

SELINGROVE BOROUGH COUNCIL MEETING

MONDAY, NOVEMBER 7, 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; Daily Item Reporter Marcia Moore; Borough Residents Dorothy Anderson, Pete Carroll, Jim Charles, Joseph and Margaret Siro; Daycare Representatives Deborah Brosious and Karen Moyer; Friends of the Library President Elizabeth Heim; Library Director Betsy Fordon; SPI Board Members Brian Farrell, Elaine Herrold and Pamela White; Streetlight Project Representative Shane Ulrich; Susquehanna University Journalism Students

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 OCTOBER 3, 2005:

Pres. Mengel stated that on page 9 on the sixth line down the word "escrow" should be changed to "ESCRA". This is in reference to the debt service of \$622,000.

Motion by C/P Inch to accept the minutes as corrected. Seconded by C/P Hetherington.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

VISITORS TO BE HEARD:

Borough Police Chief, Thomas Garlock

Presentation of Police Report for September 2005 – Chief Garlock stated he just got the report done today so Council has probably not had a chance to read it, but he will be happy to answer any questions.

Shannon Klopp hired 11/1/05, probationary for 1 year – Chief Garlock stated that he will be bringing Officer Klopp to a Council meeting to introduce him to Council. Officer Klopp is being used as a fill-in right now. Chief Garlock is very pleased so far and he will be putting Officer Klopp into the rotation schedule to fill in the vacant spots.

DH&L Fire Company, Ken Stettler – Ken reported that in October there were 17 alarms: 1 automatic alarm, 1 motor vehicle accident with extrication, 1 false alarm, 3 miscellaneous fires, 2 local alarms, 4 vehicle accidents without extrication, 1 training, 3 structure fires and 1 water rescue recovery. The activities took place as follows: 1 in Middlecreek Township, 3 in Monroe Township, 7 in Penn Township, 3 in the Borough of Selingsrove, 1 in Spring Township and 2 in Washington Township. There is no dollar loss listed at this time, but one report needs to be finalized, possibly regarding the dryer fire in the trailer at Salem Manor. There were 341 man hours spent on the various activities.

Ken also reported that DH&L has replaced the tanker and the rescue truck. The closing is this Thursday and the vehicles will be picked up on Friday. The tanker is a brand new 2005 International from Four Guys Manufacturing near Pittsburgh. It is a demo unit with 280 miles on it, which saved DH&L approximately \$15,000 to \$20,000. The rescue truck is a 1997. Ken reported that in order for DH&L to

get a tax-free loan like they did with the aerial truck and the building the Borough needs to pass a resolution signing off on it. This saves the fire company 2 percentage points on the interest. Solicitor Cravitz stated that there are two resolutions which were advertised for a brief hearing tonight for the Dauntless Hook & Ladder Company of Selinsgrove, Pennsylvania to enter contracts in the amount of \$173,783 and \$225,000 for the acquisition of a tanker truck and rescue truck respectively. The resolution references the Borough's prior agreement with DH&L dated April 6, 1998 in which the Borough set forth and said that DH&L is required to provide firefighting and other emergency services to the Borough on a non-exclusive basis, and by virtue of that agreement DH&L is a qualified volunteer fire company under the Internal Revenue Code. In order to fulfill its responsibilities under the service agreement DH&L is going to acquire a 2,000 gallon elliptical tanker truck by entering into a contract with Four Guys for a sale price of \$173,783 and also in order to further fulfill its responsibilities DH&L is going to buy a 1997 heavy rescue truck for \$225,000. Council needs to pass the first resolution to enter those contracts. The second resolution is to authorize DH&L to enter into a loan agreement with Swineford National Bank for \$400,000. The service agreement sets forth what DH&L will do with the money, which will only be for the acquisition of the items. These resolutions do not encumber the Borough or pledge the Borough's borrowing capacity. They just allow DH&L to borrow the money and have it be considered a qualified non-taxable bond under the Internal Revenue Code.

Motion by C/P Kinney to approve both resolutions. Seconded by C/P Handlan.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Shane Ulrich, Chairman, Streetlight Fundraising Committee, Selinsgrove Chamber of Commerce, update on fundraising – Shane reported that the fundraising is going very well, with 13½ out of 23 streetlights funded. The Chamber has been selling naming opportunities and the lamps will carry a plaque by the donor.

Dr. Betsy Fordon, Director of Snyder County Libraries – Selinsgrove Community Library – Dr. Fordon reported that she is asking for appropriations for the library and the Borough has given generously in the past. She introduced Elizabeth Heim, the president of the friends group, and asked her to speak to Council about various fundraising issues, including the street fair and selling crocks and quilts. Ms. Heim stated that many people look into the local library when moving to a new community. A library is a measure of a community and unfortunately Pennsylvania has made horrific cuts in state funding for libraries in the recent past. As the state funding is reduced so are the federal monies. The Selinsgrove Library struggles hard to meet the needs and the expectations of the community in the face of these cuts. The library provides Toddle Time, a preschool story hour with puppet shows, dial-a-story which allows a child to dial a local telephone number 24 hours a day and have a story read to them, summer reading programs, tutor.com for live homework help over the Internet from certified teachers, teen movies, teen discussion group, teen advisory board, adult book discussion group, computer instruction and Internet instruction in partnership with PA Career Link, participation in inter-library initiatives such as One Book One Community, access to over 30 databases available through Power Library, fax services, copier services, newspapers, magazines, books, CDs, audio tapes, videotapes, and computer use. The library has brought in authors to speak at Weber Chapel and then had book signings at the library. They also recently took a trip to Gettysburg National Park. Ms. Heim stated the library is a center for lifelong learning with programs, resources and services for all ages. The library supports the community and the library is now asking the community to generously support the library. Pres. Mengel stated this will be taken into consideration during Council's budget process.

Karen Moyer regarding proposed Daycare at Water and Chestnut Streets – Karen reported that she and Deb Brosious are looking to purchase a property at 16 North Water and 16 East Chestnut Street, which is zoned Commercial Residential, to establish a daycare. There is no off-street parking so they need a variance for seven parking spaces, six for employees and one for visitors. Karen stated there is a great need for a daycare in this area, and time is of the essence as the property has several other offers on it. Mgr. Bickhart stated that Karen and Deb need some assurance concerning zoning compliance in order to proceed with the possible purchase of the property. The proposed use is consistent with the zone, which is the corner of the C1 zone. However, the property has no opportunity for off-street parking

because the side yard is very small and would be used as an outside play area rather than conversion to parking. Karen and Deb will have to go through the conditional use process. Adjoining property owners will have to be notified and a hearing will be held for Council to decide whether to waive the off-street parking requirements for the property. The parking requirements would be based on the number of employees on the largest shift. The ultimate daycare size would be 30 children requiring 6 workers. The ordinance also requires one off-street parking place for every 15 children as parking for visiting parents. The parking requirements are the same thing for child care as for an elementary school. Karen and Deb understand the process but wanted to approach Council tonight to see if they could get an assurance of cooperation from Council. C/P Kinney stated Council really cannot give any assurances until the committee has performed their duties. Council will then get recommendations. He asked if they need a variance and are going to the Zoning Hearing Board. Mgr. Bickhart replied they do not need a variance; they need a waiver under the conditional use which Council usually runs by the Planning Commission first for advice. He also stated that past practice has been to send letters to adjoining property owners to turn the request into a public forum. The earliest that this could come back to Council would be in December. C/P Inch asked when the sale would take place and Karen replied that it would be within 30 to 45 days. C/P Kinney stated Council owes it to the neighbors to go through the process before giving any assurances. Pres. Mengel agreed and asked Mgr. Bickhart to proceed as usual. Mgr. Bickhart passed around a paper outlining the daycare proposal in detail, as well as some photos of the property. C/P Kinney stated there is a parking lot in the area that is used by senior citizens, but they may not use the entire parking lot every day so some parking could possibly be made available there. C/P Handlan stated that in looking at the pictures it appears there is plenty of parking available on the street during the day.

