collection of the taxes hereinafter provided. Another example is Weis Markets, a non-resident employer with non-resident employees. Weis Markets presently cooperates with the \$10 from each employee, which they submit to the Borough. In the event that they would refuse to pay the \$52 EMS tax, Mr. Mease asked how the Borough can impose the punitive demands against this non-resident employer as outlined in the Ordinance. He stated that this could be very difficult and very expensive for Weis Markets, as they have a lot of part-time employees. Under Article 126.16, if the employer fails to file the required return and pay the tax the employer shall be responsible for the payment of the tax in full and as though the tax had originally be levied against him. This brings up three questions: 1) Does one municipality have the legal right to tax the resident of another municipality, whether employer or employee, and pursue the collection of a tax which by its very nature creates a condition of employment and to which neither the employer nor the employee, both non-residents, have agreed? 2) Does the Borough have the legal right to enter upon

the premises of non-resident employers to examine payroll records in order to determine whether or not that employer has complied with the Borough ordinance? 3) Is the Borough willing and prepared to pay the legal fees in pursuit of \$52, or probably less, in revenue, realizing that each such circumstance would require a separate lawsuit, possibly in many different municipalities, and do the cities of Sunbury, Shamokin, or a township have the legal right to enter upon the premises of an employer in Selinsgrove to examine their payroll to determine whether or not they have complied with their local ordinances?

The next concern involves employees hired at different times. For example, one employee begins employment on the 1<sup>st</sup> of January. Another employee begins work during the last week of December of the same year. Both employees will have the EMS tax of \$52 deducted, but the first employee will have worked 52 weeks and the second employee will have worked only one week. If the second employee does not earn enough to pay the total of \$52 for that year, who pays the difference? Is this unequal, unfair and discriminatory?

The next concern involves resignations, layoffs and unpaid vacations. For example, one employee resigns in January and another employee is laid off for an undetermined period of time in January, and yet another employee takes an unpaid vacation beginning in January. For all three employees, it is not possible to make any more deductions. If each of these three has had \$13 deducted from their paychecks, who is responsible for the balance of the \$117 which was not deducted? If they all find employment in another municipality, who then is responsible for payment?

The next concern involves occasional part-time employees, such as a student who is willing to work a few hours when a regular employee needs some time off. This student may work one shift every two or three months but is still subject to the EMS tax. Why would anyone want to work for the privilege of paying the Borough 50 to 90 percent or more of what he earns? If the full amount of \$52 is not deducted, who is responsible for the balance?

Mr. Mease stated his general observations are that the Ordinance is unclear, confusing, time-consuming, inconsistent, inequitable, discriminatory, and could prove to be very expensive for both employers and the Borough. He stated he has been led to understand that the EMS tax is a tax on employees and not employers. If that is the intention of the Ordinance, it falls short. Once again, employers are scapegoated by having the onus of collection as well as the commensurate costs imposed on them. It is a tax on employees but with the ultimate legal punitive actions leveled against employers. Mr. Mease asked if this is fair to Selinsgrove Borough businesses. Nowhere in House Bill 197 is the full amount of \$52 EMS tax required. It states no more than \$52 on each person for each calendar year may be collected. Therefore the full amount is not mandated and the collection of less than \$52 would be acceptable. On Page 7 of House Bill 197, Lines 22 through 25 have been deleted. Mr. Mease asked if those lines were struck by the State or by the Borough and it was answered that the State did that. Section 1, Article 8, Page 49 of the Constitution of the Commonwealth of Pennsylvania states, "All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws." Mr. Mease stated that this Ordinance fails to do that. He suggested changing Paragraph 126.15, Line 6 from \$52 a year to \$1 per week "and accompanied by the necessary employment records making quarterly returns ending the last day of March, June, September and December and payment therein to the receiver of taxes by the 10<sup>th</sup> day of April, July, October and January respectively." Section 126.17 can be eliminated and there are other paragraphs in the Ordinance that could be eliminated or changed. Mr. Mease proposed the following advantages of a \$1 per week tax as opposed to a \$52 per year tax. The Borough would have a constant level flow of quarterly revenue with a minimum of paperwork. No employer or any employee would complain at \$1 per week, as it eliminates the built-in discrimination against those who do not work for a full 52 weeks. It does not punish an employer by being forced to pay shortfalls when an employee leaves before the \$52 has been deducted. It will eliminate the need for the Borough to spend \$100-plus per hour in legal fees in pursuit of an alleged nonpayment of \$52, and probably less, just within the Borough. Forcing the employer to make up the difference amounts to a business tax, which this Ordinance was not intended to accomplish. It may possibly eliminate the costs for the Borough to obtain a court order to review the payroll of non-resident employers or paper chase a non-resident employee just to recover \$52 or less. In most cases it would probably not be cost effective to pursue at all and the money would never

be recoverable. If an employee changes employers it would be just a matter of the new employer following the requirements of the Ordinance by continuing to deduct at the rate of \$1 per week providing the Borough provides the necessary reporting forms. In the long run it would almost completely eliminate the burden of unnecessary paperwork for employers and the Borough. It would be much less expensive for most employers in the Borough and would probably bring in more revenue to the Borough than forcing everyone who ever may be employed within the Borough to pay \$52 for the privilege of working here. It would also allow the total elimination of the income limit, which requires the Borough to refund the entire \$52 for those who earn less than the \$5,000 limit, a number that is indeterminable but could be substantial. On Page 2 of House Bill 197, beginning on Line 27 and continuing to Page 3, Line 2, it states that the payment of the Occupational Privilege Tax and the Emergency Municipal Services Tax may be exempted for those earning less than \$12,000, not \$5,000. This could result in a significant difference in the number of refunds and the amount of revenue generated. This would simply be a \$1 per week EMS tax for any week an employee worked, based on the legal maximum of \$52 per year for those who are employed within the Borough. There is nothing in House Bill 197 to prevent enacting the recommended changes that would make the EMS tax fair, equitable, easier to enforce, provide more revenue to the Borough of Selinsgrove, ease the burden on employers, and be in compliance with the Uniformity of Taxation section of the Constitution of Pennsylvania.

Mr. Mease stated that Danville's income limit is \$600. He feels that this indicates that this tax is aimed at the lowest income people who are working anywhere. The law specifically states the limit is \$12,000. If everyone who earns less than \$12,000, which would be most of the clerks and part-time workers at Weis', comes in at the end of the year to have their \$52 returned, that will be a lot of people. The paper reported that a boy in Sunbury earned \$1.52 after the \$52 was withheld from his paycheck. Mr. Mease has a grandson who will work for him on a Thursday night when one of the regular employees cannot work. He has been in twice so far this year and Mr. Mease could not deduct the \$52 from him or his paycheck would have only been \$6 or \$8. As soon as Mr. Mease reported this on the payroll he had to pay the other \$39 himself. If the grandson does not work again this year, Mr. Mease is out \$39, which is not a lot of money but the point is that this law is unfair and he feels that it is unconstitutional because it does not fulfill exactly what the Constitution specifically states. He asked if there were any questions from Council.

