

**SELINGROVE BOROUGH COUNCIL MEETING**

**MONDAY, JUNE 5, 2006 - 7:00 P.M.**

**COUNCIL MEMBERS PRESENT:** Pres. C. Handlan, V. Pres. W. Reuning, C/P D. Anderson, C/P J. Herb, C/P W. Hetherington, C/P M. Inch, and C/P D. Mengel

**COUNCIL MEMBERS ABSENT:** None

**OTHERS PRESENT:** Solicitor R. Cravitz; Mgr. J. Bickhart; Mayor P. Carroll; Police Chief T. Garlock; Borough Treasurer Sheri Badman; Recording Secretary D. Long; DH&L Representative Ken Stettler; Daily Item Reporter Marcia Moore; Borough Residents Lois Bruno, Kay Morton, Marvin and Raven Rudnitsky, Joseph and Margaret Siro, Judy and Kenneth Teats, Art Watt; Shade Tree Commission Representative Karl Maul; Wesley United Methodist Church Representative Dave Rothermel

**OTHERS ABSENT:** None

**CALL MEETING TO ORDER:**

Pres. Handlan called the meeting to order at 7:00 P.M. Mgr. Bickhart called the roll.

**REVIEW AND APPROVAL OF COUNCIL MINUTES FROM MEETING OF MAY 8, 2006:**

Motion by C/P Inch to approve the minutes as submitted. Seconded by C/P Reuning.

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

**VISITORS TO BE HEARD:**

**Borough Police Chief, Thomas Garlock – Presentation of Police Report for April 2006 –** Chief Garlock stated that if anyone has any questions at any time after the meeting they can call him.

**DH&L Fire Company, Ken Stettler**

Ken reported there were 24 incidents in **April** as follows: 1 automatic alarm, 2 brush fires, 4 standby assignments, 2 vehicle accidents with extrication, 2 good intent service calls, 1 HazMat call, 2 miscellaneous fires, 7 vehicle accidents without extrication, 2 structure fires and 1 tree down. The incidents occurred as follows: 1 in Middlecreek Township, 3 in Monroe Township, 13 in Penn Township, 6 in Selinsgrove, and 1 in Union Township. The loss within the jurisdiction was \$0.00. April man hours total 672.

Ken reported that there were 27 incidents in **May** as follows: 2 automatic alarms, 1 brush fire, 1 CO alarm, 5 standby assignments, 1 vehicle accident with extrication, 2 false alarms, 4 good intent service calls, 2 HazMat calls, 1 miscellaneous fire, 1 local call, 1 vehicle accident without extrication, 1 training, 3 structure fires and 2 water rescue recoveries. The incidents occurred as follows: 1 in Middlecreek Township, 3 in Monroe Township, 12 in Penn Township, 6 in Selinsgrove, 1 in Union Township, 1 in Upper Augusta Township, and 3 in Washington Township. The loss within the jurisdiction was \$0.00. May man hours total 998.

**Selinsgrove Municipal Authority's Request to Purchase Land/Easements for Wellhead Protection for Well #4 –** Mgr. Bickhart asked Ken Stettler how the Selinsgrove Municipal Authority's request of the Fair Board concerning purchasing additional land for wellhead protection is being handled. Ken replied that he received correspondence from Solicitor Cravitz, which he forwarded on to the Fair Board members, who told him that they had responded to it. Mgr. Bickhart reported that the Fair Board told the SMA that they did not want to negotiate with them and would prefer if the SMA waited for the property to

be sold and talk to the new owners. The SMA does not want to do that. Mgr. Bickhart stated that the Fair Board is not a public entity but the fire company is and he would appreciate the fire company encouraging the Fair Board to negotiate with the SMA, which is looking to get the property at the lowest possible price for the good of the community. Ken stated the last he heard was that the Fair Board was waiting for a map that showed exactly where the easements were. He understands that this map was provided but he does not know what discussion resulted from this. Mgr. Bickhart stated the issue between land purchases and easement purchases is negotiable. Wellhead protection does not demand that the land actually be owned. Ken stated he will talk to the Fair Board members who are at the station when he goes back there tonight. C/P Herb asked if there is any connection between the Fair Board members and the fire company itself, and how many members are on the Fair Board. Solicitor Cravitz explained that the fire company owns majority stock in the Fair Board. The fire company has a voice and elects the Board of Directors but they do not control the Fair Board, which is separate from the fire company. Ken reported that there are seven members on the Fair Board including the president, Don Herrold.