UNFINISHED BUSINESS FROM PRIOR MEETINGS:

Review List of Council Issues

C/P Hetherington asked what is being done about the Slivinski property. He stated this has gone on entirely too long and there is no excuse for it. He feels that a letter of apology should be written to Attorney Slivinski. Mgr. Bickhart stated in order to keep costs down the Borough crew was going to do the work according to the Borough engineer's designs and specifications. However, the Borough crew just has not had any time. This will probably have to be contracted in order to get it done. Pres. Mengel agreed that this has gone on for a long time. Mgr. Bickhart stated it is clear that the Borough crew will not be able to do this, as it is now time for leaf pickup and then there will be snow to deal with. Also, if there is time the Borough crew needs to address the sanitary sewer. Pres. Mengel stated the sewer needs to be addressed whether the Borough crew has time or not. C/P Kinney suggested getting an estimate to have the work done at the Slivinski property.

C/P Kinney asked Chief Garlock if the police department has moved into the new building yet. Chief Garlock replied that the back door was installed today. The electric locks will be installed mid-week and the moving process can then begin. Part of the move has been started. The last thing that has to be done is to actively switch the telephones from the Borough building to the new police station. All the wiring has been tested and it is good so there should be no problems. The expectation is that the police department will be in the new building by the end of the month at the latest. Mgr. Bickhart stated that he was on the roof over the weekend to ensure that the outside lights were working. C/P Handlan asked if the resident who is directly behind the new police station has expressed any concerns and Chief Garlock replied that he has been speaking with her on a regular basis and she is looking forward to the police moving into the building.

Scott Shaffer and Melanie Garman-Shaffer's request for waiver of tapping fees – The Shaffers were unable to be at the meeting, so Mgr. Bickhart reported that the sanitary sewer tapping fee for this project would be \$12,000 and the water tapping fee would be \$6,680 for a combined total of \$18,680. This includes a credit for tapping fees that have already been paid for taps that are there but that will be abandoned. C/P Kinney stated he and Sheri came up with different numbers. He reported there were four hookups on the property. The hotel itself will require 9.6 EDUs. There are already four there so by deducting them it leaves 5.6 EDUs, which at \$2,500 water and sewer combined, comes up to \$14,000.

The water is \$5,600 and the sewer is \$8,400. Mgr. Bickhart stated he is only aware of two existing EDUs and C/P Kinney replied that there was a double house that was torn down in the front, the mill, and the store. Mgr. Bickhart stated the water tapping fee is based upon the meter size and they will use 2½. The Shaffers were given credit for 2 EDUs of water service. C/P Kinney stated the mill was considered commercial and they used approximately 65,000 gallons of water per quarter. He stated the Shaffers already have 4 EDUs to their credit. He stated that when the senior citizen housing was built on South High Street they were charged according to the housing units themselves. When the new building was built on South Market Street the actual consumption for a one-year period was checked on the South High Street property and it was found that they had been charged too much. A credit was issued and the Borough did not charge anything for the South Market Street property. The same thing happened with the Intermediate School based on the history of the other schools. C/P Kinney suggested letting this issue ride until the hotel is done and then the Borough can evaluate water consumption one year after the hotel opens. To charge 9.6 EDUs now is not to the Shaffers' advantage because the Borough will not rebate the money. To be fair to the Shaffers the water consumption could be used as a guide, with no action being taken tonight. C/P Inch stated the tapping system was reviewed and lowered almost in half. He is concerned that the Borough should not completely give the tapping fees away. C/P Kinney stated he is not suggesting waiving it but delaying it one year until the actual consumption can be reviewed. He stated the Shaffers already have 4 of the 9 and it may be enough or it may not be. After the hotel has been in service for one year the consumption can be reviewed and divided out with the EDUs and then Council can decide whether to work out a compromise or charge the full fee. C/P Reuning suggested getting this in writing if the Shaffers agree to it and Council agreed. Pres. Mengel stated this is a good idea. The Shaffers can delay their expense by one year and it may end up being less expensive for them.

Motion by C/P Kinney to allow the Shaffers to build the hotel using the sewer and water EDUs they have credit for and at the end of one year of operation Council will review this and at that time make a decision based on the actual EDUs. This should be in the form of a letter from Solicitor Cravitz to the Shaffers. Seconded by C/P Hetherington.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

COMMITTEE / COMMISSION / BOARD REPORTS:

FINANCE & BUDGET COMMITTEE: C/P Inch, Chairman

Payment and Ratification of Bills – C/P Inch stated that the Finance Committee reviewed the bills and found everything to be in order.

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

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Committee meeting November 14 at 6:00 P.M. – This is a meeting for the Finance Committee to work on the budget.

Budget Work Session of Council November 21 at 7:00 P.M. – This is a meeting for the entire Council to work on the budget.

Statewide Tax Recovery, Inc. - Exoneration Requests – None

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

Establish meeting date to review 2006 Facilities Improvement Plan – C/P Reuning reported that the meeting will be held this Thursday at 10:00 a.m. They want to discuss the street program before working on the budget. They will probably also discuss sidewalks.

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

COMMUNITY ACTIVITIES AND PUBLIC AFFAIRS: C/P Handlan, Chairwoman – C/P Handlan reported the Shade Tree Commission issues that were referred to her committee from the last Council meeting will be followed up on. She reported there was a Town/Gown meeting held recently. The off-campus student issues were discussed and cooperation is continuing between Tom Rambo and Chief Garlock. More information was given about the social center that is being put on campus in the hopes that some of the students will stay on campus rather than partying in town. Council expressed their skepticism that this will help. Tracy Tyree specifically asked Chief Garlock what his thoughts were on this and the Chief replied that he does not see that it will have make great difference for the Borough and the police department. It may alleviate some problems on campus but not in town. C/P Handlan stated there is zero tolerance this semester regarding student behavior in town. Tom Rambo and Chief Garlock are working together and if citizens have complaints they must call. C/P Hetherington stated he has heard some criticism of the police department, but he stated they cannot be everywhere at once. The department has limited resources and they do what they can, even going above and beyond, and they are a big asset to the community. C/P Reuning asked if a student who breaks a headlight is asked to pay for it. He stated in the dorm the rule is that if a piece of furniture is broken and if the culprit cannot be determined then everyone in the room pays equally for it. C/P Handlan stated there is a judicial system in place on campus and students are expected to reimburse for damages done. Chief Garlock stated when something happens in town and the person is caught they have to make restitution.

AD HOC COMMITTEE ON LANDLORD ORDINANCE: Pres. Mengel, C/Ps Handlan and Kinney – C/P Handlan reported she had a meeting with three of the landlords one morning to review their comments. The landlords' association also had a meeting which C/P Kinney attended. The ad hoc committee will be getting together again to review the landlords' comments. C/P Kinney stated that he told the landlords' association that Council is being bombarded with criticism from residents who do not feel that Council is doing anything. He stated that something will be done and while Council wants to work with the landlords everything may not be to their liking. The landlords stated that they will officially form an organization and start policing themselves. They emphasized that they have to be told about the complaints when they happen and not a week or two later. They will try to curb some of the problems on their own. C/P Kinney stated it was a very nice meeting and the landlords are being very cooperative.

