

SELINGROVE BOROUGH COUNCIL MEETING

MONDAY, JULY 11, 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 G. Kinney and C/P W. Reuning

COUNCIL MEMBERS ABSENT: C/P M. Inch

OTHERS PRESENT: Solicitor R. Cravitz; Mgr. J. Bickhart; Mayor G. Beaver; Police Chief T. Garlock; Recording Secretary D. Long; Daily Item Report Marcia Moore; Borough Residents Pete Carroll, Joseph and Margaret Siro; DH&L Fire Company Representative Ken Stettler; Firehouse Marketplace Owner Brian Farrell; Port Trevorton Resident Dan Derr

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 JUNE 6, 2005:

Pres. Mengel requested additions or corrections. C/P Kinney stated that on Page 3 in the flood mitigation information Lycoming should be changed to Wyoming Valley.

Motion by C/P Kinney to approve the minutes as amended. Seconded by C/P Hetherington. Pres. Mengel called for a vote on the motion.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

VISITORS TO BE HEARD:

Borough Police Chief, Thomas Garlock – Presentation of Police Report for May 2005 – Chief Garlock drew notice to his remark in the police report about the pending retirement of Officer Brosius. He reported that the staff is down and patrol coverage is down so the stats are down. This will especially be noticed in the June and July reports. These figures will be down until the position is filled. Some crimes are being referred to the State Police. C/P Handlan asked if there has been a good response for candidates. Mgr. Bickhart replied that there has been a good response and the applications have been turned over to the Civil Service Commission and Council does not need to know any more information at this point. The examination date will be August 6. It will then take a couple weeks to a month to complete everything else. Chief Garlock stated it will probably be mid-September at the earliest until the position is filled. C/P Handlan asked about the move to the new facilities. Mgr. Bickhart stated the interior has been painted and everything is on target for the end of July. He has also selected a contractor based upon phone solicitations. The job was solicited for a \$5,400 total price but only a portion will be done so the cost will be \$3,800. C/P Kinney stated the minutes show that the committee was to make the recommendation on which contractor to select. Mgr. Bickhart stated he needs to talk to the committee to get that done. It will only take a couple of days to complete the work. Chief Garlock reported that the first floor has been painted and the final trim work is being done now. He is very pleased and if anyone would like to see it he or Mgr. Bickhart can take them over. Pres. Mengel questioned why the painting was done before the remodeling. Chief Garlock replied it had to be done this way as the only remodeling being done on the first floor is the installation of the main barrier wall. The people were available from the University to do the painting. Pres. Mengel asked if Brian finished things up and Mgr. Bickhart that he has put a second coat on some of the walls. Mgr. Bickhart asked about the increase in calls for service in the police report, which shows a 56 percent increase over the same time period last year. Chief Garlock stated he thought this was a mistake. He stated the call rates for 2005

are 24 percent. Chief Garlock then apologized, stating that in looking at the figure the 56 percent is correct. The call for service actually went up in May. He stated he was getting confused because he had done January to June's figures, which were down. Mgr. Bickhart stated a lot of things were up in May. Chief Garlock stated they are trying to stay ahead of things rather than falling behind.

DH&L Fire Company, Ken Stettler – Ken reported that for June there were a total of 34 alarms as follows: 7 automatic alarms, 5 standby assignments, 3 false alarms, 9 good intent service calls, 1 HAZMAT, 1 medical assist, 1 local alarm, 4 vehicle accidents with no extrication, 1 structure fire, 1 unauthorized burning and 1 water rescue recovery. There was no loss during that time period within DH&L's jurisdiction. The 34 calls took place in the following locations: 1 in the Borough of Freeburg, 1 in Franklin Township, 1 in Lower Augusta Township, 3 in Monroe Township, 7 in Penn Township, 1 in Port Trevorton, 18 in Selinsgrove and 2 in Shamokin Dam. A total of 672 man hours was spent on the various activities.

Ken brought along an email he received regarding the state of volunteerism in the commonwealth. C/P Kinney asked if this is in conjunction with the meeting tomorrow night and Ken replied that most of the information was in fact in regards to regionalization. DH&L will be represented at the meeting. C/P Hetherington asked if young people are interested in joining the fire department. He asked what the hope for the future is other than regionalization. Ken replied that they are not getting people interested in joining the fire company. The average age of firefighters now is much older than he can remember it ever being. C/P Handlan asked if there is an active recruitment program. Ken replied that this is something they need to get a lot better at. Right now each fire company has between 5 and 15 people who are really active. There are building committees and truck committees and everybody basically serves on each committee. DH&L has no active recruiting or retention other than word of mouth. If there is a junior firefighter he will try to bring in some of his friends. Ken stated the press that they do get shows how much time is spent on training and how the call volume is so huge. It paints a picture that is as bad as it really is and it is difficult to get new people. The Muncy area had put together a pamphlet and given it to the schools and had a good return on it. Freeburg went to SU during a career day but did not do well. Basically any college students that are interested will usually help out DH&L. There are four college students who, as long as they return to SU in the fall, are expected to be back with DH&L. There are currently two junior firefighters. Ken stated when he was a junior firefighter there were 12 or 14 kids active. The age bracket for junior firefighters is 14 to 18. Sometimes the juniors do roll into being an adult firefighter until they find a girlfriend or get married or get a job. Only the true diehards that have had firefighting in their family for a long time stick around. C/P Kinney asked what certifications are required for a firefighter. Ken replied that the State does not currently mandate anything other than Hazardous Materials and Introduction to Safety. DH&L then requires Fundamentals of Firefighting, which involves 88 hours of training. They are also trying to get everyone up to Hazardous Materials Operation level, which involves another 32 hours of training. More classes are involved for someone who wishes to operate a vehicle or get more involved in firefighting. A person could take firefighting classes every weekend from now until eternity and never finish them all. Ken stated it is even worse for EMTs as they require around 200 hours of training time. C/P Handlan and C/P Kinney stated it sounds like it will eventually come down to paid firefighters. C/P Kinney stated if people think their taxes are high now, just wait until that goes into place. Ken reported that, using the formulas put together by a watchdog lobbying group of the Pennsylvania Fire Institute, it would cost \$1.5 million per year for DH&L to operate. C/P Kinney stated the budget for the Borough of Selinsgrove is less than \$1 million. C/P Reuning said an article in the paper said the costs would be equivalent to 7 mils. Ken replied that that figure is a joke and he does not know where the person got that number, whether he was misquoted or where it came from, but that only amounts to about \$75,000. He said salaries alone would be a high cost. Unlike the police, the fire department cannot get away with a one-person crew. It takes a minimum of three or four people for one piece of equipment around the clock, so salaries for the fire department would cost three or four times more than salaries for the police department. C/P Kinney stated it was hoped that the move to the new facilities at the old AMP building would generate interest and increase volunteerism. Ken stated it did in the short term but interest has dwindled. C/P Kinney stated this whole area will be hit hard with paid firefighters when it happens. He stated when the fire company goes out asking for money people complain about a \$5 or \$10 donation. Ken stated it is frustrating because right now by figuring out donations and other income they are making about \$7.21 per person per year from the Borough, \$5 per

college student from Susquehanna, and about \$3 per person from Penn Township. As he previously stated, about 25 percent of the budget comes from local tax dollars, another 25 percent from the State Fireman's Relief, and the rest from donations, fundraisers, etc. C/P Kinney stated this is not unique to Selinsgrove; Freeburg has the same problem with Washington Township and their support. Hummels Wharf's government has now decided to help a little bit. Ken stated that it is scary that the fire company has to rely on a restaurant to operate. The idea of the club was that it would be like a social club where people join to patronize but not to be dependent on the money to provide a public service. He stated it would be nice if DH&L could do the same thing as the Sunbury Social Club; it would be there for the members to come in and help support, but right now they are desperately relying on the grill room and each year they are having to rely on it more and more. C/P Kinney stated the VFW on 522 is having a hard time meeting their expenses and their obligations and he is questioning whether DH&L's social hall will be able to support itself. Ken stated he talked to different people who have told him how full the VFW is booked so he does not understand how they are not making money. C/P Kinney stated he is concerned about DH&L's social hall and the need for it to be run properly. Ken stated there have been no developments on the social hall situation yet.

