

## SELINGROVE BOROUGH COUNCIL MEETING

MONDAY, JUNE 6, 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, C/P G. Kinney and C/P W. Reuning

**COUNCIL MEMBERS ABSENT:** None

**OTHERS PRESENT:** Solicitor R. Cravitz; Mgr. J. Bickhart; Mayor G. Beaver; Police Chief T. Garlock; Recording Secretary D. Long; Attorney Joel Weist, Borough Landlord Jeff Buckley; Borough Residents Pete Carroll, Mr. and Mrs. Donald Foreman, Joseph and Margaret Siro

**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 MAY 2, 2005 AND RECESSED MEETING OF MAY 16, 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 April 2005** – In answer to a question from C/P Hetherington, Chief Garlock reported that progress is being made on the rapes reported this year.

**DH&L Fire Company, Ken Stettler** – Ken reported that during the month of May there were 16 incidents as follows: 1 Brush/Wildfire, 4 Standby Assignments, 1 Good Intent Service Call, 2 Miscellaneous Fires, 1 Pedestrian Accident, 1 Local Alarm, 3 Vehicle Accidents without Extrication, 2 Structure Fires and 1 Water Rescue Recovery. Of the 16 calls, 1 was in Monroe Township, 2 in Penn Township, 1 in Port Trevorton, 10 in the Borough of Selinsgrove, and 2 in Union Township. There are no dollar amounts listed on the report because the fire from Broad and Snyder Street has not yet been finalized. There were a total of 403 man hours spent on the various activities.

C/P Reuning asked Ken if he is involved in the regionalization discussion. Ken replied that he has seen the proposal put together by Mr. Humphries but that is basically all he knows as this point other than what he has seen in the newspapers. C/P Kinney encouraged DH&L to become involved in the regionalization to break the barrier of Selinsgrove being isolated from the others in the region and to join forces to save money. Ken stated that what Mr. Humphries has put together is a good starting point. There are a lot of good ideas in it as far as funding and standardization of equipment, etc. There is a meeting tonight with the Shamokin Dam Borough Council, and Monroe Township and Selinsgrove Borough will also be requested to participate.

C/P Kinney asked about the status of the social hall and Ken replied that there has been no change. The group that is interested in keeping Selinsgrove Speedway as a racetrack is presently locked up with the Pennsylvania Securities and Exchange Commission, trying to get an exemption in order to get stock issued within their own corporation so they can go about purchasing the fire company's stock.

C/P Kinney stated he thought financing was approved for the social hall. Ken replied that the financing at all four banks they approached is contingent upon a sales agreement for the speedway property. With a signed sales agreement, a bank will give them a construction loan to get started on the social hall. C/P Kinney asked if DH&L could borrow on the controlling stock of the Fair Board and Ken replied that

the first thing he tried was to avoid putting the stock up as collateral. When the banks would not go for that, he tried putting the stock up as collateral. He stated that he feels the banks do not want to be the ones to have to close down the speedway because they are afraid of what might happen. The banks are not interested in a piece of property that has been proven to be worth at least \$2 million, even though DH&L is not borrowing anywhere near that amount of money. C/P Hetherington asked if the banks would give DH&L money to develop the property themselves. Ken replied the fire company is not interested in doing that at all, especially considering that none of the members has any experience whatsoever in property development. They have enough problems trying to get enough people to answer fire calls without putting time and effort into developing a property. C/P Inch asked if the developer is still interested in the property and Ken replied that Fine Line Homes is very much interested in the property. DH&L has tendered a counterproposal to them based off of the proposal that they have from Gus Shultz's group, which is actually very attractive as far as the fire company is concerned. However, Mr. Shultz needs to get his corporation formed through the proper legal channels before he can do anything. C/P Kinney asked what safeguards the fire company has in place once it gets the money from the sale of the property to protect themselves down the road. He stated he can see the money being squandered very quickly by some of the members of the fire company and he feels there should be some kind of safeguard put in place. The money could be borrowed on to build the social hall, but ten years down the road he could see the fire company without anything to use as collateral for the future. Ken replied that the plan is to pay off the Swineford loan on the aerial truck and to pay off the fire station itself. Money would also be used to pay for the social hall so it would be starting out debt free. The remainder of the money will be invested. C/P Kinney stated he thought there were grants, such as the Degenstein Foundation grant, as well as fundraisers to take care of the cost of the fire station. Ken replied that the fire station cost approximately \$500,000 including tables, chairs, etc. to get up and running. The outstanding balance is \$200,000. An unexpected expense included having to put a roof on at a cost of approximately \$50,000. If and when the FEMA grant comes through this year, that money will be used for debt reduction on the new station, but this grant is only for \$10,000 to \$12,000 maximum. C/P Inch asked what is owed on the truck, as he had thought this was paid off. Ken stated the balance due is about \$150,000 and the purchase price was approximately \$462,000. C/P Hetherington asked how the fire company generates enough income to pay these bills plus electric, water, sewer, rental of the old social hall, etc. He asked if the money all comes through barbecues and sales in the social hall. Ken stated that about 26 percent of the operating budget comes from the Borough and Penn Township. Another 26 percent comes from the Fireman's Relief Fund. The other 48 percent comes from Susquehanna University, providing fire protection at Selinsgrove Speedway, municipal marketing fundraising and other donations. The annual operating budget is between \$100,000 and \$150,000. C/P Kinney asked if this covers payments on equipment also and Ken replied that it does. He stated that this operating budget keeps the fire company at their present status. He stated the budget submitted to Council breaks everything down. C/P Inch asked if there are people who will be able to run the social hall at a profit once it is completed. Ken replied that the old social hall runs at a minimal profit. He stated the fire company was given the name of a woman who would be interested in running the social hall. She has run a hotel/restaurant combination in New York State and comes very highly recommended. As the interviewing process begins, which will coincide with the groundbreaking for the social hall, they will ask the woman how she sees it operating and what she needs above and beyond what has been planned. Ken stated that with the racetrack asset of \$2 million, part is being put into the social hall which will bring more of a return than is currently being realized from the land. If the social hall is run right, as Shamokin Dam's is, DH&L feels they can do as well as Shamokin Dam and maybe even a lot better. Even before ground has been broken on the social hall, phone calls are already being received to rent the social hall for bowling banquets and weddings, etc. DH&L is anticipating that the social hall will have a higher rate of return for the money than just putting the money into a CD somewhere. C/P Inch asked if a manager will be hired to run the social hall or if it will be one of the members. Ken replied that the plan from day one was to hire a manager to run the social hall. He stated if there were a member who did something similar for a living it would be different, but there currently is no member like that.

C/P Kinney asked Mgr. Bickhart where the Borough and County stand on the flood mitigation money from Wilkes-Barre/Scranton that was supposed to be received a number of years ago. He stated Snyder County was supposed to get \$1,020,000 to be spread from Shamokin Dam to Selinsgrove. The fire company applied for money and he understood at the time that if the money was spent before the grant

was received that the entities could not reimburse themselves. Mgr. Bickhart stated he does not have the answer but he has asked the County Commissioners to let him know what they are doing with that grant. The small amount of information he has received is that there was a trial application submitted for Monroe Township. Some of the items on it were approved and some were not. It was a small piece of the money that was allocated and as far as he knows no one else has put an application together for a single dime. C/P Kinney stated that Tom Bresenham was the SEDA-COG representative and he suggests that Mgr. Bickhart get a hold of him or of Wyoming County Flood Mitigation Board, of which Dave Nichols is Snyder County's representative, to find out what is going on. Everything has been in place and Sunbury has gotten their wall, but Selinsgrove has gotten nothing. Snyder County is entitled to this money which has been set aside. The County had ideas for the money that was not flood-related but those were ruled out, with the decision being made that the money had to be used in the flood area. C/P Kinney stated that this should be followed up on, as the three municipalities involved – Shamokin Dam, Hummels Wharf, and Selinsgrove – could each use \$1 million let alone \$1 million to be split among them. The commissioners should be strongly encouraged to find out what is going on. Mgr. Bickhart asked for suggestions of who to contact or who is in charge. C/P Kinney replied that Dave Nichols is the county's representative, although the county commissioners should be encouraged to find some answers. Pres. Mengel suggested contacting Tom Bresenham from SEDA-COG. C/P Hetherington suggested contacting all of them. C/P Kinney stated that perhaps some of this money could be used for the fire company. Ken Stettler stated DH&L had submitted an application as a relocation project but it would now have to be purchased from Brian Farrell and the property would be razed. That was part of the deal, that any properties that were bought by the flood mitigation would be required to be razed. Mgr. Bickhart stated this was correct as there were no provisions made to bring properties into compliance with the flood regulations. He stated he will see what he can find out on this issue.