**Mock Accident Demonstration at High School** – Mayor Carroll reported that the fire company and the police department put on an excellent mock accident scene demonstration for the seniors at the high school. Also participating were the state police, District Attorney Sholley and the assistant coroner. Mgr. Bickhart stated that he heard a comment that it was too real and it moved some people to tears.

**Citizen Concerns Regarding Trees on Susquehanna Avenue** – Marvin Rudnitsky spoke regarding the street improvement project. He stated Susquehanna Avenue is an old street and the residents can appreciate that work needs to be done. At the Shade Tree Commission meeting last Thursday night the residents spoke out about the beautiful trees along the avenue in the hopes that the trees can be saved. The Shade Tree Commission identified that all but three of the trees are fine and improvements to the street and curbs should be made without removal of the trees. The other three trees were to be in questionable health. One in particular is in poor health and may need to be removed. Mr. Rudnitsky pointed out the differences between Susquehanna Avenue and Eighth Street, where removal of trees was an issue in the past. There are very few homes on Susquehanna Avenue and there is rarely a parking problem. Eighth Street is more densely populated. An alternative that could be considered on Susquehanna Avenue would be to limit parking to one side of the street only. If this were done it would not affect the parking situation and the curb could be moved into the street a bit, creating a slightly narrower street. Mr. Rudnitsky shared some photos that Lois Bruno had taken showing the trees and the curbs in question. The pictures show that some of the current curbs are tilted no more than an inch the wrong way because of the pushing from the tree roots over the years. No one living in the area has ever had a problem with parking, damage to tires or tripping, and there is no safety reason that would motivate someone to spend money to take down trees in order to replace the curbs. He urged Council to address other possibilities for Susquehanna Avenue's curbing in relation to the trees. Lois Bruno spoke for herself and for her brother, who lives next door to her, in stating that they would like to see the curbs left as they are. They feel they are fine and believe the street could be replaced and the curbs let go in order to not bother the roots of the trees.

Mgr. Bickhart clarified that this particular block of Susquehanna Avenue was included in the 2006 street program. He, Gary, and the Borough engineer walked the project as they always do and identified issues of curbing. If there is curbing that has gotten out of alignment vertically or horizontally, tilting into the street, imposing a hazard of some kind, or deteriorating they make a recommendation to replace that curbing. In this case the curbing is tight against the trees, which means that the trees need to be removed in order to construct new curbing. Because of the existence of the Shade Tree Commission and the Borough's experience on Eighth Street, the trees were identified and a request for the removal of trees presented to the Shade Tree Commission. This is a process that requires advertising and a public notice to the property owners. The Shade Tree Commission convened a meeting on Thursday, looked at the list of trees and decided that they would not give consent to removing most of the trees. Three trees have been put in a "we are going to look at them again" category. The Shade Tree Commission will do this and then get back to Council. The Borough cannot proceed on with the project without that determination. If the Shade Tree Commission determines that a tree cannot be removed then the next course of action is to involve an arborist and seek the arborist's recommendation as to whether or not the curbing can be constructed on its current alignment without affecting the roots or being detrimental to the

tree. Mgr. Bickhart stated he has been representing Council's past practice and that is how he has represented this project. Until Council says differently that is how the issue would proceed in terms of the design of the project. Tonight presents an opportunity for the residents to ask Council to consider alternatives to replacing the curbing in its current alignment. Those on Council who were through the Eighth Street discussions will recall that a number of alternatives were considered and all were rejected. The steel plate alternative was discussed and it was found that contractors were unwilling to construct the steel plate because of potential damage to the trees by removing the existing curbing. As a result, the Eighth Street project has not been resolved and the curbs were not replaced. The street was repaved but the curbs stand as they were when the project was started, misaligned as they are. If Council creates a directive tonight stating that the curbs will be left alone then this is all a moot point and the design of the street improvements will continue. If Council can specify an alternative that they would consider then the issue of seeking the removal of the trees is a moot point. The request for removal of all but three of the trees has been rejected by the Shade Tree Commission. Another meeting is set for June 15 at 6:30 to decide on the final three trees.