Solicitor Cravitz replied that the new law changed the tax from \$10 to no more than \$52 with the same payment mechanism that was in place for the original Occupation Privilege Tax. All the things brought up by Mr. Mease could have been said, and have been said, with regard to the \$10 deduction. All the Borough did was increase the tax by \$42, and it is understood that for someone working minimum wage it has an impact, but the Borough also raised the minimum income limit from \$2,500 up to \$5,000. The law says no more than \$12,000 so the Borough can choose any number from \$0 to \$12,000. Solicitor Cravitz also stated the Borough is not being discriminatory against anyone because anyone who holds employment within Selinsgrove, even a self-employed person, is subject to the tax. There is no multiple taxation between municipalities because if an employee works in more than one municipality he gets credit and only has to pay in one place. There is no double jeopardy no one is being treated unfairly. Everyone from the President of Susquehanna to Solicitor Cravitz himself, as well as his employees and the Borough employees and a self-employed person, all get treated the same and all pay the \$52. There is no discrimination. Mr. Mease, using Middleburg Yarn as an example, asked how the Borough will enforce this tax when Middleburg Yarn's checks are issued in New Jersey. Solicitor Cravitz replied that the Borough had the same situation when people were not paying the \$10 tax and the Borough went after them. The Borough filed suit against one employer and got a judgment against them and proceeded against their property and garnished their assets within the Commonwealth of Pennsylvania. Mr. Mease stated that this whole issue concerns him because he feels the rights of people and business are being ignored. In the last ten years in this area 4,000 to 5,000 jobs have been lost. He gets closing and bankruptcy notices almost weekly and more businesses will be lost in the area with Pennsylvania House closing and Yorktowne cutting back. He stated that the Constitution of Pennsylvania states that "all taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax." He asked how the Borough can levy a tax on a Sunbury business or a New Jersey business. Solicitor Cravitz replied that those companies are doing business in the Borough of Selinsgrove. If the company does not have a presence in the Borough they do not get taxed in the Borough. If the employee or employer refuses to pay the tax they will be subject to legal action just as someone who does not pay

their real estate tax is subject to having a lien placed on their property. Mr. Mease talked about the rising costs of gasoline and health care and asked where this will wind up until all is said and done. He stated in five to seven years there will be a lot of municipalities declaring bankruptcy. C/P Kinney stated that Council had a choice to raise property taxes by 3 or 4 mils or to charge employees the EMS tax. The choice was made to raise the EMS tax because it would collect money from people living outside the Borough more so than from Borough residents and this was an option to alleviate the tax burden for the property owners. With 50 percent of Selinsgrove tax exempt Council has to come up with money to balance the budget in other ways. Some Council members wanted to do both the real estate tax increase and the EMS tax but the majority of Council felt it was too much of a burden on the property owners. Sewer rates are going up through no fault of the Borough, as these fees are passed on from the Eastern Snyder county Regional Authority to the Borough, who in turn passes it on to the residents. Mr. Mease stated he was on Borough Council for 18 years and the problem was the same then, but things are going to have to change because people have less income and larger bills to pay. He again stated that he feels this EMS tax is an unconstitutional law. C/P Kinney replied that it came from the State Legislature. Pres. Mengel stated that Council is trying to be equitable to everyone. C/P Kinney stated that people say there is a shortage of money in the Valley, but \$1 million can be spent on an athletic field so there is money around. This money was private and not much was taken from taxes but it just shows where people's priorities are. Mr. Mease mentioned that the Scranton/Wilkes-Barre area has gotten money from Governor Rendell and Senator Santorum, and this is taxpayer money from our area that is going there. He stated the state and federal governments are also in bad shape. In closing, Mr. Mease offered copies of the Declaration of Independence and the United States Constitution to anyone who would like to have one, but he asked that anyone who takes one will read it. He also stated there is no separation of church and state anywhere in the Constitution.

**REVIEW AND APPROVAL OF COUNCIL MINUTES FROM RECESSED MEETING OF FEBRUARY 7, 2005:**

Pres. Mengel requested additions or corrections. C/P Reuning stated that on Page 9 there is a mention of Pete, with no last name. This should be changed to Pete Carroll. On Page 10, George Praul should be deleted as Chairman of the Civil Service Commission. Pres. Mengel stated this should be changed on the agenda as well. C/P Inch had a question on Page 8 regarding the street and alley program. There is a reference to doing from Snyder to Chestnut Street with a scratch and a thin overlay. He stated these are parallel streets so something must be missing from this description. Mgr. Bickhart stated he will research this and make the correction.

Motion by C/P Kinney to accept the minutes as revised. Seconded by C/P Inch. Pres. Mengel called for a vote on the motion.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

**UNFINISHED BUSINESS FROM PRIOR MEETINGS:**

**Review List of Council Issues** – Mgr. Bickhart reported that the only change is to add the repair of Weiser Run. He is still waiting to hear a proposal from the school district on how to correct this. Gary Klingler contacted the head of maintenance at the school district and is waiting to hear back from him.

**Adopt Ordinance No. 727 Pertaining to Changes in No Parking Regulations and Deletion of Bus Stop** – Solicitor Cravitz stated this has been gone over several times since October, with changes being made. He wanted to get enough included in the Ordinance to economically advertise it. The changes are as follows. In the previous Ordinance § 133-25, parking prohibited at all times is amended in part to delete the following so that these areas will no longer be no parking: High Street on the east side from a point 233 feet south to the intersection of High Street and Bridge Street to a point 75 feet south thereof; High Street east side from Sand Hill Road north to Stauffer Avenue; High Street on the west side from Bough Street to a point 40 feet north thereof; and Susquehanna Avenue on the west side from University Avenue south to Blough Learning Center parking lot. The following are amended to include no parking any time: Broad Street on the west side from Penn Street to a point 45 feet south thereof; High Street

north and south on the east side from Chestnut Street south to Sand Hill Road; Water Street south on the west from Pine Street to a point 37 feet south thereof. The following are added: Market Street north on the west from Spruce Street to a point 225 feet south thereof and Pine Street west on the south side from Market Street west 30 feet. The remainder of 133-25 will remain unchanged. Under § 133-39.1(c), bus stops are eliminated. There are three subsections, a, b and c, and c is being eliminated for the one bus stop.

Motion by C/P Hetherington to adopt Ordinance No. 727 as explained by Solicitor Cravitz. Seconded by C/P Reuning. Pres. Mengel called for a vote on the motion.