DH&L Fire Company Notice concerning the receipt of a PLCB application to transfer DH&L's Liquor License to Bridge Street – Mgr. Bickhart stated this was just a notice to Council that does not have to be approved. C/P Kinney asked what the effective date of this transfer would be. Mgr. Bickhart replied that the current license expires April 30, 2006. C/P Kinney asked if this is a bit premature and Ken replied that this is just to get the ball rolling. When they first started this about five years ago they got a one-page application with a couple of yes/no answers. Last Thursday the PLCB came down and the process has changed. They went through ten years of financials and ten years of minutes. Because it was known that this was going to take some time, DH&L decided they had best start moving on it. C/P Kinney asked if, when the PLCB gives them a license, will they only have so many days to make the move or can it stay at the old place until they move. Ken replied he does not have the answer to that but he is sure that whoever is taking care of this is covering that issue. He is also hopeful that in the very near future the racetrack issue will be resolved.

C/P Handlan asked if the discussion on regionalization also includes the ambulance side. Ken replied it does not; it is just the fire company. Pres. Mengel stated the meeting tomorrow night is open to any Council members who wish to attend. Ken stated it is open to anyone from the public who is interested. C/P Reuning asked if the fire commissioner would say much beyond what has been in the paper and Ken replied that he has no idea what he will say but the main focus of the meeting is to explain how regionalization works. Pres. Mengel asked if anyone on Council is planning to attend the meeting. C/P Reuning and C/P Kinney both stated that they were planning to attend.

Brian Farrell, request consideration of change in Conditional Use approval to permit additional use of Firehouse Market and Café – Brian Farrell stated the reason for his coming before Council tonight is to clarify what he can or cannot use his spaces for at the Firehouse and also whether a tool show and sale would be restricted. He stated that over a year ago he presented Council with a summary of intention showing that he would like to have craft shows, fundraisers, reunions, celebrations, etc. Some of the upcoming events he is hoping to host are a book sale, pottery and craft sale, and seasonal events such as a Christmas tree sale, haunted house, Easter egg hunt, and apple butter boil. He asked if it is possible to do these events freely or if separate permission is needed from Council every time he wants to do something, and is one space versus another a problem for anything. C/P Handlan asked Brian to define "space". Brian stated this would be if he has somebody call him for a party and they want to use one of the engine bays as DH&L was doing versus using the upstairs area. The consensus of Council was that they did not see that this was a problem. C/P Kinney asked Mgr. Bickhart if Brian got a variance from the Zoning Hearing Board or if this is a Council action. Mgr. Bickhart stated Brian requested a conditional use approval for not complying with the parking requirements conditioned on Brian's offer that the Marketplace would operate one day a week and that the event facility upstairs would operate on an availability basis with no limitation on operations. Based on that, when a request was received to do something other than one day a week the Borough said no. Council would have to amend their conditional use approval to Brian Farrell. C/P Kinney asked if Council wanted to get that restrictive. Brian has spent the money to buy the building and renovate it and it does not seem right to restrict him to

one day a week. C/P Kinney stated he understands that some of this could be self inflicted but he stated a building cannot pay for itself by being open only one day a week. C/P Handlan asked to see the document for the conditional use approval. Mgr. Bickhart stated he had the Planning Commission's recommendation and Council's actions should be in their minutes from a month or so ago. He went to the office to get them. C/P Handlan stated when Brian first came before Council she was under the impression that the building would be open all the time, and then when he came back with the one day of use she was surprised. Brian stated that he is not asking to have the flea market open seven days a week. The intention for that is only one day a week. His special events could include a haunted house or if somebody calls him and wants to have a tool sale there. So far he has not rented anything at all but someone may want to use the downstairs for a party, perhaps if someone is in a wheelchair or cannot get up the stairs. The space has been used for parties before, as DH&L would close the whole street off. Brian stated he is not looking to do that but he wants to know if he has to come back to Council if someone wants to use the downstairs rather than the upstairs. Mayor Beaver suggested changing the variance from just on the social room to include the whole building. Brian stated he is working with DH&L and once they move out he will drop a lot more money into the building to renovate the restaurant. He will have to come back then because he would eventually like to have the restaurant itself open more days but the market will only be on Saturday. Pres. Mengel asked what was denied and Mgr. Bickhart replied any use of the marketplace portion of the facility except for one day a week. C/P Kinney stated this is asinine and he would make a motion to eliminate that right off the bat. Mgr. Bickhart replied the process is that Brian makes an application for a conditional use approval to a provision of the ordinance that says he does not have enough parking spaces for this use. C/P Kinney replied that there is not one business downtown that has enough parking space to meet their requirements. Mgr. Bickhart stated that that is why the ordinance was amended to require the conditional use process. Then when a person makes that offer he makes it based upon a specific proposal, which Brian did. He went to the Planning Commission and said he wanted conditional use approval based upon his offer that he is only using it one day a week. C/P Kinney stated he wanted to rent the upstairs out more than that, though. Mgr. Bickhart replied that the Planning Commission acknowledged that the upstairs would be rented out for banquets on whatever basis Brian needed. The Planning Commission recommended to Council that they grant the conditional use based upon Brian's offer. The Planning Commission was as shocked as Council was that Brian said one day a week. Now Brian is asking to change that limitation, and if Council is willing they can grant him conditional use approval around some other definition. This process is in the ordinance and Mgr. Bickhart stated he is just trying to follow it. C/P Kinney asked what the motion was at the Council meeting. He remembered changing the zone to RC, residential/commercial. He asked what is allowed in an RC zone. Pres. Mengel asked Brian if he wants to utilize the downstairs for any particular activity on any day during the week. Brian stated the flea market will be every Saturday but if someone wants to rent the other spaces he does not want to go investing a lot of money for a haunted house only to find out that he cannot have it. Solicitor Cravitz read from the May 2, 2005 Council Meeting Minutes. After hearing the reading of the motion that he had made at that meeting, C/P Kinney stated that he did not put any restrictions on that motion. C/P Handlan stated that after reading the motion from the Planning Commission, she feels that Brian will have to go back to the Planning Commission and they will come back to Council with a recommendation. Brian asked if he can use the upstairs for a tool sale and Pres. Mengel stated the upstairs would be fine, as this has already been approved. Brian asked if he could occasionally use the downstairs bay for the same exact event and Pres. Mengel replied that he could not do that. C/P Handlan stated it is not a market, it is an event. C/P Kinney stated Council is getting into technicalities on wording. He stated if this goes to the Planning Commission it will drag on for another 30 days and then another 30 days. If Brian has the chance to rent the facility during the week he cannot do it. Pres. Mengel and C/P Handlan stated Brian can rent the upstairs. Mgr. Bickhart stated the Planning Commission would be making a recommendation but it is not mandatory that Council have their recommendation. Pres. Mengel stated Council can override the recommendation. C/P Kinney stated Council is trying to promote business in downtown Selinsgrove on one hand and trying to kill it on the other hand. Pres. Mengel stated the initial proposal should have stated that Brian wanted to use the whole building. C/P Kinney stated his motion did not say anything about that; he put no restrictions on his motion whatsoever and it was approved. He stated he understands the Planning Commission's review of this, but what are they going to do, deny Brian the use of his own building? C/P Handlan asked why this went to the Planning Commission to begin with and C/P Kinney replied because it was to change the zoning. Mgr. Bickhart stated the conditional uses in the past have gone to the Planning Commission for