PERSONNEL MANAGEMENT COMMITTEE: C/P Christine, Chairman – The employees received their handbooks, which Pres. Mengel stated are very small and difficult to read. Mgr. Bickhart reported that each office has a full-size copy.

PUBLIC SAFETY COMMITTEE: C/P Hetherington, Chairman – C/P Hetherington stated he has been hearing a lot about the fact that there are no lights downtown. He understood that there had to be lights even if they have to be strung in the trees. C/P Handlan stated she also had some people mention the darkness to her. Mgr. Bickhart reported the CVS lights are now on at night, but there are still some places that are dark. Quite a few of the property owners have consented to leave their outside lights on. Mgr. Bickhart stated the streetlights will probably be out until the end of January. C/P Kinney asked why the other lights are out when the Borough is using its own conduit. Mgr. Bickhart replied that the PP&L conduit is right in the location of the foundation for the streetlights so a single foundation could not be put in without digging up the PP&L conduit. C/P Kinney stated there was above-ground wire strung from the lights in the area where M&T was. He asked why they could not be activated. Mgr. Bickhart replied that the underground service goes to the first light, and then the underground line from the first light in front of Kinfolks down towards the sub shop burned out so the line went aerial for that one section and then back down underground for the rest of the way, and the rest of the way is dug up. In fact, the light has not worked for four weeks. The best thing is to supplement the dark areas with some lights. Some of the businesses, such as BJ's, are plenty bright in their areas. None of the businesses in the dark areas have outside lights. Joe Kleinbauer's light was taken out due to some work so his area also needs some supplemental light. Mgr. Bickhart stated he has made arrangements to get some lighting, which should be in by the end of the week. Mgr. Bickhart reported that at each end of Market Street there is a block with metal poles and PP&L streetlights which would have been replaced if the Borough had done the full project that was designed, but since only the middle two blocks are being done the end blocks have

PP&L lights. PP&L rewired the service to three lights at each end of the project at no cost to the Borough, except for the one in front of Ramona Shadle's, which is wired but does not operate. Mgr. Bickhart will have PP&L get that light working. This is a temporary solution but it is good until the next phase of the streetlight project is completed. C/P Kinney asked if the Borough is liable in the event something happens due to the lack of light. He stated there are lumen requirements and insurance requirements. Solicitor Cravitz stated there is potential liability at intersections but it is on the driving public to protect themselves. However, since the Borough has lights in other areas there may be some liability depending on the circumstances. Pres. Mengel asked why PP&L's conduit could not have been left where it was or moved up. Mgr. Bickhart replied the possibility of splicing around the conduit was looked into but every time a foundation was dug the wire, which belongs to PP&L, was exposed and would have to be taken care of by PP&L's manpower. PP&L would then charge the Borough. PP&L did give the Borough an estimate of \$7,000.00 or \$8,000.00 to string some lights aurally but Mgr. Bickhart did not feel that kind of expense was necessary. It was not in the contract or in the design and there were no provisions made for maintaining lights during construction, so this is something that would have been an extra cost to the project. It is more reasonable and much less costly to use the lights that are there and to supplement the dark areas. Pres. Mengel asked why it would take until January to finish the project since the weather has been so cooperative. Mgr. Bickhart replied that the scheduling of the streetlight project is now controlled by the delivery schedule of the decorative poles that the streetlights are mounted on. The issues related to that were not resolved until November 1 and there is an 8 to 12-week delivery schedule. The contractor has asked for delivery on or before December 23 and there is no guarantee that it will actually occur on December 23. The rest of the project is dependent on when the 23 decorative poles arrive. Everything will be done and ready for them to be put up long before they get here. C/P Handlan asked if the traffic lights are going in first and Mgr. Bickhart confirmed that they will go in as soon as the foundations are finished. The poles are here and he anticipates a couple weeks yet. There is a week or two of foundation work and then Beck will switch over and start installing the traffic signals. C/P Kinney stated he understands through members of the Selinsgrove Chamber of Commerce that no provisions have been made to take down the old PP&L streetlights. Mgr. Bickhart replied that PP&L had submitted a cost to take down their poles. Beck will probably end up taking them all down. PP&L has agreed, through the work of Joe McDonald, to take their light heads off their poles and leave the poles for the Borough at no cost. The only cost to the Borough will be the cost of the crane. When the crane comes to set the traffic signal poles they will take the old PP&L poles down. The poles belong to the Borough so if there is any resale value the Borough will get the money. The poles are not aluminum; they are metal and pretty well rusted. They cannot be used by the Borough on another street but may have some salvage value. C/P Kinney asked what the Borough will do with the wires that come up out of the ground and Mgr. Bickhart replied they will be cut off and left in place. C/P Kinney asked if the Borough has an estimate of what it will cost to take the poles down. Mgr. Bickhart replied that he has not asked Beck to quote a price on that yet; he asked them for their recommendations of how to proceed and they recommended using the crane. He stated the eight poles are not in the way but they do need to come down just to be out of the downtown. This was going to be the Borough's expense no matter what and he is looking for the cheapest way possible to get rid of them, and PP&L was not the cheapest way. Their original estimate was \$15,000.00 to remove 13 poles. Mgr. Bickhart stated he is pleased that Joe McDonald made it possible for the Borough to take the poles down themselves, and it is actually cheaper to do it outside the contract and there is no reason why prevailing wages would have to apply. C/P Kinney stated that if this is continuing on pretty much the same project, putting lights in and taking lights out, the state contract may come back and require the Borough to pay prevailing wage on that. Solicitor Cravitz agreed, stating the state contract may say it is all continuous. Mgr. Bickhart stated he thought about having the Borough crew do it but they just do not have time so Beck is the best person to do the job.

NEWSLETTER COMMITTEE: C/P Inch, C/P Hetherington, C/P Reuning – No Report

PLANNING COMMISSION: Earl Moyer, Chairman – No Report

ZONING HEARING BOARD: Glen Rohrer, Chairman – No Report

CIVIL SERVICE COMMISSION: George Cravitz, Chairman – No Report

PARKS AND RECREATION BOARD: Richard Norman, Chairman – C/P Handlan stated that she spoke to Dick Norman and learned that things are moving forward to have the ice skating area available this winter. A lot of work has been done in the building, such as renovating the stove when a new or used donation could not be found. Skate donations will be accepted.

SHADE TREE COMMISSION: Mark Vergauwen, Chairman – No Report

BOROUGH ADMINISTRATIVE REPORTS:

MAYOR: Garry Beaver – Mayor Beaver asked about progress on the South Market Street house. Mgr. Bickhart reported he talked to CKCOG last week and they will get him a schedule. He tried to get in touch with the owner of the property, Cleon Bauman of Port Trevorton, but he does not answer his phone. The last time he spoke to him was a couple of years ago. Mgr. Bickhart wrote him a letter but has not heard anything.

Pres. Mengel reported that the Union Snyder Community Action Agency sent a letter of notification to Council that the USCAA was granted a Penn Serve grant in the amount of \$334,800 to provide literacy programs for the five school districts in Union and Snyder County.