**Attorney Joel Weist concerning Donald Foreman Property** – Pres. Mengel stated that this is a new agenda item for tonight and not something Council was prepared for. Attorney Weist stated that he is at tonight's meeting to give Borough Council notice of 30 days, as required under the law, of an impending lawsuit against the municipality. Mr. Weist stated that if the standards of the decision of the Zoning Hearing Board are not met and the decision of the Court of Common Pleas by Judge Knight are not met within 30 days then the Foremans will be filing suit. He stated he has been in contact with Solicitor Cravitz for some time and while some portion of the decisions have been met on the former Lutze property, not all of those conditions have been met. It has been requested several times that the conditions be met and as they have not the Foremans feel they have been left with no option but to give the Borough the 30 days' notice. C/P Handlan asked what options have not been met. Mr. Weist stated that the foundation remains on the property. The property has not been restored to its prior condition. The curb has not been replaced. There is a multitude of building materials on the property. Mr. Weist stated that Solicitor Cravitz was at the property today and witnessed all of this himself. Solicitor Cravitz reported that he was down to the property this afternoon and observed about four courses of block still in the ground. He stated this was not visible from the outside, but when walking on the property they could be seen. Mr. Weist stated that the other party is aware of the fact that the property was not met to be in compliance prior to their purchasing it. C/P Hetherington stated he would have to question that and Mr. Weist replied that he knows the purchasers were aware because they contacted him and Mr. Bowen contacted him about it. He stated there is another issue in that the property has been turned into a parking lot. Prior to that it was a grassy knoll and the law says it must be restored to its prior condition. The four or five courses of block that remain were used to dump 12 truckloads of stone on top to make a parking lot. The law says it must be restored to its prior condition and the curb must be replaced. Mr. Bowen was aware of Mr. Weist's feelings on this subject prior to the sale of the property. C/P Kinney stated once removed the property owners can turn around and put a parking lot right back in. Mr. Weist stated they can try to do so legally, but it is within a flood zone so they cannot build there unless they meet the flood zone requirements. Mr. Weist also stated that if they are forced to go forward, under the law they are allowed to ask for attorney's fees, consequential and incidental damages, etc., etc. He stated his clients, the Foremans, do not want to sue the Borough but they also do not want somebody parking in their back yard and flicking their lights on and off 15 times a night. They do not want to live next to a junk pile. Solicitor Cravitz stated that Mr. Foreman brought up this morning the issue of drug use on the property next door. This should be discussed with Chief Garlock. Mr. Weist said it is his intention to do this before he leaves tonight, as apparently there is some drug use going on on the

property. Pres. Mengel asked Mr. Foreman if he has ever called the police regarding the blinking of the lights, as this is not a Borough issue but is a police issue. Mrs. Foreman stated she called the police to report the disturbance. She stated she had to give her whole life history. Mr. Foreman stated he talked to Council and was told it had been taken care of in the courts. It has now been out of the courts for some time. Mr. Weist stated the police have been called about this and the police have more important things to do. Mr. Weist stated he is not saying that sarcastically, but it is a situation that no one will have to deal with if there is not a parking lot in the back yard. Rather than run everybody ragged, he is here to ask that the situation be rectified so that he does not have to move forward with a lawsuit. He stated there have also been some instances of trespassing which were reported to the Borough police, but he realizes that these issues are hard to prosecute. Mr. Weist thanked Borough Council for their time. After Mr. Weist and the Foremans left, C/P Kinney requested an executive session on this issue as he has questions for Solicitor Cravitz. Pres. Mengel replied this will be done.

#### **UNFINISHED BUSINESS FROM PRIOR MEETINGS:**

**Review List of Council Issues** – C/P Hetherington asked what the situation is with the railroad station, as there is trash there and still no sidewalks, which were to be completed in the spring. Mayor Beaver reported this will be looked into tomorrow. He did not realize there was an issue there but he has now been made aware of it.

**Sewer Projects** – Mgr. Bickhart reported that a preconstruction meeting will be scheduled on the Sassafra sanitary interceptor. John Coukart provided a letter summarizing that the issue that he thought he had with the flowable fill in the shoulder of the road is not a problem. PennDOT says flowable fill does not have to be used. Now John Coukart has some concern about the location of the existing water main on the University Avenue sewer project and he is trying to resolve this issue. C/P Kinney asked if Sassafra was moving ahead and Mgr. Bickhart reported that a preconstruction meeting is being scheduled in the near future. C/P Kinney stated he does not like the term “in the near future” and suggested a definite date should be set as this has gone on much too long already.

**Report on letter to SASD on Weiser Run erosion** – Mgr. Bickhart reported that Solicitor Cravitz sent a letter to the school district on this issue. The school district will take care of this but did not say when. Solicitor Cravitz reported that he spoke with Mr. Varner, who is in charge of buildings and grounds for the school district, and he stated that he spoke with Gary last year about this. Nothing could be done in the fall so they will work on it this spring and into the summer. Mr. Varner stated the school district was surprised to receive the letter because he and Gary had been talking about this and had come to an accommodation that would work for both Gary and the school district.

**Sidewalks** – C/P Hetherington wondered if Council has gotten a list of sidewalks and what phase they are in. He specifically referenced the sidewalks on South Market Street, which he has had questions about.

**Stormwater Management** – C/P Inch asked about the revising of the stormwater management, which was postponed to the June meeting. He stated he and Mgr. Bickhart discussed this today and Mgr. Bickhart had stated that in the present verbiage it does not need to go further because there is something in there to take care of that. Mgr. Bickhart replied that it is better to try to modify the calculation process than to try to impose regulations because of the requirement due to the watershed study. The Borough has nothing to back up a demand for a 20 percent reduction. In order to do that lawfully there must be a watershed study to justify the 20 percent. On the other hand, there are things that can be done to the calculation methodology that result in the same thing. C/P Inch stated that due to the recent building the same incident will most likely happen again and he asked if Mgr. Bickhart feels confident that the Borough will be covered. Mgr. Bickhart replied that the Borough will get the remediation that is being sought but without running the risk of somebody challenging the ordinance. It is just a different way to get to the same objective. He stated he had raised an objection to the watershed study and changing the ordinance, which he will present as an option to the Planning Commission, but he is sure their solicitor will come back and say that the Borough does not have the authorization to do that.

**Athletic Field Refreshment Stand** – C/P Kinney stated he heard a rumor that the refreshment stand at the athletic field which was on wheels has now been made into a permanent structure. Mgr. Bickhart replied that this is true and a permit was obtained to do this. Stormwater management requirements were met because it was in an area where calculations proposed an impervious area to begin with. C/P Kinney stated he questions this because water has been shifted from one point to another the entire way through this building project from day one. He cannot believe that all this space was impervious and that building permits can be granted without having something in place. He stated he is tired of Broad Street being flooded and nothing being done. The school has to start taking some responsibility to take care of this and the Borough has to start saying no in order to get something done. Mgr. Bickhart stated that the refreshment stand was built in an area that was proposed to be paved, so the surface in their computations was impervious to start with. All that is being switched is a pavement as opposed to a roof in the same area. He stated he even pulled out the old plans to be sure this was the case and that area was proposed in the calculations to be impervious so there was no change in the stormwater runoff on that particular piece of property. Pres. Mengel asked if this was the band boosters and Mgr. Bickhart replied that the band boosters have a stand by Magnolia Avenue upon which additional stormwater management requirements were imposed. The stand currently being discussed is run by the sports boosters and it was in an area that was originally proposed to be paved. Mgr. Bickhart reported he has also had a request to consider a concession stand for the soccer field in front of the high school but he is not inclined to accept that request without computations. Mgr. Bickhart stated he has not received anything in writing yet and he is hoping the school district will decide not to put it in because it is right in the front yard and would be an aesthetics issue. Pres. Mengel stated they serve refreshments at the school itself at what was the band entrance for the girls' softball games.

**Slivinski Property** – Solicitor Cravitz stated that Attorney Slivinski asked him today when his issues will be taken care of. Pres. Mengel stated this will happen as soon as the Borough crew is available. Mgr. Bickhart stated Gary has been talking about it all spring. C/P Hetherington stated that Council needs to stop promising people that they will do things and then put them off. The same with ordinances; if they are not going to be enforced then they should be done away with or changed. C/P Kinney stated some of the problem is that the staff throughout the Borough has been cut considerably in order to save money and now there is work to be done and it is almost impossible to get it done. Even with other help it was difficult to get things done. He suggested hiring someone in order to meet commitments. When Council makes a commitment they should be prepared to pay the bill.