their comment. Brian stated the zoning change was because he could not use the building when it was zoned residential. Pres. Mengel stated that C/P Kinney's motion only said for the conditional use, but the conditional use for the zoning was using the social hall upstairs any time and the downstairs one day a week. Margaret Siro stated she rented a table at the marketplace and was told that things could be left upstairs permanently. She asked how this can be done if the upstairs is going to be rented out as a social hall. Brian stated that DH&L is still in the building so the upstairs really cannot be rented without moving people's stuff. He is trying to work with DH&L rather than throw them out into the street. When they leave then the market will not need to be upstairs any more. C/P Handlan asked Solicitor Cravitz if he recommends that Brian go back to the Planning Commission and he stated that Council could override the Planning Commission's recommendation, but Brian does still have to go back to the Planning Commission first. The bottom line is the social hall has an unlimited time frame but the marketplace and café was just for one day per week. Pete Carroll asked if parking was one of the issues during the rezoning for utilizing the downstairs. Mgr. Bickhart replied that the only issue for the conditional use request had to do with failure to meet parking ordinance requirements. Pete stated there is additional parking that is part of the Borough behind the senior citizens' center and Brian should bring that to the Planning Commissions attention. Brian stated they also have a parking lot down the street but the bottom line is that there are a lot of old buildings in Selinsgrove, new people are being sought to come in with new businesses and this will become an issue at the next meeting for the new CVS building site and other buildings. Pete stated that if the parking is the bottom line issue and Brian stipulates that there are other parking spaces available when he goes to the Planning Commission it should help the Commission address this. Pres. Mengel told Brian that he does need to go back to the Planning Commission and spell out everything. C/P Kinney recommended that Brian not put any restrictions in it at all and not restrict himself on anything. Brian stated the only issue for him right now is whether it will be a problem if there is a party of 100 people upstairs and they decide to walk downstairs. C/P Reuning stated that from the sound of it, Brian should not have any problem with Council after he goes back to the Planning Commission. Brian asked how long the process will take from today. Mgr. Bickhart stated the Planning Commission meets the fourth Wednesday of the month, so Brian can go to them on July 27 and then come back to Council at its August meeting. Brian stated down the road this would have become an issue anyway and he is glad to know now rather than later if the Planning Commission would say no to him opening up the restaurant five or six days a week. Pres. Mengel said Brian wants to unconditionally use the building. C/P Kinney stated it has to be something that complies with the RC zone. Brian asked if he will be put on the agenda for the Planning Commission meeting on July 27 and Mgr. Bickhart told Brian he will be on the agenda and he will need to come in and amend his application.

Brian Farrell, request permission to use parking spaces along Water Street frontage of property for vendor spaces – Brian asked if the vendors at the Saturday marketplace can sell out of their carts or tables along the curb on the door side of the building. He stated this would be in the street along the curb or at the edge of the sidewalk. Mayor Beaver stated they cannot block a public sidewalk. C/P Kinney stated a four-foot right-of-way must be provided and the sidewalks at the Firehouse are eight or ten feet wide. Pres. Mengel stated the vendors on Market Street have their wagons right there and sell out of them. There was some disagreement as to whether these vendors sell on the sidewalk or in the street. Mgr. Bickhart stated that the Market Street vendors selling along the curb is an activity that Council approved but in every other case Council denied people the right to operate a business in a parking space. Council would set a precedent by granting Brian's request to allow vendors to sell goods out of a parking place in a residential/commercial zone.

Motion by C/P Hetherington to allow Brian to allow vendors to sell goods from the parking spaces in front of the Firehouse Marketplace. Seconded by C/P Kinney.

C/P Christine stated he thought this would be a Planning Commission issue because it has to do with zoning and growth. C/P Kinney stated that Market Street is also an RC zone just as Water Street is so the zoning or conditions would not be changed. C/P Handlan stated what Brian is asking for is already taking place. She asked Brian if someone approached him about this. Brian replied that Mgr. Bickhart asked him to move things from the street back onto the sidewalk. He stated this is not a major issue and may only take place on some nice days. It will not be done in the winter but on nice days vendors may want to do as the Market Street vendors do and sell from the parking stalls. Pete Carroll stated that his

concern is that there is a minimal cost for vendors to rent space from the Borough. He asked if Council will allow Brian to charge vendors for space along the roadway in front of his building. Solicitor Cravitz stated that if Brian starts charging the vendors to use the street then Council will have a problem with that. C/P Kinney stated that a vendor's permit is required for a flea market and Council has not given a waiver for an outside flea market. However, if it is produce that is being sold outside vendors can set up anywhere free of charge. Solicitor Cravitz agreed, stating this is an exemption from the ordinance. C/P Hetherington asked what Council does for the people during the Fall Festival when the whole street is blocked for many blocks and the sidewalks are jammed full. Pres. Mengel stated Council exempts them for that day. C/P Hetherington stated there are too many technicalities. C/P Handlan stated that no one is arguing that this is great for Selinsgrove. Council just wants to make sure that they comply and it does not come back to haunt them later on. C/P Kinney stated if it is a vendor selling a product and it is not homemade, if it is flea market stuff, then the vendor must get a vendor's permit from the Borough. This applies to anyone who sits out on any street in the Borough unless they get a waiver. Solicitor Cravitz stated that Council grants waivers every year for the Fall Festival and for the Halloween parade. Pres. Mengel stated there is a motion on the table to allow vendors to use the parking spaces in front of the Firehouse Marketplace. C/P Christine asked if this applies to one day only.

C/P Hetherington amended his motion to allow Brian Farrell to use the sidewalk and the parking facilities in front of the Firehouse Marketplace on Saturday for selling produce but not flea market type items.

C/P Christine suggested adding a probationary term of one year. C/P Hetherington stated that every street in town should then be put on a probationary basis for one year from tonight's date until this date next year. At this point, C/P Hetherington expressed that he was very upset and he left the meeting. Pres. Mengel asked if his motion could still be voted on. Solicitor Cravitz stated the motion could be voted on but not changed any further from the changes that C/P Hetherington had already made. C/P Christine stated that he is in favor of this but it is something that sets a precedent and if Council includes a probationary period of one year it leaves the door open so that if it does not work in the coming year, if there are complaints from neighbors or unsafe conditions in the streets, etc., or whatever else may come up in one year, Council can just not vote on it again. If it works out, which it can be anticipated that it will, Council can vote on it again in one year. C/P Reuning asked Brian if he will include restrictions so that the vendors do not extend in front of the private houses beside the Firehouse. Brian stated he is not looking to do anything more than anybody else is doing. C/P Reuning stated it is up to Brian to make sure that the market stays within boundaries and Mgr. Bickhart replied that is actually up to him – Mgr. Bickhart – to make sure that it stays within boundaries. He stated that he had told Brian that he had to stop the vendors from being in the street because he was in violation. Brian stated Council should look at this from the business owner's perspective. A business owner comes into town and puts a building on the tax rolls. He understands there are rules and regulations but he does not understand why one person can do something and another person cannot and he does not go along with that. Mgr. Bickhart replied that one person can do something with permission and the other person can also do something by obtaining the same permission. He stated he has explained to Brian several times that he has to have permission. C/P Kinney asked who gave permission for the vendors to be on Market Street and Mgr. Bickhart replied that Council did. C/P Kinney stated there is an ordinance allowing vendors to sell produce in the street so why does Council have to give them permission to do this. Mgr. Bickhart stated Council waived the vendor fees and C/P Kinney replied there is no vendor fee on produce. C/P Reuning stated there are vendor fees; they are the old fees from many years ago. C/P Kinney stated that is in there for historic purposes and C/P Reuning stated it still needed to be waived. Pres. Mengel redirected Council to the motion that is on the table. C/P Kinney stated he agrees with C/P Christine that a sunset clause should be added in case this does not work. Pres. Mengel stated C/P Hetherington's motion cannot be amended and C/P Kinney suggested voting on that motion and then he will make another motion. Pres. Mengel called for a vote on the motion.

AYES: FOUR (4) NAYS: ONE (1) – C/P Christine MOTION CARRIED

C/P Christine stated Council has already approved the motion without a condition and C/P Reuning stated Council can limit the motion. Solicitor Cravitz stated a motion can be made that the prior motion be limited to one year from tonight's date.

Motion by C/P Kinney that based on the prior motion, Council will limit that motion for one year for review. Seconded by C/P Christine. Pres. Mengel called for a vote on the motion.

AYES: FIVE (5)

NAYS: NONE

MOTION CARRIED

UNFINISHED BUSINESS FROM PRIOR MEETINGS:

Review List of Council Issues – Mgr. Bickhart reported that a preconstruction conference on the decorative streetlight project has been scheduled by the engineer for July 22. There has not been any action yet on the Weiser Run issue even though he and the attorney have been in contact with the school district. On John Coukart's status letter he reports that his office is reviewing the stormwater management report and plan prepared by Rettew Associates for the Selinsgrove School District. Mgr. Bickhart stated he was not aware any of this was being done and he is not sure why it is being done. He will find out more on this tomorrow.

