

SELINGSGROVE BOROUGH COUNCIL BUDGET APPROVAL MEETING

WEDNESDAY, DECEMBER 28, 2005 - 4:01 P.M.

COUNCIL MEMBERS PRESENT: Pres. D. Mengel, V. Pres. W. Hetherington (arrived at 4:41 p.m.), C/P S. Christine (arrived at 4:14 p.m.), 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; Treasurer S. Badman; Mayor-Elect Pete Carroll; Daily Item Reporter Jerri Brouse; Borough Residents Joseph and Margaret Siro; SARI Representatives Pat Reilly and Jill Tomko

OTHERS ABSENT: None

CALL MEETING TO ORDER:

Pres. Mengel called the meeting to order at 4:01 P.M. At the beginning of the meeting there was a quorum of five councilpersons present. C/Ps Christine and Hetherington arrived later as noted above.

VISITORS TO BE HEARD:

Jill Tomko, SARI – Jill presented Council with a handout and reported a tentative renovation budget of \$484,000. She reported what other area pools have spent on renovations, stating that SARI's tentative budget is less than most other areas. The other area pools did all the work within one year and they went after DCNR matching grants, which is what SARI is looking to do. She stated they would like to get one thing for each age group and area. Jill reported that SARI is applying to corporations and private foundations for funding sources. Jill asked for a commitment from the Borough for as much as they can give, stating that SARI is asking Penn Township for \$10,000 and at the end of January Jill will be asking Monroe Township for a donation. She stated that she needs to have all the letters of commitment for the DCNR grant application by September 30, 2006. C/P Kinney asked if Jill was looking for a commitment for 2007 or for 2006, and Jill replied that the letter of commitment could state that the funds could be given in either year. If the funds are given in 2007 they will be needed by January of 2007. DCNR reported to Jill that if the organization is determined to be fundable, DCNR will advance 50% of what is being asked for so that the projects can begin in December of 2006 in order to be completed entirely by May 2007. C/P Kinney stated that he thought Council agreed earlier that they would give \$20,000 to the pool but because of the project being in 2007 Council was going to hold off until then to give the money. C/P Handlan stated that SARI needs a formal letter of commitment to this effect. C/P Kinney stated that the first quarter of the year is a time that Council usually needs to borrow money internally or through banks because tax monies do not come in until the first of April. He stated SARI should not be given the impression that they will get the committed money from the Borough in January of 2007 because Council would not want to borrow money and pay interest on it to meet their commitment to SARI. Jill asked if she could get the money by April of 2007 and C/P Kinney stated that would work. Jill stated that DCNR will match whatever Council commits to in their letter, and she can also go to other municipalities that use the pool in order to ask for their support and show that the Borough is supporting the pool. C/P Reuning asked why SARI did not ask Penn Township for \$20,000 and Jill replied that the amounts requested are based on membership percentages; 41% of the family and individual memberships are within Selingsgrove and the remaining 59% of the memberships are in the surrounding areas. Out of those surrounding areas Penn Township accounts for about 27%. Pat Reilly stated that SARI did ask Penn Township for \$20,000 and they committed to \$10,000. SARI hopes to see another \$10,000 from Penn Township in 2006. Pat stated that he approached Shamokin Dam and they were upset that the pool was not getting any support from the Borough. C/P Handlan stated that it bothers her that this information gets channeled incorrectly. Jill stated she will return to Shamokin Dam and will meet with Monroe Township on January 23 or 24. Pres. Mengel asked about the Snyder County CDBG funds and Jill replied that they will be paying \$60,000 of the ADA renovations if the Borough commits to \$20,000. Pres. Mengel stated Council needs