C/P Herb stated that he feels that it is always appropriate to try to save every healthy tree. He stated there have been times in the past where Council may have been too quick to act. A responsible Council should do everything in its power to save every healthy tree in the Borough and to add trees to the community. C/P Anderson asked if there are PennDOT rules or some reason why the curbs need to be repaired. Pres. Handlan stated that the curbs on Susquehanna Avenue are not as bad as the ones on Eighth Street but they are pushed out a bit. Lois Bruno stated that it took 50 years for the curbs to be pushed out only an inch. Pres. Handlan stated that if the curbs are replaced they would have to be realigned to allow for the tree roots and there is a risk that the roots will be destroyed in the process. She agreed that Council should save the healthy trees. C/P Mengel asked if Susquehanna Avenue is wider than other streets in the Borough and if there could be some narrowing of the street. Mgr. Bickhart replied that it is wider than some, including Eighth Street, but also that all the properties on Susquehanna Avenue have off-street parking and very few people park on the street. This is not like Eighth Street where cars park on both sides of the street all the time. He stated there could be some narrowing of the street from curb to curb without an adverse effect. Kay Morton stated that she does not feel the curbs are bad enough to require replacing. Mgr. Bickhart stated the one inch of misalignment is where he, Gary and the engineer agree to draw the line. The curbs in question are on the borderline. The concern with this is the effect on tires. Vertical misalignments would be tripping hazards for people who cross those curbs. He stated the Eighth Street issue ended in a way that left Council not making a decision. He stated it would be good for a policy to be set up regarding removal of trees in curb lines. Pres. Handlan stated it would be difficult to come up with a true policy because every street in the Borough is different. However, guidelines could be determined. C/P Mengel stated Water and Orange Streets were done years ago and the trees were all removed. Mgr. Bickhart stated that those were the past practices that were discussed when decisions needed to be made on the Eighth Street project. Council wanted to maintain some type of equity going forward. When Water and Orange Streets were done the Shade Tree Commission was not in existence and if Borough Council declared that the trees had to be removed then the trees were removed. That is not the present situation. Pres. Handlan stated a decision would be postponed until after the June 15 Shade Tree Commission meeting. Mgr. Bickhart stated that that meeting is the next step in this process unless Council would intervene in some way that would make the meeting a moot point. C/P Herb asked whether Council gets the final say if the Shade Tree Commission would approve removal of all the trees at the June 15 meeting. Mgr. Bickhart stated the Shade Tree Commission's decision would be taken back to the engineer and a set of plans would be configured for the reconstruction of Susquehanna Avenue. The plan would then go out for advertisement of bids. Typically Council was not engaged in these kinds of issues. C/P Herb stated that he is willing to have the Shade Tree Commission do the job that Council has asked them to do but at the same time, if the Shade Tree Commission were to come out with the suggestion that the trees be cut down, he would like to have some means of being able to veto that action. Pres. Handlan clarified that the removal of all but three of the trees has already been denied. Those three trees, in front of the Rudnitsky property, were determined to be in questionable health. Solicitor Cravitz stated that Council controls the project and has the final say over all the projects. Council does not have to go forward with the project if they do not wish to. If the Shade Tree Commission advises to cut down the three trees then Council could say that as part of the project they do not agree and they will not cut the trees down. However, if the Shade Tree

Commission determines that the trees should not be removed then Council cannot legally take them down and cannot override the Shade Tree Commission's decision. C/P Hetherington asked if this will delay the project and increase the costs of engineering fees to do a redesign. Mgr. Bickhart stated there is no question that it will delay the project and there will be some additional involvement to add details to the plans of what the contractor is to do regarding which trees are to be removed and which ones are not, which curbing is to be reconstructed by cutting back the root system, and other decisions that must be reflecting in the plans before they go out to bid. Those plans can come back to Council if that is their wish, but past practice is that the engineer, Mgr. Bickhart and Gary came up with a design that went out for bid and there was no Council involvement. C/P Anderson asked if Council can direct the engineer to design the project in a way that saves the trees that are savable. Mgr. Bickhart replied that this is certainly possible. C/P Hetherington stated that the trees have caused a lot of the damage that has resulted in the street needing to be repaired. He stated one of the biggest reasons that the street needs work is because the shade from the trees does not allow the street to dry property. In the winter there is a lot of water in the cracks, which causes damage. He stated this is how it was explained to him and it is not his own ideas. He stated the trees look beautiful today but in another 25 or 50 years that Council will have some decisions to make. He stated new trees can always be planted. He stated Council needs to think of the future and not just of Selinsgrove as it is today. He stated he is not saying he is for or against the trees. He does not support the Shade Tree Commission because of the problems that are being encountered tonight. He feels this should go back to the committee rather than being discussed at the Council meeting. He feels a determination should not be made tonight at this meeting. C/P Reuning stated an arborist should be called in to look at the trees. On the Eighth Street project Council was advised that weakening of the root system could lead to the trees' falling on the houses which was one reason Council did not move forward in that situation.