**Non-Police Matter Suggestions Update** – Pres. Mengel asked about the report concerning complaints of chemical odors at the Wood-Mode plant and a report of a squirrel in a substation. Mgr. Bickhart stated that he has been asked to look into the odors at Wood-Mode on two different occasions. By the time he got there the odor had dissipated. He notified Wood-Mode of the complaints, which seemed to solve the problem. He has not heard any repetitive complaints so he thinks these are isolated issues. He has asked both parties who had complained to call more often if the problem is more frequent, as he is only hearing isolated complaints. He would like to know how frequent the problem is, but he has not gotten any subsequent calls. It may be just a matter of Wood-Mode's work schedule, what they are doing, wind direction, etc. In all other cases it seems to be fine.

Pres. Mengel asked where the cul de sac weed issue stands with the school district. Mgr. Bickhart replied that the school district has not done anything yet to clean this up.

C/P Inch asked when the state program to clean out Weiser Run will take place, as it is a year overdue. He thinks the holdup is the availability of the equipment. C/P Kinney stated he thinks that because it is private property the cleanup is not allowed. Mgr. Bickhart stated that this has been done before under the belief that it was an emergency situation which gets the Borough partway out of the issue of not having an easement there. The letter from John Coukart indicates that Gary has made an arrangement to get the Grade-All from PennDOT, which is the ideal piece of equipment to get in there and do the cleanout. This will be done as part of the work on the street program. It is something that is done about every other year and is nothing that has an overt problem associated with it, but it is just an accumulation of settlement in the bottom of the creek downstream of the culvert.

**Market Street Enhancement Project / Streetscape Project** – Mgr. Bickhart stated that the contract was signed today for the decorative street lighting. Construction will begin within a month. Pres. Mengel asked if the contract was for the same pricing that was quoted. She thought she had heard that the Borough had to go back to the same light pole standards as before. C/P Kinney stated the committee has not heard anything about that. There is a more decorative light pole than there was before. Mgr. Bickhart stated he has not heard of any changes to the bids. C/P Handlan asked what will happen to the existing street lighting. Mgr. Bickhart replied that it will be removed and the cost will be negotiated between the Borough and PP&L. C/P Handlan asked if the old lighting will have to come out before the new lighting is installed. C/P Kinney replied that PP&L's lighting is not connected to anything that the Borough is going to be doing. The Borough's conduit is plastic pipe under the brick area of the sidewalk. PP&L has their own conduit so the Borough's system will be independent of PP&L's. Pres. Mengel asked if there is damage to be incurred when they remove their light fixtures. C/P Kinney said a brick or two may have to be replaced. Mgr. Bickhart stated there will be some bolts that will need to be cut off with a torch which are in a concrete pedestal. PP&L own the lights so they will take them; the Borough will not be able to sell them for scrap. C/P Hetherington stated once the new lights are installed and approved, they can be put into service and the old lights can be taken out of service and removed. Mgr. Bickhart stated when the contractor gets involved with PP&L they will begin the discussion about taking the old lights out.

**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. Pres. Mengel called for a vote on the motion.

**AYES: SEVEN (7)      NAYS: NONE      MOTION CARRIED**

**Statewide Tax Recovery, Inc. - Exoneration Requests** – Mgr. Bickhart reported that there is a request from William Hohman for 1999 which indicates that he had paid elsewhere. There is also a request from Paul W. Dorman, Jr. for 1998, 1999 and 2001 as he was deceased. C/P Kinney noted it was odd that there was no request for 2000.

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: SEVEN (7)      NAYS: NONE      MOTION CARRIED**

Mgr. Bickhart reported he has also received a Chapter 7 bankruptcy for two individuals for 2004. Solicitor Cravitz stated these should be submitted as part of their case. Pres. Mengel stated they are not exempted and the Borough will try to get the money.

**Consider Proposal from Berkheimer Tax Administrator for the collection of Earned Income Taxes for the Borough** – Solicitor Cravitz stated the Sunbury Earned Income Tax Office was given notice and everything seems to have gone through fine. Mgr. Bickhart reported that per the authorization at last month's meeting he sent a fax to Sunbury regarding Council's intention to withdraw. This was done that same night in order to beat the 60-day deadline. He has received no indication from Sunbury. The next step is to sign a contract with someone else to do what Sunbury used to do for the Borough. Mgr. Bickhart has asked the Sunbury office to meet with him to work out a withdrawal schedule that would be most convenient to everyone. Rumor has it that the Sunbury office is going to allow all the municipalities to withdraw effective July 1. Solicitor Cravitz stated he got a call stating that Monroe Township missed their deadline but they were going to try to get out of it anyway. The Selinsgrove School District has stated that the Sunbury office will let everyone out anyway because they are going to

get out of this business. Mgr. Bickhart stated if Council feels they have enough information they can vote to enter into the contract with Berkheimer. Solicitor Cravitz stated everyone else has gone with Berkheimer. C/P Kinney stated he thought Council went along with the contract last month. C/P Handlan stated Council did not have a contract last month; they only had the information.

Motion by C/P Kinney to authorize Mgr. Bickhart and Pres. Mengel to sign the contract with Berkheimer effective July 1, 2005. Seconded by C/P Hetherington. Pres. Mengel called for a vote on the motion.

**AYES: SEVEN (7)      NAYS: NONE      MOTION CARRIED**

Mgr. Bickhart stated that Berkheimer submitted a resolution in his package which needs to be adopted.

Motion by C/P Kinney to adopt the resolution. Seconded by C/P Hetherington.

Mgr. Bickhart stated Council does not have a copy of the resolution, which arrived yesterday. C/P Reuning suggested reading the resolution into the minutes. Solicitor Cravitz read the resolution into the minutes. It is quite lengthy so please see copy attached. Pres. Mengel called for a vote on the motion.

**AYES: SEVEN (7)      NAYS: NONE      MOTION CARRIED**

Mgr. Bickhart reported there are three other resolutions dealing with optional, peripheral issues. He will give these to Solicitor Cravitz to review and report on. C/P Kinney asked if there is an out on this contract in case the school district would decide to change again and go with someone else. Solicitor Cravitz replied there is an out on this contract but he is not sure of the terms. C/P Handlan found that it was a 90-day notice.

**Consider request from Janet Powers, Recycling Program Coordinator, pertaining to the rehabilitation of old curbside collection trailer. Requires 2005 Budget reallocation –** C/P Inch stated this will cost \$1,657.60 and C/P Kinney stated there is a grant for this. C/P Inch stated for the time being the money will be taken out of Recycling.

Motion by C/P Kinney to reallocate money from the Recycling budget until the grant money comes through for the rehabilitation of the old curbside collection trailer. Seconded by C/P Reuning.

In answer to a question, C/P Inch stated that both trailers will be used. The new trailer cannot be offloaded very well, but Cocolamus will make a modification. Pres. Mengel called for a vote on the motion.

**AYES: SEVEN (7)      NAYS: NONE      MOTION CARRIED**

**Consider the request of the Borough Manager to contract for the installation of a chain-link fence to enclose the fuel pumps at the Borough Shed, as per the requirements of EPA's Spill Prevention, Control and Countermeasures regulations. Requires 2005 Budget reallocation –** C/P Inch reported the cost of this is \$3,327.10. Sheri suggested taking this out of Community Acquisition. C/P Kinney stated that if EPA requires it there really is no choice in the matter. Mgr. Bickhart reported the EPA was in a number of months ago and did an evaluation and this was one of the items. It is under \$4,000 so it is legitimate to proceed with the proposal from Apollo Fence and no solicitations are needed for costs under \$4,000. Apollo has done most of the fence work in the Borough.

Motion by C/P Inch to install a chain-link fence to enclose the fuel pumps at the Borough shed as required by the EPA. Seconded by C/P Kinney.

C/P Christine asked if this is something the Borough can do itself and Mgr. Bickhart replied no. C/P Kinney stated there was some talk of enclosing the entrance to the municipal building itself out by the road. Mgr. Bickhart replied that this is not satisfactory to meet EPA requirements. What will be done is

what Recycling had wanted, which was to put gates at the corners of the building to make access to the area much easier, and then fence in the fuel island. Pres. Mengel called for a vote on the motion.

**AYES: SEVEN (7)      NAYS: NONE      MOTION CARRIED**

Motion by C/P Kinney to award the contract to Apollo Fence for \$3,327.10. Seconded by C/P Handlan. Pres. Mengel called for a vote on the motion.

**AYES: SEVEN (7)      NAYS: NONE      MOTION CARRIED**

**PUBLIC FACILITIES & SERVICES COMMITTEE: C/P Reuning, Chairman** – Pres. Mengel asked where the issue of the sidewalks stands. C/P Reuning stated the committee has not talked about those for quite a while because this is Phase II.