to make a motion to give SARI a letter of commitment for \$20,000 by September 2006, payable the second quarter of 2007. C/P Inch asked if Council should make it contingent on the rest of the money being raised by that time. He asked what happens if the pool cannot raise the money. Pat Reilly stated the pool's official capital campaign has not started yet. Jill stated that SARI has discovered that there are a lot more grants that can be applied for and foundations that can be applied to that are specific to recreation, health, disabilities, community improvements and other things to lessen the burden to the community. C/P Inch asked how much money SARI has now and Pat replied that they physically have \$80,000. Jill stated that they are waiting to hear the results on some grants that have been applied for. C/P Kinney asked if studies must be done for the DCNR grant monies and Jill replied that a feasibility study was done and mailed to DCNR. DCNR did not like it, stating it was poorly done. However, they said the pool could work with a second architect to fix what needs to be fixed before the application is submitted. This architect, Woliver and Associates from Lancaster, has done 148 DCNR grants for community swimming pools and out of that number they only did not get one grant. Because SARI is not funding a full feasibility study this should only cost about \$5,000. Jill stated she is meeting with the architect on January 11. Pres. Mengel asked if Jill worked with SEDA-COG and how they got the feasibility study done without going through them. Jill replied that SARI went through Mgr. Bickhart, who recommended the feasibility study through Wayne Wade. Mgr. Bickhart stated that this recommendation came through him from SEDA-COG. Pres. Mengel expressed surprise that SEDA-COG would recommend someone other than themselves to do the feasibility study. Jill stated that SARI ran into a problem in that a licensed architect had to sign off on the feasibility study and last January or February Wayne Wade was arrested for impersonating an architect. Pres. Mengel was upset that \$5,000 was wasted; she stated she will talk with Bill Seigel about this. Jill stated SEDA-COG suggested Wayne Wade to the Middleburg Pool and they are also having a hard time with him. She stated she talked to Greg Weitzel, who said that the reason LARA did not go through SEDA-COG was that SEDA-COG will take about 20% of what is applied for. In a \$250,000 grant that amounts to \$50,000 for a feasibility study. Paying \$5,000 to Wayne Wade seemed like a better alternative. Solicitor Cravitz asked if there is any way to get money back from Mr. Wade and Jill replied that she talked to him and he hung up on her twice. Solicitor Cravitz asked if Mr. Wade made any representations to SARI that he was qualified and Jill stated she thought he came through SEDA-COG and she was not involved at that point in time. Solicitor Cravitz stated if Mr. Wade misrepresented himself Jill may want to talk to the district attorney's office and have them look into it. If any professional represents himself as having a license that he does not have then he has committed criminal fraud. Jill stated she does not know if anybody from the pool even met Mr. Wade. Mgr. Bickhart stated that he and Bill Gaskin met with Mr. Wade at the pool. All the arrangements were made through Bill Seigel at SEDA-COG. Jill stated that she has talked to Stacy Richards at SEDA-COG about Wayne Wade, but when she tries to talk to Bill Seigel they just do not get along very well. Jill had given Stacy Richards the feasibility study. Stacy at first stated that it was horrible, but the second time she saw it she said it was fine. Stacy told Jill that CDBG needed feasibility studies so Jill gave her Wayne Wade's because Stacy said it was fine, but then Stacy said she wanted to know what DCNR said. C/P Inch asked what Mr. Wade did for the \$5,000 and Jill replied that it was somewhat vague, such as stating for ADA requirements that bathroom renovations needed to be made for \$38,000. Mr. Wade had included ceramic tile at the bottom of the pool for lane lines in the renovations for \$48,000. Jill stated the pool does not even want lane lines because the swim team practices at Susquehanna University. She stated there were other things included in the feasibility study that were not wanted and things that were wanted that were not in the study, making it hard to work with. C/P Kinney stated he has never had any type of similar experience in his 20 years of dealing with SEDA-COG. He stated he has always found them to be very helpful. Jill stated that this may have been the first time that SEDA-COG worked with Wayne Wade.

Motion by C/P Kinney to give a letter of commitment to the pool by September 2006 for 2007 funding of \$20,000 contingent on the other municipalities giving their share, with the \$20,000 to be disbursed in the second quarter of 2007. Seconded by C/P Handlan.

C/P Christine asked why Council is making a commitment but not following through with sending the letter until September. C/P Handlan and Pres. Mengel stated the commitment letter could be given to SARI next month or any time. C/P Christine suggested giving SARI the letter immediately. C/P Reuning asked if the contingency is not met will the commitment letter be null and void. Pres. Mengel asked if SARI

raises the money but one municipality does not participate does that mean Council does not have to come through with their commitment. C/P Handlan stated she understood that the contingency was based on SARI raising their matching funds, whether from municipalities or not.

C/P Kinney modified his motion to indicate that it was his intent that SARI raise the matching funds but not specifically get money from each municipality.

Jill stated the maximum she can apply for is \$250,000 but if at that time she only has \$200,000 she asked if she can still get the \$20,000 from the Borough so that she can get a matching \$200,000. Pres. Mengel stated she would just be scaling down the project. Council did not see a problem with that.