BOROUGH SOLICITOR: Robert Cravitz

Update on Erosion of Stormwater Facilities along Weiser Run – Solicitor Cravitz reported that according to the letter from Attorney Tom Clark, while the school district is not admitting any liability, they have agreed to restore what they originally put in, but they will not encase the exposed sewer pipe in concrete. C/P Inch stated what they put in at first was inadequate and he asked if they were going to replace it with the same thing. Solicitor Cravitz said that the letter states the school district will correct and restore the previous project work. C/P Inch asked what the timeline is on this. Solicitor Cravitz stated Mr. Clark reported the school district would try to do this as quickly as possible this fall but no coordination has been made yet with the Borough in conjunction with the Borough's encasing the pipe. C/P Handlan asked what Susquehanna University has to say about this and whether they are aware that this pipe is exposed on their property. Mgr. Bickhart stated he took Dave Henry over there when this first happened to make sure that he was aware of it and to see if the Borough could come across the university's property to get to it. The university has given permission for the Borough to do this subject to restoration of any damage that happens to university property as a result. C/P Inch asked how the Borough can give the school district a release until the project is completed. Solicitor Cravitz replied that the Borough cannot give a release until the project is completed to its satisfaction. The school district is looking for a general release in exchange for the work, stating that they are no longer responsible for it. Council consensus was that a general release was not acceptable to the Borough because this type of release would preclude the Borough from going back after the school district if something were to happen again in the future. Pres. Mengel directed Mgr. Bickhart to get a contractor to take care of the exposed sewer pipe as soon as possible. She directed Solicitor Cravitz to respond to the school district in writing with the Borough's requirements. Solicitor Cravitz said that his letter will state that the school district must restore it better than what was originally put in to prevent it from washing out again, which is what Mgr. Bickhart has been telling the school district from the beginning. C/P Hetherington asked who will determine what materials are adequate and C/P Kinney replied that the job will have to meet the Borough engineer's specifications. C/P Inch asked if the school district will reimburse the Borough for the work done to the sewer pipe, as this would not have been exposed if the school district's work was done correctly the first time. Solicitor Cravitz replied that the school district stated they will not pay for the concrete encasement. C/P Hetherington asked if an encasement is needed, because the pipe has gone for years without an encasement with no problems. He asked if it is really necessary to go all that expense when there have not been any problems up until now. Mgr. Bickhart replied that he, Gary and the Borough engineer all looked at the pipe and agreed that it needs to be encased in order to hold it in a fixed location and then the school district can fill over top of it. The pipe even has to be secured in place before the concrete is poured. C/P Hetherington asked why a concrete encasement was not done in the first place, why the engineers did not require it then, and what has changed now to make an encasement

necessary. Mgr. Bickhart replied that it was originally a trench dug through virgin ground but the erosion was so severe in the area where this failure occurred that it went back 10 to 12 feet in virgin ground and exposed the sanitary sewer. A 20-foot section of sanitary sewer is floating there and the only way to put it back together again is to put a solid encasement around the exposed piece of sanitary sewer and then dump dirt over the top of it. The pipe has to be stabilized from moving either vertically or horizontally. C/P Hetherington stated a lot of tonnage of that virgin ground could be reclaimed if Weiser Run were to be cleaned out. Solicitor Cravitz stated the school district is saying that they are not accepting liability for that erosion, which they are claiming was an act of God. The school district has no liability or control over Weiser Run. It was the consensus of Council that the Borough not release the school district from responsibility. Pres. Mengel asked if the Borough has to get bids for this and Solicitor Cravitz replied they do not because it is an emergency repair. Mgr. Bickhart stated he told Gary to get with John Coukart to figure out what needed to be done and to whatever degree Gary was not able to do it that he should hire a contractor. Mgr. Bickhart will remind Gary tomorrow that he may need to get a contractor. Solicitor Cravitz stated he will get back to the school district and tell them the Borough will encase the sanitary sewer in concrete and then the school will have to make repairs to the specifications of the Borough engineer. Mgr. Bickhart estimated that the Borough's costs for the repairs will be approximately \$5,000. Pres. Mengel asked if there is insurance to cover this. Solicitor Cravitz replied that the Borough could try to turn this in but the Borough does not own the property and only has the right of way for the pipe and it was uncovered, not damaged. Mgr. Bickhart stated he does not know of any insurance that would apply to this but he can have Sheri call and ask.

Update on Real Estate Tax Assessment Appeals of Middleburg Yarn and Sunbury New Enterprises

– Solicitor Cravitz reported that the Borough received two duplicate stipulations for the settlement of the Sunbury New Enterprise and Stroudsburg Red and Green assessment appeals. If the Borough wants to pursue the matter they will have to do it on their own. The county and school district have signed off and have agreed with regards to the 909 North Orange Street, Selinsgrove property, which for 2005 the county assessed at \$1,762,410; the new assessment is \$1,350,000. The other property is located on Industrial Park Road and it originally had a 2005 assessment of \$2,043,540; the new assessment is \$1,250,000. The county had its own spot appraisal done and both appraisers – the county's and the landowner's – agreed to within about \$100,000 so the county did not feel that it was worthwhile to appeal this as the experts to testify for the municipalities would charge between \$5,000 and \$10,000. Solicitor Cravitz asked for authority from Council to execute the stipulation on behalf of the Borough for submission to Judge Woelfel unless the Borough wants to proceed and fight it on their own. C/P Kinney asked what the impact to the taxes will be for this. Mgr. Bickhart stated that at a loss of appraised value of \$1,200,000 multiplied by 13 mills, the loss will be \$15,600. The school district loses four times that amount and the county loses about half.

Motion by C/P Kinney to go along with the reduced assessments and authorize Solicitor Cravitz to execute the document. Seconded by C/P Handlan.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Update on Real Estate Tax Assessment Appeals of Brian and Bridget Farrell, Market Street Manor Associates, and Selinsgrove Elderly Housing Association – Mgr. Bickhart reported that these are informational only, as there is nothing to be done. He reported that there will probably be more of these in the future and it is a result of living with the same assessment since 1972 and trying to make it applicable to 2005, which just does not work.

Consider adoption of Ordinance # 740 pertaining to change in benefits of PMRS Pension Plan – Solicitor Cravitz reported that this will repeat the previous ordinance, which is # 736. This was discussed a month ago and it is a continuation of what was done last year. Basically what Council is doing is getting back into the election of benefits allowing a member municipality of the retirement system to elect to change its member benefits from time to time and they agree to be bound by the requirements and provision of the law and to assume all obligations, financial and otherwise, placed upon the membership of the Pennsylvania Municipal Retirement System which is mandatory for all fulltime municipal employees of the Borough. Membership for the elected officials and employees hired on a temporary seasonal basis

is prohibited as are memberships for individuals paid on a fee basis. This does not cover the uniformed people who are under their own system. This will be retroactive to November 1, 2005 to come in line with the agreement that was signed and sent in on November 1 due to a state requirement.

Motion by C/P Hetherington to adopt Ordinance # 740. Seconded by C/P Inch.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Solicitor Cravitz stated that Council will have to authorize Pres. Mengel and Mgr. Bickhart to sign the new employee pension plan agreement.

Motion by C/P Hetherington to authorize Pres. Mengel and Mgr. Bickhart to sign the document. Seconded by C/P Kinney.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Consider adoption of Ordinance # 741 pertaining to the “No Right Turn on Red” sign on Broad Street at US Route 522 – Solicitor Cravitz reported that this is the ordinance required to make the “no turn on red” sign at Broad Street and Route 522 legal and enforceable by the Borough police department. He stated this modifies or amends Chapter 133, Vehicles and Traffic, and says a red light on Broad Street for traffic going east at the intersection of Pennsylvania State Route 522 will now be added to the section that says no turn on a red traffic signal.