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

**Recommendations from Committee on Police Station renovations** – C/P Kinney reported that Chief Garlock modified his request because there was \$7,000 available to do a job that would cost \$18,000 to \$20,000. Chief Garlock put together a list of what he could live with in order to get the police department moved into the building. C/P Kinney stated the committee did not recommend a thing; all recommendations came from Chief Garlock. Mgr. Bickhart reported that he got a price to do the two most expensive items on the list. Base Bid Item No. 2 was to construct the partition wall and put in the security glass and steel door, and to replace the outside rear door with a metal-framed steel door. The estimate is \$5,400 from DB Construction for those two items. He stated Council cannot take that number, as it is over \$4,000. He will make telephone solicitations to get other cost estimates. The two steel doors themselves are \$1,800 each. Pres. Mengel stated in hindsight she does not think the bids should have been turned down last month. The Borough should have found the money to just get the work done. C/P Kinney stated there is a total of \$13,000 in the budget of which \$3,000 went for lights, heat, insurance and taxes of \$850. Chief Garlock stated he should be able to use the telephone system in the new building until the first of the year because they have the ability to put more phones in than he has downstairs now. The County will be providing the computers and everything needed for them. There may be some money needed to move the radio equipment and antenna but Chief Garlock thinks perhaps some of the officers could do this. Some other items needed right away are dusk-to-dawn lights for security and a dehumidifier for the records in the basement. C/P Handlan stated none of the items on the list will be eliminated but will be put into next year's budget. Pres. Mengel asked Mgr. Bickhart if he asked for prices from the two companies that already submitted bids. Mgr. Bickhart stated they would not be two companies that he would call because of their price structure. He will call two other contactors, but it will not be Keister or Feaster. Mayor Beaver asked if the \$5,400 included the emergency outside lighting and Mgr. Bickhart replied the \$5,400 was just for the partition and the rear door. Mgr. Bickhart asked how Council wishes to proceed in order to get the work started after receiving three telephone solicitations. He asked if an upper limit would be set or if it should be done subject to committee review. Pres. Mengel stated the committee should be capable of making a decision. C/P Handlan stated that the availability of the contractors is also important, as the work needs to be done as quickly as possible. It was decided that at least three telephone bids will be solicited and the committee will meet to make a decision on them.

**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 reported that the last draft of the document has been given to Council. The next step would be to review the manual with the employees as this fourth draft properly reflects what Borough Council's attitudes are. Pres. Mengel stated that it is a working document which could be changed from time to time. C/P Reuning stated sections should be added as needed. Mgr. Bickhart agreed, stating that the only part of the manual that Council has not seen is the very last page of the section of the grievance policy which incorporates the employee's

immediate supervisor as the first line in the grievance process, with Mgr. Bickhart as the second line, and then the President of Council with the option of resolving it herself or referring it to the committee for a recommendation to Council. This is a marriage of grievance procedures from other contracts within the Borough. Pres. Mengel stated she thought the Reserves would be done away with. Mgr. Bickhart stated a number of them were removed and the rest were left in as works in progress as they identify sections that should be added but which are not yet written. Pres. Mengel asked if Council is ready to accept the employee manual tonight and C/P Kinney stated he thought C/P Christine was going to review it with the employees first in order to incorporate any corrections they may have. C/P Christine stated that at this point Council could accept what they are offering the employees contingent on what they have to say. Mayor Beaver asked if the employees could have the manual amended if there was a question on an issue. C/P Christine stated that is a whole other discussion, as he feels that when Council publishes the manual it will be in its final form. Pres. Mengel stated she does not appreciate the Reserves in the manual and feels that they should come out, as they can be added at another point in time if Council chooses to do so. C/P Reuning suggested removing the Reserves but including a statement to the effect that other matters will be added as time goes by. C/P Christine stated it is a policy and policy changes. Council does not necessarily have to say now what they will or will not add. C/P Kinney asked if the manual should be tentatively adopted and C/P Christine replied that it should be tentatively adopted but asked how much input Council wants from the employees. The consensus was that comments were welcomed from employees but they should not be setting policy for the employee manual. C/P Kinney stated that he thought that in November of last year when all the employees were at the Council meeting that Council said they would share this with the employees before it was adopted. C/P Christine stated that the comment was that the manual would be presented to the employees so they could go over it, but not that they would review it to have their final say on it as a negotiation process.

Motion by C/P Kinney to adopt the non-uniformed employees' handbook with the exceptions that all of the Reserves be taken out and it be noted someplace that this could change. Seconded by C/P Handlan.

C/P Reuning stated that when it is put together it should be done in such a manner that a page can be removed and a new page inserted with additional information. Mayor Beaver suggested having the manual in a binder-type format. Pres. Mengel called for a vote on the motion.

**AYES: SEVEN (7)      NAYS: NONE      MOTION CARRIED**

C/P Christine asked how soon this can be put out, as he has to be in South Dakota from June 11 to 25. He stated if the manual could be given to the employees tomorrow they could have a meeting Wednesday or Thursday. He suggested having the meeting Thursday at 1:00. C/P Reuning suggested taking notes at the meeting. C/P Christine welcomed anyone from Council who wished to, to attend the meeting. C/P Reuning stated he could attend at 2:00 but not 1:00. C/P Handlan stated she cannot attend at 2:00. C/P Christine stated the meeting will stay at 1:00 and C/P Reuning can join at 2:00, as they will probably still be talking at that time. Mgr. Bickhart suggested having the meeting in Council chambers.

**PUBLIC SAFETY COMMITTEE: C/P Hetherington, Chairman**

**Report on controlling animals within the Borough** – C/P Hetherington reported that his committee is having no luck coming up with anything regarding an animal ordinance. The City of Pittsburgh tried limiting animals to five and somewhere along the line it went to court and they were defeated. He stated he had two indirect complaints through his wife's beauty shop about some people who went away for two days and left no food or water for their dogs. He stated that if people have any problems they will have to contact the County dog law enforcement officer or the Danville SPCA, as the Borough has no way to help people with complaints.

C/P Hetherington stated that if possible the Safety Committee would like to meet with the Mayor, the Mayor Elect, Chief Garlock, and Mgr. Bickhart next Monday evening at 7:00 p.m. for a general discussion on some issues regarding students and other safety issues. Mayor Beaver stated he will not be able to make it to the meeting as he has another commitment.

C/P Hetherington reported he had a complaint from Orange Street regarding garbage that was there for about a month. It has all been cleaned up now. Pres. Mengel asked who cleaned it up and C/P Hetherington replied he was not sure. It possibly was a garbage man. Mgr. Bickhart stated there were four landlords who were contacted via letter regarding the trash left on their properties after the students left. All four landlords called back after making arrangements to have the trash removed. These landlords had not been aware of the situation until they were notified. However, their responsibility is to not have situations such as this occur in the first place. The landlords should have been cited immediately and due to the time that went by before the trash was removed and the number of people that were upset about the garbage this is not considered a victory for the Borough. C/P Handlan asked if these were all absentee landlords and Mgr. Bickhart replied they are not. Pres. Mengel stated this should be something in their lease and Mgr. Bickhart stated he is sure it was in the lease but what can a landlord do after the tenant leaves and leaves behind a pile of garbage. C/P Handlan suggested the landlord should withhold the security deposit. C/P Kinney stated this is nothing new. It happens every year and it will continue to happen. The neighbors should be glad that the students left, even though they left behind a pile of trash. Pres. Mengel stated the Borough will have to stay on top of the situation in the future.

C/P Handlan stated that the house on Mill and Orange Streets has trimmed the bushes back. She asked if this was a request from the Borough and C/P Hetherington replied it was not. C/P Handlan stated the bushes were cut almost completely out, which will make that corner safer.

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

**Recommendation on Ordinance** – C/P Handlan stated that this is still a work in progress, but it is almost finished. She suggested having a meeting after C/P Kinney's meeting to finalize this.

