

SELINGROVE BOROUGH COUNCIL MEETING

MONDAY, MAY 2, 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 Residents Kathy Bowers, Lynn Bressler, Pete Carroll, Donald Foreman, Franklin and Shirley Hackenberg, Michael Rice, Joseph and Margaret Siro, Jack Steffen, Pat Vascellaro, and Iris Wolf; County Commissioners Rick Bailey, Bud Bickhart and Steve Bilger; DH&L Planning Representative Dave Zartman of Zartman Construction; Gannett Fleming Representative Matt Sauers; Monroe Township Representatives Luke Glick and Tim Wolfe; Selinsgrove Chamber of Commerce Representative Shane Ulrich; Selinsgrove Inn Project Representatives Bob Bickhart, Melanie Garman-Shaffer, Scott Shaffer and John Wert

OTHERS ABSENT: None

CALL MEETING TO ORDER:

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

REVIEW AND APPROVAL OF COUNCIL MINUTES FROM MEETING OF APRIL 4, 2005, RECESSED MEETING OF APRIL 20, 2005 AND RECESSED MEETING OF APRIL 25, 2005:

Pres. Mengel requested additions or corrections. Hearing none, these minutes were approved as read.

VISITORS TO BE HEARD:

Borough Police Chief, Thomas Garlock – Presentation of Police Report for March 2005 – Chief Garlock stated the past weekend was very noisy and active, with the University's spring parties. C/P Handlan asked about a large explosion one night around 1:45 a.m. Chief Garlock replied that it was fireworks at the University and it was handled by campus security.

DH&L Fire Company – No Report

Lynn Bressler, 716 North Market Street – Large number of dogs on property at 713 North High Street – Lynn reported that she is concerned about the amount of animals being housed in Selinsgrove, specifically dogs. The property behind her has 15 dogs in the back yard. The police have been called numerous times over the years about this. She has been told the SPCA cannot do anything because the dogs have food and water, and they are now being sheltered in the cellar. A wooden enclosure has been built against the house. She stated the animals are not socialized and the woman who lives there has stated that they raise the dogs to sell at pow-wows. They are not being sold within the Borough of Selinsgrove so it is not considered a business. Lynn asked if the Borough could write an Ordinance to limit the number of animals that can be on a property. She stated there are people on Orange Street who have pit bulls. If something is not done, the problem will continue to get worse. She said the dogs get at each other during the day and bark and scream as though they're killing each other. She said they are pretty quiet at night, though. C/P Hetherington asked if there is a definition as to a kennel, and if something were to be enacted could it be grandfathered. Solicitor Cravitz replied that it could not be grandfathered. Lynn stated if the Ordinance was written for five dogs and the people are grandfathered in with 15 dogs, then they could not continue to breed the animals because if they breed them and do not sell them they stay on the property. Franklin and Shirley Hackenberg, also neighbors, stated that the dogs are being bred all together, brothers and sisters with each other. Lynn stated that the woman

property owner stated they have two breeding pairs that are a mix of husky and Malamute, which are large animals. Lynn stated they are not being fed well. The man takes a bag and dumps it over the edge, so the bigger, more aggressive dogs get to eat and the others don't. She stated one animal came over to her kennel when she had just put dog food and water out, and the animal went directly into her kennel and started eating. She went out and flipped the door down and called the police, but the owner came over and released the animal. She stated this is not fair to the animals and it is not fair to the neighbors, and she can see someone else doing this in Selinsgrove because there is no Ordinance in place to stop them. Pres. Mengel asked if the animals are let out to run loose and are not on leashes. C/P Kinney stated there is a fence around the property so the dogs are not running through the neighborhood. Lynn stated that there is a wooden facility and a horse fence around the porch. There is no access from the outside. The owner dumps food and water over the edge to them. C/P Hetherington asked if they are licensed. Lynn stated she thinks they must be because the police have been there many times. The SPCA has been called and the dog warden will not respond any more. She stated the licenses are not on the animals, although licenses are not required until they are six months old. Pres. Mengel asked Chief Garlock if he has seen licenses on the animals. Chief Garlock replied that he himself has not been to the house. Lynn stated the dogs do not have collars. Franklin Hackenberg stated there is a plywood fence, but if a dog is in heat it will take a run at the fence, hook its paws on the top and go right out over the fence, and sometimes another one comes with it. Lynn stated there is a motor home out back and last summer some of the dogs were locked in the motor home all the time. They are not taken out and walked. Franklin Hackenberg stated when it rained the yard was nothing but a mud hole for the dogs to run around and lie in. Now the motor home has been parked on that spot so it is not visible any more. Lynn stated that she is asking Borough Council to look into the possibility of having an Ordinance written up to try to control this for the good of the community. Michael Rice stated that the smell is quite bad from the yard. He lives behind the property and he is concerned with runoff from the dog feces when it rains. He stated he loves animals, but this is too much. He stated now with the fence up you cannot see the animals, but the enclosure is only about the size of the Council chamber table. He feels this is not enough space for this number of animals. Chief Garlock stated that he is familiar with the situation but he has not personally been to the property. Any abuse issues would fall under the jurisdiction of the SPCA. He stated the property owners have been charged with allowing the dogs to run at large. Franklin Hackenberg stated when the dogs were in a pen they would start breeding right there, and his young grandchildren were at his house one day and saw some of this activity. C/P Handlan asked if there is an Ordinance that limits the number of animals a resident can have. Pres. Mengel stated there is nothing to this effect. Mgr. Bickhart stated he has been advised that the Borough will not be able to limit the number of animals. Other things can be limited but not the numbers, per state law and constitutionality. There are other communities with this problem that have tried to limit the number of animals on premises. C/P Handlan stated there are programs on Animal Planet that show that limitations in the number of animals are allowed. Pres. Mengel stated this will be turned over to the Public Safety Committee for review and recommendation. Mgr. Bickhart stated that before the meeting Kathy Bowers mentioned that she has read that in certain circumstances a kennel license is required to keep a male and female animal for breeding purposes. This could be investigated. The effects will have to be dealt with rather than the number of animals. Pres. Mengel asked if the owners had a permit for the construction they did at the back of the house. Lynn stated a picket fence was put up. C/P Kinney asked if there was a roof on it, as this would require a building permit. Lynn stated she asked the owners if they had to have a permit for that and they said no. It is not over the 6-foot requirement for a permit. She suggested finding out if they had a permit for the deck they built last year. Pres. Mengel thanked Lynn and the others for coming. They will be kept informed as the Safety Committee reviews and comes up with recommendations for this situation.

Christine Streeter – Concerns about notification of street sweeping schedule – Ms. Streeter was not present at meeting.

Donald Foreman – Property next to his – Mr. Foreman reported that the mess has not yet been cleaned up, as there are at least 12 ten-wheeler dump truck loads of stone laying on the ramps on the property. The people sit on the ramps at night and blink their lights up and down to agitate him. He stated this whole process started January 14, 2003. At a 2004 meeting Council stated that the building would either have to be moved or torn down. Mr. Lutze tore up the permit and nothing was done.