**AYES: SIX (6)                      NAYS: NONE                      MOTION CARRIED**

**Adopt Ordinance No. 732 Pertaining to Revisions to the Civil Service Commission Rules and Regulations** – Solicitor Cravitz reported that Council has gone over this on a number of occasions and this Ordinance clarifies the rules and regulations and brings into effect all the changes that were recommended based upon what Chief Garlock had told Council. This puts Chief Garlock in a position that he will be present during interviews but he will not be per se participating or voting. He will be there to do background checks. The lieutenants and captains positions were eliminated, bringing the police department down to the chief, a sergeant and the patrol officers. Mgr. Bickhart pointed out that this also deals with the part-time officers being excluded from the Civil Service requirement

Motion by C/P Kinney to adopt Ordinance No. 732 with changes as noted by Solicitor Cravitz. Seconded by C/P Hetherington. Pres. Mengel called for a vote on the motion.

**AYES: SIX (6)                      NAYS: NONE                      MOTION CARRIED**

**Market Street Enhancement Project / Streetscape Project Report from Committee** – C/P Kinney reported that the committee of Shane Ulrich, Shawn Sassaman, Jeff LeFevre and C/P Kinney had three meetings at Jeff LeFevre's office. The committee has decided to go with the same light that was specified as proprietary, but the poles have been changed. Poles that are similar in style have been selected from three different companies to allow for some competition in the bidding process. Sternberg is also eligible to bid on the pole, but they will not be proprietary in this bidding process. There will probably be a minimum 10 percent increase in the cost of the project due to rebidding it so the committee tried to cut some of the costs back by eliminating the post that comes out to hold the light; the committee is recommending that the light be put right on top of the pole. The committee has also eliminated the verdi green paint and recommends going with a standard dark green paint in order to cut back on the cost. The committee is recommending that Council give Coukart and Associates permission to go ahead and draw up the specs and advertise the bid as such. The committee tried getting prices on the poles from the companies, but they were very vague and did not want to give individual prices, so the committee tried to come up with poles that were comparable in style and with the changes that are being made they hope the bid will come in close to what it was the last time, but an increase is expected. Shane Ulrich passed around some photos of the light, the pole and a paint color chip that the committee is recommending. There is a deadline for this project of June 30. If Council approves the changes tonight the contract documents should be prepared by the engineer by March 30. On April 5 there will be an advertisement for bids and on April 26 there will be a bid opening. The bids will then go to PennDOT for their review and approval, as was done with the last bid. PennDOT will take approximately 30 days and will confirm the low bidder by May 26. On May 27 the Borough would award the contract to the low bidder. On May 27 a notice of award is issued to the contractor and on June 27 notice to proceed is issued upon receipt of bonds from the contractor and the contract time starts. This will allow the contractor to begin work on the contract on July 7. The project needs to be complete by February 11, 2006. C/P Kinney pointed out that the Selinsgrove Chamber of Commerce and SPI have jointly agreed to raise funds for this project but have not set a dollar figure at this time. This commitment should be enough for Council to move on. If Council does not move forward they will not be able to take advantage of the grant.

Motion by C/P Reuning to allow Coukart and Associates to change the specs and bid the project by the dates as noted above. Seconded by C/P Kinney. Pres. Mengel called for a vote on the motion.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

**COMMITTEE / COMMISSION / BOARD REPORTS:**

**FINANCE & BUDGET COMMITTEE: C/P Inch, Chairman**

**Payment and Ratification of Bills** – C/P Inch stated that the Finance Committee reviewed the bills and pulled out one bill for further clarification. The bill is on the Streetscape Project from Coukart and Associates in the amount of \$1,585. The Finance Committee is not sure what the breakdown is and whether some of the bill belongs to Council and some does not. This bill would not be paid for another 30 days. Mgr. Bickhart stated that the bill came at the end of February so deferring it to the next meeting would only be slightly more than 30 days from the invoice date. He spoke with Shawn Sassaman, who will look into it and provide some clarification on the bill.

Motion by C/P Inch to pay the bills with the exception of the \$1,585 bill from Coukart, which will be held out until next month. Seconded by C/P Hetherington. Pres. Mengel called for a vote on the motion.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

C/P Kinney stated that the Streetscape Project bills from Coukart have been quite large. There has been some discussion within the Selinsgrove Chamber of Commerce and some other people that Coukart has prepared a summary of all the expenses and all the things Coukart has had to do, which goes back four years. Council was originally told by PennDOT that they had to use the Borough engineer, which would be a “cost-saving move”. However, there should have been a contract for a maximum amount. There will be more bills that will have to be discussed on things such as inspections once the project is let. He suggested having Coukart come up with expected amounts and putting a cap on them. The Selinsgrove Chamber of Commerce has already gotten \$25,000 worth of bills and with the above-referenced \$1,585 invoice the Borough’s bills now total \$7,585. Pres. Mengel stated that some of the problem is that this project has been extended for four years. C/P Kinney agreed that that has run the cost up but it still has to be determined who will pay inspection fees and other fees that will be added on. He does not think that Council has budgeted anything in the budget for these types of things. C/P Inch stated that he thinks there was \$5,000 in Community Acquisitions to be used toward this, although the Borough is over that amount now. Pres. Mengel suggested Finance Committee get together with C/P Kinney’s committee to resolve this issue.

C/P Inch stated there will be a Finance Committee meeting Monday at lunchtime.

**Statewide Tax Recovery, Inc. - Exoneration Requests** – None this month.

**PUBLIC FACILITIES & SERVICES COMMITTEE: C/P Reuning, Chairman** – No Report

**BOROUGH ADMINISTRATION / PROPERTY AND EQUIPMENT: C/P Kinney, Chairman** –

Pres. Mengel stated she had a meeting this afternoon with Judy Spiegel, President of SPI. Judy was wondering if a meeting could be arranged between SPI, the Selinsgrove Chamber of Commerce and the library to see where everybody is regarding the properties in town, where the library stands on their building, and where Council stands with perhaps moving the police department into the Omega Bank building. C/P Kinney stated that Jeff LeFevre called a Library Board meeting about two weeks ago to set conditions. The library is saying that Council is holding them up from doing things, but C/P Kinney stated that is not the case. Pres. Mengel stated that everyone needs to get together to discuss these issues. C/P Kinney stated Council does not know what is going on with properties in town but they should be informed. He stated he hopes there are not more surprises in store. He appreciates that Omega Bank gave the building to the Borough but there was nothing budgeted for it. Fortunately, part of the EMS tax will be used toward that building. Pres. Mengel asked where the library is in their process and

C/P Kinney reported that he took the architectural drawings of the Borough building to Jeff LeFevre and gave him the heating and the lighting bills for the year. The library still needs to do a survey to see what the needs are in the community before the consultant will sit down and do anything. C/P Hetherington asked if the Commissioners are involved in this at all and C/P Kinney stated Ed Mihalik was there as a representative from the Snyder County Commissioners' office. Pres. Mengel stated she did not know if the library was holding up Council's decision on whether to move the police department into the Omega Bank building. C/P Kinney stated that if the library decides they can use the entire building then the library will have to provide a building for the Borough offices. He asked if perhaps the Omega Bank building would be suitable for the Borough offices with an addition put on for the Council chambers. He asked if a new Borough building should be built or if a new police department should be built. A lot of things need to be discussed and no one has made any decisions yet. Pres. Mengel stated this will not be done overnight either. C/P Hetherington stated Council has not taken any action on a use for the Omega Bank building yet. C/P Kinney said he told the Library Board this and they said they cannot make a decision until Council makes a decision. C/P Reuning stated this has been going on for five or six years and C/P Hetherington stated it is more like 20 years, as the library is in the same place it was back in 1984 when he first came to Council. Pres. Mengel said she will try to get a meeting together so everyone can sit down and talk about where they go from here.