Recommendation for granting Preliminary Plan approval for the Land Development Plans for Sprenkle/Buckley and the Request for Sewage Facilities Planning Exemption – Solicitor Cravitz reported that this particular issue began in 2003 when an application was made to the Planning Commission on this development. That application was tentatively approved with the idea and direction that certain zoning issues and variances be directed to the Zoning Hearing Board. These issues included requirements for the side setback, the requirement of a minimum lot depth of 100 feet, the requirement that townhouse design standards for future buildings on the north side of the lot would be three units with no apparent variation between the units, and the requirement that the entrance neck of the driveway not exceed 40 feet. These variances then went to the Selinsgrove Zoning Hearing Board on January 8, 2004 and each one of the variances was granted. At the last Council meeting there was a question as to whether or not three units with their backs to David Street and their sides to Arch Street were there or not. Jeff Buckley had stated that those three units were not going to be considered and he was asking to amend his plan to just include the two units on the ends. This changed the application and should therefore change his calculation because based upon what was provided to the various Boards the resulting calculations for stormwater resulted in an increase in the 100-year flood zone of 0.1 foot in the area of the existing retaining wall. The Zoning Hearing Board, by the Borough's Zoning Ordinance, cannot grant a variance at all for anything that would impact, no matter how minimally, upon the flood zone. This has been denied on the former properties and has been driven home. At that point, since the Zoning Hearing Board cannot grant a variance, Borough Council cannot disregard its Ordinance and grant a variance. Because Jeff Buckley modified his plan at the last meeting and asked that the plan be amended and three units removed, rather than denying the plans, Council can direct that the amended plans be resubmitted to the Planning Commission for future calculations to see if the removal of those three units will remove the 0.1 foot raising of the flood zone. Neither the Planning Commission nor the Zoning Hearing Board have seen the revision of removing the three units from the plans. This may not have to go back to the Zoning Hearing Board because the other issues were already resolved and taking those three units out may impact the flood zone. A portion of the property is in the flood zone and Sprenkle and Buckley are agreeing to make the building comply with the flood regulations by raising it a minimum of 1.5 feet above the flood zone. C/P Kinney asked how Council could allow the construction and renovation of the building for more than 50 percent of the value and get away with it. Solicitor Cravitz stated that this is the other issue – what would constitute a 50 percent increase in the value. There are five units there and four more are being added.

Motion by C/P Kinney to send this back to the Planning Commission. Seconded by C/P Reuning. Pres. Mengel called for a vote on the motion.

AYES: FIVE (5)

NAYS: NONE

MOTION CARRIED

Solicitor Cravitz stated Jeff Buckley needs to go to the Planning Commission to tell them that he is taking those three units out and then it will come back to Council with the new calculations from Mr. Buckley's engineer indicating what impact that has on the 0.1 foot increase in stormwater. C/P Kinney stated the

building that is already there was completely gutted and renovated and put into beautiful condition, and he wants to know how this could be done in a floodplain, spending more than 50 percent of the value of that property and not raising it to meet the floodplain regulations. Mgr. Bickhart stated that computations were submitted that redefined the floodway to be the primary stream channel. This is the gist of the computations that Solicitor Cravitz is talking about, which is that where there is not a defined channel engineers define the channel and the floodway did not include the building. The 0.1 foot raising is actually inside the primary banks of the current Weiser Run and does not involve the building. Solicitor Cravitz stated that in speaking to a surrounding landowner across the creek who has had some problems with his building and the drainage coming from there, he was concerned about the 0.1 foot increase of the flood in that area. This landowner was not aware of this calculation and basically said it should be sent back so he would have an opportunity to be heard as a surrounding landowner in the flood area.

Isle of Que Property – Pres. Mengel about the property on South Front and Bough Streets on the Isle of Que, as these people only have a permit to build a garage. They got this permit a year and a half or two years ago. There is no garage there and the property has had a lot of remodeling done and it is still being remodeled. She stated that C/P Christine had asked for CKCOG to become involved with this. Mgr. Bickhart reported that CKCOG has been working with Mr. Fisher and Mgr. Bickhart concerning the renovations. The improvements that can be made based upon the value of the building could go as high as \$37,000. Mr. Fisher is providing documentation on all of the improvements that were made so that these can be compared against the \$37,000, which is 50 percent of the value of the building. C/P Handlan asked how long a garage permit is good for and C/P Kinney replied it is good for six months. Pres. Mengel stated that there is no permit for the remodeling that has been done and that is being done. Mgr. Bickhart stated there was a permit issued for doing minor repairs. The definition of minor repairs has to do with structural elements. Pres. Mengel stated the interior of the building was gutted down to the studs and that is not minor repairs. Mgr. Bickhart stated by definition it has to do with whether it is structural or not. Pres. Mengel asked how many units are in there and how many were there prior to the permit. Mgr. Bickhart stated there are two units and they had gotten permission to convert it from a single family to a two-family structure. Pres. Mengel stated she recalled he was only putting in a microwave somewhere and Mgr. Bickhart replied he was creating the essence of a kitchen. Pres. Mengel stated she does not like this situation at all and asked why Council has not had any reports from CKCOG on this. Mgr. Bickhart stated CKCOG has reported that they did not feel they had jurisdiction over what Mr. Fisher is doing in terms of permits for construction. C/P Kinney stated he thought the new law stated that anything that was done had to have a permit. Mgr. Bickhart replied that renovations were completely eliminated from the definitions of the new building code. Only very limited elements of changing electrical systems, mechanical systems, and plumbing systems would fall under permit requirements. Pres. Mengel asked if this means if she wants to completely gut her house out and change it all around she does not need a permit and Mgr. Bickhart stated that that is correct. Pres. Mengel stated that because this particular house is in a flood zone there are requirements that they need to meet. Mgr. Bickhart replied that in the flood zone the additional requirement is that the value of the improvements is limited to 50 percent of the value of the structure. Pres. Mengel asked who determined the value of the structure. She stated that she thought this was what C/P Christine wanted CKCOG to do. Mgr. Bickhart stated the same procedures were used that have been used before, using the tax assessment records for the building versus the land and then applying their multiplier to bring it to current day values. The value of the building is \$74,000 of which \$37,000 is 50 percent. Pres. Mengel asked what Mr. Fisher paid for the building. It was stated that the purchase price does not matter. C/P Kinney stated the value of the land has to be deducted from the total value of the property. Mgr. Bickhart stated the tax assessment records assess the land separately from the building. C/P Kinney stated the house cannot be worth \$75,000. Pres. Mengel stated it just does not seem as though regulations have been followed. A lot of work has been done on a garage permit and there is no garage there. She asked if the Borough can require him to get a permit and Solicitor Cravitz replied that they can if the value is more than 50 percent. C/P Kinney stated if Mr. Fisher knows the value of the property he will be sure not to turn in receipts for more than 50 percent of the value. C/P Christine stated this is what CKCOG was supposed to be doing by determining the value of the building and the value of the improvements. He thought CKCOG would go in and define the value of the building and the value of the renovations and then bring that information to Council. Mgr. Bickhart stated this still can be done, but CKCOG just has not done it yet. The owner is putting together the list of his improvements as CKCOG has not been involved

in the minor repairs or improvements. They have only been involved in the reconstruction of some of the walls on the second floor. C/P Christine asked if CKCOG has given an estimate of how long it will take to get their numbers together because it is possible that the homeowners could be done with their improvements before the evaluation is finished. C/P Kinney stated there has to be a time limit put on this. He suggested having something for the next Council meeting. Pres. Mengel asked for Tom Sauers to be present at the August Council meeting. Mgr. Bickhart stated it would not be Tom, as he has not been actively involved in the process on this building, but he can have somebody from CKCOG present at the next meeting.