Pres. Mengel called for a vote on the motion as modified.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Pres. Mengel suggested getting the letter to SARI as soon as possible so that they can use it at the January 24, 2006 meeting with Monroe Township. C/P Reuning asked that SARI put what they have raised and what they have done in writing for Council to read in advance and not present it at the Council meeting. Jill Tomko and Pat Reilly thanked Council and left the meeting.

Solicitor Cravitz again stated that Wayne Wade should be brought to the district attorney's attention. Pres. Mengel asked Mgr. Bickhart if Mr. Wade presented him with credentials and Mgr. Bickhart said he went with Bill Seigel's recommendation. Bill had stated that Mr. Wade was held in high regard by SEDA-COG. Pres. Mengel asked if the arrest was done prior to Mr. Wade being involved with, and doing the feasibility study at, the Selinsgrove pool. Mgr. Bickhart stated he thought not. C/P Kinney stated he understood that SARI did not want to have a feasibility study done, thinking it was a waste of time and money. When Bill Seigel was at the Council meeting and went through the steps with SARI, SARI was not interested in spending the money to have the study done.

UNFINISHED BUSINESS FROM PRIOR MEETINGS:

Adoption of Ordinance # 742, 2006 tax millage to be set at 13 mils

Motion by C/P Kinney to adopt Ordinance # 742. Seconded by C/P Reuning.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Adoption of 2006 Budget – C/P Inch reported that the 2006 Budget would have total revenues of \$4,429,530 and will have total expenditures of \$3,078,857. Solicitor Cravitz reported the breakdown as follows: General Fund - \$1,122,097; Sewer Fund - \$929,173; Water Fund - \$636,796; Recycling/Disposal - \$82,532; Parks and Recreation - \$47,867; Capital Reserves/Equipment - \$12,000; Community Acquisition and Improvement - \$63,500; Pension Fund - \$48,777; Liquid Fuels Fund - \$136,115. The total expenditures are \$3,078,857. This is what was advertised.

Motion by C/P Inch to adopt the 2006 Budget as presented. Seconded by C/P Kinney.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Adoption of Ordinance # 743, Sewer Rate Increase of 14% – C/P Kinney stated this Ordinance should have been adopted before the budget was approved, as the sewer rate increase is included in the 2006 budget.

Motion by C/P Kinney to adopt Ordinance # 743 to increase the sewer rate 14%. Seconded by C/P Inch.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Adoption of Ordinance # 744, No Turn on Red – Solicitor Cravitz reported this Ordinance pertains to the new traffic signals at the corners of Market and Pine Streets, and Market Street and University Avenue/Walnut Street. The “No Turn on Red” signs were part of PennDOT’s design for these intersections. In answer to a question by C/P Kinney regarding the Broad Street and Route 522 intersection, Solicitor Cravitz replied that this Ordinance was adopted but he misinterpreted how traffic will be turning north from Broad Street and he put going the opposite way. By adopting Ordinance # 744 Council will be correcting the prior Ordinance to say the right thing.

Motion by C/P Kinney to adopt Ordinance # 744. Seconded by C/P Handlan.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

NEW BUSINESS:

University Avenue Sewer Project – Mgr. Bickhart reported that Jerry Valentine stopped in his office indicating that he was working for Garner Traher. Mgr. Bickhart had sent letters to all the property owners indicating that the contract had been awarded for the University Avenue sanitary sewer work, gave the property owners copies of the plan and the profile, and recommended that they get in contact with a plumber or a contractor to assist them in making the connections. Of the five, the option to put the sanitary sewer along University Avenue created the greatest problems for the Traher property. Jerry Valentine looked at this situation and asked Mgr. Bickhart to ask Council if they would consider extending the 8-inch sanitary sewer an additional 30 feet to get to the other side of the bituminous driveway and to see if the engineer could change the slope of the pipe to deepen it at the far end as much as possible to ease the problems of connecting the sewer laterals from the house out to the point of connection. Based upon the quotes on the proposal, Mgr. Bickhart estimates these changes will cost \$2,000 more in contract costs. He does not know what additional engineering or related costs there will be. A temporary construction easement has not been obtained from Garner Traher so the permanent easement and the temporary construction easement would have to be modified. C/P Kinney suggested getting figures on additional costs so that the new Council can make a decision next Tuesday. Mgr. Bickhart stated he is not sure where this project stands and he hopes the engineer will update Council at its next meeting. The project did not start on December 12 as projected. He has heard rumors that PennDOT may wish to stop the project through the winter and not allow it to proceed but he does not have anything in writing or any information from John Coukart’s office concerning it. He stated he tried to call Shawn Sassaman when this came up but Shawn has been on vacation since Jerry Valentine was in Mgr. Bickhart’s office. John Coukart is also not in the office. C/P Handlan asked if Council could ask Mr. Traher to pay for this since he is deviating from what he originally agreed to. Solicitor Cravitz stated the Trahers do not want to rip up their driveway. C/P Handlan stated she understands that but the Borough does not want to assume additional costs either. Solicitor Cravitz stated it would be cheaper to repave the driveway than to extend the sewer line. He stated Council can ask the Trahers to pay for this and if they say no then they will have to connect at the manhole. Pres. Mengel stated Council cannot make a decision on this until the engineer’s office is made aware of the request and Council has a listing of the associated costs.