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

**PERSONNEL MANAGEMENT COMMITTEE: C/P Christine, Chairman**

**Comments and recommendations on Employee Handbook** – C/P Christine stated Council members received the rough draft of the Employee Handbook in December. There was some discussion last month and he asked for any questions that Council might have for the committee. He stated he is hoping for a motion to approve the Handbook tonight so it can be presented to the employees. C/P Hetherington asked C/P Christine if C/P Handlan had contacted him with questions. C/P Christine said she has not. Pres. Mengel stated she also has a question on changes to the medical insurance section to allow the Borough to make a change regarding insurance. C/P Reuning stated he read through the handbook and gave his comments in writing to Mgr. Bickhart. He stated he does not believe that the Handbook is ready to be approved in its present condition. There are a lot of unclear areas. C/P Inch suggested a work session to go over the Employee Handbook. He stated the committee has done an excellent job but there should be a meeting for discussion before the Handbook is finalized. Pres. Mengel suggested Monday, March 14 at 7:00 p.m. for a work session and final review of the Employee Handbook. She said that C/P Christine had mentioned to the employees that he would meet with them in December, hoping that the Handbook would have been finished at that time. Even though it is not finished, she suggested that C/P Christine should contact the employees to let them know the status of this and possibly have a meeting with the employees to get their input on the Handbook. C/P Christine stated that the Handbook is based on Council's written statement as the employer. C/P Kinney stated that sometimes employees have interpretations that can be incorporated into the final product. Mgr. Bickhart suggested meeting with the employees before March 14. C/P Christine stated he would rather meet with the employees after March 14 so he can tell the employees what Council's thoughts are. C/P Kinney stated changes could be made to the Handbook after March 14, as that is just a work session.

**Consider additional Policy on Medical Insurance coverage for Covered Active Employees Age 65 or Over** – Mgr. Bickhart stated that since the committee started working on the Handbook, a situation has developed wherein the Borough will soon have an employee who will be 65 years of age, at which time the Borough's medical insurance policy will no longer pertain because the employee will be eligible for Part A Medicare. This will take effect at 65 years and 0 months. The employee can elect Part B Medicare, but then there is a gap between what Medicare covers and what the Borough's current insurance would cover. The insurance consultant has been asked to provide her recommendations as to what the Borough can do as an employer. Council has been supplied with copies of what the consultant is recommending. Blue Shield offers a plan called Signature 65, which is one of a number of Medigap insurance plans that are defined by the federal government. This can be looked into when the committee meets, but Council should investigate what the Borough is willing to do for an employee who turns 65 and wishes to stay employed with the Borough. This is a new circumstance for the Borough, although there

was one situation where the spouse of an employee had turned 65 and the Borough reimbursed that spouse to some degree for medical insurance costs. C/P Reuning asked if Medicare Part A and B is being discussed or just Part A. Mgr. Bickhart stated when the employee turns 65 he gets Part A automatically. Part B is optional for a premium, which this year is \$78.20 a month. C/P Reuning stated this amount comes out of the Social Security payment. Mgr. Bickhart stated the Medigap is an additional insurance policy on top of Parts A and B to bridge the gap. C/P Reuning stated Medicare Part A is 80/20; Medicare pays 80 percent of the government's allowance for a particular thing and the employee pays 20 percent. The Medigap covers the 20 percent. C/P Kinney stated when he got his packet from Highmark there were three or four different programs and there are costs involved with those programs. He stated Council should have that information if they are going to pick up the cost, as Council may wish to go with the minimum option. C/P Reuning stated Plan J is the most expensive. Mayor Beaver stated it is his understanding that Mgr. Bickhart wants to keep the coverage and cost equivalent to the other employees. C/P Inch and C/P Reuning stated this would not be possible. Pres. Mengel suggested discussing this at the work session on March 14. C/P Kinney asked Mgr. Bickhart to get costs. Mgr. Bickhart stated that the Borough as an employer would only be able to choose Signature 65, which is Plan J, at a cost of \$300.00 a month with the higher deductibles. C/P Reuning stated this plan includes the prescription drug benefit and the other plans do not. One thing to remember is that there is also Medicare D coming out this summer, which is the government's prescription program to take effect on January 1, 2006. Employee Bob Wendt stated that the cost of this will be \$35.00 per month for prescriptions up to \$2,500.00. C/P Reuning reported that there is then a "doughnut hole" from \$2,500.00 to \$3,600.00 where nothing is paid. For amounts over \$3,600.00 just about everything is paid. Bob Wendt stated he has a \$500.00 deductible until July 1 and then as of July 1 he picks up another \$500.00, which means his family will be paying \$1,000.00 deductible this year instead of the \$500.00 deductible paid by the other Borough employees. Mgr. Bickhart stated the Borough's insurance requires a deductible of \$250.00 per person or \$500.00 per family. That policy renewed on the calendar year, which is when the deductible started. The policy date was October so from October to December there was a fractional deductible that had to be satisfied. On January 1 it started all over again. When the Signature 65 plan is put into place for the employee, the \$250.00 deductible starts again because there is no provision for a pro-rated deductible. This has been confirmed with the insurance agent and it is an issue that should be discussed. Mr. Wendt asked if he could attend the work session on March 14 when this is discussed and he was told that he could attend.

**PUBLIC SAFETY COMMITTEE: C/P Hetherington, Chairman – No Report**

**AD HOC COMMITTEE ON LANDLORD ORDINANCE: Pres. Mengel, C/Ps Handlan and Kinney**

**Recommendations on Ordinance – No Report**

**PLANNING COMMISSION –**

**Consider Conditional Use request of Chris Reiland and Cindy Vennie, SASD Director of Special Education, as co-applicant, pertaining to change in use of 720 North Market Street to a Transitional Apartment Classroom for Secondary School Students –** Chris Reiland stated that he has a duplex property on North Market Street that the Selinsgrove School District is interested in renting one side for a transitional program for students. He stated this will be good for the neighborhood. He will supply parking in the rear and the school district will be a low volume tenant. Cindy Vennie reported that the goal of the program is to create a community-based classroom where transitional skills are taught, learned and practiced. The instructional environment will shift from the traditional classroom to a real-life setting for teaching independent living skills. Most people learn skills through reading or simulation in a classroom or pretending. Certain groups of students learn differently and need to learn these things in the actual setting as opposed to a simulated setting. In the State of Pennsylvania and in the nation there is an emphasis on transitioning students from school to life and the goal is to have them become productive citizens and/or the least dependent on their caregivers that they can be. The schools can do this by providing them with the skills to take care of the places where they may live and ultimately work. The apartment would be used during the hours of a traditional school day, 8:00 a.m. until around 4:00 p.m. A long-term goal when working with older students would involve some sleeping over but that