**PLANNING COMMISSION: Earl Moyer, Chairman**

**Recommendation for granting Preliminary Plan approval for the Land Development Plans for Sprenkle/Buckley and the Request for Sewage Facilities Planning Exemption** – Mgr. Bickhart reported that Council has copies of a lot of correspondence regarding this project that was submitted quite some time ago. The Planning Commission has recommended approval under the condition that the stormwater management floodplain regulations be complied with to the satisfaction of the engineering firm. That started the process where designs went back and forth and eventually the engineer got to the point where he has indicated to Council by letter that the plans and the computations satisfy the stormwater management and the floodplain regulations from an engineering point of view and his last sentence refers to a question that he thinks should be addressed by the solicitor. Mgr. Bickhart met with Solicitor Cravitz and went over it with him. It will be up to Solicitor Cravitz to respond to whether the plans are in compliance with land development regulations. The current process is one where Council needs to consider the approval or disapproval of this plan, either approving it with conditions or disapproving it for cause. This has been around for quite some time and Council needs to deal with it as quickly as they can. C/P Hetherington stated that he wanted to ask Council, as a fellow member of Council and as a resident taxpayer of the Borough who lives not a block away from this property, not to grant this. He feels there are too many students there right now and too many weekends when there are 50 to 100 kids carrying on and having loud parties on Thursday, Friday and Saturday nights. He feels that all this will do is increase the numbers and the problem and it is time Council says no, enough is enough. He stated he will not support it as a Council person. C/P Kinney asked if there have been comments from the neighbors across the street on the corner of Chestnut and Orange on either corner. C/P Hetherington stated he has had complaints from them and four people from the neighborhood promised to come to tonight's meeting and they are not here. C/P Kinney asked if there have been complaints on the apartment building of Ken Miller. C/P Hetherington replied the complaints have only been on the property of Mr. Sprenkle. He stated there are mobs of students who walk from one party to another and he wished he had a video camera so everyone could see it. He asked if the members of Council and the Planning Commission who do not have students living near them would be so generous in granting approval of these things if they did have students living near them. He stated there has to be a stop to it some day as in the next 20 years there will be very few private homes left because people will not want to move into a

neighborhood or buy a property where there are college students within a block. He stated he may move out of the Borough to get away from all the noise and everything. Pres. Mengel directed the conversation back to the questions that needed to be addressed by Solicitor Cravitz. Solicitor Cravitz stated there was only one question, which states that the Borough should verify with their solicitor if this constitutes harm to the adjoiner. He stated harm to the adjoiner could be considered to be to C/P Hetherington or the train station across the run or anybody in the area because what is being said in Mr. Sassaman's comments is that in Weiser Run's flood calculations, additional calculations have been approved provided they show the impact to flood elevation from this proposed development. The calculations indicate only a minor elevation increase of 0.1 foot in the area of the existing retaining wall. The Borough should verify with its solicitor if this constitute harm to the adjoiner. Solicitor Cravitz reported that in looking at the decision of the Zoning Hearing Board when Mr. Lutze came in for his variance to the flood surface elevation, they denied it where he asked for a 0.1/0.01 foot variance from a 0 flood surface elevation maximum. The Zoning Hearing Board denied that request on the basis that under the flood ordinance the Zoning Hearing Board cannot grant any special exception or variance for any proposed use, development or activity that will cause any increase in the flood levels of the 100-year flood. This is from Section 140-114.1 under Variances and Special Exceptions of the Zoning Hearing Board. The Zoning Hearing Board by legislation is the one that would grant or deny any variances with regard to flood regulations. The Borough Council has mistakenly thought they had the authority because they always had done it but then it was learned subsequently from Judge Knight that it is the Zoning Hearing Board that has jurisdiction over these variance requests. Solicitor Cravitz stated Robert Bickhart wrote in response to the January 26, 2005 letter of Mr. Sassaman that his calculation did approve this and it is at the retaining wall but that was caused by the retaining wall being raised one foot. This is where the 0.1 foot elevation increase came from. Robert Bickhart assured the Planning Commission that that was not an issue because they are not going to raise that up and if it was not raised up it will bring the level up because any development in the flood zone will raise the level but this was so minimal and spread over such a wide area that the impact cannot even be calculated. Solicitor Cravitz stated he wants to do some research on the particulars of Mr. Sassaman and talk to Robert Bickhart about what exactly was meant by all of this to see where it is because variances were awarded for setbacks and for the size of the doors. There are four different variances but they did not go to the Board to get any variance for the flood regulations. He stated he will do this as quickly as he can and have a report to Council for their July meeting. Solicitor Cravitz and Mgr. Bickhart went over what the regulations are and what they really should be and how the Planning Commission is looking at changing the regulations to come into more compliance with the suggested provisions. This is in process and not done yet. C/P Kinney stated that Sprenkle and Buckley have done a beautiful job in renovating that building and the one up on David Street. However, he is concerned about the properties on the street because with the students there it devalues the other properties in the neighborhood in the sense that nobody wants to live close to the students, no matter how fancy or how pretty the building is that they are living in. He is concerned about the number of complaints that are being received regarding the students. Solicitor Cravitz stated that he spoke with Attorney Mihalik in Bloomsburg and while Council does not like their ordinance because it is very stringent, their ordinance had the opposite effect. Properties have actually had their land values go up because the ordinance is so stringent with regard to the landlord/tenant ordinance that the student housing is in better shape than those properties that are rented to non-students because they are inspected and they can evict people and they can make the landlord come into compliance, so the buildings are upgraded and better care is taken of them. Solicitor Cravitz also used the Savidges as an example; they make people toe the line in their buildings. They have requirements for their properties and if the students do not comply they are kicked out. Their apartments are showplaces for the Borough. C/P Kinney stated that this is fine if the landlords will make that kind of a commitment. Solicitor Cravitz responded that the ordinance requires them to make that kind of commitment. C/P Hetherington stated the landlords might be good at remodeling properties but there are still problems on Friday and Saturday nights which means their enforcement is lacking. He stated there were beautiful lights that were ripped down. There were big landscaping rocks, one or more of which were thrown into Weiser Run. He stated the building could look like the Taj Mahal, but what is going on in and outside of it are two different subjects. Pres. Mengel asked Jeff Buckley if he would like to make some comments. Jeff stated he appreciates C/P Hetherington's comments and he would not like to live near rowdy students either. He stated, however, that not all students are bad. He stated his lights were torn down and he has replaced eight of them but he has not done so since. He stated Council could check with Chief Garlock to see what the record has been at their

properties regarding noise complaints at both buildings. He stated the kids in his building did not tear his lights down. It was students who were passing by. A second camera system has been purchased to be installed on that building so that whoever the perpetrators were who knocked down the lights, whether college students or high school students, they will be caught. He stated two landscaping stones were tossed into Weiser Run and they will be removed from there. He and Mr. Sprenkle try to keep their properties nice and they try to keep the students in the properties to be mostly girls. Girls typically make a better renter because they are less likely to have a party and more likely to go to one. Jeff stated the building is pretty much a block building and there are block firewalls in, true firewalls that actually go through the building, and there are interconnected smoke detectors. They take the safety of the student into consideration and it is the same thing in the other building. He appreciates Council does not want an influx of students coming but when there is a property that size that sits back he feels it is better to keep as many students in one location so they are not continuing to migrate down Eighth and Ninth Streets, because there is no control over someone who buys a double and puts college students in it. His building already exists and there are already students there. He stated they are supposed to be notified by the police if there are problems at their buildings and he does not think he has ever been notified of any problems. There was one incident that took place and they provided the police with the tape and with any information they could because they do not want incidents to happen on their properties either. He stated that the Borough and the landlords need to work together to correct the problems the way they are working together in Bloomsburg. The biggest problem with the students is alcohol because most students would not act the way they do if they were not drinking. If there is a strong lease, as soon as the student does something he can be evicted. Jeff stated he was at a meeting in January where there were problems discussed that had to do with trash and sheds in the alley behind Orange Street. He stated landlords need to include garbage collection in the lease because if they do not the students will let the garbage pile up. He stated he and Mr. Sprenkle are trying to manage their properties the best they can. They are not absentee landlords as one or the other of them is there almost daily. C/P Inch stated that he was told that the landlords themselves are organizing an association to police the properties. Jeff replied that this is correct, as the landlords are trying to mitigate the problem before it gets worse than it is and before it forces the Borough to adopt certain ordinances so that that does not need to take place. The organization as a group and as a whole will police all students and if a student is kicked out of one property they will not be picked up at another property in an effort to try to stem some of the problems. He stated a lot of people get into the landlord business and have no idea how to manage students. They think they will make a ton of money and that is not always the case. He stated he is not pointing the finger at any one property. There are groups of students who walk the streets and the University should be called and the police should start arresting some of the students. C/P Hetherington stated you cannot keep pedestrians off the street but when they are congregating down there, with 50 or 100 in one place, and now with extra units being put in there will maybe be 200 students carrying on. Jeff agreed about not keeping pedestrians off the street but if the pedestrians are intoxicated they can be arrested. C/P Hetherington suggested that Jeff Buckley and Doug Sprenkle get an apartment and live there while the students are there to see what it really is like. Jeff stated there are cameras that they monitor and C/P Hetherington asked why then, weekend after weekend, are there problems. He stated it is not just Jeff's place but it is other places too. Jeff stated he is only aware of two parties that took place and Doug took care of it. Pres. reminded Council that this will be continued to the July meeting. C/P Kinney asked Jeff if the building was flooded in September and Jeff replied that there was no water in either building. He stated when the last building was redone it was evident that water had been in the building previously and that is what they were told. They built the foyer up, raising the floor inside, and put a catch basin channel in with two large pumps and sealed the foyer door so that if something does happen they can capture the water. C/P Kinney asked who the previous owners of the building were. Jeff replied that it was in bankruptcy so Sun Bank actually had the property, but he thought it had been owned by Larry Drake. C/P Kinney stated that Mr. Drake had a lot of flooding. Jeff stated that was another issue, to raise the level of the water an inch and dredge three feet out of Weiser Run to alleviate the problem. C/P Kinney asked Mgr. Bickhart how the clock is running on this. Mgr. Bickhart replied that the clock has run out and Council is in the position where the applicant has deferred to allow Council to continue its review but a decision should have been made quite some time ago. Pres. Mengel stated Council did not have this issue before them and Mgr. Bickhart stated there was a process of submitting documentation back and forth so the application was not completed until all the documentation was submitted to the satisfaction of the committee. Pres. Mengel stated a decision will be made in July. C/P Kinney asked