Planning Commission Changes to Floodplain Ordinance – Mgr. Bickhart reported that the Planning Commission has reviewed the floodplain ordinance and is prepared to give Council a draft of their recommendations. Pres. Mengel asked how and why this was instituted and Mgr. Bickhart replied it was an issue that he brought to Council months ago, thinking that C/P Kinney’s committee would want to do this. C/P Kinney deferred it to the Planning Commission to make a recommendation on the ordinance. The Planning Commission has done this and is presenting it back to Council. Pres. Mengel asked how this will affect things such as the Fisher property, which has not yet been resolved. Mgr. Bickhart stated he does not think any of the proposed changes will affect the Fisher property situation.

Fisher Property – Pres. Mengel asked what is going on with the Fisher property and how it is being resolved. Mgr. Bickhart replied that they had met with representatives from PEMA. The Fishers will be asked to submit estimated costs for repairs versus renovations. Mgr. Bickhart asked them to do this once and the Fishers replied that they wanted clarification. The meeting with PEMA was intended to get the clarification and the Borough is waiting for a letter from PEMA to confirm what they told everyone at the

meeting. C/P Kinney stated rather than estimates, the Fishers should submit actual bills and Mgr. Bickhart replied that the Fishers did a lot of the work themselves so there is an issue as to how to quantify the cost of the labor. Pres. Mengel stated the building permit was for a garage and while there is no garage there is a completely remodeled building. She stated the people on the Isle of Que who were required to raise their properties to renovate them and who did everything that was required of them would get very upset that Mr. Fisher did nothing that was required. Mgr. Bickhart stated that this is not correct based on what he was told. Mr. Fisher is in compliance with the ordinance in terms of separating the repair costs from renovation costs. Mgr. Bickhart's estimate is that Mr. Fisher did not cross the 50% improvement threshold if the repair costs are subtracted out. Repairs do not require permits. C/P Kinney asked where the uniform construction code comes into play, stating that he thought most of these things could not be done by a homeowner but had to be done by somebody licensed to do the work. Mgr. Bickhart replied that Mr. Fisher's application was right before the beginning of the CK-COG building permit process. Pres. Mengel asked what rights the Council and the Borough have to do something to the person who does not even have a garage when that is what he applied for. C/P Handlan stated that if a person takes out a permit to build a garage and does not end up building it, that is okay. Pres. Mengel stated that Mr. Fisher did not have a permit to do the remodeling. C/P Kinney asked if the permit was renewed to build the garage and Mgr. Bickhart replied that it was not. C/P Kinney stated that after six months this is a dead issue. Pres. Mengel asked what Council will do about all the work that was done without a permit. Mgr. Bickhart stated this is the difference between minor repairs. Under the revisions to floodplain regulations, permits are not required for minor repairs. Pres. Mengel stated Mr. Fisher did not do minor repairs; she stated she walked by the house and it was down to the studs. C/P Hetherington asked what the definition is for a minor repair versus a renovation. He stated someone could claim they just made 100 minor repairs and it was not a big renovation. C/P Handlan stated that she thought someone from CK-COG went to the Fisher property. Mgr. Bickhart stated that CK-COG went to determine what elements were structural and what elements were not structural. Siding can be replaced as a minor repair, as can drywall, cabinets, toilets, and all sorts of things – anything that would be done on the normal repair of a home as long as it did not affect the structure. Council needs to get the confirmation on the difference between minor repairs and substantial improvements, ask for costs for each, and then see where they stand on the permit issue. C/P Hetherington asked how long this will take and Mgr. Bickhart replied that they are still waiting for the letter from PEMA. C/P Kinney stated