is far down the road. There is an apartment in Sunbury that is up and running in its third year and the sleeping over is not on their plans yet. The goals are to help the students to become productive citizens and live with some level of supervision. The more skills the students have the less support they will need and the less responsibility the taxpayers will have for these students. The plan for the home is to have the students do all that needs to be done in taking care of a home: cleaning, laundry, taking care of the outside, plants and gardens, all the things that most people take for granted. In terms of supervision, there will always be adults there. The kids will not be driving there so there will be no parking issues. Either a bus will drop them off or they will walk down from the school or there will be vans to transport them. A teacher who will be responsible for schoolwork, to help procure jobs in the community and help provide and identify those employers who are willing to work with students that may have special needs, will be working some hours in the afternoon. This is a win-win situation for everyone, from neighbors to students. There is an operation similar to this in Sunbury and also in Lewisburg. Both of them are right in the middle of the community, which is a goal – to locate the apartment in the hub of the community where the students can access stores, transportation and activities. Ms. Vennie stated this has been a goal of hers for a long while. She has worked with people across the state who have had challenges with municipalities and going through the Ordinance procedures, but all of them have been successful. She can give names and locations and contacts if anyone is interested in checking them out. She is also looking for people to become members of the steering committee and the parent committee, so she will look to the neighbors for that and for their input. C/P Reuning asked if this is a one-on-one situation or if it is a group such as a class. Ms. Vennie replied it would be a class with no more than eight students at the apartment at a time. There are three teachers already on staff, as well as six or seven paraprofessionals who are already working in the traditional school setting. C/P Reuning asked if these are disadvantaged or special needs students, and what age group. Ms. Vennie replied that they are special needs, in varying degrees, and the student's ability would determine the role he or she would play in the apartment. There are students who need help with the skills of budgeting and the operations of rent, which are higher-level skills. There are students who are less capable that would be involved in some of the more routinized skills. The age group would be high school students to start. C/P Inch asked how many people maximum would be at the apartment at one time. Ms. Vennie replied it would be fewer than 15 for sure, but it depends on the combination of students and adults, as needier students need more adult supervision. More capable students require less supervision. C/P Kinney asked if this is a CSIU-sponsored program. Ms. Vennie replied it is not; it is sponsored by the Selinsgrove School District, which will be the responsible organization. The operation in Sunbury is a CSIU program and the one in Lewisburg is a Lewisburg School District program. Pres. Mengel asked what the anticipated start date would be and Ms. Vennie replied she was hoping to start with the next school year. Once all the approvals are in place, starting with Borough Council and then moving to the next level, she will be putting out invitations to people to provide donations such as furnishings. The other sites have been fortunate to have Wood Mode and Pennsylvania House and Wal-Mart make donations to them, along with receiving contributions of time and resources. A couple years ago Ms. Vennie met with the presidents of the universities with a plan to develop relationships with Susquehanna and Bloomsburg Universities, where there are psych departments and education departments, and those college students in training would be invited to take part in the local training situation. C/P Inch asked if Chris Reiland will be the owner of the building. Mr. Reiland replied that there will be a tenant lease arrangement with the school renting one side of the property. Mgr. Bickhart stated that because of the nature of the request it was taken before the Planning Commission and Council has a memo from them with their recommendation. In the course of that discussion the issue of sleeping over came up. The conditional use that is being requested is educational, not residential. It was the feeling of the Planning Commission that any sleeping over would require a change in the conditional use, as the current request does not include extending this program to sleeping over. Pres. Mengel stated that three or four years down the road when they get to that point they will have to come back to Zoning with another conditional use request. Mgr. Bickhart agreed, stating that that is a completely different use and that clarification was made by the Planning Commission and it should be made by Council as well. Under the Zoning Ordinance this is a conditional use which is heard by Council, who can impose any reasonable conditions. Ms. Vennie stated that perhaps she misrepresented the sleeping over. It is not residential in nature. It would be a weekend or an evening, with supervision, for the students to learn new skills and activities necessary for an overnight stay. She asked what information Council would need at the time when the sleeping over might become an option. C/P Reuning stated he thought it would depend on the

level of the student. Ms. Vennie stated that the individual would be well supervised. C/P Kinney asked what the problem is. Mayor Beaver stated he thinks the Planning Commission does not want a live-in situation; they only want a school-type situation. C/P Kinney asked if the sleeping over is part of the training and part of the schooling, why is it going to be different than it is now. Mgr. Bickhart stated there has been no offer of any definition of the sleeping over such as what it is, who it is, or when it is. He stated Council can ignore the Planning Commission's recommendation and grant permission for the sleeping over. Solicitor Cravitz stated the exception for conditional use, in the definition of a public school, does not include sleeping over in the school. Public schools are allowed in an RC district but boarding schools are not. This is a distinction made without a difference, but a boarding school is not defined as a public school.

Pres. Mengel asked for comments from the neighbors and the public. Margaret Siro asked where the teenagers are coming from; are they coming from the public school system? Ms. Vennie replied that they are; they are in the schools now. Mrs. Siro stated that she belongs to the Asperger's/Autism group and asked if that is the type of transition that is being taught. Ms. Vennie replied that that is exactly right; there are some students with Asperger's that would be part of the group. Mrs. Siro asked if this project is under a program that is already sponsored by the public school system. Ms. Vennie replied that she is the director of special education for the school district, but there are children with autism and Asperger's involved. C/P Kinney asked if Ms. Vennie would answer to the school district and she replied that she definitely would. A male neighbor asked if Ms. Vennie is aware that catty-corner from the property is a barroom which gets pretty rowdy. Ms. Vennie stated that the students will be there Monday through Friday from 8:00 a.m. to 4:00 p.m. The neighbor asked if there is anything that states they cannot be that close to a bar and Ms. Vennie replied that they are encouraged to be in the hub of the community. C/P Kinney stated the bar is not open during the hours that the students will be there. Chris Reiland stated he has been working and renovating the property over the last two months and until 4:00 he does not think the bar is open every day. A female neighbor asked if there would be limitations of some sort put up in the back, such as a fence. Ms. Vennie replied that the goal is for the students to be in a situation that is as normal as possible with the appropriate level of supervision. They are more worried about the front because of the traffic on Market Street. Chris Reiland stated he was to the one in Sunbury, which is located in a similar situation, but is in a multi-family four-unit apartment complex with two apartments downstairs and two upstairs. The project there has rented one downstairs unit with a tenant/landlord relationship and they did not have to have approval from the municipality. They are right there in a small apartment complex and it is working well for them. Pres. Mengel asked what will be done with the other portion of the building and Chris Reiland stated that it is a three-bedroom unit which will eventually be for a family. The school project will be on the 720 side of the building, which is upstairs and downstairs. Mrs. Siro asked if there is an age limit for the teenagers before they have to go into adult training. Ms. Vennie replied that the school district is obligated by law until students with disabilities are 21 years of age. There are students who graduate at the average age of 18 or 19 and there are students with more severe disabilities who can stay until the year of their 21<sup>st</sup> birthday. C/P Inch asked if parking requirements are met and C/P Reuning stated the students will be dropped off. Pres. Mengel stated that the two spaces listed for the apartment are for the side that will be a family apartment.