Mr. Foreman contends that a new permit was written up, signed by George Kinney and Marlin Inch. C/P Kinney, C/P Inch and Pres. Mengel all stated that C/P Inch and C/P Kinney would not sign a permit because they have no authority to do so. Solicitor Cravitz stated that the Borough Manager signed the permit. Mr. Foreman stated the permit got voted down so another permit was written. A total of four permits were issued on the building after it was built. Pres. Mengel stated the building is down and Mr. Foreman agreed that the building is down but stated that it is not cleaned up. The footer is still there even though the concrete slab is gone and the building has been sold. The people moved in and were never told about it. Mr. Foreman told them after they had been parking there for three days. He went over and told them it is not for off-street parking. The woman property owner said they would do what they want because they bought the place. C/P Kinney stated that Mr. Foreman could not deny the people the right to park on their own property. A building cannot be built, and the building that was there was torn down, so they are in compliance. Mr. Foreman stated again that the property has to be cleaned up. C/P Kinney stated that if the people took out the cement they can put gravel down and have a driveway there or they can have a parking lot. There is nothing in the law that states they cannot have a parking lot. Mr. Foreman stated that the stuff that is in there is still from the building and it was supposed to be removed. C/P Kinney stated the property owners could remove it and put it back in. Mr. Foreman stated he does not care what they do but he wants it removed. He stated stakes should be put in so they cannot drive in it because he does not want them sitting there blinking their lights at his driveway and his house. C/P Kinney stated that is their right and no one can deny them that right. Mr. Foreman then asked who is in charge of the Borough Manager. C/P Kinney replied that the seven members of Council are in charge of the Borough Manager. Mr. Foreman stated all the flowers along his house were cut down and 4x8s were put in for posts and an orange construction fence was put up in front of his picture window. Mr. Foreman contends that on September 2 in the coffee shop Mgr. Bickhart told the men to go down and cut down the flowers and put up a fence. He stated that is personal property and it is not Mgr. Bickhart's business. C/P Kinney stated he is not aware of any of that. He asked if the posts are on Mr. Foreman's property or on Mr. Lutze's property. Mr. Foreman stated the posts are on his property. He stated the property line was moved and that is what was used to build by. At this point, Mr. Foreman left the meeting. C/P Hetherington stated this has to be straightened out and whatever codes the Borough has need to be enforced. Solicitor Cravitz replied that the court order required that the building be taken down and the slab removed. This has been done and the lot has been sold. The new owners can put any kind of parking area on the land. The Borough regulates building construction and a parking area is not technically a building. C/P Kinney stated he is concerned about the fence posts. Mayor Beaver asked if the property has been resurveyed. C/P Kinney stated he is not sure where the line is but he was always told that the Foremans' chimney is on the other property. Somebody should have it surveyed and get this settled once and for all. Mgr. Bickhart stated the property was surveyed by Pete Dewire. The property owner needs to go by the survey. This is really outside the Borough's jurisdiction and it is nothing that Council should even be talking about. C/P Kinney stated that Mr. Foreman has made some pretty strong accusations and has basically asked Council to fire Mgr. Bickhart. Council needs to cover themselves and if that means getting Pete Dewire to send Council a copy of the survey so the Borough can have it checked and make sure it is legal, then that should be done so that Council knows they are in the clear. He stated that right now he is in doubt. Pres. Mengel stated this is the Property Committee's responsibility to deal with this. Mgr. Bickhart stated a permit is not needed to put up a fence and no one gave permission to anyone to pull up flowers. He stated he has no recollection of any conversation he had with anyone at a coffee shop. He stated Mr. Foreman's accusations are bogus. C/P Hetherington stated Council should have proof that the accusations are bogus. Pres. Mengel stated some investigation needs to be done into this issue. C/P Kinney stated it is a matter of getting a survey and maybe Mr. Foreman has a description of the property and where the house lies on the property. Pres. Mengel asked Chief Garlock if Mr. Foreman has ever called the police about the lights shining in his house, because she states she knows for a fact that the neighbors are doing this. Chief Garlock replied that Mr. Foreman has not called regarding this. Mgr. Bickhart stated he will get a copy of the survey.

Jack Steffen – College students on Orange Street – Jack stated he is concerned about the parties that are taking place and that will be taking place. He asked what can be done about garbage laying on porches, and cans and beer bottles all over the properties. Some of the stuff has been there over a week this time. He asked if the landlords are required to do anything. He stated he has property up the street and his property is cleaned up. C/P Hetherington stated the University has an event called "Take Back

the Night". He suggested the Borough should have one called "Take Back the Town" to eliminate getting a bunch of college students as neighbors. No one wants to buy a property and move in next to something like that. Jack stated that the other week the newspaper from the college had a cartoon in it that says, "Orange Street is ours." He stated if the Borough is going to allow that, then his tax bills should be sent to the University. He feels this is an insult to the community. C/P Kinney stated that Saturday morning he saw empty cups and trash all over. Jack stated it looks like the slums, like Harrisburg used to look on Seventh and Sixth Streets. C/P Kinney stated the part that upsets everybody is that the Borough and the property owners spend thousands of dollars for improvements and then a group comes in and devalues everything. He stated he feels sorry for the people who are being assessed taxes because their properties are being devalued because of the college students, but it does not show up on the taxes. Jack stated next year he knows of a double that is going in and there will be six more students, making a total of 15 homes above him that are nothing but college students who are raising hell. He stated he pities the police because they do not have enough people to cover this. C/P Kinney stated the police have the ability to call for help from the State Police and Shamokin Dam because of the agreement. He stated that the time of warnings may have come to an end and arrests should be made immediately, along with stiff fines. Jack stated it has been three or four years now that it has really been bad. He said one woman who lives in a half a double never calls the police and he does not understand why. He stated his tenants came down to see him on Saturday evening and they were upset because they are trying to go by his rules. Jack spoke to them before the year started and he told them at 11:00 they need to settle down or go inside. He stated they party in the basement and they party on the first floor and that is not enough room so they come out on the porches and then they go to the bathroom outside. He stated he was out on his balcony smoking a cigarette and the girls are on the back porches using bad language and the boys go out alongside the houses and relieve themselves. He stated he called his tenants because he could not even hear his TV with the windows closed. He stated his tenants were upset because he called at 9:45 to have them settle down. His tenants informed him that it would be worse next year because three lacrosse players are moving into a half double and they have a reputation of being really wild. Chief Garlock reported that the police responded to 85 calls and 24 arrests were made between 3:00 p.m. Friday and 6:00 a.m. Sunday. Jack stated he saw a car sitting at Snyder Street on Saturday night. Chief Garlock stated all the cars spent time there, and they were also at 18th and University. He stated they are doing what they can. Out of the weekend there was only one warning given. C/P Kinney stated that Council sometimes threatens to do things and does not follow through, and the time has come to throw the book at the landlords. Chief Garlock stated the order for the weekend was "no warnings". He stated he violated this once because one group of people helped stop another problem so they got a warning, but that was the only warning that was given. C/P Inch asked if the new security chief at the University is making any difference. Chief Garlock stated he is making a big difference; he was out the entire weekend with the police. C/P Handlan stated, regarding the editorial cartoon in the campus newspaper, that her interpretation of that is not the same as Jack's. She stated that the cartoon depicted an SU security vehicle along with a student. It stated "Orange Street, property of SU". She stated that she interprets this as meaning that SU security is perusing that street more than ever. She stated she sat in on a judicial hearing tonight before this Council meeting, and there are more this week. The University is pursuing the off-campus students. Jack restated that the cartoon was an insult to him. He does not think of it as the security being there but rather the kids that are partying on Orange Street are saying that Orange Street is theirs. C/P Handlan stated that the students did put the cartoon in, but the cartoon shows that the off-campus students are being watched more closely by campus security and the students do not feel that they should be. C/P Handlan stated that it is a continuing problem and residents such as Jack need to continue to call. Jack stated he does not hesitate to call, but his neighbors do not. C/P Handlan agreed that this weekend was very noisy and she got little sleep herself.

Pat Vascellaro – St. Pius Property – Pat asked if the Borough was informed that St. Pius has sold their property to the University. Solicitor Cravitz stated the transfer will take place in four years. C/P Kinney stated that this is about the same time that the University is talking about taking over Pine Meadows also. Pat asked if the Borough has the right to know what the University wants to do with the St. Pius building. Mgr. Bickhart stated that the University will need to apply for a zoning permit, so the Borough will know what they want to do with the property.

PARKS AND RECREATION BOARD: Richard Norman, Chairman:

Consider participation in the Eastern Snyder County Comprehensive Recreation, Parks, Greenways and Open Space Planning Study – Mgr. Bickhart reported that the most recent correspondence from Luke Glick, zoning officer of Monroe Township, and Matt Sauers of Gannett Fleming revised the cost to the Borough to participate in the multi-municipal planning initiative. The total project cost for the Borough is \$15,750, with a DCNR 50 percent match of \$7,875 which leaves the Borough with \$7,875. Snyder County will give \$5,000 to the Borough, which leaves the Borough with a total due of \$2,875. Mgr. Bickhart stated he believes there will be an additional deduction based upon the Borough providing information to the study, but this is a completely different number and a different analysis, and DCNR is not interested in any changes to the scope that has been presented. Luke Glick stated that the opportunities for the Borough to realize any additional savings have already been reflected in the \$15,750 amount. C/P Inch asked what happens if one of the four municipalities does not go along with the program. Luke replied that Gannett Fleming has said that they will hold the figure, even if only two or three municipalities go in on this. Matt Sauers verified that this is correct. Luke reported that Shamokin Dam had agreed at one of their committee meetings that they will participate and their council is meeting tonight to make it official. He stated that most of the things that DCNR did not want to have the Borough of Selinsgrove do involved interviews with the public and information gathering. The things that they did allow are things that the Borough already has, such as financial and human resources information, inventory of existing facilities, existing programs and parks. Luke stated that the Borough is getting a plan with a \$15,000+ value for under \$3,000. Pres. Mengel asked the County Commissioners if the Borough is guaranteed the \$5,000 in funding from the county. Commissioner Bilger replied that they will honor the \$5,000 commitment to the Borough. He stated the cooperative effort will benefit everybody going forward. Luke Glick stated that if the Borough would apply for a development grant, this is part of the application package. This is primarily why Monroe Township decided to do the plan on their own and why DCNR wanted them to get other municipalities involved. When an application is sent to DCNR, the applicant is graded on a point system. Out of 103 possible points, 60 of those points deal with planning and intergovernmental cooperation. Participating in a plan moves the municipality up the list. Luke stated that he has the actual agreement for Council's signature at tonight's meeting.