during the floods in the 1990s the Borough required a cost estimate of improvements such as kitchen cabinets, bathrooms, etc. If the costs went over 50% of the property value the building permit was denied. Mgr. Bickhart stated that since that time minor repairs have been imposed in the ordinance and Mr. Fisher started his work after this was imposed. C/P Hetherington suggested bringing this to the attention of Representative Fairchild or Senator Gordner to try to change the way these things are handled and to keep things moving along. C/P Kinney stated that what concerns him is that when he was Borough Manager he was told by Harrisburg that if the Borough does not comply with everything they would risk losing the flood insurance for the entire community. He stated he wants to make sure that the Borough is complying with the letter of the law because some people have flood insurance and depend on it heavily and he does not want to jeopardize their having the right to that insurance. Mgr. Bickhart stated that is exactly why he reviewed this with people from Harrisburg to make sure that the Borough's understanding is correct, and based upon what he was told it appears that there is a definite separation between minor repairs and substantial improvements, and if PEMA confirms that in writing then that information could be sent to the Fishers with the requirement that they provide the costs of everything that is substantial improvement and then the process can begin of comparing it to the value of the building before the construction to see if they have exceeded the 51%. He stated it took months to get the meeting scheduled because all personnel were assigned to issues with Hurricane Katrina and he does not see how this could have progressed any faster than it did. C/P Kinney stated that he does not remember Harrisburg giving a definition of two separate things and Mgr. Bickhart replied that there is a difference with what is called substantial damage. In the event that it is an event-driven destruction all things – repairs and structural – are counted. If, however, it is not an event but is elective and someone wants to renovate their house or make some repairs to a house in the floodplain, if they are truly repairs the Borough does not even require a permit any more. The Borough ordinances say that a permit is not required, which means the Borough does not get numbers or costs or anything. This is what happened in the Fisher case. As Mr. Fisher started to make some minor repairs he realized there were some structural problems involved as well. At that point he should have come back to the Borough to say that

he had some structural problems and he needed to have a permit. He did not do that and the issue now is what the values are of those things beyond the minor repairs that are structural, and do they exceed 51% because 50% of the value of a structure can be put into structural repairs without raising it. Tony Butto could not do that; he had to elevate his structure because of the magnitude of the improvements that he was proposing to make. These things have been changing and the issues are not clear cut and Mr. Fisher knows that because when Mgr. Bickhart hold him what the Borough was being told initially Mr. Fisher went to other people in PEMA and got a different interpretation, which is why Mgr. Bickhart felt the Borough needed to have the Harrisburg office tell the Borough what the answers were. He laid out the questions for them, using the Fisher property as a specific case in order to get PEMA's response so that the Borough knows what to do. C/P Inch asked if Mr. Fisher had the correct information in advance and Mgr. Bickhart stated that Mr. Fisher's information after the fact indicates that when he got into something structural he should have come back to the Borough and asked for a permit. C/P Kinney asked if there is any penalty that can be applied to Mr. Fisher for not getting the permit. Solicitor Cravitz replied this would be the same thing as what happened with the garages – without a permit the improvements must be removed until the permit is acquired. C/P Kinney stated that Mr. Fisher should not go scot-free and there should be a penalty of some kind imposed. He stated an example must be set for the rest of the community so they do not go ahead and do what Mr. Fisher did.