Mary Searer Property – C/P Kinney asked what is happening with this property. Mgr. Bickhart reported this is in the process of being sold to someone with the judge's approval. Mike Hudock, the attorney who is the permanent guardian for Mary Searer, suggested it could take a couple months because of the process of getting the court's approval. Solicitor Cravitz stated the judge must determine that the property is being sold for fair market value. This usually happens very quickly. He was involved with a similar situation in Lewisburg and their borough council put a deadline of 60 days on the process. The people did not make the 60 days and the borough was faced with additional charges. The sale there is conditioned that the new owner rectifies all violations. Otherwise the borough proceeds with its condemnation and takes the building down. Attorney Hudock had to get Judge Woelfel's approval to sell the Searer property. It will be sold for fair market value, which will not be very much in its present condition. Pres. Mengel asked who will maintain the property until it is sold and Solicitor Cravitz replied that Mary Searer's estate through Attorney Hudock has to maintain the property. The people in Lewisburg had to cut the grass, shovel the snow, make sure the building did not fall down, and make necessary repairs. Pres. Mengel stated the next-door neighbor has been mowing the Searer property and she does not feel this is right, but the neighbor does not want the grass to grow high. Mgr. Bickhart stated that if the Borough sees any violations they should correct them and send the bill to the estate and the bills will be paid out of the proceeds of the sale. Solicitor Cravitz stated if the Borough starts maintaining this property then would they also maintain every other property in the Borough? As far as the Borough hiring someone to maintain the property, he stated he tried this in Lewisburg and their council said no. They said their employees have parks and other properties to maintain and they are not taking care of delinquent properties. Mgr. Bickhart stated it would not work with the Borough's workforce anyway; a company would have to be hired to do this. He stated a contractor would work for the Borough because they would be assured of getting paid but he does not think they would work for Attorney Hudock because he does not have any money to pay them. He has already ignored the notice from CKCOG concerning correcting the violations and CKCOG is letting it ride because there is no recourse. Requests can be made but the best thing is for this to resolve itself through a quick sale of the property.

COMMITTEE / COMMISSION / BOARD REPORTS:

FINANCE & BUDGET COMMITTEE: C/P Inch, Chairman

Payment and Ratification of Bills – C/P Christine reported that the Committee met today and there are no abnormalities in the bills.

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

AYES: FIVE (5)

NAYS: NONE

MOTION CARRIED

C/P Christine stated that \$20,000 was requested from Susquehanna University for their annual contribution and a check was received this past week for \$23,000.

Statewide Tax Recovery, Inc. - Exoneration Requests – None

PUBLIC FACILITIES & SERVICES COMMITTEE: C/P Reuning, Chairman – C/P Reuning reported a meeting needs to be held regarding the sidewalks but he has to wait for C/P Inch to return from vacation.

BOROUGH ADMINISTRATION / PROPERTY AND EQUIPMENT: C/P Kinney, Chairman – The Committee needs to meet to go over police issues.

COMMUNITY ACTIVITIES AND PUBLIC AFFAIRS: C/P Handlan, Chairwoman – C/P Handlan reported that tomorrow she will be attending a meeting in Lewisburg with the Lewisburg Area Recreation Authority. She is going with Dick Norman and Fran Carroll and Sean Hendricks to meet with LARA and talk specifically about the ice skating rink to get an understanding of what they went through to hopefully avoid some of the problems that they had. Greg Wetzel, who is the director of LARA, will come to Selinsgrove at a later date to look at Selinsgrove's ice skating rink so that this can move forward and be operational this winter. C/P Handlan also reported that Ward Caldwell, the Associate Dean of Residence Life at Susquehanna University, has resigned and will be leaving in mid-August. Ward was part of the Town/Gown Committee and has also attended all of the landlord meetings. He has been very active with the University and with the town life. He is taking a job at Penn College after eight years at SU.

PERSONNEL MANAGEMENT COMMITTEE: C/P Christine, Chairman

Adopt Employee Manual, as last reviewed – C/P Christine reported that the only changes made to the updated handbook were for wording of a few things. Nothing of any substance was changed. Mgr. Bickhart stated these are the changes from the last Council meeting. C/P Christine reported that he met with the employees on June 9 and they wanted some clarification of some words and these were changed but the meaning of the paragraphs did not change. He asked for a motion for final approval of the handbook as it is written.

Motion by C/P Reuning to approve the handbook as written. Seconded by C/P Christine.

C/P Kinney stated he is opposed to the paragraph that says family and medical leave. C/P Reuning stated it is a federal law and C/P Kinney stated he is referring to the family sick leave. He stated this was abused tremendously when he was Borough Manager and it was eliminated from the contract. It has also been eliminated from the police contract. C/P Christine asked how it was abused and C/P Kinney replied that employees took the leave when no one was sick. C/P Christine stated it was limited to two occurrences of no more than three days each. C/P Kinney stated this is like six additional paid days off for an employee. Solicitor Cravitz clarified the Family Leave Act, stating that as a municipality Selinsgrove is subject to the Act but the employees are not eligible under the Act because the Act says to be subject to the benefits an employee must be in a workplace where there are 50 or more employees or be employed within 50 miles of a place of employment where more than 50 employees are employed in the workplace. All small governments are in this situation and most give their employees rights under the Act but the Act states that the employees are not eligible because there are not enough Borough employees. This Act entitled the employees to 12 weeks of unpaid leave while their job is kept open for them. C/P Kinney stated that if the paragraph he is objecting to said "without pay" then he could support it. C/P Reuning suggested C/P Kinney move for an amendment to the motion. Pres. Mengel stated there is also no documentation required for the family sick leave. There was some discussion of Robert's Rules of Order and then C/P Kinney asked for an amendment.

Motion by C/P Kinney to amend the motion to state that if an employee takes any time off for family sick leave that it be without pay. Seconded by Pres. Mengel.

Solicitor Cravitz stated the section in the handbook would read: For all employees immediately following the end of the probationary period, family and medical leave shall be available for a maximum of three consecutive work days without pay on no more than two separate occasions each calendar year for attendance to family illnesses and emergencies. C/P Handlan asked if this means that employees cannot use a sick day. Mgr. Bickhart stated the employee cannot use a sick day if the employee is not sick. C/P Christine stated they can use a personal day or a vacation day. C/P Reuning stated if they take family or medical leave they would not be paid. Pres. Mengel stated that if it is such an emergency that they need to be off, they will be off without pay or they can use accumulated time.

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

AYES: FIVE (5)

NAYS: NONE

MOTION CARRIED

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

AYES: FIVE (5)

NAYS: NONE

MOTION CARRIED

PUBLIC SAFETY COMMITTEE: C/P Hetherington, Chairman

Committee to consider overhead street signs as a part of the installation of new traffic signals at the Pine Street and the University Avenue/Walnut Street intersection with Market Street –

Mgr. Bickhart reported this is something for the Committee to consider. The engineer has made him aware that the current plans call for very large street name signs mounted on the cross arms at the intersections. John Coukart found out that this is not necessary and could be deleted from the project. C/P Kinney stated he thinks these signs look horrible. C/P Handlan stated she thinks they are great and they can be sized so they are not so offensive.

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

Recommendation on Ordinance – C/P Handlan reported that concerns from prior meetings have been incorporated and she has given Solicitor Cravitz a revised copy of the ordinance. There was a landlord meeting in January and some landlords expressed concern for the bureaucracy of the ordinance. They are not opposed to complying with codes because it is important to have a safe environment, but some of the administrative issues raised concerns. These include sending in copies of leases and posting things in rental properties. Taking these issues into consideration, the document has been modified.

C/P Handlan asked if the landlords have to be licensed annually because she is concerned about the Borough being able to do all the inspections every year. She suggested doing it every other year.