Motion by C/P Kinney to accept the agreement of \$2,875 to enter into the Eastern Snyder County Comprehensive Recreation, Parks, Greenways and Open Space Planning Study. Seconded by C/P Handlan.

C/P Hetherington asked where the \$2,875 will come from, as it is not in the budget. C/P Kinney replied that it comes out of the Parks and Recreation monies. Luke Glick stated the money does not have to be paid this year in a lump sum. Mgr. Bickhart reported there is an unallocated carryover from last year in the amount of about \$2,500 plus Dick Norman has indicated that he would modify his budget requests to come up with the rest. Luke stated they would like the \$2,875 on January 1, 2006, with a modest amount of interest. Solicitor Cravitz has looked over the paperwork and everything is fine. Pres. Mengel called for a vote on the motion.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

In reply to a question from Council, Luke Glick reported that Penn Township was expected to go along with this also. They have a strong recreation committee that is really behind this.

PLANNING COMMISSION: Earl Moyer, Chairman:

Recommendation for granting Preliminary Plan approval for the Land Development Plans for the Selinsgrove Inn and approve the Request for Sewage Facilities Planning Exemption – Bob Bickhart introduced himself as the engineer for the project. He spoke as a representative for the property owners, Scott Shaffer and his wife, Melanie Garman-Shaffer, who propose to build a three-story, 24-unit motel on the site of the former Rhoads Mills property. Council members were supplied with a plan and Bob displayed an architectural rendering of the proposed motel, drawn by architect John Wert. Bob Bickhart stated that the plans were reviewed by the Snyder County Planning Commission, who had no comments.

The plans have been reviewed by the Borough of Selinsgrove's assistant zoning officer for zoning compliance and at the Planning Commission meeting she indicated that the plans are in compliance. The plans have been reviewed by the Borough Planning Commission, which has recommended approval. Preliminary plan approval is being sought from Borough Council tonight. The engineering aspects of the plans have also been reviewed by the Borough engineer and his only comment was that there is a sanitary sewer line running through the site from the corner of High and Snyder Streets through to Market Street. Bob Bickhart is proposing to relocate a portion of that sewer because the existing sewer line runs through the site under the Moose building to High Street and will run right through the proposed location for the motel. That portion of the sewer will be relocated around the motel building, tying into the existing sewer at the southwest corner of the building. It will start at a new manhole on Market Street, go between the apartment building and the motel and rejoin the existing sewer at a manhole to the southwest of the motel building. The engineer suggested that at the final plan stage the Borough might want to consider whether they ought to have a more formal easement for the remainder of the existing sewer from the spot where it will be reconstructed through to Snyder and High Streets. The sewer line was built in the early part of the last century and a few years later the brick Moose building was built over top of the sewer line. The sewer line runs from a manhole on Market Street and behind what used to be one of the two old warehouses, turns at that manhole and then runs under the Moose building and out to the intersection of High and Snyder Streets. C/P Kinney asked where the sewer came out from the old Rhoads Mills store and Bob Bickhart replied that it came out on a lateral and joined to the manhole behind the warehouse. The end of the line for this sewer line is at the railroad station. The houses on High Street toward the property, including Slivinski's building, are also on this line. It all runs toward Market Street from High and Snyder Streets. The Selinsgrove Inn plans have also been reviewed by the Snyder County Conservation District, who have approved the erosion and sediment controls proposed for the site. The plans have been preliminarily approved by PennDOT with regard to the proposed driveway, which will be at the location of the existing former driveway to Rhoads Mills along Rod's Automotive. The driveway will wrap around the back of the building to provide parking and will continue on to Snyder Street, as it does now. Preliminary plan approval is being requested and the reason for not going right to final plan approval is because of the construction of the public improvement, which is the relocation of a portion of the Borough's sanitary sewer. Approval is also requested for the application for the sewage facilities planning exemption on the basis of certifications from the treatment plant and from the Borough experts as to the capacity of the sewer conveyance to the treatment facilities. It is also requested that the Borough sign the application for the PennDOT Highway Occupancy Permit to connect to the existing water main in Market Street, which is a state highway. C/P Hetherington asked how much more water this project will put into Weiser Run. Bob Bickhart replied there will actually be less water going into Weiser Run. The impervious coverages proposed by the plan are below the impervious coverages which existed as of November of 2004 and far below the historic high impervious coverage for the site, reducing the actual discharges to Weiser Run through stormwater runoff. Some runoff will go to Weiser Run by way of Market Street and some by way of pipes under the railroad. The Borough engineer has reviewed this and agrees. C/P Kinney asked, if this project is successful, whether the Shaffers plan to add an addition onto the back. Scott Shaffer replied that there is room for expansion. Bob Bickhart stated that all the buildings on the site are gone with the exception of the Moose building, which is currently unoccupied. There are no present plans for how to use the Moose building, but for the time being the structure is being retained. There is significant future development area between the Moose building and the motel. Pres. Mengel stated that this will be a wonderful addition to Selinsgrove and she has not heard any objections on any of the planning.

C/P Handlan asked what constitutes a motel versus a hotel. Scott Shaffer stated that he understands that a hotel is an establishment that serves alcohol. Melanie Garman-Shaffer stated that their motel will not serve alcohol. Scott also stated that no dining facilities are being proposed. There will only be a continental breakfast served. Melanie said it will be a nice country inn with nice gardens and plantings. Architect John Wert stated the structure will be masonry and brick to tie in with the theme of things in Selinsgrove. There will be a soldier course of brick delineating the different floors and also a soldier course above the windows. On the front there will be a round window with a lightweight material around it and there will be a few places with siding, including the eaves. There is a defined window area with Palladian-style windows in the European style of the late 1700s and early 1800s. There are round columns in front with a very long porch to look out and watch the cars go by on Market Street. The idea is

that on weekends in the fall and weekends in the spring and during the downtown festival, people can sit outside on the porch and relax. The sitting area in the rear is basically the same as the front. The main entrance is at the rear. No cars will be parked in front of the building so the building will be shown to Market Street. There is a two-story lobby open to the second level with dormers to set off the long roof area. The sides are stairways and storage for hotel materials such as spare beds and linens. The first floor includes two handicapped suites or units and three of varying types of room sizes. The second level has a few more rooms than the first floor because some of the space on the first floor is taken up with the two-story lobby as well as the check-in/check-out area and an area of public restrooms and a restroom for staff. There is also an elevator and elevator equipment room and a vending area. Some of the rooms are divided with a door between them so that they can be made into a suite, with as many as three rooms that are able to be stand-alone units or a large suite accommodating six people. C/P Handlan asked if there are plans for any kind of meeting room. Mr. Wert stated that at the present time the space requirements do not allow for a meeting room. There is an area on the first floor that is 18 x 24 which will have tables in it for a light continental breakfast. The room would seat 18 to 20 people for a social event. This room opens directly onto the large two-story lobby. C/P Kinney asked about the setback from Market Street and Mr. Wert replied that it is a few feet farther back than the zoning requirement. Bob Bickhart stated that the front of the porch will be on the setback, which is 25 feet from the right-of-way. There will be 25 feet of yard area in front of the porch itself and more in front of the main building. He stated two existing dropped curbs that used to go to the old garage/house will be eliminated on Market Street. This will allow for three more legal parking spaces to be added on Market Street. These will not be used by the motel, but will be open to the general public. C/P Hetherington asked if there will be any landscaping or sound barrier between the rear of the motel and Weiser Run to protect the patrons from all the noise from the Orange Street area, as well as the occasional train. Bob Bickhart stated that the area of the site that is not used for development at this time will be seeded and/or landscaped. There will not be a sufficient barrier to block sound along the railroad side. Mayor Beaver asked if the Neatling Building is included in these plans. Bob Bickhart replied that the Shaffers do own that building and at the present time they are continuing with its existing use.