Motion by C/P Hetherington to adopt Ordinance # 741. Seconded by C/P Reuning.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

C/P Kinney stated that last month the Safety Committee made a recommendation that Council not go along with the no turns on red on Market Street. He asked if anyone has heard from PennDOT on this yet. Mgr. Bickhart stated that PennDOT, in their review of the plans for the streetlights and traffic signals, required the plans to show no turn on red for all four directions at both intersections with Market Street, both University Avenue and Pine Street. If the Borough wants to change this and not have any one or all of those signs installed they will have to apply to PennDOT to have the signs deleted from the plans. C/P Kinney thought a motion was made to do this last month and after a review of the minutes it was determined that no motion was made to that effect. Mgr. Bickhart stated it was left to him to find out why the signs were there, and he has done this. If PennDOT were asked for permission to remove the signs then a traffic study and sight distance would have to be done. Mgr. Bickhart stated that it is his belief that because PennDOT made it an issue to add those signs to the design that they are unlikely to take them back off again. He stated that the Borough does not have an ordinance authorizing these eight signs. C/P Hetherington read from a letter from the engineer regarding this issue. The letter basically stated what has already been stated above, adding that PennDOT felt there were restrictions and issues at the intersections that warrant the signs being there. Applying to have the signage deleted from the plans would require performing an engineering and traffic study for each intersection and research into accident frequency and pedestrian traffic.

Motion by C/P Reuning to have Solicitor Cravitz prepare an ordinance for adoption. Seconded by C/P Hetherington.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

C/P Kinney stated the Borough currently has an ordinance allowing right turns on red and this needs to be repealed. Solicitor Cravitz replied that this will occur automatically with the adoption of the new ordinance.

BOROUGH ENGINEER: J. A. Coukart & Associates – Mgr. Bickhart went over a letter submitted by Coukart regarding the status of projects in the Borough. He mentioned that the University Avenue sewer

project right of way acquisitions are done and filed. There is a request for payment from Beck Electric that will be reviewed by Coukart and then submitted to Council for payment. C/P Kinney asked why it took so long to get the acquisition of right of way on the University Avenue project. Solicitor Cravitz replied the deeds had to be signed by everybody and the way it was laid out they had to go back and talk to the landowners again, but it has all been recorded now.

BOROUGH TREASURER: Sharon Badman

Review Treasurer's Report for October 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.

Distribution of copies of "requests" for inclusion in 2006 Budget – This is informational only; the Finance Committee will work on this. Mgr. Bickhart reported that Chief Garlock's request is quite detailed and he asked Council to look at this, as his documentation may require some discussion and consideration at the budget work session. C/P Hetherington as Chairman of the Safety Committee urged Council to read what Chief Garlock has to say.

BOROUGH MANAGER / SECRETARY / ZONING OFFICER: Mgr. Bickhart

Non-Police Matter Suggestions Update – No Report

Award contract for Auditing Services for next three years – Mgr. Bickhart reported that the Borough advertised in the newspaper and sent requests for proposals to eight or ten accounting firms in the area. The Borough received one proposal for three years of auditing services for both the Borough and the Municipal Authority in an amount that is the same as the last three years with the same firm, Forgett and Kerstetter.

Motion by C/P Kinney to award the auditing services contract for the next three years to Forgett and Kerstetter. Seconded by C/P Inch.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Update of PROPERTY TRANSFERS and BUILDING PERMITS ISSUED, Janet Powers, Deputy Zoning and Permit Officer – This is informational only.

Consider options to provide financial security for PennDOT Highway Occupancy Permits – Mgr. Bickhart reported that a new issue has come up with PennDOT pertaining to the University Avenue sanitary sewer project and to a part of the interceptor project on Sassafras Street. Both of these are state roads within the Borough subject to the highway occupancy permit provisions of PennDOT. The Borough was notified as a part of the occupancy permits that the Borough had to provide a total of \$90,000 worth of security to PennDOT in the form of a bond, a letter of credit, an escrow account or giving them a check that they would hold in a desk drawer for three years. The practical matter is that the Borough has a contract and the contractor will provide a bond to secure his faithful performance of the contract to the Borough including the work in the PennDOT right-of-way. That bond covers the duration of the construction plus one year beyond the completion. PennDOT does not find that satisfactory and they want the Borough to provide the same kind of security to them for the same period plus an additional year. Mgr. Bickhart felt this was ridiculous that one governmental agency would ask another governmental agency for faithful performance. The Borough is not a contractor and is not going anywhere. He made some inquiries and found that this is indeed PennDOT's doing and it is something they are doing more now. He also sent notices to Russ Fairchild and John Gordner asking them if they could do anything about this. Russ Fairchild is looking into this because with his construction background he also felt that this was not right. He made some inroads to get some of it reduced but it will not go away. The Borough is now looking at the reality of having to provide this security for a reduced amount of \$40,000. After looking at the options and having Solicitor Cravitz review them, it was felt that regarding the letter of credit there were some strong implications with respect to the Local Unit Dead Act that would make the letter of credit a process that was more difficult than it was worth. Purdy Insurance Agency

made some contacts and found that the Borough can acquire a bond for a rate of \$10 per \$1,000 per year. Unless some other mechanism to do this can be found Council will need to authorize the Borough to enter into this bond for a total of \$1,200. Mgr. Bickhart stated PennDOT claims this requirement has been in place since 1994 and it is something that they require contractors and developers to routinely provide but they have not been applying it to municipalities unless there is a major involvement along the road. Mgr. Bickhart stated he does agree that the University Avenue sanitary sewer project is in the shoulder of the road the whole way, which is definitely in PennDOT's right-of-way and PennDOT does have some reason to be concerned.

Motion by C/P Kinney to get the bonds and get this over with so as not to hold up the project any longer. Seconded by C/P Hetherington.

Pres. Mengel asked why the Borough did not know about this to start with and Solicitor Cravitz replied that PennDOT just threw this at the Borough. In 26 years of doing municipal work in the county this is the first time PennDOT has ever requested a bond. He stated his first reaction upon being told was that the Borough would not have to do this and they would not do it. However, after doing some research he found out that this has indeed been on the books since 1994. He stated it does not make sense why they are doing it. C/P Kinney expressed dissatisfaction at the representation the Borough is receiving from the elected state officials. Solicitor Cravitz stated before the Borough gets its own bond it could submit to PennDOT the bond the Borough has from the carrier and have the contractor's bond company put the Borough and PennDOT on as additional insured. It would not cost the contractor any more money to do this. Mgr. Bickhart stated that he and Russ Fairchild talked to PennDOT about this. The terms are different and PennDOT's initial reaction was no. Pres. Mengel asked if PennDOT was just singling out Selinsgrove for this and Mgr. Bickhart replied that PennDOT told him that locally this was done recently for the sanitary sewer project in Chapman Township and that that authority was required to provide the same kind of bond for constructing sanitary sewers. Mgr. Bickhart stated that he did have an idea. The Borough gets \$90,000 worth of liquid fuels money every year which goes through a process where PennDOT has to agree on what the Borough spends the money for. The Borough has to tell PennDOT what the projects are and PennDOT has to agree to them. Then to get the money allocated from the county aid grant PennDOT has to sign off on the money. Mgr. Bickhart wrote a document that would tell PennDOT that if the Borough does not do what PennDOT tells them to do for some reason, such as if the contractor goes in and does the work and two years later there is settlement and PennDOT notified the Borough to fix it and the Borough refused to do this, then PennDOT could make the Borough use its liquid fuels money to fix the settlement to PennDOT's satisfaction before the Borough is allowed to do anything else with the money. PennDOT has absolute control over what the Borough does with the money. This will not cost the Borough anything and will not deviate from the normal process. It shows good faith and PennDOT signs off on the use of the liquid fuels money anyway so they can just not sign off on any projects that would not include fixing the settlement. When Solicitor Cravitz read this he at first thought it was pledging the Borough's revenue stream when in fact all Mgr. Bickhart really wanted to say was that PennDOT would not approve a project that does not include any repairs that PennDOT would require. This allows PennDOT to exercise their authority to control which projects the Borough does. Solicitor Cravitz stated Mgr. Bickhart could try this but he thinks the Borough might run into the Unit Dead Act because it covers any pledge of the Borough's sources of income. Mgr. Bickhart stated he asked PennDOT what they thought of this proposal and they thought that it had some merit. He asked Russ Fairchild what he thought about it and he also thought it had some merit. It would be a way for the Borough to give PennDOT the control they want and make sure that the project gets done right but it does not require the Borough to spend any money. C/P Inch asked if there is a deadline for the Borough to agree to the bonding and Mgr. Bickhart replied that the contractor cannot start the project until the bond is in place, but this could be done in very short order. He asked Council for another opportunity to make his suggestion work with PennDOT. Solicitor Cravitz stated that the suggestion could be given to PennDOT this week and if they agree on it, it will be run by the Department of Community Affairs for them to sign off on the Unit Dead Act and then the project can be started. Pres. Mengel suggested adding this as a contingency to the motion. Mgr. Bickhart agreed, stating that the Borough needs to have the authorization to do the bond in case this other idea would take too much time or would be turned down by PennDOT. He stated it is just wrong for PennDOT to require the Borough to spend money because it is