Jeff if the apartments being added are one-bedroom or two-bedroom apartments and Jeff replied they are three-bedroom apartments, which will allow for 12 students. They are finishing the two ends of the building that are not finished so that is four apartments, or 12 students. There was some question about some other apartments that are in the plans and Jeff stated they got approval for those in case they want to put them in later on, but they do not really want to. Jeff stated they only want to do the two end units. Council stated that the plans are to construct seven townhouses. Pres. Mengel stated she has no problems with the ones on the end; she has problems with the ones in the middle. Jeff stated they do not want to do the ones in the middle and he would amend his submission. C/P Kinney stated Jeff should talk to his partner before saying that. C/P Handlan stated she would like to have Jeff's phone number because she lives just as close as C/P Hetherington does and there have been times where it has been as if the students were in her own back yard. Pete Carroll asked if Jeff's answers have cleared up some things for C/P Hetherington and C/P Hetherington stated he does not want any more students in that neighborhood. That would be just like throwing gas on a fire. Pete stated that Jeff is amending his application to make it less than what Council originally thought. C/P Hetherington stated on a Friday night a student will have ten guests and each of those guests brings ten guests and he does not want even one more student there, let alone 12. He stated everyone on Council should spend a couple weekends there to see what it is like. Pres. Mengel stated sufficient time has been spent on this for now and Solicitor Cravitz will get back to Council at the July meeting, at which time a decision will be made for Jeff.

**ZONING HEARING BOARD: Glen Rohrer, Chairman – No Report**

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

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

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

**BOROUGH ADMINISTRATIVE REPORTS:**

**MAYOR: Garry Beaver**

**EXECUTIVE SESSION - Council Meeting recessed to an Executive Session at 8:53 P.M. for discussion of Personnel Issues. Council meeting reconvened at 9:15 P.M.**

Pres. Mengel reported that in the Executive Session there was discussion on a possible retirement from the police department.

Motion by C/P Reuning to accept the agreement between Mr. Wayne Brosius and the Borough as negotiated conditioned upon his acceptance of said agreement subject to the stylistic changes. Seconded by C/P Inch. Pres. Mengel called for a vote on the motion.

**AYES: SEVEN (7)      NAYS: NONE      MOTION CARRIED**

Motion by C/P Kinney to notify the Civil Service Commission that there will be a potential vacancy and they should take it from there. Seconded by C/P Inch. Pres. Mengel called for a vote on the motion.

**AYES: SEVEN (7)      NAYS: NONE      MOTION CARRIED**

Pres. Mengel stated she will appoint the Personnel Committee to look into the salary implications for a new hire in the police department. C/P Inch asked how long it usually takes to complete the process of hiring a police officer. Chief Garlock replied that the advertising takes place for three weeks. Arrangements need to be made to take a test, which takes four or five weeks. Testing takes a week and results take a week. So if everything were to start tomorrow, there would be an eligibility list no earlier than the first of August. Several Council members and Mayor Beaver thought this was too soon, stating it would probably be around Labor Day. C/P Handlan asked if there is a wait list to pull from and C/P Kinney stated that the list is only good for one year. Mayor Beaver stated Civil Service has to

establish that list. C/P Kinney stated it costs the Borough \$40 or \$50 per test and Chief Garlock stated the Borough could make the applicant pay for their own testing. He stated there are ways to get around some of the costs, such as by allowing other municipalities to update their lists too. C/P Christine asked if this is just for brand new hires or if it also includes transfers from other departments. Chief Garlock stated that the laws of the Commonwealth are that transfers also have to go through a testing procedure. C/P Christine asked if a brand new hire would be accepted and Chief Garlock stated that the Borough requires that the applicant must have an Act 120 certification. He stated that without the certification the Borough can pay half the salary but they lose the time, which is a problem. It is not the money but it is the time. It takes 4½ months to obtain Act 120 certification. C/P Christine asked if the salary needs to be decided on before the advertisement is run and Chief Garlock recommended that the salary range be included in the advertisement. Pres. Mengel reminded C/P Reuning that he is on the Civil Service Commission. C/P Kinney stated C/P Reuning cannot serve on both the Personnel Committee and the Civil Service Commission. C/P Inch volunteered to help out as a temporary member of the Personnel Committee but he will be away for five weeks out of the summer. This will not be a problem as the salary must be decided on before C/P Christine leaves on June 11. Pete Carroll asked who to submit a name to if someone were interested in serving on the Civil Service Commission; he has been approached by somebody. Mgr. Bickhart replied that the name should be submitted to Bill Swartzlander.

#### **BOROUGH SOLICITOR: Robert Cravitz**

**Update on Tax Assessment Adjustment for Stroudsburg Red and Green, TDBA Middleburg Yarn Processing, and Sunbury New Enterprise** – Solicitor Cravitz stated appeals of the tax assessments have been taken. Even though they got a reduction, all three entities have taken appeals to the Court of Common Pleas and a trial date has been set for later on in the year. He will have a meeting with the County and School District solicitors in the near future. C/P Kinney stated the three entities are all one. Solicitor Cravitz stated this is true but all three properties have different names on them and they took separate appeals but they will all be consolidated into one. If an expert is needed, based upon the percentages, costs will probably be shared between the County, the School District and the Borough as they were at the nursing home.

#### **BOROUGH ENGINEER: J. A. Coukart & Associates**

##### **Curb/Steel Plate Installation on Eighth Street Project – Identification of Other Contractors – No Report**

**Existing PennDOT Maintenance Shed connection to reconstructed sanitary sewers** – Mgr. Bickhart reported that there is an issue with the way that the PennDOT maintenance shed is connected to the sanitary sewer and the way in which they would be connected after the project is completed as it is currently designed. The metering station is proposed to be located upstream from where the maintenance shed will connect into the sanitary sewer so that in order to accomplish that the plans call for the construction of an 8" sanitary sewer that is the Borough's to build at a cost of about \$25,000 and at a point of connection which means that the PennDOT maintenance shed and the truck wash will not be part of what is metered. Because of the cost of the sanitary sewer construction and because of the fact that even after the additional \$25,000 is spent PennDOT will still not be going through the sewage meter Mgr. Bickhart has proposed an alternative where the Borough would install a grinder pump and a force main that would require PennDOT to pump their sewage up above the point where the meter is going in. He ran this by PennDOT and they were reluctant. Mgr. Bickhart looked at the ordinances and he is not sure whether the Borough has the authorization to require them to do this or not. The ordinances are not clear. The Borough does have certain authority in defining where someone connects. C/P Kinney stated if the Borough is disconnecting PennDOT from where they are now then the Borough has the obligation to connect them. Mgr. Bickhart agreed with this but stated that for less than \$25,000 the Borough can equip PennDOT with a grinder pumping station and a force main to get their connection where the Borough would prefer it. In the long term, PennDOT states they do not think they will be utilizing the existing maintenance building once the new maintenance building is constructed, but they are not sure. The truck wash will probably always be there and be in operation. This is not a huge quantity of water and not a big pump. Mgr. Bickhart stated he is looking for some direction as to whether to continue to