Motion by C/P Hetherington to grant approval as recommended by the Selinsgrove Planning Commission, including the sewage facilities planning exemption. Seconded by C/P Inch. Pres. Mengel called for a vote on the motion.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

Pres. Mengel stated that this is conditional approval. Mgr. Bickhart stated that there are two more pieces of business associated with this, one to grant the request for planning exemptions for the project because the sewer does have to pass and the sewage treatment plant has to pass the project. A letter has been received from ESCRA. The second piece of business is that PennDOT is requiring the Borough to be the applicant for the highway occupancy permit for the interconnection to the water main which is just on the far side of the center line of Market Street. The street is proposed to be open cut for the installation of fire and domestic water service from the Borough's water main in Market Street.

Motion by C/P Kinney to approve these two additional proposals. Seconded by C/P Inch. Pres. Mengel called for a vote on the motion.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

Pres. Mengel asked if the Shaffers have any idea when this might come to fruition. Scott Shaffer stated that he can only narrow it down to sometime in 2006. He is still working with contractors. Council expressed that it will be a beautiful addition to Selinsgrove.

Recommendation for granting Preliminary Plan approval for the Land Development Plans for the DH&L Fire Company Social Hall and approve the Request for Sewage Facilities Planning Exemption – Dave Zartman from Zartman Construction reported that he has been working with the fire company to get permits approved. The proposed social hall will be across the parking lot in a stand-alone building. A stormwater retention pond is in the back. There are a few more parking spots. The Snyder

County Planning Commission commented that Larsons had not noted any calculations of the water discharging toward Route 522. Dave reported that this afternoon he received revised calculations that proved there was less water draining toward Route 522 than there was previously. This will eliminate Borough concerns that PennDOT will say that more water is running onto the facilities. The retention pond is not as deep as Snyder County Planning says it is and the drainage time for the bulk of the water is four, five or six hours. In a two-year storm event there will only be eight inches of water in the basin and the majority of that will be gone in half to four or five hours. The maximum spillway elevation is 1.9 feet. The bank is 2 foot 9 inches. If the spillway would be blocked the maximum water level would be 2 foot 9 inches. C/P Handlan asked if the pond will be fenced in and Dave Zartman replied that it will not be fenced in. It is shallow and there is an exitway in the back which he did not want to fence in. Mgr. Bickhart stated that this is very similar to a retention pond that Council reviewed and approved for Susquehanna University at their new recreational facilities. The discussion there centered around how long water would be in the pond. Based upon that analysis the solicitor assisted Council in a determination that because of the duration it did not qualify under the zoning ordinance as a pond or other body of water to 24 inches or greater in depth that would require fencing. Dave was asked to pay particular attention to the duration of the drainage because under the highest design flow, the depth of water will be just slightly over two feet. C/P Handlan asked if the entry will still be from Bridge Street and Dave Zartman replied that that is correct. None of the improvements will be affecting this, so if the fire company ever wanted to develop a road for exiting onto Route 522 they could still do that. C/P Hetherington asked if there is sufficient parking for a social hall, training center, etc. as required by the ordinances. Mgr. Bickhart replied that with the agreement for the joint use of the parking it is sufficient. Joint parking facilities were part of the original conveyances. Dave Zartman stated that Snyder County Planning asked about the fire hydrant, and there is a connection on the existing building that can be used as a fire hydrant. The building has sprinklers and there is a water line running through the building which is going to be relocated. The final relocation has not yet been plotted. The building has two aspects to it. Dave had plans showing one side of the building to be more of a banquet hall and the other side to be more of a kitchen, with firehouse offices and the fire department social hall. It is a one-story building, separated inside, with each side having its own set of bathrooms. C/P Kinney asked what the seating capacity is and Dave replied that he did the calculations for the occupancy of the building for the Labor and Industry Code and their calculation has an occupancy of 700, which is totally impractical but those are the calculations that had to be used to determine exitways and other aspects of the design. He did not go back through and do a catalog of the number of tables that will fit, etc. He stated he is envisioning the banquet side is capable of seating at least 200 people. C/P Kinney stated he thought the fire company was talking about 400 to 500. Pres. Mengel stated she thought they said 300 to 350. Dave Zartman stated he would have to do the math and do some layouts. He stated if people are sitting in chairs in a row there will be a lot more than there will be in a banquet setup with tables. Mgr. Bickhart stated 300 will be documented in the zoning application. Dave Zartman stated there was a request from the Borough engineer to change the pipe size to 15 inches and he will go ahead and do that. This is strictly a cleanout issue for the ease of cleaning out the pipe and not a flow issue. It is a 40-foot pipe.

Motion by C/P Kinney to approve the Planning Commission's recommendation to grant preliminary plan approval for the land development plans for the DH&L Fire Company social hall. Seconded by C/P Inch. Pres. Mengel called for a vote on the motion.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Motion by C/P Kinney to approve the request for the sewage facilities planning exemption. Seconded by C/P Hetherington. Pres. Mengel called for a vote on the motion.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Recommendation for granting Conditional Use approval for the Firehouse Marketplace and Café and Banquet Facilities related to on-site parking requirements – Brian Farrell stated that he went to the Planning Commission to ask them to grant conditional parking for the building. He stated that he would only be open on Saturdays. C/P Handlan asked if this was temporary and Brian replied that it was his plan all along to only be open on Saturdays. C/P Kinney stated that there is a parking lot further south

on the west side of Water Street, owned by the Borough and the Selinsgrove Chamber of Commerce, that was built to accommodate the social hall that was already there because the fire company did have banquets down there. He stated that what Brian Farrell is doing is no different than what is already there. C/P Inch asked Brian if he also acquired the land below the ice plant. Brian replied that he does own that land. C/P Kinney stated there is also the senior citizen parking lot on North Water Street, which is Borough owned and not used on weekends. He stated he does not see that the parking issue is a problem because it has been used in the past. C/P Hetherington agreed. Brian stated, in answer to Pres. Mengel's question, that the market is a one-day-a-week event. The social hall upstairs will be available for people to use at any time. C/P Kinney stated he thought the farmer's market would be during the week, similar to the one in Lewisburg. Brian Farrell stated it will be similar to Lewisburg but Saturday only. The restaurant will also be open when the marketplace is open. C/P Hetherington stated he thought the restaurant would be open all week long, on a par with BJ's. Brian stated people have come to him thinking that he was going to have a big, full-blown restaurant, but part of the packet of papers that he came to Council with over a year ago stated that it was a one-day-a-week operation only. The arcade-type idea has been dropped.

Motion by C/P Kinney to grant conditional use to locate a farmer's market and restaurant at One South Water Street and to use the existing parking lots for required off-street parking. Seconded by C/P Handlan. Pres. Mengel called for a vote on the motion.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

Solicitor Cravitz stated to Brian Farrell that if he decides to expand and use the building more than one day a week he will not have to come back. Council is not approving a limitation to a one-day-a-week event. Mgr. Bickhart disagreed, stating that the Planning Commission took the opposite point of view. The offer of it being one day a week is what they found as a compelling argument to grant the conditional use and it is the Planning Commission's position that should this change, Brian would have to revisit the issue. The social hall has an unlimited timeframe but the market and café was for just one day a week.