just not conceivable that the Borough would refuse a request from PennDOT to fix any potential problems that result from the projects.

Pres. Mengel asked C/P Kinney to make the motion contingent upon the results of the proposal that Mgr. Bickhart will make to PennDOT. C/P Kinney agreed to this. Pres. Mengel then called for a vote on the motion.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Ceremony at Penn Valley Regional Airport – Mgr. Bickhart reported that this ceremony will take place on December 2 at 10:00 a.m. If anyone from Council is interested in attending let Mgr. Bickhart know and he will send the RSVP to the airport.

Consider replacement of Apron at intersection of Walnut and Market Streets – Mgr. Bickhart reported that in the course of the street project it was discovered that the apron area of Walnut Street where it intersects with Market Street is badly broken up and is in need of replacement at some point in time. This is the location where the traffic signal project would place a loop, which is a trench cut in the macadam and a wire run which senses whether there is traffic there in order to make the traffic signals work more efficiently. There is one on the Walnut Street side and one on the University Avenue side and one on each side of Pine Street at the intersection of Market Street. The contractor looked at this and said if the loop is installed in the current apron and next year the Borough has to replace the apron the loop will be destroyed and it will be another \$2,500 construction project. Mgr. Bickhart contacted four different contractors for prices and an assurance that if this were to be awarded the apron could be repaired permanently yet this month so that when it comes time to put the loop in, the loop will be put in solid paving that will have a longevity. The contractors' price quotes were \$7,000 from Eastern Industries, \$5,400 from Gutelius and \$4,500 from G&R Charles. Mgr. Bickhart asked Council to consider expending the \$4,500 with G&R Charles to have the apron area replaced. In response to a question from C/P Handlan, C/P Kinney explained that the apron area is the area where the sidewalk would normally be if the sidewalk were to be extended across the street. It goes about 15 feet from the edge of the road down over the hill. Mgr. Bickhart stated that the contractor would replace the macadam from Market Street down Walnut Street to the point where it matches solid paving and the loop will be constructed partly in the new and partly in the old.

Motion by C/P Christine to accept the proposal from G&R Charles to repair/replace the apron on Walnut Street at the intersection of Market Street for \$4,500. Seconded by C/P Kinney.

Pres. Mengel asked where the money will come from for this. Mgr. Bickhart replied that he and Sheri looked at the budget for this year and there are adequate funds in street-related projects. Pres. Mengel called for a vote on the motion.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Award contract to repair traffic signal controller box damaged due to accident at corner of Broad Street and US Route 522 – Mgr. Bickhart reported that a car hit the controller for the traffic signals and the electric power supply for the traffic signals at this intersection. The insurance company for the driver has a \$25,000 limited policy and the Borough will get some money from that. Arrangements need to be made to have this box repaired. He stated this could be considered an emergency replacement of existing facilities. Beck Electric and Herr Signal & Lighting, the contractor who actually installed the equipment in the first place, were contacted. The price from Beck Electric to replace everything was \$15,950. The price from Herr Signal & Lighting was \$10,700. Mgr. Bickhart sent Herr a letter asking them to refresh their quote under the condition that they would agree to do this under PennDOT specifications using the exact same specs and plans that existed when they did the work initially so that the Borough had some standard to hold to. Herr agreed to do this and also agreed to maintain traffic and do the electrical service for the \$10,700.

Motion by C/P Kinney to have Herr Signal & Light Company perform the replacement of the traffic signal controller and the electric supply. Seconded by C/P Inch.

Pres. Mengel asked where this money will come from. Mgr. Bickhart replied that this will probably be covered by the driver's insurance. C/P Kinney asked if this unit and the intersection have been turned over to the Borough from PennDOT yet. Mgr. Bickhart stated he is not sure what that would look like. C/P Kinney stated the Borough did not have anything to do with the bidding of this project or the installation of it. Solicitor Cravitz stated he has not seen anything come in from PennDOT. Mgr. Bickhart stated he is presuming this is the Borough's as the bond has expired and the contractor's responsibility has expired.

Pres. Mengel called for a vote on the motion, stating that the motion is contingent upon the fact that the signal is the Borough's to repair.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

New PA Fish and Boat Commission Grant proposal for Isle of Que Boat Launch – Mgr. Bickhart reported that when he called the Fish and Boat Commission to inform them that the Borough would not accept the grant they informed him that they had been talking about it and they would offer to cover 100 percent of the cost of construction of the project. The Fish and Boat Commission is very interested in improving this boat ramp and they are very interested in getting the old agreement replaced with a new agreement. Selinsgrove Projects Inc. met and this information was discussed there. SPI adopted a motion indicating that they would pick up the maintenance costs for the restrooms if the restrooms were a part of the project. C/P Handlan asked if the true cost of the entire project was ever determined. Mgr. Bickhart replied the costs are estimated at \$88,000 with the Fish and Boat Commission paying the entire cost and SPI doing the maintenance of the restrooms indefinitely. There was some concern again from some Council members about restrooms and Mgr. Bickhart reported that the Fish and Boat Commission is not dictating that restrooms be put in. SPI had determined during the design phase that restrooms are an important part of making the boat launch more usable by a mixed population of men and women and that it would add to the use of the boat launch because it is more practical to have restroom facilities there. The objective of SPI from the very beginning was to increase access to the natural resources of this area and that is why this project was designed around bathrooms. Mayor Beaver asked if paving the parking lot is still on the table and Pres. Mengel replied that it is part of the cost. Mgr. Bickhart stated nothing has really changed except for the fact that the Fish and Boat Commission will cover 100 percent of the cost of construction and that SPI has indicated that they would cover the maintenance costs of restrooms if restrooms were included as part of the project. In order to do that Pat Owens will have some floats and charge people to participate each year with the proceeds going to SPI to maintain the restrooms. Pres. Mengel stated that Pat had indicated to her that SPI would also pay any electric fees associated with this. Some Council members were concerned about SPI's ability to follow through and C/P Handlan commented that SPI is not going to fold. Jim Charles stated there seems to be concern about the cost of electric but he does not feel it will be that much money. C/P Kinney stated the electric costs were not issue, but rather the issue was vandalism to the bathroom facilities. He stated bathrooms have been the most vandalized things at the parks and they are the most expensive things to keep up. Jim Charles asked what those costs are and Council did not have a dollar amount. Jim stated that Council has killed this project in the past over a cost that no one has calculated. C/P Kinney stated Council killed the project because they do not want bathrooms. He stated he is willing to go along with the rest of the project as long as there were no bathrooms and no responsibility to the Borough because it is an unknown cost factor. Jim Charles stated there are no facilities in the Borough that do not have bathrooms; all projects that have been done have bathrooms and now Council is talking about doing this project without a bathroom. He stated Council does not appreciate the use of the boat launch, which gets used heavily. C/P Inch stated the Borough would be locked into this for 25 years and Jim agreed, stating that there are enough resources, whether SPI is around or not, within the community to make sure that that the facility would be maintained. C/P Christine stated that it takes care of the issue since SPI is willing to maintain 100 percent of the restroom maintenance and upkeep. This takes it out of the Borough's hands so Council should not be concerned about it. C/P Inch stated Council needs something in writing to see what they are going to be agreeing to. C/P Hetherington asked if SPI will hire