Motion by C/P Kinney to adopt the conditional use as recommended by the Planning Commission. Seconded by C/P Christine. Pres. Mengel called for a vote on the motion.

**AYES: SIX (6)                      NAYS: NONE                      MOTION CARRIED**

**Appoint Ed Auman, resident of 317 East Bough Street and owner of Rine's Florist, to serve the remainder of the recently expired 4-year term of Dick Norman on the Selinsgrove Borough Planning Commission, term to expire January 2009**

Motion by C/P Kinney to appoint Ed Auman to the Planning Commission. Seconded by C/P Reuning. Pres. Mengel called for a vote on the motion.

**AYES: SIX (6)                      NAYS: NONE                      MOTION CARRIED**

**ZONING HEARING BOARD – No Report**

**CIVIL SERVICE COMMISSION: Wilhelm Reuning, Acting Chairman – No Report**

**PARKS AND RECREATION BOARD: Richard Norman, Chairman**

**Report on meeting with DCNR on a “Regional Comprehensive Recreation Plan”** – Mgr. Bickhart reported that Dick Norman and Pat Owens attended the DCNR meeting that was called by the County. Mgr. Bickhart contacted the woman from DCNR shortly thereafter and she indicated that she needed a follow-up meeting, which is scheduled for March 30, 2005 at 7:00 P.M. in the Monroe Township Building. The purpose of the meeting is to discuss the scope of any regional study that would be done as it would pertain to each of the participants, because the four municipalities that this eventually affects are all in significantly different positions with respect to existing recreational facilities and existing plans. All of these things need to be discussed and worked out. Following that meeting the intention is to have a consultant, probably the one actively engaged with Monroe Township, propose a cost to the municipalities and they would be looking for the Borough to commit to the cost and to participate in the study after that meeting. Pres. Mengel stated she does not think the Borough should participate in this study. Mgr. Bickhart stated that DCNR is suggesting that the easiest way to access future grant money is to participate in these kinds of things. It might be short-sighted to indicate that the Borough does not want to participate but the scope of the Borough’s participation should be only that part that would benefit the Borough or the regional recreational facilities, which may include participating in identification of where various types of recreational facilities might best be located in the future. For example, the Borough has the swimming pool and that pool services the region and there is no need for another swimming pool. As proposals to build other facilities come up there may also be service areas that are more regional than local. Thinking about a little neighborhood playground, this services a neighborhood. There is no regional connotation, but a swimming pool services the entire region and there is a full regional connotation. All the proposed recreational facilities fall in there somewhere and only to the degree that it would make sense for the Borough to participate in deciding where various future recreational facilities should be located would there be any benefit or need for the Borough to participate. Out of the four municipalities the Borough is the farthest ahead, has the most facilities, has already engaged in comprehensive plans for Anthony Selin Park, as an example, and has a Parks and Recreation Commission that has been in existence for years. This has all been explained to the woman from DCNR and she understands that the municipalities are not equal, with four distinctly different participants. The meeting on March 30 will discuss this. Council members who attend the meeting should represent the fact that the Borough is not unwilling to participate but only to the degree that it will be beneficial to the Borough of Selinsgrove. The regional study should not be divided into quarters with the Borough paying 25 percent of it because that would not be prudent for the Borough. Shamokin Dam has already expressed a similar position. The Borough needs to participate to receive future grant monies.

**Swimming Pool** – C/P Kinney asked if the Borough did not take over the responsibility or ownership of the swimming pool about a year or so ago and then the swimming pool committee did not take the Borough up on that. Mgr. Bickhart stated that Council discussed the fact that the Borough would be willing to do so at some point in time. The swimming pool committee’s planning has changed and that time just has not come yet. It was going to be in advance of the swimming pool committee applying for grant money and it was a necessity in the grant process. C/P Kinney stated that he does not like the idea that this is hanging on the books with Council saying they would do this. There should be a point in time when Council needs to call a halt to this and it must be looked at again when the swimming pool committee comes to Council with another proposal. He stated there should be a deadline after which the Council’s offer will be null and void. There is something on the books from 1967, when the Borough agreed to take over operation of the pool, that has never been rescinded. He suggested putting the swimming pool on the issues list. C/P Hetherington stated Council needs to find out exactly what the Borough’s status is and then decide if they want to continue with that status or change it in one way or another. C/P Kinney stated he just does not want the Borough to be committed to something that might deteriorate beyond the point of the Borough’s being able to do anything with it. He is willing to help the swimming pool committee out to enable them to get grants but he does not want to be stuck with a big bill. Mgr. Bickhart stated he will review the minutes to see what Council did say and present that at the

next meeting. Solicitor Cravitz stated the swimming pool turned the property over to the Borough, it would be in the Borough's name, and then the Borough would lease it back to the swimming pool with a long-term lease and the swimming pool committee would be responsible for everything.

**SHADE TREE COMMISSION: Mark Vergauwen, Chairman – No Report**

**BOROUGH ADMINISTRATIVE REPORTS:**

**MAYOR: Garry Beaver** – Mayor Beaver stated that everyone should be made aware that Pete Carroll, who is at the meeting, is running for Mayor in the election.

**BOROUGH SOLICITOR: Robert Cravitz**

**Report of Real Estate Assessment Appeal of Sunbury New Enterprises and Stroudsburg Red and Green (TDBA Middleburg Yarn)** – Solicitor Cravitz reported that the Assessment Appeals Board voted not to proceed this month because they did not have a full Board. One of their members, Mr. Bilger, was absent and out of town so they put this assessment appeal on hold until April.

**Revisions to Pennsylvania Municipal Retirement System plans, Uniformed and Non-Uniformed, to permit the exclusion of "Permanent Part-Time" employees from the Borough's Retirement Plans** – Solicitor Cravitz reported that he received a letter from the Pennsylvania Municipal Retirement System saying under Act 169 of 2004 part-time police officers are not applicable underneath the Act. With regard to the non-uniformed employees, Sheri got some information and Solicitor Cravitz will talk to her and Mgr. Bickhart about what will be done with that information as far as part-time employees. He has a sample ordinance to go over.

**BOROUGH ENGINEER: J. A. Coukart & Associates** – Mgr. Bickhart gave Council a copy of a memo he received late today on the status of the following projects.