UNFINISHED BUSINESS FROM PRIOR MEETINGS:

Market Street Enhancement / Streetscape Project – Report from Committee and Consider

Conditional Award of Contract to Low Bidder – C/P Kinney stated that the bids that were received this time were about \$30,000 less than the last set of bids. The entire project came in at \$527,371. This includes the base bid, Alternate 1 and Alternate 2. The traffic lights came in at \$78,702.67, which is the Borough's portion. This brings the project cost down to \$448,668.33. The grant from PennDOT is for \$218,000, leaving \$230,668.33 for all three phases of the project, which is what the Selinsgrove Chamber of Commerce would have to raise. The base bid for the two blocks of Market Street from the Post Office to Joe Kleinbauer's is \$344,896 less the traffic light amount of \$78,702.67, which is the Borough's responsibility. This leaves a balance of \$266,193.33. Subtracting the PennDOT grant of \$218,000 leaves a balance of \$48,193.33 for the Selinsgrove Chamber of Commerce to raise. Several meetings ago the Selinsgrove Chamber of Commerce pledged to raise \$77,000 so this is actually almost \$30,000 less. Beck Electric is the low bidder and they would be the ones who would be awarded the bid. Alternate 1, which is the other two additional blocks of Market Street, was bid at \$136,975. Alternate 2, which is Pine Street from Market Street back to the Borough Building on both sides, was bid at \$45,500. These bids have been sent to PennDOT for their approval for the second time.

Motion by C/P Kinney to accept the base bid only of \$344,896 from Beck Electric pending PennDOT approval. Seconded by C/P Handlan.

C/P Kinney stated Council has agreed that they may have to front the money until it is raised by the Selinsgrove Chamber of Commerce. Pres. Mengel asked what was initially set aside for the traffic lights. C/P Hetherington stated two or three years ago it was \$60,000. C/P Inch stated it then went up to around \$70,000. Mgr. Bickhart stated that the bids that Council rejected calculated the traffic signals at \$85,000 and it is now \$78,702.67. He stated as the bids changed, items changed and a different figure was arrived at. Pres. Mengel asked if the Alternate Bids 1 and 2 will remain available. C/P Kinney stated

unless Council wants to front the money for it, the Chamber has to have a meeting to decide if they want to go through with funding Alternate 1 and/or 2. The Chamber may feel that they can raise that kind of money. There is also another grant that will be available in the spring and in the fall. Mgr. Bickhart stated he has not seen the deadlines for the resubmission so he cannot speak to this. C/P Kinney stated that he thought there was a grant opening up in the spring, before the end of June, and another one in the fall. Pres. Mengel asked if the bid numbers will be available for a while. C/P Kinney stated a decision does not have to be made until the end of the 60 days, which will give the Selinsgrove Chamber of Commerce time to meet and decide what to do. The process is actually 30 days ahead of schedule now so there is time. Shane Ulrich spoke on behalf of the Selinsgrove Chamber of Commerce, stating that there have been several meetings about fundraising but because the last bid was rejected they stopped discussing it because they did not want to go forward until they knew what the actual numbers would be. There is a meeting this week of the fundraising committee and they will move on the bids. They will have all the information that Council has and they can decide if they want to stop with the base bid or include Alternate 1 and/or 2. Shane suspects the commitment will be for the base bid only. Pres. Mengel stated she thinks there will be some people who will want to go with the alternates also. Shane stated the Chamber has a board meeting tomorrow and he will be at that meeting to inform them of these developments. C/P Kinney stated that he thinks the Selinsgrove Chamber of Commerce is looking for a lot of money out of the community in a short period of time, with the CVS property and the streetlight project, so he does not think it is realistic for Council to anticipate the Chamber will raise any more money than the base amount. SPI will be asked to raise the money but everyone is going after money and there will not be enough to go around. He hopes that there is enough money and he hopes that if the Chamber does not do it that there would be another grant available to finish the project. He stated that three bids were received. There is approximately a \$50,000 difference between the Beck Electric bid and the other two bids. The first bid was from Kuharchik, with \$397,355.35 for the base bid, \$127,837 for Alternate 1 and \$51,140.50 for Alternate 2. The other bid was Tel Power, which was \$399,466.24 for the base bid, \$132,149.28 for Alternate 1 and \$43,681.16 for Alternate 2. Alternates 1 and 2 were cheaper from Tel Power than from Beck, but the base bid was \$60,000 higher, making Beck \$50,000 cheaper for the total project. C/P Kinney stated that Council should be realistic and plan on fronting some of the money until the Chamber raises the money, as he does not know how quickly the money will come in to the Chamber. Council does have a pledge from the Chamber to raise \$77,000, so \$48,000 should make the Chamber very happy. He stated that with what Council is seeing with the plans for the Selinsgrove Inn and the streetlights, this will be a very positive sign for downtown Selinsgrove and if anything does happen with the CVS building it will be a very good thing. He stated that it is not realistic for SPI to raise \$250,000 by the end of June to complete the purchase of the CVS property. C/P Hetherington wondered where the parking would be for the planned three-story building with stores and condos. Pete Carroll asked what the deadline is for the PennDOT grant. C/P Kinney replied that it is June 30. The bids have gone to PennDOT and their approval is expected within two weeks from the bid opening date. C/P Inch asked Shane if he feels comfortable that the Chamber can raise the money to pay Council back, even with the competition for funding of the CVS property. Shane stated that he feels confident because the members of the Chamber's fundraising committee felt that they had places to go for the initial \$78,000, and since the amount is now \$30,000 less it is even more doable. C/P Kinney reminded Council that there are inspection fees that the Chamber will have to come up with, and the Borough will have some for the traffic lights. These are additional costs beyond the bid amounts. Mgr. Bickhart and Gary Klingler will be the inspectors for the Borough.

Pres. Mengel restated the motion to enter into the base bid with the Borough putting up the additional \$48,000 until the Chamber raises the money to pay the Borough back. C/P Kinney stated that should perhaps be a separate motion. Pres. Mengel called for a vote on the motion to go with the base bid pending PennDOT approval.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

Motion by C/P Kinney that Council be prepared to front the \$48,193, borrowed from the Water Fund, for no longer than a year until the Selinsgrove Chamber of Commerce raises the money to reimburse Council. Seconded by C/P Christine.

C/P Kinney stated he has confidence that this money will be raised, but even if it is not the full \$48,000 it will at least be some amount over \$0. C/P Hetherington expressed concern about where the Borough will come up with the money if the Chamber is unable to pay it all back. C/P Kinney stated he does not think that will be an issue, and it is a very good investment for the community of Selinsgrove and he feels that is more important than a few thousand dollars. It is a small price to pay for Selinsgrove. It is the Borough's pride and joy and he does not think there is a better issue before Council at this time. Pres. Mengel stated Council will know by budget time and will have the opportunity to build it into the budget for next year if necessary. C/P Hetherington stated Selinsgrove already has lights and a lot of other things could be done with that money. Pres. Mengel called for a vote on the motion.

AYES: FIVE (5)

NAYS: ONE (1) – C/P Hetherington

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 found everything to be in order.

Motion by C/P Inch to pay the bills. Seconded by C/P Kinney.

C/P Handlan commented on one of the bills, asking that an invoice be submitted to Penn Township for the repairs to the police car that was involved in a call that originated in Penn Township. C/P Kinney stated that this cannot be done. C/P Handlan stated that at one time Council agreed that the police department would start keeping track of their calls to the surrounding communities. C/P Kinney stated Penn Township did not call and ask for help so they could not be sent a bill. Communications called and the State Police called and asked Selinsgrove to respond, so a bill should not be sent to Penn Township. He stated the Borough has no jurisdiction in Penn Township. C/P Handlan stated that is correct, and the Borough police went anyway. C/P Kinney stated the accident did not happen in Penn Township. C/P Handlan stated the entire incident started in Penn Township. Solicitor Cravitz stated that the person who is responsible is the person who hit the vehicle. That information will be provided to the Snyder County District Attorney's Office Victims' Unit and they will make that part of his restitution when he is tried and convicted. C/P Handlan stated that it should be done that way then, but stated that somebody needs to pay for it. Solicitor Cravitz stated that Penn Township would say that most of the damage was caused in Beaver Springs so go see Spring Township, and Spring Township in turn would say that they are not liable. Pres. Mengel stated that it was the State Police who called in the Borough police to start with. Solicitor Cravitz stated that the person who did the damage is the person who pays. C/P Handlan stated that the bill is for \$196, which the Borough will have to pay to begin with. C/P Kinney stated he thought the insurance would cover it and C/P Inch replied that the deductible on the insurance is \$1,000. Pres. Mengel called for a vote on the motion.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

Pres. Mengel asked if another motion is needed to submit the bill to the district attorney. Solicitor Cravitz stated it would be done automatically. Mgr. Bickhart stated he will forward it administratively. He also stated that the Borough received money from FEMA for the flood, so included in the bills was a check to the fire police for their services in the amount that they had submitted.