C/P Kinney stated there will be changes in the tenants. C/P Handlan stated when a landlord applies for a license they are being asked for a copy of their lease. She stated she does not feel it is the Borough's responsibility to monitor executed copies. There is an attachment to the document entitled Appendix B which is not referenced anywhere in the document. This is an excellent document and is to be signed by the students. The document calls the students' attention to what their rights and responsibilities are and what the Borough's expectations of them are. She stated she is assuming this gets attached to the landlord's lease agreement and Solicitor Cravitz verified that this is correct. Another requirement in the ordinance was for the landlord to post their license and their last inspection notice in their building, along with who is living there, in a place that is viewable but secure so no one can tamper with it. This would be just like a restaurant's requirement to post its license. C/P Kinney stated he disagrees with this requirement and he asked if the ordinance will be reviewed. C/P Handlan replied that it will be reviewed and a lot of C/P Kinney's comments have already been incorporated into the document. Regarding the licensing, it was decided that the landlords do not have to be licensed every year. C/P Handlan stated that Section 90-103 2a is the requirement with respect to the footage per occupant. Solicitor Cravitz read the section as follows: The maximum number of persons permitted in any regulated rental at any time shall not exceed one person for each 40 square feet of habitable floor space. Pres. Mengel asked how big 40 square feet is and was told that it can be computed as 4 feet x 10 feet or approximately 6 feet x 7 feet. C/P Kinney stated the ordinance has a section regulating the square footage requirements for each room. Mgr. Bickhart stated that that ordinance is for habitable space and this 40 square feet requirement would be for parties so it is more restrictive. Pres. Mengel stated it does not say that and C/P Handlan stated it talks about the common area. She stated she does not have a problem with that but it is the habitable floor space that she does not want to see anybody being able to rent immediately because they are not in compliance. Mgr. Bickhart stated if something is not clear then it needs to be clarified, but this does not have anything to do with the requirements for habitable space per occupant, which is much greater than 40 square feet. This issue relates to guests on a party night and how many people can actually be in there with them. Some landlords say no more than one guest per tenant which would be six guests. In an apartment of 600 square feet this would equal 100 square feet per person. The proposed ordinance is suggesting 40 square feet per person, which would allow a lot more than one

guest per resident. C/P Christine asked about a 20 x 20 room. Mgr. Bickhart stated that a 20 x 20 room equals 400 square feet, so based on the proposed ordinance ten people could be in that room. Solicitor Cravitz stated that this is about the size of the Council chambers. C/P Christine stated that if this was in the ordinance the Council chambers would be out of compliance. Mgr. Bickhart stated it is very restrictive. Common spaces would be like down in the warehouse with people spilling out into the hallways and down the front yard or somewhere on the premises, but not in the actual rental unit. This does happen, and a lot more people would be permitted. C/P Handlan stated there are references to the Borough setting licensing fees and penalty fees. An implementation plan for this needs to be discussed. She asked if this will be part of the ad hoc committee. C/P Kinney stated there should be a full work session of Council to go over these issues and work them out because the three members of the Committee may come up with some ideas and three other Council members may come up with other ideas. The Council as a whole should have a work session to go over these items one by one, as there will be some that will be objected to and some that might need to be changed. Pres. Mengel stated something needs to be put into place as soon as possible. C/P Handlan stated she sees the value in having this ordinance but she does not want it to be so restrictive to the landlords. Pres. Mengel stated that Council needs to make the decision on the fees that are involved. Mayor Beaver suggested recessing this Council session rather than adjourning it and resuming the meeting at a work session in two weeks. Solicitor Cravitz stated that just this spring when there was a big crackdown at the University the parents of three students decided to pull them out because they feel SU is a party school. They said they did not send their kids to central Pennsylvania from New Jersey and New York to party and the University is letting kids run wild here. He stated maybe this will get the message to the University that there are people out there who do not like the attitude of a place that allows kids to run rampant. He is not saying that the University is doing that, but that is the perception that these three families have who said they are taking their kids out because, although the violations would not impact upon them in New Jersey or New York, they do not like getting a call in the middle of the night from one of the police officers stating that their child has been arrested for underage drinking. To protect the town with an ordinance like this is a plus. There have been instances of people dying after falling out of windows or dying from overdoses and these things do not promote Selinsgrove. C/P Reuning stated the ordinance does have to be restrictive. C/P Kinney stated he did disagree with some of the requirements such as posting names on doors. C/P Handlan stated she also agrees with this and these are the types of things that were eliminated. C/P Christine suggested tabling this until Council has had a chance to review the document. C/P Handlan stated the intent was to have this in place by the fall but she does not think it will happen that quickly. C/P Kinney stated parts of it could be implemented. C/P Handlan stated Council really needs to talk about implementation, setting fees, and how to roll out the ordinance. All the properties need to be inspected. The landlords do not have licenses and they are just now starting to sign leases. Pres. Mengel stated that it was understood right from the start that the inspections would not happen all at one time. C/P Handlan asked how a license can be issued with no inspection and Pres. Mengel stated it will take a while. Solicitor Cravitz stated that the challenge is if the Borough does not give somebody something back for their fee. If the Borough imposes a fee and does not do the inspections or the follow-ups or give them something else then it is tantamount to a tax. This is what Northumberland ran into when they charged all landlords a fee and then sent in a person who looked around and made sure the lights worked and then left. This whole thing was dropped in Northumberland. Pete Carroll stated the Borough would open itself up to liability if they do not follow through with the inspections. C/P Kinney stated his concern is that the Borough would have to go to someone like CKCOG to do the inspections because if there is a wiring problem or a heating problem, the Borough is not qualified to do that. But that is still no guarantee there will not be a fire, so how does the Borough protect itself from that. Solicitor Cravitz stated it cannot be done. He stated that Bloomsburg incurs about \$35,000 worth of costs on the inspections. Most of that money goes toward the administration of their ordinance. They do not make any money on their ordinance. They do not lose any money because they make sure they break even, but that is it. They have one person in their office who deals with the licensures, they have someone who is certified to do the inspections, and the Town police handle the enforcement issues. He suggested the Borough talk to CKCOG to see if they are willing to help administer this in Selinsgrove as they do in Lewisburg. Mgr. Bickhart said CKCOG has already said they will help with this. C/P Handlan stated she is concerned about CKCOG's ability to get the work done because they have a large area to cover and while she knows they are expanding their staff it still does not seem to be adequate. C/P Kinney stated CKCOG has been very disappointing so far regarding their performance for the Borough. C/P Handlan

stated she will call and talk to Tom Sauers. She stated it would be great if the Borough could have its own inspector, like Bloomsburg does, but that is not possible. She asked that if anyone has any comments they send her an email. Pres. Mengel asked what Bloomsburg charges for their inspections. C/P Kinney suggested that since CKCOG will have a representative at the next Council meeting, this can be addressed then. C/P Handlan stated that the CKCOG person will be limited to that particular situation on the Isle of Que but maybe Tom Sauers can provide that person with information to bring along. C/P Kinney stated Council should have some idea of what the inspections will cost before they set the fees. C/P Handlan stated there is a lot of administrative work to be done. She stated she was thinking of incorporating some of the document into the University's distribution material to off-campus students so they have the information. It could also be put on the Borough's website so that people can be directed to the website for more information on landlord compliance. This would help landlords comply and help educate people that this ordinance does exist. Mgr. Bickhart stated that he thought Council would be looking to CKCOG for the inspections and the frequency of those would be open to debate. Because of the limitations of having to implement the ordinance over a period of time, he suggested separating the licensing requirements, the reporting, and all of those things from the inspection part in order to implement the inspection part as a separate function and give it a time frame of a number of years. C/P Handlan stated the ordinance calls for periodic inspections. Mgr. Bickhart stated it would be practically impossible to have all properties inspected within any time frame right now. Pres. Mengel stated it will probably take two years to get all properties inspected for the first time. C/P Handlan stated some of the administrative requirements were too stringent but she does want to make sure that the leases have language that speaks to the ordinance and the Appendix B attachment will help with this. Mgr. Bickhart stated leases will already be written with durations of a year before the ordinance is completed. C/P Handlan stated the ordinance is an administrative burden and C/P Kinney agreed, stating it could require more help in the Borough office. C/P Handlan asked Council to take a look at all the changes and make suggestions.