someone to clean the bathrooms and Pres. Mengel stated that they would do that, according to Pat Owens. C/P Handlan stated there are great people on SPI and Council needs to give them more credit than they are giving them. She stated the group has only been together one year as of last month and they have done a lot in that time. C/P Inch stated the issue has been changed and renegotiated so much that Council is not sure what they are deciding on. Pres. Mengel stated she has indicated her interest in this project and her concerns about it. She stated she is in favor of it and she thinks it is a worthwhile project. C/P Hetherington stated if the Borough is going to keep the boat ramp something must be done to it and if not the property should be sold, but he personally is opposed to bathrooms and he will not vote for it. Jim Charles expressed his opinion that to kill the project because of the bathrooms is sheer stupidity. C/P Inch stated that even if the Fish and Boat Commission pays 100 percent there is still an obligation for the Borough, such as dredging it out every so many years. Jim Charles stated this would take one person about a half hour with a backhoe. He asked why Council has been looking at this project for three months and still does not know what they are talking about. He stated the project has not changed; the only thing that has changed is it is now 100 percent financed. C/P Christine stated that Council does not have it in writing that SPI will cover 100 percent of the maintenance costs for the bathroom facilities. C/P Hetherington stated Council will be taking on a 25-year obligation to maintain the boat ramp, the parking lot, and do the upkeep with no assurance of money coming in for that. Jim Charles asked where the money has come from since the boat launch has been there. Nobody has maintained it; the Borough has not maintained it. C/P Hetherington stated that the Fish and Boat Commission has not followed through with the first agreement. Jim stated the boat launch is under Council's watch to have held the Fish and Boat Commission accountable for this and Council did not do so. He stated in 1987 Council entered into an agreement with the Pennsylvania Fish Commission and the Fish Commission was going to do lots of improvements and not one thing was ever done. Now there is an opportunity to have an improved boat launch, which is the only public access within the Borough to the river resource. He stated if the Borough sold the lot there would be nothing but private ownership of the entire river with the Borough. Selinsgrove as a municipality would give up a public access to the resource of the river, and it is a resource that is used constantly by kayakers, hunters, fishermen, and pleasure users. This is their only access to the Susquehanna River. Otherwise you would have to cross private ground. Jim stated he truly believes the Borough has a responsibility to maintain a public access to this resource. C/P Kinney stated Council has a responsibility to the taxpayers of the community; 50 percent of the Borough is tax exempt and tonight Council learned that they were losing \$15,000 more in tax revenues. Jim Charles stated he believes there are lots of citizens in town who are willing to step up to the plate to help cover costs. C/P Kinney asked where these people are and Pres. Mengel replied they will be there when they are needed. C/P Inch expressed concern that Council is being asked to vote tonight and they are not sure what they are voting on. C/P Handlan stated Council is voting on the same project as before. The only thing Council does not have is a firm commitment in writing from SPI. Mgr. Bickhart stated Council could make it conditional on whatever they want SPI to do. The motion will have to be made by someone who voted against it last time.

Motion by C/P Christine that Council accept the proposed plan with the stipulation that the Fish and Boat Commission will fund 100 percent of construction financing and that Selinsgrove Projects Incorporated will maintain 100 percent of maintenance costs for any restroom facilities indefinitely. Seconded by C/P Reuning.

Pete Carroll stated that there are no guarantees. SPI could fold next week and the responsibility would fall back on the Borough. The Borough has not been maintaining the boat launch area but they are now getting 100 percent from the Fish and Boat Commission and SPI is saying they will make the best effort they possibly can to maintain it. A year from now SPI could fold up and not do anything more with CVS or with their portion of the streetlights. He wanted to stress that Council has the opportunity to utilize a piece of land that has not been cleaned up in quite some time. C/P Hetherington stated within the last two months someone did clean out what he could, using a dozer. Pres. Mengel stated there will always be surprises and incidental expenses, just like the \$40,000 bond Council had to deal with tonight. However, Council needs to take a leap of faith to improve this recreational facility. Joe Siro asked about repetitive, or area, rights in regard to access to the water. Solicitor Cravitz stated the county owns to the low water mark and Mr. Siro stated the state owns all the water and access to it cannot be blocked. There was some discussion on this and it was noted that the land going to the water is privately owned to the low

water mark of the river. There are no rights such as there are along the ocean. Brian Farrell asked Council to consider how the bathrooms will benefit people who walk on the Isle of Que also. He stated there are two organizations willing to finance this project 100 percent. The community wants this and it will make the Isle of Que look nice when the project is finished. C/P Handlan stated that as an avid kayaker she appreciates having restroom facilities available when she comes off the water. Brian Farrell stated Council will not get a better deal than what they are getting right now. Pres. Mengel called for a vote on the motion.

AYES: FIVE (5) – C/Ps Christine, Handlan, Inch, Reuning and Pres. Mengel
NAYS: TWO (2) – C/Ps Hetherington and Kinney
MOTION CARRIED

Pres. Mengel stated that SPI will be contacted and asked to provide their agreement in writing. Mgr. Bickhart stated the Fish and Boat Commission will redo the grant documents and they will be available to be signed next month. Pres. Mengel stated that Council did a good thing tonight and she thanked Jim Charles for his input. C/P Hetherington stated SPI should have a spokesman at the Council meeting so the Borough Manager does not have to speak for them. Pres. Mengel reported that Pat Owens could not be at the meeting tonight because he had to be in court. C/P Kinney stated that Pat had told him that there would be no bathrooms in this request when it came to Council and he did not like being lied to. Pres. Mengel stated that is not what Pat told her. C/P Reuning stated that Pat told him the bathrooms could possibly be port-a-potties. Dawne Long, who is also the recording secretary for SPI, stated that at the last SPI meeting Pat Owens had talked about having something along the lines of an RV-type unit that would be hooked into the Borough sewer system and that would be removed during the off season. This is not something that would have to be pumped out. C/P Kinney stated a grinder pump would have to be put in at the launch area in order to pump the sewage up into the system. Dawne also stated that there was concern from some SPI members as to how this would look and Pat had stated that it would be made aesthetically pleasing, using screenings and landscaping to make the area look nice. Mgr. Bickhart stated that everything is in the design phase now and nothing has been decided yet. He stated something that could be removed seasonally would change the whole issue of vandalism and maintenance and everything else. The basic concept is to have restroom facilities seasonally to match up with the use of the area, but all of these things have yet to be determined. There are many choices and much of it will come back to Council to evaluate. C/P Kinney stated if Council had had some of these suggestions early on he might have been in favor of them. He stated that he is in favor of the boat ramp because something has to be done whether it is done by SPI and the Fish and Boat Commission or whether it is done by the Borough. He stated he is 100 percent behind that but he is opposed to the bathroom because he thinks it will be a noose around the Borough's neck and they will pay dearly. C/P Hetherington agreed. C/P Reuning stated that if there are no bathrooms then people will not use the area, especially people coming from out of town. There was some more discussion on usage and it was agreed that many people do use the area now but many more will use it when it is improved. Pete Carroll reminded Council that they got the entire project for nothing and that SPI is willing to help by having portable bathrooms with a quick disconnect so that they can be removed if vandalism becomes an issue. C/P Kinney said that the first time the Fish Commission said it was a condition that bathrooms had to be installed in order to get the grant and now they changed their minds. He stated now portables are being discussed and he again expressed frustration that Council is not given all the facts. Pres. Mengel stated this is an evolving issue. She stated that next time the presentation will be more organized. C/P Christine stated that he takes exception to Jim Charles' asking what has changed when all along the project and plans have changed. Pete Carroll stated things have evolved and now the Fish Commission is paying 100 percent so it will not cost the Borough or SPI anything to have the work done, except that SPI will send a letter to Council stating that the maintenance of the bathrooms will be taken care of by them. C/P Inch stated that if Council had agreed to this back in August the Fish Commission would not have funded 100 percent. Pete replied that the project would be farther ahead in that case but SPI also realizes that they should have had someone from Council to help facilitate things. He stated that Council is now ahead of the game by 100 percent.