Motion by C/P Herb to save the trees if at all possible. Seconded by C/P Anderson.

**AYES: SIX (6)**

**NAYS: ONE (1) – C/P Hetherington**

**MOTION CARRIED**

Mgr. Bickhart stated that based upon that guideline he will direct the engineer to come up with a design in which there will probably be substantial areas in which the curbing will not be replaced. C/P Inch asked the Rudnitskys if they would have a problem with a tree being cut down that an arborist determines to be diseased. The Rudnitskys replied that they are okay with that but do not want to cut down healthy trees. Mgr. Bickhart reported that the arborist is not typically used to determine the health of a tree but rather to determine whether curbing can be constructed in its current alignment along a tree without causing substantial damage to the tree. If the arborist says yes then the curbing will be constructed. If the arborist says no, as in the case of the trees on Eighth Street, then the curbing would not be altered. There are a couple things that are done in construction that minimize the damage to the trees as the construction goes by them and those things need to be placed in the specifications so that the contractor knows that he is going to spend a little bit more time in a certain area putting in a special kind of form or being careful about root pruning as opposed to just ripping and tearing. All these things have to be specified or the Borough ends up with an unhappy contractor and change orders, which is not the objective of design. Design is intended to work out these issues before they are put on paper for the contractors to bid on. Based upon Council's guidance tonight the design of the project will be revisited and an arborist will be involved to determine whether the curbing can be constructed along any or all of the trees without causing damage to them. The Shade Tree Commission can order a diseased or dead tree to be removed without Council's approval but they cannot order the removal of trees for the process of constructing curbing. Judy Teats, daughter of Helen Metzger, asked for clarification of the location of some trees that may affect her mother's property. Mgr. Bickhart stated the trees that were identified as not being resolved yet would be a 24-inch maple that is at the end of the Rudnitsky property. The next tree is a 30-inch maple that is right on the borderline between the Rudnitsky property and the Metzger property. The third tree is a 26-inch ash, previously identified incorrectly as a maple, that is at the other end of the Metzger property on the borderline between 106 and 100 Susquehanna Avenue.

**Dave Rothermel Regarding Conditional Use Request of Wesley United Methodist Church to add Kitchen Facilities and to Make Connections to Public Sewer and Water Systems –** Mr. Rothermel reported that he answered questions at the Planning Commission meeting regarding the conditional use

of a pavilion and his understanding was that the last piece of the puzzle was that the Planning Commission and the Borough Council needed to understand the guidelines that the church is using for the use of the pavilion. He brought a handout explaining this. Mgr. Bickhart stated that the reason this became an issue is that in the discussion concerning the request for the conditional use approval the issue of what the proposed use was came up again. The church indicated that they had this in writing and the Planning Commission said they would attach it so that it was part of the documentation. This way there would be no misunderstanding about the proposed use. A letter was sent to the Borough office from a resident who expressed his concerns. In deference to questions and concerns that people had raised the Planning Commission wanted to make sure that the use was defined exactly. This involves more than just constructing a building with a kitchen in it that will be connected to sewer and water. It is the use of that facility that is a concern. This involves a zoning ordinance so it is actually more important to determine what the kitchen is used for rather than whether the kitchen is there or not. This is an accessory structure to a church and anything that is accessory to church use would be all right with the Borough in terms of the zoning ordinance. Anything that is outside of that would not be. Mr. Rothermel stated that the noise ordinance for Selinsgrove has activities stopping by 11:00 p.m. and this was added as the last item on the document, noting that any event held in that building would have to be over by 11:00 p.m. C/P Anderson asked if the neighbor who was concerned is aware of the document. Mgr. Bickhart and Mr. Rothermel stated they do not think he is aware of it. Mayor Carroll stated he spoke with the neighbor the next day to tell him that Mr. Rothermel was presenting this information to Council as part of the package. Mayor Carroll asked the neighbor to wait and see how things go.