**South Tributary Interceptor and Sanitary Sewage Metering Project** – This project is advertised with a pre-bid meeting scheduled for 11:00 a.m. March 22.

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

**University Avenue Sanitary Sewer Replacement Project** – There is a delay with the Traher residence because the survey crew was not able to get access to the building. Mgr. Bickhart received a letter from Garner Traher indicating that he may not like the choice but he is willing to go along with the rest of the residents. If adequate notice is given someone will be there to let the surveyors in. He is willing to work with the Borough on this and stated his appreciation for the help the Borough is giving him.

**2005 Street and Alley Project** – Sheri and Mgr. Bickhart will interface with John Coukart on this. There is a certain amount of money available and they will go down the list of projects until all the money is spent.

**BOROUGH TREASURER: Sharon Badman**

**Review Treasurer's Report for February 2005** - Pres. Mengel asked if there were any questions on the Treasurer's report. Hearing none, she stated that it is on file for audit. Mgr. Bickhart stated the audit process has begun.

**BOROUGH MANAGER / SECRETARY / ZONING OFFICER: Mgr. Bickhart**

**Non-Police Matter Suggestions Update** – Mgr. Bickhart reported there have been some complaints to Sheri regarding the water and sewer bills. Sheri handles these issues very well.

**Status Report on Mary Searer property, 700 Orange Street concerning Violation Notice and Declaration of Property Unfit for Human Habitation** – No update on this, as Tom Sauers has been on vacation. Mgr. Bickhart stated he believes the lack of progress on this is due to the winter and that when weather conditions become more appropriate something will be done. C/P Hetherington asked how long this will drag on. Solicitor Cravitz stated he had an opportunity to deal with Mr. Sauers on another matter and they spoke about the Searer property. Mr. Sauers stated that they have seven people online and they are spread thin. There are a few more people coming on and they will be doing a lot more enforcement this spring. C/P Hetherington asked if CK-COG will be able to do the services that the Borough contracted them for. Solicitor Cravitz stated there was a problem with a court case in Union County which took a great deal of time. That court case has now been settled as of last week. This case cost Lewisburg Borough \$3,600.00 to take the person and get the property condemned. It is now to the point where the property will be torn down. The reason it got resolved was that the present owners found a buyer who came in and pledged to revitalize the property and pay all the costs back to the Borough. This prevented the case from going to trial and it got settled. That whole process went very quickly from August until November, with the wrecking ball scheduled to come in in December to knock the place down. C/P Hetherington stated it is not Selinsgrove's fault that there was a court case in Lewisburg and he feels CK-COG has been dragging their feet on this and it has gone on long enough, both for the sake of the Borough and the people involved. C/P Reuning stated Council needs to be flexible, to which C/P Hetherington replied that Council is very flexible, as some of the issues go back to 2003. He asked how long these things need to be carried before something is done with them. If action is not going to be taken then the issues should be taken off the books. Pres. Mengel asked if the 2003 grant money has been spent yet, then remembered that the Borough has until July.

**Update of PROPERTY TRANSFERS and BUILDING PERMITS ISSUED, Janet Powers, Deputy Zoning and Permit Officer** – Council has copies of these.

**Update on Request for Banking Service Proposals** – This will be worked on at the Finance Committee meeting next Monday, March 14, at lunchtime. There are proposals from three or four banks to work through for a recommendation.

**“Complete Report to Council on the Financial and Administrative Activities of the Borough for FY 2004”, as per Selinsgrove Borough Code § 25-6.B(9)** – Mgr. Bickhart supplied Council with a copy of his annual report to be read at their leisure. This is an attempt to document where the Borough has been through the budget process and to look at 2004 to try to define the things that have been done during the year. There are some suggestions looking forward, with no surprises, summarizing a number of things that have been suggested to look at, such as the water rate structure, liability exposure and things of that nature.

**Reminder that the Statements of Financial Interest are to be completed and returned to the Borough Office before May 1, 2005** – Reminder to Council to turn these in. C/P Kinney asked if one of these has to be submitted with the petition and Pres. Mengel replied one goes with the petition and one goes to the Borough. C/P Inch stated the one that goes to the courthouse is a three-part form. They will keep a copy at the Bureau of Elections at the courthouse and give back a copy for the Borough and a copy for the Council member to keep.

**Termination of Contract with JAWS effective with completion of curb-side pickup in February; Borough to take over program beginning March 3, 2005** – Mgr. Bickhart gave Council a copy of the letter from JAWS and a copy of his letter to them documenting the termination of this contract. JAWS consented to continue through the end of February, so beginning in March the program is the Borough's. The Thursday drop-off recycling last Thursday went quite well using the new containers and it appears that the expectations that there will be some labor savings will be realized. The Borough crew is getting prepared to take on the curbside recycling, which will be a week earlier because of the Good Friday holiday this month. C/P Kinney asked how it will be separated and transferred from the trailer into the bins. Mgr. Bickhart stated the glass will be delivered in the trailer. The only thing to be handled twice is the aluminum, which the Borough keeps and salvages themselves. The bin that stores aluminum in the trailer will have to be offloaded in the bucket of the backhoe and deposited to the old trailer, which will be

used for long-term storage of aluminum. C/P Hetherington asked if the little roller could get into the dumpster to flatten some of the aluminum.

**Notification of receipt of reimbursement from FEMA/PEMA on the September 2004 Flood and consideration of contribution to DH&L Fire Police for uncompensated security services –**

Mgr. Bickhart wrote a memo to Council requesting consideration of a donation to the DH&L Fire Police from the money that was received from FEMA/PEMA. Mayor Beaver stated the fire police deserve a donation. C/P Kinney stated he thought the recommended sum was pretty large. Pres. Mengel stated that the amount C/P Kinney was referring to was the sum from which a donation could be given, but that that particular amount was not the amount being recommended. Council can choose what they would like to donate. Mgr. Bickhart stated the Borough received a certain amount of money from FEMA and PEMA. Some of that is money that the Borough spent with disposing of the trash that was picked up. Some of it is money that was spent for overtime wages for Borough employees. There is \$5,579.50 for the use of Borough equipment on a per-hour or per-day basis. Out of that amount, the only out-of-pocket cost that the Borough actually had was the gas and oil and operational costs for that piece of equipment. The part of that amount that might actually be associated with the debt service of having that piece of equipment is distributed every day of every year that it is owned. Therefore this portion of the grant money is not an out-of-pocket expense directly. If all the reimbursement money was out-of-pocket expenses then there would be nothing to pick from for a donation to the fire police. This would be a different situation because a donation would then have to come out of the general fund. However, all of the reimbursement money has not been spent out of pocket. There is no trail of expenditures from the Borough for the \$5,579.50. From this amount a donation could be drawn for the fire police. The \$2,888.10 is the amount that was submitted by the fire police as an invoice for the 214 man-hours of service. This was withdrawn from the Borough's application because they are a volunteer organization and are not eligible for reimbursement. If the Borough had hired a security company to do the work, FEMA and PEMA would have paid that amount, but it would have cost a lot more.