Streetscape Project Application for Payment # 2 – Mgr. Bickhart reported he has made one modification to this application to alter one of the elements of the invoice from \$15,000 back to \$9,000. This is not proposed to be paid in 2005 but rather in 2006. Reimbursement can be requested once Council approves the payment. The last reimbursement on Application # 1 came within three weeks so there is the possibility that the reimbursement would arrive before the invoice would need to be paid. The amount that Council would authorize to be paid is \$132,261.98. Out of that there is \$70,390.80 to be applied for from the grant. Pres. Mengel stated when she looked at Coukart's report from the last meeting she saw a \$5,000 additional potential charge to go to Ohio to look at the lights. C/P Kinney stated the manufacturing company was not PennDOT approved to make the lights and in order to get that approval the engineer had to physically go to the plant to do an inspection. Originally the people running the Streetscape Program said they could be inspected on the spot and not have to go to the plant, but then Harrisburg changed the rules. Mgr. Bickhart stated that the inspectors have not gone and the Borough has not received a bill for this. As it stands right now the engineers believe that the District 3 office has asked Harrisburg central office for a waiver from this requirement. If that is approved at the central office then the inspection of the plant will not be required. In the meantime, when it was believed that that waiver could not be obtained and that the plant needed to be inspected, Coukart had worked with a consultant and had gotten a price that would have cost between \$5,000 and \$7,500. The Selinsgrove Chamber of Commerce had agreed to pay this because it pertains to the streetlights and not the traffic signals. The Selinsgrove Chamber of Commerce had estimated \$15,000 in their budget for inspections, not knowing what those inspections might be. So this is already in the Selinsgrove Chamber of Commerce budget and they authorized the additional expenditure that was thought to be necessary, but now it looks like it will not be necessary. C/P Kinney stated when he talked to Shawn Sassaman about this a couple of months ago and the factory was waiting for a decision to go ahead. He asked if the factory has not gone ahead yet and Mgr. Bickhart replied the light poles are not manufactured yet. He stated he has been told most recently by Shawn Sassaman that it does not have to do right now with this issue as much as with the manufacturer not providing the right details yet to PennDOT to satisfy their requirements on paper. Pres. Mengel stated she thought this was all taken care of when PennDOT approved all this. Mgr. Bickhart stated PennDOT agreed to fund a project with materials that they are still trying to figure out how they can approve. Pres. Mengel stated if the Borough had used a vendor that was approved by PennDOT for that particular light there would not be all these problems. Mgr. Bickhart stated for any decorative pole there are no approved PennDOT vendors. C/P Kinney stated that Beck Electric has done a terrific job downtown. They have moved along in the very cold weather and are doing a beautiful job in restoring the brick and he is pleased with what he sees. Council agreed.

Motion by C/P Kinney to approve request for payment # 2 for the Streetscape work. Seconded by C/P Reuning.

AYES: SEVEN (7)

NAYS: NONE

MOTION CARRIED

Tree at Kleinbauer's – C/P Hetherington asked what the status is of this tree. Solicitor Cravitz stated the Shade Tree Commission has absolute authority over trees in the right of way. C/P Handlan asked if anyone has even approached Joe Kleinbauer about this and people are talking about other people getting away with something when the person in question has not even been approached about the issue. Pres. Mengel stated that John told Council that he told Shaffer and Joe Kleinbauer himself that the tree does not belong there and it is not approved, and the tree is still there. C/P Handlan asked where the Shade Tree Commission is in all this. C/P Kinney stated he does not know if the Commission has the right to hire a solicitor or if Solicitor Cravitz is their solicitor. Solicitor Cravitz stated he sat in on their meetings at first but then they said it was not necessary for him to come because they were cutting back and did not have any funding for it. C/P Kinney asked if Solicitor Cravitz would send a letter to Joe Kleinbauer asking him to remove the tree if the Shade Tree Commission asked Solicitor Cravitz to do this for them. Solicitor Cravitz replied that he would do this if the Commission came to him. He stated as the Borough solicitor he is responsible for the legal affairs of the Borough and the Shade Tree Commission as a Borough agency had him come to the meetings but then when they did not have a budget they saw no necessity for him to keep coming to every meeting so he stopped attending. However, they do have a budget now.

Margaret Siro – Mrs. Siro asked if the new Council members are given some type of introduction material before they attend their first Council meeting on January 3 so that the Council continues smoothly. Pres. Mengel replied that they are not given anything, but they have the ability to be at Council meetings from the time that they are elected. However, the new Council members have not been to a Council meeting with the exception of an hour or two here and there. Solicitor Cravitz reported that the state offers new councilperson training sessions but it is up to the individual if they want to go to the training. In a lot of places where they do choose to go the Council will pay for the transportation. It is a two or three-hour seminar held once or twice on a Saturday in different locations throughout the state. Mrs. Siro asked if a person had to be an elected councilperson to attend these seminars. Solicitor Cravitz replied he does not know for sure, but no certification is required from the Borough to attend the seminars.