pursue trying to get PennDOT to agree to allow the Borough to build the alternative method of connecting them. In his proposal, PennDOT would have to bear the operation and maintenance costs. The Borough would install it and give it to them and it would then be theirs. They would have to power it, pay the electric bill and maintain it. Pres. Mengel asked where the new maintenance shed is proposed to be built. Mgr. Bickhart stated that that is a whole other issue, but PennDOT has submitted plans and preliminary drawings concerning a new maintenance shed that is up near Industrial Park Road in the upper part of their facility. C/P Kinney stated this would be right across from Stroudsburg Red and Green. Mgr. Bickhart stated the new maintenance shed would be in the Borough and will connect to the sanitary sewers correctly. C/P Kinney asked why the Borough could not in this particular case use the water meter to tell how much water is going into the sanitary sewer from the truck wash since there is no sewage there per se. Mgr. Bickhart stated this could be done and as an alternative it is reasonable and it is what would have to be done in order to be able to add PennDOT to the quantity of sewage that the Borough is contributing to the Eastern Snyder County Regional Authority. C/P Kinney stated that with the cooperation PennDOT has given the Borough over the years he does not see them taking on the expense of maintaining a grinder pump and paying the electric on it. He feels the meter approach should be used. He asked how much a grinder pump would cost and Mgr. Bickhart replied it would be a couple thousand dollars. C/P Kinney asked if this could be put in at a later date. Mgr. Bickhart stated the \$25,000 expenditure is to change the direction of flow. Currently it comes from the maintenance building north toward the truck wash, picks up the truck wash and goes a little further north and ties in to ESCRA's system. When the sanitary sewer is reconstructed that sewer will go in the opposite direction. It will come from the truck wash down to the maintenance shed and then tie into ESCRA's system. The \$25,000 expenditure is to construct an 8" sanitary sewer to make all that happen. If the pump arrangement is used, the existing 8" would be left the way that it is. At an existing manhole at the north end of all of this is where the pumps would go and the force main would simply go further north and tie into the Borough's system where they would like it. C/P Kinney asked if the existing manhole and line will stay there or if it is one that is being reverted back to them. Mgr. Bickhart replied that this is one that would stay there under his proposal but would be demolished under the current design. C/P Kinney stated he thought this was part of the agreement originally that the Borough at a certain point turn this back to PennDOT so that they have access to build on their property because there is a U shape. Mgr. Bickhart stated that this will be abandoned. C/P Kinney stated that that manhole might be ESCRA's manhole and the PennDOT line might be ESCRA's. Mgr. Bickhart replied this is not the case. C/P Hetherington asked what John Coukart thinks of this and Mgr. Bickhart replied that Coukart has not gotten back to him yet. Mgr. Bickhart sent an email asking Coukart to look at the cost differential and he has not gotten anything back from him yet. PennDOT was not excited about it but Mgr. Bickhart believes it is a better way to go. If it was a new development there would be no choice about what the Borough would accept. The booster pumping station would be put in and the point of connection would be back in the back. Pres. Mengel asked about just using the water meter and Mgr. Bickhart explained that since the sewage would not go through ESCRA's sewage meter, the Borough has to estimate what PennDOT's contribution is to ESCRA and this will be done based upon PennDOT's water meter records. Pres. Mengel asked if the Borough would not have to do any of the other stuff then and Mgr. Bickhart stated the \$25,000 would still have to be spent to get the truck wash down to the maintenance building and tie it into ESCRA's line because right now it goes from the maintenance building to the truck wash to ESCRA's line. Mayor Beaver stated he thinks C/P Kinney is trying to say let the water flow the way it is but just use the water meter as a regulator to get the gallons. Mgr. Bickhart stated that is not the design and it is not what is being proposed. C/P Kinney stated he does not feel that it is fair for the Borough to put a burden onto PennDOT because now they have none and the Borough would be adding a burden onto them. He feels the Borough should pay the cost. C/P Inch asked if ESCRA would accept a flow meter and a water meter reading on top of that. C/P Kinney stated ESCRA will not accept anything that is not theirs. Mgr. Bickhart stated that a preconstruction conference will be scheduled and he would like to bring this up and get it hashed around and he needs to know what Council's position is on whether or not to pursue this. C/P Kinney stated Council should have more information from the engineer as to what he would recommend. He stated this should have been done before it was bid. Mgr. Bickhart stated that until he got out there and started to verify at PennDOT's request where some of the manholes were the alternate idea did not occur to anybody. It is already designed and the engineer has already taken his position as to what he would propose but it was without the complete understanding of what all was there and maybe it just never occurred to him. The engineer's proposal is to spend \$25,000 to reconstruct an

8" sanitary sewer line and still use the water meter to estimate the sewage flow to add it to the meter reading that ESCRA is going to have to know what the total component of sewage is from the Borough at that end of town. Mgr. Bickhart's idea is to leave the sanitary sewer the way it is, put the pump and the force main in, which would connect that sewage upstream of ESCRA's flow meter and would be added in exactly. C/P Reuning suggested proposing both of them and let them hash it out at the preconstruction meeting. C/P Kinney stated the grinder pump would be much cheaper for everybody concerned, particularly the Borough. C/P Handlan stated she does not know the difference between a flow meter and a grinder pump. C/P Kinney explained that a flow meter is what measures the amount of sludge or sewage that goes through it and a grinder pump grinds up the sludge or sewage and forces it up through a small main. Mgr. Bickhart is stating that he wants to get the sewage before the meter rather than after the meter and the grinder pump will accomplish this. Pres. Mengel asked why Council would not want to go with the pump if it is less expensive for everybody and C/P Kinney stated that PennDOT is not willing to take on the responsibility of the operational expense and maintenance on it. Mgr. Bickhart stated PennDOT has not said no but he has not pressed because he was not sure how hard to press and this depends on what Council's opinion is. If Council wants to take the opinion that they have the right to tell a customer where they are to connect once the sanitary sewer lines are reconstructed and propose to pay the capital cost of putting the replacement system in for them, that is the position Mgr. Bickhart would recommend taking. PennDOT would then have to bear the operational expenses. Mayor Beaver asked if this would be the electricity or also include maintenance expenses. Mgr. Bickhart replied that it would include pump replacement or anything that comes up, but mostly it is just the power costs. C/P Reuning stated that if anything breaks down then PennDOT would have to pay to fix it. C/P Hetherington stated that the Borough should tell the customer what they should do, as Council is the boss. Solicitor Cravitz stated that on every PP&L bill PennDOT would get they would have a little notation that says "grinder pump" and their neighbor would not have that. C/P Handlan asked if in the end it would be pretty accurate either way. C/P Kinney stated it would be accurate up to 10 percent. Mayor Beaver stated the grinder pump would be accurate and C/P Kinney stated the grinder pump does not measure anything. C/P Inch asked if there is a 10 percent variation even with the flow meter and C/P Kinney stated this is correct. He stated that all the other municipalities have the flow meter except Selinsgrove so their actual readings are what they pay for and Selinsgrove pays what is left. There is an error of 10 percent either way and he feels that Selinsgrove is paying too much, but they also could be paying less than their fair share. Mgr. Bickhart stated that the two alternatives do not have any issue in regards to which is more accurate in measurement. The difference in terms of the sewage measure is that with the way it is proposed now every quarter the Borough will have to get PennDOT's water meter records and supply John Abromitis with the water flow so that it can be added to the flow records that he has from his meter to charge the Borough. C/P Inch asked if John Abromitis will accept that and Mgr. Bickhart stated that John Abromitis understands that this is all that there is so it is either that or he will give it to the Borough for free, which will not happen. Pres. Mengel stated this way there is no burden being placed on PennDOT. Mgr. Bickhart agreed, stating that the Borough will rip up PennDOT's yard and spend \$25,000 to put in a sanitary sewer that will do all this by gravity. C/P Inch stated the bid is \$499,000 plus the \$213,000 from ESCRA so another \$25,000 will be added to that. Mgr. Bickhart replied that the \$25,000 is already included in the bid. Pres. Mengel stated it should just be done the way the bid is. C/P Kinney stated it is not fair to take PennDOT's sewer system, which is not costing them any more than it costs anybody else, and change it and put a burden on them.

**2005 Street Project – Recommendations on Bids Received** – Mgr. Bickhart stated that in John Coukart's letter of June 6 the 2005 street program is where he talks about the Grade-All. He is talking about using the Grade-All and the Borough crew to save \$9,882.50 out of the contract. He is recommending Eastern Industries as the low bidder and recommends approving the award of the Base Bid I contract to Eastern Industries.

Motion by C/P Kinney to award Base Bid I to Eastern Industries. Seconded by C/P Hetherington. Pres. Mengel called for a vote on the motion.

**AYES: SEVEN (7)      NAYS: NONE      MOTION CARRIED**

**2005 Alley Project – Consider the Award of the Contract to the Low Bidder for Base Bid I –**  
Mgr. Bickhart reported that John Coukart is recommending awarding to the low bidder, Dave Gutelius Excavating, Inc. Base Bid I in the amount of \$19,694.84.

Motion by C/P Kinney to award Base Bid I to Dave Gutelius Excavating, Inc. Seconded by CP Inch.  
Pres. Mengel called for a vote on the motion.