Statewide Tax Recovery, Inc. - Exoneration Requests – Mgr. Bickhart reported two requests for exoneration, one from Donna M. Herrold for 2004 due to being a nonresident at that time, and the other from William S. Wigo for 1997, 1998 and 1999. In all three years he was a nonresident and in 1997 he was also a student.

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

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Consider the request of Gary Klingler, Director of Public Works, for the purchase of a new mower – Motion by C/P Kinney to grant the request and purchase a new mower. Seconded by C/P Hetherington. Pres. Mengel called for a vote on the motion.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Authorize the submission of the “Application for County Aid” to request an allocation of \$7,685 from the County Liquid fuels Tax Fund for the 2005 Street Program – Motion by C/P Kinney to authorize Mgr. Bickhart and Pres. Mengel to sign the application as stated above. Seconded by C/P Hetherington. Pres. Mengel called for a vote on the motion.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Consider changing the agency for the collection of Earned Income Taxes for the Borough – Mgr. Bickhart reported that the Borough was notified a couple of months ago that Selinsgrove School District was interviewing other firms to collect their earned income tax. The Borough was notified a few weeks ago that the school district had decided to discontinue their services with the Earned Income Tax Office in Sunbury, which is a part of the Shikellamy School District. The Borough has an agreement to participate with them for the collection of earned income taxes. When this issue first came up, Mgr. Bickhart asked Sheri Badman what the implications were and it appears that there are very strong reasons to do what the school district does. To do otherwise creates some duplications for all the Borough businesses for reporting taxes. If the Borough goes along there is a tax bill notice sent out at 2.1 percent. If the Borough does not go along, the school district’s tax bill notice is at 1.6 percent and the Borough’s is at 0.5 percent. Mgr. Bickhart and Sheri hastily arranged for a representative from the company that the school district retained to come in and talk to them and learned during that discussion that the Borough’s agreement with the Earned Income Tax Office is that they must be notified 60 days in advance of July 1 of the Borough’s intent to terminate that contract and go elsewhere. That deadline would be today. The Borough is one of nine municipalities that are in the same boat. Shamokin Dam’s borough secretary, Sandy Gill, and Monroe Township’s secretary, Elizabeth Page, were also at the meeting with Mgr. Bickhart. Because the deadline has passed as of today there is no reason to rush this. For the foreseeable future the Borough will stay with the Earned Income Tax Office. C/P Kinney stated it is worth a try to get out of the contract if the Borough can save money. Mgr. Bickhart stated the rate with the new company is a three-year rate that is currently less than what the Borough is paying with the Earned Income Tax Office and it is significantly less than the Borough paid in the last two years. Pres. Mengel asked if Mgr. Bickhart talked to the Earned Income Tax Office at all and he replied that they contacted them to get a copy of the contract, and the contract is the same as the others that were here. Solicitor Cravitz stated if a fax is put together and sent out tonight it would fall within the 60 days. Mgr. Bickhart stated he will do that and notify them via fax tonight. C/P Handlan asked if Council is to assume that the other collector will contract with the Borough. Mgr. Bickhart stated he was given a proposal at 1.75 percent guaranteed for 3½ years through the end of the calendar year 2008. The new firm is Berkheimer Tax Administrators. Mayor Beaver stated he thought Shikellamy’s rate right now was 1.9 percent.

Motion by C/P Kinney to try to transfer the earned income tax collection to Berkheimer Tax Administrators at a cost of 1.75 percent on the current collections for 3½ years. Seconded by C/P Inch. Pres. Mengel called for a vote on the motion.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Mgr. Bickhart stated that Berkheimer told the Borough that both Midd-West and Selinsgrove School Districts have decided to do this. It is a little disturbing that the Borough was not advised more fully by

any of the parties in order to be able to respond a little more quickly. At least Selinsgrove's Borough Council has the advantage of being able to meet. The supervisors in Monroe Township are not meeting in time. Shamokin Dam is meeting tonight and they may be doing the same thing at their meeting but some of the municipalities will be able to do it and some will not be able to do it. C/P Inch asked if this is the Berkheimer that advertises in the Borough magazine. Mgr. Bickhart replied it is; they are a large firm and made a very compelling presentation. In talking to Jeff Hummel from the school district, Mgr. Bickhart learned that there were certain things that troubled him in terms of timely deposits of funds and an effort to keep the roles of taxpayers up to date by comparing different sources of data to get the best possible list. Berkheimer is going to deposit wire transfer funds weekly, which means the Borough's cash flow is a little bit better. Currently they wait for a check in the mail that sometimes gets frustrating to find. Berkheimer also has a much more extensive computer system and capabilities of gathering information. The agreement that the Borough currently has with the Earned Income Tax Office states that the Borough pays a proportionate share of the costs to run that office. This share is based upon the amount of taxes collected so the Borough has a certain percentage. As people withdraw, it is likely that most of the costs are fixed costs so the cost per dollar collected is going to go up because the Earned Income Tax Office is not structured like a business. They do not absorb profits and losses; the Borough just pays a percentage. It was a great idea in 1967 when this whole thing came about and every municipality had to do this. Shikellamy School District stepped up and said they would put together the administrative mechanism to do this, so everybody joined. Then other school districts and other counties joined in. Now free enterprise has created firms that are offering much better rates. In the last two years, the Borough has paid as much as 3 percent to the Earned Income Tax Office on collectibles. Mgr. Bickhart stated he had raised some objections over the whole process because when Act 24 came in and the school districts had to collect additional money, all the computer programs had to be changed and although those administrative costs were distributed amongst all the participants in the system, the Borough's costs still shot up to over 3 percent. Now it is slowly coming back down but the bill for the last six months of 2004 was 1.9 percent.

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

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:

Review Revised Draft of Employee Manual – Mgr. Bickhart stated that he has focused on the new policy to restate the section regarding medical insurance for employees age 65 and older. Solicitor Cravitz should review the language to make sure that it says what it is intended to say. Council agreed at another meeting to offer the Medigap Plan I and Medicare Part B and to either pay on the employee's behalf or to reimburse the employee for the cost of those two plans. C/P Kinney asked if there have been any comments back on this decision and Mgr. Bickhart stated that the comments that he has had indicate that the employee is ready to put Plan I in place and is satisfied with Council's actions. C/P Hetherington stated he saw the employee Tuesday night and the employee asked C/P Hetherington to convey to Council that he appreciates what they did for him. Mgr. Bickhart stated Council's preference is to pay for the plans on the employee's behalf, because if the employee pays and the Borough reimburses him, that would be considered income. He tried to put that in words for the manual also. Pres. Mengel asked about the places in the manual that said "reserved for future use" and Mgr. Bickhart stated that these have been taken out. C/P Inch asked if a policy will be formulated for new hires regarding health care. Mgr. Bickhart stated there were certain things that are being amended for anyone who is hired new but those mostly have to do with vacation and annual leave. C/P Kinney asked if a different program can be written for new hires. He stated the employee manual is for current employees, but a new manual should be written for new hires. Solicitor Cravitz stated a whole new manual would not be necessary. C/P Kinney stated ideas for new hires should be discussed because health insurance would be different by perhaps limiting it to the employee only and modifying it for the family. There are things that Council needs to discuss due to costs. C/P Handlan stated that language could be included to state something such as "if you were hired on or after this date..." Pres. Mengel stated that these things could be added

in. The manual needs to be completed and then additions can be put in later. C/P Kinney stated if the Borough is going to have manuals printed, then the additions should be added now stating the rules for new hires effective after a certain date. Pres. Mengel stated that the manual could state that there will be additional requirements for new hires or recommendations for new hires. Solicitor Cravitz suggested putting an appendix on the back for people hired after a certain date, noting the changes in the rules for those people. C/P Christine stated that he promised the employees that they would have a manual at the end of the year and it is now May and it still is not done. Pres. Mengel stated the employees are asking about the manual. Mgr. Bickhart stated the manual is just about done, but the information he put forward tonight is new. There are also some issues for new hires that were troublesome, such as the accumulation of annual leave without limit. This whole process has been changed for anyone new. C/P Christine stated that from the minutes of the last meeting, he thought that C/P Reuning wanted to rewrite the entire manual. Mgr. Bickhart stated that C/P Reuning was referring to grammar and style, but not content. He stated he will pick up all the suggestions from the last review and incorporate them into the manual. C/P Christine asked if final approval will be sought next month. Pres. Mengel stated Council absolutely has to have final approval next month. C/P Kinney suggested getting the manual to Council in the middle of the month so that they have time to read it before the next meeting. C/P Christine stated his committee has been done with it since December. C/P Kinney stated he would like to see Council discuss things such as the \$78.00 Social Security deduction, which he would never agree to pay but which compromised on the last time. Pres. Mengel stated again that Council must be ready to grant final approval at the June meeting.