Advertisement of Borough Manager's Position – Pres. Mengel stated that Council should advertise for the position of Borough Manager since John is technically finished as of December 31. C/P Reuning suggested leaving this up to the new Council. Pres. Mengel stated if this is done someone will still need to be appointed in the interim. She asked if this requires a motion and Solicitor Cravitz replied that it does need a motion because an advertisement spends Borough money.

Motion by Pres. Mengel to advertise for applicants for the Selinsgrove Borough Manager position.
Seconded by C/P Hetherington.

Pres. Mengel stated that Council needs to see what is out there, and John certainly has the right to apply again. She called for a vote on the question.

AYES: FOUR (4) – C/Ps Hetherington, Inch, Kinney, and Pres. Mengel

NAYS: THREE (3) – C/Ps Christine, Handlan and Reuning

MOTION CARRIED

The position will be advertised with the Boroughs' Association as well as locally. Solicitor Cravitz will write this up.

C/P Reuning stated he was going to withhold any comments until the new Council, but since this came up he wanted to say that as far as he is concerned the motion is an illegal motion according to Parliamentary Law. It provided for no due process, it suggested that there was some getting together beforehand by certain individuals, and it was not a motion because the President of Council has no right to second the motion. Only members have that right, so the motion does not exist. It is a non-seconded motion as far as he is concerned and it is not legal. C/P Kinney stated that he disagrees with that. He stated that the

President or Chair can decide early on whether she is going to vote and if she decides to vote she has all the due rights as a councilperson. C/P Reuning stated that Pres. Mengel did not leave the chair and the President must leave the chair in order to do that. Pres. Mengel asked if C/P Reuning is saying that she cannot vote on any issues that come up at Council. C/P Reuning stated that the President could only vote in the case of a tie. C/P Hetherington stated this should be investigated to see if Council did wrong or not. He stated that it should also be investigated to see if the Borough ever officially adopted Robert's Rules of Order. Pres. Mengel stated that there are probably an awful lot of votes that are illegal because she has voted since she has been on Council. C/P Reuning stated that Pres. Mengel can vote; that is not the problem. The problem is that the President cannot second a motion. C/P Hetherington stated that someone needs to go back and check everything since 1984 because when he served as President he is almost certain that he might have even made a couple motions and he thinks he seconded a couple motions to get things on the table. He stated there was never a problem with this until today that he is aware of. Solicitor Cravitz stated that in his recollection through reading the Boroughs' Association magazine this has come up several times and it said there was nothing prohibiting either the Chairman or the President of Council, or Chairman of a municipal body, from making a motion. C/P Handlan stated a President cannot make a motion and Solicitor Cravitz replied there is nothing to prohibit that in the Borough Code. C/P Reuning stated it is not Robert's Rules of Order and C/P Kinney stated that Council goes by the Borough Code. C/P Reuning stated he has presided over faculty for 19 years and he had to leave the chair. Solicitor Cravitz replied that C/P Reuning is talking about the Borough Code as compared to faculty procedures. C/P Reuning stated that he is talking about Robert's Rules of Order, and C/P Handlan agreed. Solicitor Cravitz stated that it would have to be researched to see if Robert's Rules of Order was ever adopted by the Council. He stated the Borough Code does not specify how Council should conduct their meetings. If the Council so chooses and passes an ordinance that they will then require the Robert's Rules of Order be followed then Council follows it and it becomes the policy and practice of Council. The Borough Code just says there will a motion, a second and a vote. It does not say whom or what can make that vote; it only specifies that if anyone has a personal interest or conflict they should make it known and if the Council so chooses they can waive that conflict. If they do not so choose the person must abstain and he cannot vote. Solicitor Cravitz stated he will go back in the Ordinance book to see if Council adopted Robert's Rules of Order. C/P Hetherington stated there was one in the latest issue of the Boroughs' Association magazine that he was not aware of where if someone abstains from voting they must write a note to the secretary explaining why. He stated that has never been done here that he is aware of. Solicitor Cravitz stated that the reason for the abstention is made known and then followed up with a note.

C/P Handlan asked if Council must look at the ad that will be placed to advertise for a Borough Manager and Solicitor Cravitz replied that they should.

EXECUTIVE SESSION - Council Meeting recessed to an Executive Session at 5:23 P.M. for discussion of Possible Litigation. Council meeting reconvened at 5:49 P.M.

ADJOURNMENT:

With no additional business, for the final time C/P Kinney made a motion to adjourn at 5:49 P.M.