PLANNING COMMISSION: Earl Moyer, Chairman – No Report

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 – No Report

BOROUGH SOLICITOR: Robert Cravitz

Solicitor Cravitz stated that at the last meeting Council had gone over the information about getting Berkheimer to do the Borough's tax collection and the agreement was signed. The agreement that Mgr. Bickhart was directed to sign hired Berkheimer to become the Borough's tax collector. Under this agreement there is one term that Shamokin Dam's solicitor is particularly concerned about but Solicitor Cravitz does not read it the same way he does. Under Paragraph 2G of the contract with Berkheimer it states that if there are any errors discovered in the earned income tax prior to Berkheimer's tenure as the Borough's earned income tax collector and if these errors result in any suit or action the Borough will hold Berkheimer harmless against any loss due to that error. Shamokin Dam's solicitor feels that this means that the Borough is exposing itself to untold liability. Solicitor Cravitz stated to the other solicitor that that liability exists now anyway if the error exists. All Berkheimer is saying is that if there was an error prior to their taking over they are not going to be responsible and they will not stand for any reimbursement. He stated there is nothing inappropriate about this. He compared it to himself not accepting any responsibility for what the Borough's prior solicitors did, so if the Borough gets sued because of

something a prior solicitor did and Solicitor Cravitz would get dragged into the suit the Borough will hold him harmless. As part of the prior agreement Council now needs to pass three resolutions.

Consider adoption of Resolution pertaining to authorizing Berkheimer Tax Administrators to impose and retain costs of collection on Delinquent Taxes – Solicitor Cravitz explained that Berkheimer has attached a set of fees that they can charge, which is what Shikellamy had charged in the past. This is nothing that the Borough bears but would be borne by the taxpayer who fails to pay and this resolution would allow Berkheimer to pass those fees on to the taxpayer.

Motion by C/P Kinney to adopt Resolution 1 authorizing Berkheimer Tax Administrators to impose and retain costs of collection on Delinquent Taxes. Seconded by C/P Reuning. Pres. Mengel called for a vote on the motion.

AYES: FIVE (5)

NAYS: NONE

MOTION CARRIED

Consider adoption of Resolution pertaining to the appointment of Berkheimer Tax Administrators as the Borough's Tax Hearing officer – Solicitor Cravitz explained that under the state law there are certain taxpayers' rights and the taxpayers' bill of rights is what they have a right to expect with regard to the Borough collecting earned income tax. The taxpayer has the right to participation in an audit if the Borough would state that they do not feel the taxpayer is paying enough and the Borough examines the taxpayer's tax records. The taxpayer is allowed to be present during this examination and to have their own lawyer and/or tax preparer present. Rather than have this go through Mgr. Bickhart and the office staff, the persons who would conduct that appeal would be Berkheimer. This is at the taxpayer's expense and costs the Borough nothing. If it does come about that the audit was uncalled for then Berkheimer pays the expenses and not the Borough.

Motion by C/P Kinney to adopt Resolution 2 appointing Berkheimer Tax Administrators as the Borough's Tax Hearing officer. Seconded by C/P Reuning.

Mgr. Bickhart stated the only thing that concerns him about this second resolution is that it takes Council completely out of the process. The Borough is not notified and therefore Council is in no position to grant relief to the taxpayer. Solicitor Cravitz stated the taxpayer is basically at the mercy of Berkheimer. C/P Kinney asked how this was set up with Shikellamy and Solicitor Cravitz stated it was set up that the Borough could intercede on behalf of the taxpayer, but the school district adopted this and because of the administrative costs just turned it all over to Berkheimer. Pres. Mengel asked if the Borough has ever interceded and Mgr. Bickhart stated he does not think it has ever been an issue and Berkheimer acknowledges that these are extremely rare. He was just concerned because the Borough would not get any notification that something like this was even happening. Pres. Mengel called for a vote on the motion.

AYES: FIVE (5)

NAYS: NONE

MOTION CARRIED

Consider adoption of Resolution pertaining to naming the Borough Treasurer and/or the Borough Secretary as the Borough's Authorized Representatives concerning the sharing of confidential tax information – Solicitor Cravitz explained that Sheri Badman as Borough Treasurer and Mgr. Bickhart as Borough Secretary would be the people authorized as the Borough's liaisons so that people's personal tax information would not be coming into a public meeting. This information would only go the Borough Treasurer or Secretary and they would be the only people with this information unless the Borough for some reason needed that information for official purposes, and if the Borough did divulge any confidential information Council is absolving Berkheimer from any liability in connection with the release of confidential information by the Borough. C/P Kinney asked how Shikellamy handled this and Mgr. Bickhart stated they would allow just about anybody to call over for information. He stated they actually were very reserved about giving out any information, which was a big problem. The Borough has access to a lot more information with Berkheimer than they did with Shikellamy. Solicitor Cravitz stated Berkheimer wants to limit that access to the people who need to know the information, which would be the Treasurer and/or Secretary. Mgr. Bickhart stated that Sheri needs this authorization because she will

be inquiring about amounts, funds, transfers, etc. This resolution would preclude Janet from being allowed to call and ask for any information. Council can name any authorized representatives that they want and as many as they want. C/P Kinney asked if this information is given to the Borough to retain and Solicitor Cravitz replied that it is not. It is only supplied if requested by an authorized representative of the Borough. C/P Kinney stated the auditors and many people go into those files during the course of a day and he would not want them having access to this information.

Motion by C/P Kinney to adopt Resolution 3 naming the Borough Treasurer and/or the Borough Secretary as the Borough's authorized representatives concerning the sharing of confidential information. Seconded by C/P Reuning. Pres. Mengel called for a vote on the motion.

AYES: FIVE (5)

NAYS: NONE

MOTION CARRIED

BOROUGH ENGINEER: J. A. Coukart & Associates

University Avenue Sanitary Sewer Replacement Project – Progress Report – Mgr. Bickhart stated the letter from John Coukart addresses some progress on this project. The location of the water main has been resolved and the engineer is proceeding to go to bid. Next month there should be something more definitive on this project. C/P Reuning asked if the contractor would be able to start the project by September 1 and Mgr. Bickhart replied that it was not likely.

Sassafras Street Sewer Line – C/P Kinney asked about the status of this and whether it would start in early August as noted in Coukart's letter. Mgr. Bickhart replied that this is on track. C/P Kinney asked how the PennDOT issue was resolved and Mgr. Bickhart replied that Council decided to leave it the way it was designed.

Street Program – Pres. Mengel stated this is scheduled to start.

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

BOROUGH TREASURER: Sharon Badman

Review Treasurer's Report for June 2005 - C/P Kinney asked how the Borough stands midway through the year as far as financial concerns. Mgr. Bickhart stated that according to Sheri's report to the Committee today there is at least \$50,000 of unanticipated revenues and expenditures are routine and on target. Hearing no more comments, Pres. Mengel stated that the Treasurer's report is on file for audit.

BOROUGH MANAGER / SECRETARY / ZONING OFFICER: Mgr. Bickhart

Non-Police Matter Suggestions Update – Mgr. Bickhart reported someone was concerned about the cable rate increase. He received a letter from Service Electric stating that they are raising their rates, and making note of the fact that the basic rate did not increase but some of the premium services did. Mgr. Bickhart reported that the new operation of Loving Care has had many facets recently. The current issue deals with garbage accumulating behind the building. This information just came in today so he will look into this tomorrow. C/P Handlan asked if anyone has looked at the garbage along the curb at the rental property on the corner of Broad and Independence Streets. She stated the people moved out the weekend before last and the garbage has been there since then. The whole front of the house is filled. She asked if the owner has been contacted to remove the garbage. Pres. Mengel stated there is a flea market sale-type thing set up at High and Mill Streets which has been there for months. Mgr. Bickhart stated he has just become aware of this and he needs to write that person a letter to cease that activity. C/P Reuning stated the lawn mowers at the property on Route 522 are growing also. Mayor Beaver stated he has spoken with that person many times and it does not do any good. C/P Kinney stated it is in a commercial zone so he can do what he is doing. Pres. Mengel asked Mayor Beaver if he addressed the train station as he had said he would after the last meeting. Mayor Beaver had no recollection of this. Pres. Mengel stated this involves the garbage around the train station and the abandoned vehicles.

C/P Reuning asked if something will be done to fix the place up. Mgr. Bickhart stated that at the November meeting the property owner had asked Council for permission to have until the spring to comply with the sidewalk and fencing requirements, and spring is now gone. He stated he deferred this because he thought Mayor Beaver was going to make contact. Pres. Mengel noted that she forgot about a correction for the minutes in which it stated that she reported on a complaint about the chemical odors at Wood Mode. She stated she did not report on this. It was noted that this was on the list of issues and she brought it to Mgr. Bickhart's attention from that list. Pres. Mengel asked Mayor Beaver to find out what is going on with the train station property.