PUBLIC SAFETY COMMITTEE: C/P Hetherington, Chairman – C/P Hetherington stated his committee will work on the dog issue and have a report next month.

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

Recommendation on Ordinance – C/P Handlan stated this will be ready for Council's approval at the next meeting.

ZONING HEARING BOARD: Glen Rohrer, Chairman – No Report

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

SHADE TREE COMMISSION: Mark Vergauwen, Chairman – No Report

BOROUGH ADMINISTRATIVE REPORTS:

MAYOR: Garry Beaver – No Report

BOROUGH SOLICITOR: Robert Cravitz:

Adopt Ordinance # 738 Pertaining to Requiring the Owners of Real Property adjoining Portions of Sherman and East Chestnut Streets to Construct New Sidewalks and/or Curbing – Solicitor Cravitz stated that there are three properties along Sherman Street and East Chestnut Street that do not have sidewalks and/or curbing. The Ordinance requires that if these people do not put the sidewalks and curbs in that the Borough can assess them. He stated there is 23 feet of curbing along East Chestnut belonging to Tracy J. Neville and Colleen M. Neville, who are Lewisburg residents. Mgr. Bickhart stated these are places where overlays are being done this year. C/P Kinney asked if this is East Chestnut on the town side or the Isle of Que side. Mgr. Bickhart stated that the Nevilles own 29 North Market, Regency Finance. The area in question is from Market Street to the alley, so it is the first half block of East Chestnut.

Motion by C/P Hetherington to adopt Ordinance # 738. Seconded by C/P Kinney. Pres. Mengel called for a vote on the motion.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

Update on Tax Assessment Adjustment for Stroudsburg Red and Green, TDBA Middleburg Yarn Processing and Sunbury New Enterprise – Solicitor Cravitz stated no formal decision has been reached on this issue. The appeals were scheduled for April 7 at 11:00 and 11:30 in front of the Bureau of Assessment. He called Ed Mihalik's office to see what is going on but he was not in. The value was \$335,140 for the Sunbury New Enterprise once and it was reduced by \$56,340. Solicitor Cravitz stated on one property the Borough lost \$732.42 and on the other one they lost \$518.96 in actual billable tax money. Mgr. Bickhart stated he thought the decision was made, but Solicitor Cravitz stated he has not spoke with Ed Mihalik yet and his secretary had no information.

BOROUGH ENGINEER: J. A. Coukart & Associates:

University Avenue Sanitary Sewer Replacement Project – Mgr. Bickhart reported that John Coukart has decided to change the location of the proposed sewer line. Because of the cost associated with PennDOT's requirement to use flowable fill for all backfill in areas inside PennDOT's right-of-way, John Coukart is recommending that the location be shifted to just inside the front yards of the properties. Mgr. Bickhart stated that flowable fill is a liquefied ash that comes in a cement truck to keep it mixed. It is placed wet and achieves its maximum density right away so there is no settlement. John Coukart felt that this would change the price so substantially that it would not be anywhere near his estimate. If the sewer line is moved five to eight feet just to the other side of the pole line that runs along the street it would solve the problem. C/P Kinney pointed out that this will require easements from all the property owners. He asked if they are in favor of this. Mgr. Bickhart stated that the residents are hearing it for the first time tonight. C/P Kinney stated that Joe Siro and his wife were very adamant that they did not want their planting island disturbed and the island will be taken completely out with this new sewer line location. Mgr. Bickhart stated that Joe knows that it was originally indicated that that might be the better corridor from a construction point of view even before the flowable fill issue came up. The Siro's will bear the brunt of the yard area disturbance because of the things that are planted in that corridor. The Borough is obligated to restore the property back to its original condition. Pat Vascellaro asked if the driveways will also be restored and Council replied that they would be. Pat stated that Sue has high stone across the front and Mgr. Bickhart stated that that would be taken down and replaced after the project was done. He stated John Coukart is aware of all these issues. Pat stated that Sue has already gone to the expense of having all her piping rerouted. She asked who will actually do the job and if Council has any idea when this will all take place. She stated she would like to take a short vacation. Mgr. Bickhart replied that he does not have a good idea of when it will take place but it will not be in June and it is doubtful it would take place in July. If the bid notices are put in the paper immediately the bid would not be awarded until June, and now there is the redesign issue. Pat stated it would be best if it can be finished before the university reopens in the fall. She asked if everyone will be notified of this for a vote or if this is just going to be done without any input from the residents. Mgr. Bickhart replied that the engineer is making the recommendation to Council that the location be revised and that he be authorized to continue to design at the slightly different location. Joe Siro stated there is a water line that comes down from the reservoir and wondered if this would be a problem. C/P Kinney stated he thought the water line was in the right-of-way. Joe Siro stated there are easements on the property deeds. It is the water line that used to feed the houses before another one was put in on the other side of the street. C/P Kinney stated those lines are dead, but Joe said that the lines go to a University box.

Motion by C/P Hetherington to give Coukart authority to reconfigure the sewer placement. Seconded by C/P Kinney.

Margaret Siro stated she is concerned that the island will be taken away and she does not want to do any more planting on it if that is the case. C/P Kinney stated everything will be put back the way it is now but he would not recommend planting anything that will be blooming much beyond July. Joe Siro asked if the corridor is five to eight feet from the right-of-way. Mgr. Bickhart stated that what will control the location is that the corridor will be as close to the house side of the poles as possible. Pat Vascellaro asked if the mailboxes will be put back up. C/P Kinney stated that anything that is taken out will have to be put back in the way it was. C/P Handlan asked for a clarification on the motion that was just made. Pres. Mengel stated the motion was to give John Coukart the right to go ahead and reconfigure the sewer placement.

Pat Vascellaro asked if the residents will get a map or some notification when a final decision is made. C/P Kinney stated the residents will have to sign off with easements in order for the Borough to construct the sewer line in new proposed location. Pres. Mengel called for a vote on the motion.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

Pres. Mengel stated that she would like Coukart to do pricing estimates.

South Tributary Interceptor and Sanitary Sewage Metering Project – Consider the Conditional Award of the Contract to the Low Bidder – Mgr. Bickhart reported that bids were opened on this project. John Coukart is recommending that the contract be awarded to Dave Gutelius Excavating, Inc. for the base bid and the add alternate in the total amount of \$713,321. The engineer has made an assessment that Eastern Snyder County Regional Authority will be paying \$213,976.50. The Borough is responsible for \$499,344.50. C/P Kinney asked how much money was set aside for the project. Mgr. Bickhart stated \$250,000 was budgeted from the sewer fund. The actual costs will be \$500,000. C/P Kinney asked where the other \$250,000 will come from and Mgr. Bickhart stated that Sheri has provided Council with a budget breakdown to show the impact of these projects on the various funds and there are adequate funds in the sewer fund to cover the additional cost. C/P Kinney asked if this is taking into consideration the University Avenue project. Mgr. Bickhart stated it does take into consideration doing University Avenue at the most recent estimate of \$65,535.

Motion by C/P Kinney to accept the Dave Gutelius Excavating bid of \$490,252 for the base bid and \$223,069 for the alternate bid to do the sewer line on Sassafras Street from Sassafras to the PennDOT shed. Seconded by C/P Hetherington.

Mgr. Bickhart stated he gave Council a copy of John Coukart's letter indicating that he is looking at some alternatives as it deals with Sassafras Street. Rather than open cutting he is looking at doing some other things such as boring to try to save some costs because in this project the cost of the flowable fill has had a detrimental effect on his cost estimates. Coukart's estimate for that was around \$100,000 when they first started talking about it. C/P Inch asked if flowable fill is a new PennDOT requirement and Mgr. Bickhart replied that it is. Pres. Mengel called for a vote on the motion.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

C/P Kinney stated if this project had been done two years ago like it should have been, the Borough would not have had the additional costs. Pres. Mengel asked C/P Kinney if he would amend his motion to include by conditional approval of ESCRA. C/P Kinney asked that the letter from ESCRA be referenced as an attachment to the minutes. Pres. Mengel stated that it is understood by Council that the motion did include that conditional approval. Mgr. Bickhart stated as soon as the bids were received, Coukart quickly did the tabulation and provided ESCRA with an estimate of their costs. ESCRA was having a committee meeting and based upon that meeting, John Coukart prepared a letter indicating that ESCRA has offered their agreement to award the bid to the lowest bidder. There has not been a vote by the ESCRA board yet, but it is anticipated that they will accept the bid, thereby satisfying that condition.