Motion by C/P Kinney to give the DH&L Fire Police \$2,888.10 for the 214 hours they provided to the Borough of Selingsgrove during the flood of September 2004. Seconded by C/P Reuning.

Mayor Beaver stated that other fire police, not just DH&L, participated and the money should probably be broken down to include those other fire police. Mgr. Bickhart stated that is up to DH&L and their Mutual Aid Association.

Pres. Mengel called for a vote on the motion.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

Pres. Mengel mentioned Chief Garlock's citation presented to John Wilson, as well as Hartley's letter this morning in the paper. C/P Kinney stated that a lot is taken for granted and people should be recognized for their efforts. Mgr. Bickhart stated that Pete Carroll was instrumental in organizing the procedure and made things run smoothly. There were many positive comments about two things, one being the security checkpoint and the other being the work of the Red Cross and their station. Of course, people also appreciated the dumpsters. Pres. Mengel asked if the Red Cross has been thanked for their work, which should have been done a long time ago. C/P Kinney suggested writing a letter to the Red Cross to thank them. Mgr. Bickhart stated that he thanked them personally on a number of occasions but he will send an official letter.

**Attending "PennDOT Mobility Plan, Regional Outreach 1, Area 5, Meeting" to be held on March 11 in Danville –** Mgr. Bickhart stated there is a PennDOT Mobility Plan meeting that may have something to do with future bus service and since the Borough had participation with Rohrer's bus service he would go to the meeting and see what it is all about. Anyone wishing to go along is welcome. The meeting will be from about 8:00 a.m. until 10:30 a.m.

**Selingsgrove Area School District requesting proposals for earned income tax collection services –** Mgr. Bickhart reported that the SASD has requested proposals for earned income tax collection services.

They feel that the current tax collector is not necessarily as modern or as computer-connected as they might want. They have put together a list of criteria and invited at least three different companies, including the existing municipal and school earned income tax office, to submit proposals. Since the Borough tags along with them if the SASD changes the Borough should also consider a change. Jeff Hummel will keep Mgr. Bickhart posted on the progress of this. Joe Siro asked if this has anything to do with Act 72 and Mgr. Bickhart replied no. Act 72 is a real estate tax rebate program. C/P Kinney stated the earned income tax is a tax on earnings of 1 or 2 percent. Pres. Mengel stated it is 2.1 percent. C/P Kinney stated the Borough gets .5 percent and the School District gets 1.6 percent.

**Consideration of adjustment to authorized rate for Selinsgrove Borough Real Estate Tax collection, in anticipation of the election of Tax Collector for a new 4-year term** – Mgr. Bickhart stated that the Tax Collector position is up for reelection this year and if Council wants to change the rate that is paid for the collection of these taxes now would be an appropriate time to consider it. C/P Kinney stated it is too late because it has to be done prior to circulation of petitions for the position so that people can run knowing what their income will be. Mgr. Bickhart stated that Sheri is concerned on Council's behalf because 3 percent will result in a substantial increase in revenues of the tax collector and she was not sure if Council was aware of what the dollar value was going to be when they went to 3 percent. Solicitor Cravitz stated there was a memo circulating throughout the County in December or early January to increase the rates even more and it died for lack of support from several key tax collectors, who felt they already get enough money.

**SELINGSGROVE MUNICIPAL AUTHORITY** – No Report

**EASTERN SNYDER COUNTY REGIONAL AUTHORITY** – No Report

#### **NEW BUSINESS:**

**COUNCIL MEMBERS** – Pres. Mengel stated that during her meeting this afternoon with Judy Spiegel, she learned that Judy is in the process of getting a committee together to complete a Downtown Revitalization Application for Main Street Manager for Selinsgrove and she would like Mgr. Bickhart to participate on that committee to the degree that he can answer the questions that are in the application. This is the beginning of the process. Many organizations will be soliciting money at some point for different projects, such as the library, the CVS building, the streetlights and other projects, and money will be needed for the projects and grants will be needed in order to do that. The Main Street Manager program is a way to help the Borough get grant monies. C/P Kinney stated he does not think the Borough will be eligible and he does not think it will work because it will be a conflict between Mgr. Bickhart and the Main Street Manager, who will come in with recommendations that do not coincide with Council's. It will be an uphill battle and it will cost the Borough money. The program is a match, not 100 percent. Pres. Mengel stated it is \$90,000 over five years. Susquehanna has committed \$9,000.00 per year and initially the Selinsgrove Chamber of Commerce had to provide most of the remaining money. C/P Kinney asked how the Chamber will raise all this money. C/P Hetherington stated the Main Street Manager program was tried twice before and it did not work. C/P Kinney stated the last time Selinsgrove shared a Main Street Manager with Mifflinburg and that did not work. The Borough did have the world's largest banana split and it still holds the record, but that was about the only thing the Main Street Manager accomplished. Pres. Mengel stated this may not necessarily be so much about putting the manager in place but about the ability to apply for grants for the downtown. C/P Kinney stated that the Borough has an organization called SEDA-COG who will let the Borough know if there are grants available and they will help the Borough get them. SEDA-COG gets money by getting grants for the Borough so it is in their interest to help the Borough get the grants. Another thing of concern to C/P Kinney is the fact that there are so many committees with 10 or 15 people on each committee and nothing is getting done. There is a committee to get suggestions on the CVS building but the owners have final say on what goes into that building, not the people who submitted the 60 suggestions, as reported by Pres. Mengel, unless the owners turn the building over to a non-profit organization. C/P Kinney stated it is time people start informing Council of what is going on in its own backyard. C/P Hetherington stated Council needs to make up its mind about what it is doing. As an example only, Council needs to say they are making the Omega Bank building into the new police department and will

keep the upstairs of the Borough building and Council chambers and business office for its own use. The library would need to let Council know within 30 days what their plans are for the lot next door or the Borough will put it on the market rather than let it sit there as a mud hole. Council needs to make up their minds what they want as the leaders of the community so other people can have ideas of what to do with their projects. The Borough will not pick up the tab for other people's projects. C/P Reuning stated Council needs to work with other groups. Pres. Mengel stated she is just looking for permission from Council to have Mgr. Bickhart work on this committee with Judy Spiegel. C/P Kinney stated a motion is not needed from Council to give Mgr. Bickhart permission to serve on the committee. Pres. Mengel can ask him to sit on that committee. Pres. Mengel stated she just wanted to let Council know what is going on. C/P Kinney stated there is just too much going on that Council is not aware of and there are so many committees running around in circles and nothing is getting done. Pres. Mengel stated there is not a quick fix for anything. She directed Mgr. Bickhart to help Judy Spiegel with the application process for the Main Street Manager program.

**RECESSION OF MEETING:**

With no additional business, at 9:27 P.M. the meeting recessed to a meeting on March 14, 2005 at 7:00 P.M.