Letter to Ludwigs regarding portable garage – Mgr. Bickhart stated that the letter has not yet been sent to the Ludwigs as discussed at last month's Council meeting. This will be done soon.

Update on Fisher property – Mgr. Bickhart reported that he is waiting for FEMA to give the Borough the information to deal with this issue. C/P Kinney asked if the renovations are still being done or if they have been completed. Mgr. Bickhart stated the CK-COG went in and investigated the repairs and renovations that were being made to document where they were and to impose any criterion that they had.

Update on Mary Searer property – Solicitor Cravitz reported that there was a buyer for this property but there were other buyers interested. The judge stopped the hearing because people kept offering more money and instructed everyone to come back in two or three weeks to open up new bids. There will be an auctioneer and it will be sold as an auction. This will occur sometime this month.

SELINGSGROVE MUNICIPAL AUTHORITY – No Report

EASTERN SNYDER COUNTY REGIONAL AUTHORITY – Mgr. Bickhart stated that Council has copies of the letter from ESCRA which he has concerns about. He stated Dave Faust did represent the Borough's position on the depreciation line item in their 2006 budget. A motion was made to reduce it from \$395,000 to \$200,000; that motion was not successful, with the Borough's two representatives both voting against the proposal. With eight Authority members the vote was 5 to 3. Mgr. Bickhart stated that he has told Dave that he understands that the capital reserves need to be replenished, but he was asking ESCRA to consider the rate at which they replenish the capital reserves by asking them to go slower in the first couple of years because of the actual cost of the new treatment facility and to recover the reserves more quickly in the latter years. This was to no avail. Their budget has not been finally adopted but Mgr. Bickhart does not know what other effort Council wants to make. He stated it makes a big difference to the Borough because they pick up about 40 percent of the difference each year in the Borough's budget. Dave Faust wants to see the capital reserves replenished and he wants to see ESCRA have adequate funds as soon as possible. It is hard to disagree with that because it is exactly what C/P Inch and Council have been talking about for the sewer fund. Mgr. Bickhart stated he is not faulting ESCRA for their decision but he wishes they would move more slowly in the first couple of years to give the Borough a chance to recover. C/P Reuning stated Selingsgrove residents have resisted the sewer rate increases and are not happy, and for the Borough to do it again will not be a good thing, even though he knows it has to be done. Council agreed that there will have to be a sewer rate increase.

NEW BUSINESS:

COUNCIL MEMBERS

C/P Reuning reported that he had a call from President Lemons' secretary, Mary, today stating there is a **meeting at the University** on December 7 at noon to discuss issues.

C/P Handlan reported that Friends of the Selingsgrove Library will be sending out invitations to Council members for a reception on Friday, December 2 at 7:00 p.m. at the start of the **Tree Fest**. She stated she is co-chair of the event, which will be held again at the Episcopal Church. It is larger than last year's event and runs from December 3 through December 16. She stated that local architect Jeff LeFevre did the floor design for the project.

C/P Kinney reported that the **library board** had a meeting. He stated Jeff LeFevre has been hired to do three schematics of proposals from the hired consultant. One of these proposals would be to use the entire Borough building, one would be using the library's half with an addition, and one would be a stand-alone building. C/P Kinney asked if the library board would consider the CVS building lot since the library does not have the money to go out and buy land. However, the library board stated this land would not do. C/P Kinney stated the building fund budget is \$1.5 million and the library board will not go over that amount or the project will die. He stated the board is worried about a building that will be able to be expanded 20 years down the road even though the library has been in this building since 1971 and nothing has been done. He urged the library board to do something but things seem to be at a standstill. C/P Handlan asked if the library's consultant has come back with a recommendation. C/P Kinney replied that the consultant told the library board what square footage they should have. Those costs are around

\$1.9 million. C/P Kinney stated that the board is concerned about staffing the library, about the expenses of maintaining the library and other issues. C/P Handlan asked if the library will take over the downstairs when the police department moves out. Mgr. Bickhart stated the library has an interest and he told them this all has to be discussed with Council. Margaret Siro stated that she is a member of the Snyder County Civil War Round Table and she has been in the libraries in Sunbury and Northumberland, which she feels are such wonderful libraries. She stated she was also involved with the library in Philadelphia and it occurred to her that someone had said that the principal donor had stipulated that the CVS building must serve the community and she thought the library would be a good use for that space. C/P Kinney stated that the architect has agreed to do three schematics based on the space that the library needs and that one of those options was a stand-alone building. The library would like to go out and buy land to build on but they cannot do that due to the cost of land so C/P Kinney suggested considering the CVS building, if SPI would be receptive to that, but the library board will not consider it. He stated the library would like the Borough offices to move but the library does not want to pay for that move. They want the Borough to give up the building and C/P Kinney told the board that the Borough would not do that because the Borough has no debt and no reason or obligation to move. He stated he understands that the library is working on the M&T building with the hopes that the Borough offices will move over there, although he does not know this for sure because everything is very secretive. The library board stated they cannot raise money to relocate the Borough offices because people will not give money for that. C/P Kinney agreed, but stated that that would be part of the cost of building the library. He stated the Borough's name should not even be mentioned in the fundraiser. C/P Reuning stated about four or five years ago the library was trying to do a project and dictate where the Borough would go and where they would park and the Borough told them no. Apparently nothing has progressed any further from that point.

Pres. Mengel reported that she had heard rumors that the **Main Street Manager program** has been approved. To her knowledge nothing has been approved and all that has been done is the downtown profile, which is the initial step to see if the Borough is eligible for the program. Mgr. Bickhart agreed, stating that nothing else has been done yet. Pres. Mengel passed around the profile for everyone's information. C/P Kinney expressed concern about costs and Pres. Mengel stated there is no monetary commitment yet. Mgr. Bickhart stated the program is based on \$90,000 from the local share over five years. Susquehanna University has committed to covering half of the amount, leaving \$45,000 to be raised, but no application has been made and no budget has been worked out yet. These things are in process.

Pres. Mengel reported that the **meeting that SPI had at Susquehanna University** where everyone came together and announced their plans and what they hope to accomplish in the future was very interesting. Those Council members who did not attend missed a lot. She has a couple of the presentations that she will share with Council but she did not get them copied for tonight. C/P Kinney asked if the library said anything at that meeting and Pres. Mengel stated she has their information, which was emailed to her, but it does not say a whole lot.

EXECUTIVE SESSION - Council Meeting recessed to an Executive Session at 9:47 P.M. for discussion of Pending Litigation. Council meeting reconvened at 9:52 P.M. and ADJOURNED with no action taken as a result of the Executive Session.