2005 Street and Alley Project – Consider the Award of the Contract to the Low Bidder –

Mgr. Bickhart stated that John Coukart opened the bids today and they were somewhat higher than his estimate. He is asking for some time to reconsider them. It is not necessary to proceed at this point in time. Mgr. Bickhart stated that Coukart, in his letter, recommends approving the low bidder of Eastern Industries for Base Bid 1. C/P Kinney asked what is being done on Front Street. Mgr. Bickhart replied some underdrains and some deep patches are being done on the pockets that continually break up and need to be patched and repatched.

Motion by C/P Kinney to accept the Eastern Industries bid to do the street program for a base bid of \$124,116.10. Seconded by C/P Hetherington.

C/P Kinney asked what Base Bid 2 is and Mgr. Bickhart stated he is not sure. He had thought it could be postponed. C/P Kinney stated he thought only the alley project was to be postponed.

C/P Hetherington withdrew his second to the motion and C/P Kinney withdrew his motion.

Mgr. Bickhart stated he will take the recommendation with more information next month. He stated that he is surprised that Coukart made the recommendation, as he had stated earlier that he wanted time to reconsider the whole thing and make a different recommendation as to what could be done.

Mgr. Bickhart stated he does not know what streets are being done in Base Bid 1, which is the most expensive of the combinations. He recommended postponing this.

C/P Handlan asked if the alley project is the alley behind her house, Union Alley between Pine and Chestnut. C/P Kinney stated it is the alley outside the Borough building between Pine and Chestnut. Pres. Mengel stated Coukart needs Council's approval to bid the project. C/P Handlan stated the alley needs to be repaired but she is concerned that if anything of significance is done with the CVS property it might disturb the alley paving. Mgr. Bickhart stated this project would make the next project easier. It will not be in conflict with it. Something needs to be done with the alley, which would include drainage. The pavement will be there and the other project will just butt up against it. He does not see that this work will be lost in any way, as no grading will be changed.

Motion by C/P Kinney to allow John Coukart to advertise for bids on the alley project, which is Pine Street to Chestnut Street resurfacing and drainage improvement. Seconded by C/P Hetherington. Pres. Mengel called for a vote on the motion.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

Curb/Steel Plate Installation on Eighth Street Project – Identification of Other Contractors – John Coukart has nothing to report on this as of yet. C/P Hetherington stated it should be left alone rather than having everything torn up again. C/P Kinney agreed in principle, but he does not want to start a precedent. This needs to be followed through on and completed.

BOROUGH TREASURER: Sharon Badman

Review Treasurer's Report for April 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.

SCHOOL DRAINAGE DITCH – C/P Kinney stated enough time has elapsed and something needs to be done with this, even if it requires a letter from Solicitor Cravitz to get things moving. The ditch is eroding and no work has been done on it. Pres. Mengel asked Solicitor Cravitz to address a letter to the school district on this matter.

BOROUGH MANAGER / SECRETARY / ZONING OFFICER: Mgr. Bickhart

Non-Police Matter Suggestions Update – Mgr. Bickhart stated he has received a couple of complaints regarding parking tickets. Some people have made arguments that they came to town to do a number of things, it took them more than two hours and they got a ticket. Mgr. Bickhart suggested extending the time limit to three hours. Pres. Mengel stated that if there were parking meters the people would have to go back to put more money in. C/P Hetherington suggested doubling the fine if the time limit were extended to three hours to pay for the signage because all new signage would have to be installed. C/P Handlan suggested not enforcing the two-hour limit. C/P Kinney suggested letting everything just the way it is. C/P Hetherington stated people need to take more responsibility. The signs say two hours, just like other signs say 25 miles per hour. People either obey the law or pay the penalty.

Mgr. Bickhart stated there is a new issue dealing with property owner Gene Leitzel on Melody Lane, who has a recurring problem involving brush on the school district's property off the cul de sac going down to Seals Drive. There have been groundhogs and possums and other animals in the brush. Mgr. Bickhart

suggested that Mr. Leitzel get with the school district to get the brush cleaned up to the point that it can be mowed and maintained. C/P Hetherington asked if Mr. Leitzel has gone to the school about this and Mgr. Bickhart stated he believes he has in this case, but there is a long history of this coming up. Pres. Mengel asked why Mr. Leitzel came to the Borough. He should take this up with the school district. C/P Kinney stated that he agrees that Mr. Leitzel should go to the school district, but on the other hand the Borough has an ordinance dealing with weeds and it should be enforced. C/P Handlan and C/P Hetherington agreed. Pres. Mengel asked Mgr. Bickhart to send the school district a letter. Mgr. Bickhart stated his concern is that this is something that has been going on for quite some time and it is not a new issue. He would like to sit down with the school district and say enough is enough. C/P Kinney stated he does not want to hear any more about the weeds and brush at a Council meeting. He expects this to be taken care of now. The Borough needs to enforce the Ordinance and follow through.

C/P Hetherington referred to the unnamed concerned citizen who was against raising the occupation tax and stated if a person cannot give their name they should not be on the issues list.

C/P Kinney reminded Council of when the school district came to Council regarding the athletic fields and he was the only one against it. He stated he has been accused for several weeks that it is his fault that the grass is dying because he held them up. He stated he does not remember Council holding anybody up, but his name was used several times. He stated he could not have held them up, as he was defeated 6-1. Pres. Mengel stated Council did not hold anybody up. C/P Kinney stated if the school district can spend millions of dollars for athletic fields then they can spend the money to cut weeds and remove brush.

Status Report on Mary Searer property, 700 Orange Street concerning Violation Notice and Declaration of Property Unfit for Human Habitation – Pres. Mengel stated this is getting ridiculous. C/P Kinney stated either CK-COG should do something or the Borough should get someone else to take care of this. C/P Hetherington stated this has been going on for too long now. Pres. Mengel asked Solicitor Cravitz to send a letter to Mr. Sauers to get this moving.

UNFINISHED BUSINESS FROM PRIOR MEETINGS:

Review List of Council Issues – C/P Hetherington stated the Slivinski property has been postponed to the spring of 2005. He asked if this will be postponed again and again. Mgr. Bickhart replied that as soon as the crew has time it will be taken care of. C/P Hetherington stated it is now the spring and he asked if the Hendricks are going to put a sidewalk in at the railroad station. Mgr. Bickhart stated they were given an extension to the spring and the Borough should remind them of their promise to do something.

BOROUGH MANAGER / SECRETARY / ZONING OFFICER: Mgr. Bickhart

Consider motion to allocate \$1,496 of additional FFY2005 CDBG funds to the removal of architectural barriers/curb cut project – Motion by C/P Kinney to allocate the funds as noted. Seconded by C/P Inch. Pres. Mengel called for a vote on the motion.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

Consider recessing meeting to May 16, 2005 at 7:00 P.M. to discuss improvements and possible award contracts for the relocation of the Police Department to the former Omega Bank Building; Construction bids due on 5/9/05 – Mgr. Bickhart stated in order to keep the police department project moving along, proposals were requested with a deadline after tonight's meeting to give the contractors ample time. He asked if Council would like to recess to May 16 and award the project at that time. It is not critical but the project will not move along as fast as it could if Council waits until the June meeting. C/P Kinney stated if it is under \$10,000 Mgr. Bickhart has the right to award it himself and ratify it at the next Council meeting. Solicitor Cravitz stated Council would have to give Mgr. Bickhart that authority and Mgr. Bickhart stated he would like Council to give him that authority but based upon some Council

members looking at what actions are being proposed. He appreciates C/P Kinney's comments but there are things that he has been looking at doing that would depend on the prices and he does not feel that Council would want to give him that kind of authority. He stated a committee with that authority could be appointed or the Council could recess until May 16.

RECESS:

Motion by C/P Kinney at 9:53 P.M. to recess the meeting to Monday, May 16, 2005 at 7:00 P.M.