**AYES: SEVEN (7)      NAYS: NONE      MOTION CARRIED**

**BOROUGH TREASURER: Sharon Badman**

**Review Treasurer’s Report for May 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.

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

**Status Report on Mary Searer property, 700 Orange Street concerning Violation Notice and Declaration of Property Unfit for Human Habitation –** Mgr. Bickhart reported that the Thursday before the holiday CK-COG conducted a reinspection of the property, immediately condemned it and declared it unfit for human habitation. Arrangements were made to transport the two occupants of the building, John and Eddie Searer and their cat, to Haven Ministries. They are either still there or have found other arrangements. A contact was also made with Career Link for someone to actually take them on as a project to see if they could help them. This was to have taken place last Tuesday. A letter was sent to the owner of the property, Mary Searer, but addressed to Attorney Michael Hudock, who is her permanent guardian, giving him seven days to respond as to what he would do to correct the conditions that caused the property to be declared unfit for human habitation. Mgr. Bickhart has gotten a number of visits from people who would like to make Mr. Hudock an offer on the property as is and the attorney will try to sell the property. C/P Reuning asked if the boys left without any problems and Mgr. Bickhart replied that they did. Mayor Beaver asked if the boys would return and Mgr. Bickhart stated the property is padlocked and to set foot on the property would result in a person’s being arrested. This is a very serious process that has been started and it is moving forward deliberately and slowly. The Borough is waiting for a response from the attorney on behalf of the owner as to what will be done with the property. The seven days is up in a day or two. Solicitor Cravitz stated when he last spoke with Attorney Hudock he was just looking to get the boys out. C/P Christine asked what happens to the personal property inside the house. Mgr. Bickhart replied that that is up to Mr. Hudock at this point in time. He thinks he will allow the boys to come back to pick up any personal property that they may have in there. C/P Kinney stated the home probably has some contents that have some value to them. The lot has some good value to it too. He hopes that the home would not just be bulldozed down because the personal property goes to Mrs. Searer. He stated he cleaned out Eva Leiby’s house on Orange Street and had a chance to buy the house for \$23,000, both sides. He stated that the first floor had garbage piled high over the entire floor throughout. There was no water or sewer for the last four years that she lived there. Her diamond dinner ring was in a half eaten TV dinner that had been decayed beyond recognition. In 1982 Fritz Frost valued the ring at \$2,500. So the same type of “garbage” may be in the Searer property.

**Update of PROPERTY TRANSFERS and BUILDING PERMITS ISSUED, Janet Powers, Deputy Zoning and Permit Officer –** No questions or comments

**Recycling Project – Consider the Award of the Contract to the Low Bidder for the installation of a concrete pad –** Motion by C/P Kinney to award the contract Midstate Paving LLC of Paxtonville in the amount of \$15,900. Seconded by C/P Handlan.

C/P Reuning asked if this was from a grant and C/P Kinney replied there is a grant for \$24,000. C/P Hetherington asked what size and thickness the concrete pad will be. C/P Handlan stated it was in the original information that Council received some months back. Mgr. Bickhart stated it is a 40-foot x 110-foot area at the rear of the maintenance building, 3 inches of compacted 2B stone, 8 inches of

concrete, 3500 psi, with fiber added as a substitute for reinforcing mesh. Pres. Mengel called for a vote on the motion.

**AYES: SEVEN (7)      NAYS: NONE      MOTION CARRIED**

**Supplemental Recycling Grant – Authorize execution of agreement for an additional \$34,392 from DEP with Local Share of \$3,822** – Mgr. Bickhart stated that Janet applied for and received this grant. Council now needs to accept this grant and authorize Pres. Mengel to execute the agreement. C/P Kinney asked if there is \$3,822 in Recycling and Mgr. Bickhart replied there is.

Motion by C/P Kinney to accept the grant for \$34,392 and to authorize Pres. Mengel to execute the agreement. Seconded by C/P Inch. Pres. Mengel called for a vote on the motion.

**AYES: SEVEN (7)      NAYS: NONE      MOTION CARRIED**

**Receipt of fully executed agreement pertaining to the Multi-Municipal Recreation, Greenways, and Open Space Plan for Monroe and Penn Townships and Selinsgrove and Shamokin Dam Boroughs** – Mgr. Bickhart reported the Borough has received the fully executed agreement. All four municipalities agreed to participate so this will begin shortly.

**Reply from Congressman Don Sherwood pertaining to Borough’s request for support for continuation of CDBG program** – Mgr. Bickhart reported that Don Sherwood responded to the Borough’s request that he do what he can to try to protect the Community Development Block Grant Program. Congressman Sherwood stated that he would do what he can.

**Authorization and waivers pertaining to the operation of the “Public Market” for 2005** – Mgr. Bickhart reported that the public market on Market Street will be starting up soon and last year Council waived the solicitation ordinance requirements as it applied to these people. Pres. Mengel stated there was only one person there on Saturday. Mgr. Bickhart replied it was really too early. This Saturday there will be more because there will be strawberries. C/P Handlan stated there is not a lot of local produce right now. Mgr. Bickhart stated this waiver pertains to the market on Market Street, not the Firehouse Market at the old DH&L building. C/P Kinney asked if this refers to the vendors’ permits. He suggested also adding the ones for the Antiques on the Isle, which will take place on July 17. Pres. Mengel suggested also adding the Market Street Festival.

Motion by C/P Kinney to exempt the Public Market vendors, the Market Street Festival vendors and the Antiques on the Isle vendors from the vendors’ permit fees. Seconded by C/P Handlan. Pres. Mengel called for a vote on the motion.

**AYES: SEVEN (7)      NAYS: NONE      MOTION CARRIED**

#### **SELINGROVE MUNICIPAL AUTHORITY**

**Notification concerning SMA’s intention to purchase 3 or 4 additional acres of property from Selinsgrove Fair Association to enlarge isolation distance for Well #4** – Mgr. Bickhart reported that several months ago the SMA, being aware of the fire company Fair Board’s intention to sell the land, asked Solicitor Cravitz to see if there was an opportunity to negotiate to purchase some additional property. Solicitor Cravitz put a draft agreement together and the Authority will be meeting yet this week to see what they are going to offer. They would like to purchase three or four additional acres in a radius around the well to be able to provide additional wellhead protection and to actually own the property. They will then consider the possibility of easements beyond that to control what may happen on the rest of the property that the Fair Board currently owns. C/P Kinney stated that a few years ago the law was changed and so many feet must be controlled around the wellhead, which means easements or ownership and certain things cannot be put there. He stated he hopes this property can be purchased, although it will take the heart right out of the middle of the development that is proposed for that property. Solicitor Cravitz reported this is the reason it has taken so long, as the Authority did not know what the

developer was going to do or if the Fair Board would continue to allow racing. It looks like it is going toward allowing the racing to continue in which case it will not matter. Mgr. Bickhart stated the current permit is issued around a 100-foot radius, which is currently owned. It is not circular, but is a rectangular piece of property but within that rectangle or square is a circle with a 100-foot radius. This proposal would take the radius to 400 feet which is what DEP's current recommendation is for wells. Mayor Beaver asked if this would have to be fenced in and Mgr. Bickhart replied that it would not have to be fenced in. There is no reason to fence it in; the Authority would just have positive control over what happens on the surface. C/P Inch asked if the conditions for the land will remain the same. Solicitor Cravitz replied that they could be. The Fair Board is not too reluctant on the 4 acres but they do not really want to go beyond that. C/P Kinney stated he also would not want to go beyond 4 acres as that will devalue the property. Mgr. Bickhart stated there are not that many things on the list and Solicitor Cravitz stated building could be done around the property. Mgr. Bickhart stated homes could be built and most businesses could be built. There are very few things on the recommended list of objectionable kinds of activities. A swimming pool is on there, but he does not have the list with him to report on what else there is. Solicitor Cravitz stated underground storage tanks would not be allowed. Mgr. Bickhart stated he did not think the easements would be that objectionable to the development and in fact, when looking at the purchase price of \$20,000 to \$25,000 an acre there might be some reason to consider going with easements because easements would be much cheaper to accomplish the same objective without spending so much money. The Authority does not need to have the property, although it would be nice and it would be better because if you own the property you have absolute control. If you have easements you only have the control up to your ability to enforce your own easement but the money differential is huge.

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

**NEW BUSINESS:**

**COUNCIL MEMBERS – Nothing**

**MAYOR – Nothing**

**OTHERS –** Pete Carroll reported that if the weather is favorable there will be a dedication of the new stage at Kidsgrove on June 9 at 7:30 p.m.

**EXECUTIVE SESSION - Council Meeting ADJOURNED to an Executive Session at 9:55 P.M. for discussion of possible litigation by Attorney Weist.**