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

Report on Flood Hazard Mitigation Program Funds – Mgr. Bickhart reported that he contacted Dave Nichols, who indicated that the Borough needs to decide which projects they want to request funds for, let him know, and then he will apply for the funding. Pres. Mengel had a letter from FEMA and she asked when it was supposed to have been addressed to her because she had not seen it before tonight and the letter is not dated. It was stamped as being received July 1, 2005 but she never had it before tonight. She asked if anyone else had a copy of it and Mgr. Bickhart replied that no one has a copy, not even him. He said he put it into Pres. Mengel's packet tonight because it was in her mail slot addressed to her. Pres. Mengel stated the letter has to do with the flood hazard mitigation and she will make copies for Council before leaving tonight. The letter states that the Borough will have to apply for funds. C/P Kinney asked what projects can be applied for since most things have been rectified already. Mgr. Bickhart replied that the projects that are still viable are the emergency access to the Isle of Que on Bough and Third Streets and the removal of repetitive loss properties. Since the fire company property is no longer eligible Council could go back to the original listing of all of the repetitive loss properties and ask for funding to have some of those removed. C/P Kinney stated he is opposed to this on the grounds that it will diminish the tax base. In response to a question from C/P Handlan regarding the emergency access on the Isle of Que, Mgr. Bickhart stated that there is an estimated \$100,000 available to purchase a property, tear buildings down, and create a ramp that goes around and enters the bypass with traffic as opposed to the current emergency access which enters the bypass opposed to traffic, requiring that a lane be blocked in order to turn around. This would raise the road and make it useful as an access to the Isle of Que. He stated he does not know how prudent this would be. C/P Handlan stated there is so much advance notice that people can easily be evacuated from the Isle of Que. C/P Kinney asked why the house has to be torn down because on Third Street at the end of Bough Street the Borough owns the next lot down. He would rather see the Borough acquire the piece of land on the corner where the old Witmer house was torn down and come around that way without touching the other property. Mgr. Bickhart stated FEMA wanted that property because of its repetitive loss status. C/P Kinney agreed that it is a repetitive loss but he would like to avoid taking it off the tax rolls. C/P Handlan asked about the problems with flooding on Broad Street. C/P Kinney stated that area is not eligible for the flood hazard mitigation program funds. He stated that Selinsgrove needs to be careful because Shamokin Dam and Hummels Wharf got their money and he does not know if there is money earmarked for each municipality. If not, Selinsgrove needs to get their share before it is all gone. Mgr. Bickhart replied that there was an allocation made because each municipality had a target allocation of funds and that is how the commissioners configured the final projects that were put in. It was based upon an allocation between the three municipalities. C/P Kinney stated he does not want to spend money the Borough does not have a use for, but if there is a use for it then it should be taken advantage of. Mgr. Bickhart stated that regarding the reconstruction of the emergency access off the Isle of Que, if the property is not purchased, \$100,000 is a lot of money to make a ramp. He reported that there was \$300,000 in the fire company project with demolition costs, relocation expenses, etc. That money would go pretty far with repetitive loss properties. There is a property listing in terms of the worst to the not so bad and the Borough would just start buying properties, but then those properties must be torn down. C/P Kinney stated there is one property on South Market Street as well as most properties on the Isle of Que that could apply. Mgr. Bickhart stated people already had to have submitted their property. These people signed a statement saying that if the Borough is coming with a fair market value that they would not oppose the sale of their property. These statements then got set aside because the County Commissioners said they only have \$400,000 for Selinsgrove, \$100,000 for the ramp and another \$300,000 which was to be put to

the best public use. Buying individual properties only benefits individual property owners, but to demolish a fire company and relocate them would be a total public benefit so that is where the commissioners put the money. However, that project is no longer eligible for much if anything at this point in time. Mgr. Bickhart stated there is a hazard mitigation committee and he suggested getting the committee back together to make recommendations, as they are the group that is most familiar with everything that was done up to this point such as where the real hazards are. They can make a recommendation as to what funds should be applied for. This is a lot of money that is available but unfortunately there is no great need for it at this time. C/P Kinney stated the Borough should look at doing the ramp even though he hates to see the Borough buy the homeowner out. Even though the homeowner would get fair market value for his property, it will not go very far toward the purchase of another property. He would rather see the Borough buy the land that is across the way from his house and extend Third Street down and make the turn there. Mgr. Bickhart stated he thinks the purchase of the house can be avoided but he thinks it was thrown in because it is a repetitive loss property and it was a way to spend the money. He stated will get the committee together. It was a representative group of people who owned property on the Isle of Que and other people with vested interests. George Praul had been on it. The committee had been integrated with the Planning Commission. This was done by resolution at one point, stating that the organizational structure going forward was such that these things would be done by the Planning Commission but also using the resource of the hazard mitigation committee, so they were named as a resource for the Planning Commission. He will take this back to the Planning Commission and have them set up a special meeting with the hazard mitigation group to focus on reevaluating projects.

Reminder concerning 7/12 meeting on Regional Fire Services – Pres. Mengel reminded Council of this meeting.

Reminder concerning 7/20 Flood Hazard Drill – Mgr. Bickhart reported that this is at Tedd's on the Hill in case anyone from Council is interested in attending. He will have either Gary or Brad attend this meeting because he has another legislative affairs committee meeting that he could better participate in.

SELINGSGROVE MUNICIPAL AUTHORITY – No Report

EASTERN SNYDER COUNTY REGIONAL AUTHORITY – No Report

NEW BUSINESS:

COUNCIL MEMBERS

Mgr. Bickhart stated that the Civil Service Commission has gone through the applications for Borough police officer and there are 12 applicants that they will admit to testing on August 6. Pres. Mengel asked if the Civil Service Commission got a new member yet and Mgr. Bickhart replied they did not.

C/P Kinney asked if the closing took place on the CVS building on June 30. Pres. Mengel replied that this has taken place. C/P Kinney asked if the building will be torn down before the Market Street Festival. Pres. Mengel stated this may not take place. Mgr. Bickhart stated the problem is funding for the demolition costs. C/P Kinney stated that he thought there was enough money to buy the building and tear it down. Pres. Mengel stated it was expected that there would be enough money to do that but there was a change in plans. Mgr. Bickhart stated that SPI did not receive as much money as they expected. Pres. Mengel stated the money was committed but it was changed at the last minute. C/P Kinney stated the building has gone off the tax rolls as of June 30. C/P Handlan stated the next SPI meeting is on July 19 and more information may be available there. Pres. Mengel stated there is a plan to raise the money to have the building demolished. C/P Kinney asked if this is the capital campaign to take care of the swimming pool, the library, the streetlights, the demolition, etc. Pres. Mengel stated everybody seems to be doing their own campaigns. The swimming pool has already started their campaign and the streetlights are first priority for SPI. Joe Siro said the newspapers indicate that part of the CVS property will be residential and he asked why the Borough would lose taxes. C/P Kinney replied that SPI owns the buildings now and they are a non-profit organization. He stated SPI does not have the money to tear down the building and he is wondering if there will ever be a building built on that lot. C/P Handlan stated

this question cannot be answered today. Pres. Mengel stated it will initially be a park because it will take time to raise the money to build on there. Nothing has been anticipated to be on that property for five to seven years at least while funds are raised. C/P Kinney stated he heard it would cost \$120,000 to \$125,000 to raze the building. Pres. Mengel stated at this point in time the figure is \$70,000 and hopefully it will be less than that. C/P Kinney asked how long it will be before that money is raised. Pres. Mengel replied SPI already has a good portion of it so hopefully it will not be too long. At this point in time the first commitment is to get the money for the streetlights that SPI and the Selinsgrove Chamber of Commerce needs to raise. She suggested that C/P Kinney attend the SPI meeting.

Pres. Mengel asked if an executive session is needed. Solicitor Cravitz stated he has heard nothing more from Attorney Joel Weist.

ADJOURNMENT:

Motion by C/P Kinney to adjourn at 9:34 P.M.