Motion by C/P Herb to approve the conditional use request of Wesley United Methodist Church.  
Seconded by C/P Anderson.

**AYES: FIVE (5)      NAYS: NONE (0)**

**ABSTENTIONS: TWO (2) – C/Ps Hetherington and Mengel**

**MOTION CARRIED**

**UNFINISHED BUSINESS FROM PRIOR MEETINGS:**

**Review List of Council Issues** – Mgr. Bickhart reported that some projects have been completed and are noted in the engineer's report. The Slivinski issue has not been resolved yet. Sheri reported that Bill Valentine (Eastern Industries, Inc. employee) will come in tomorrow morning to go over this. Mgr. Bickhart stated regarding sewer rates that the Borough now has two months' worth of records. He has briefly looked at these and will have an evaluation at the July 3 meeting showing the effect that the metering will have on the Borough's sewer bills. This could be significant because based upon his initial look there is quite a difference. The Borough should save on their estimated sewer costs based on actual metering.

**Consider Increasing Payment for Part-Time Police Officers from \$9.00 per hour to \$11.00 per hour** – Mgr. Bickhart reported that this was discussed at length at the prior Council meeting but no action was taken. Without Council's action the part-time officer has been paid \$9.00 per hour for his time submitted because this is the stipulated amount in the contract as it stands right now. He asked that along with a motion of what the rate would be that Council would make it retroactive to the beginning of the officer's service. C/P Anderson stated it was an oversight that no motion was made at the prior meeting.

Motion by C/P Anderson to raise the rate from \$9.00 per hour to \$11.00 per hour and to make it retroactive. Seconded by C/P Inch.

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

Mgr. Bickhart noted for the record that he has a letter in his file from the Police Officers' Association indicating that they stipulated approval of \$11.00 per hour. This is a matter of their contract so it is important that they have the opportunity to stipulate that. Pres. Handlan asked Chief Garlock where the

additional part-time officer situation stands. Chief Garlock replied that he had intended to submit an additional name this month; however, the person whose name he was going to submit was just hired by the federal penitentiary system. He hopes to have a name for the next meeting.

**Bathroom Lock Situation** – Mgr. Bickhart reported that based upon Council’s discussions the library has agreed to the Borough locking the bathrooms, with the library being custodians of the key during the hours that the library is open. The Borough needs to purchase some locks as the locking mechanisms on the current equipment are not sufficient to do this. The correct equipment will be purchased and Brian Beaver, the Borough custodian, will install the locks. C/P Anderson suggested putting some signs on the first floor so people will not go downstairs to the bathrooms and then have to come back up for the key.

**Space Issues** – Pres. Handlan stated that Council needs to seriously look at the Borough’s space needs, moving forward with the assumption that this building will be renovated for the library expansion. She passed to C/P Mengel and her Committee the very rough plans of the library proposal for this building. In May of 2005 Mgr. Bickhart put together spacing needs going forward. The Committee needs to take a look at that in order to determine whether the Council chambers could be moved downstairs. The library is more concerned with upper space, although Pres. Handlan stated she does not want to see the Borough offices downstairs if at all possible. The chambers could move downstairs and there could still be a community room as well. The plans show an entirely new entrance to the building and an elevator on the other side of the building.

**COMMITTEE / COMMISSION / BOARD REPORTS:**

**FINANCE & BUDGET COMMITTEE: C/P Inch, Chairman**

**Payment and Ratification of Bills**

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

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

**Statewide Tax Recovery, Inc. - Exoneration Requests** – Mgr. Bickhart reported the following exoneration requests:

Donald J. Houser, Jr. for the year 1999, submitting evidence that he was a non-resident  
Gary W. Willows, Jr. for the years 2004 and 2005, submitting documentation that he was a non-resident  
Gail S. and Michael S. Ferlazzo for the year 2005, indicating that they were non-residents living in Iowa

Motion by C/P Mengel for exoneration of these people. Seconded by C/P Reuning.

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

**Schedule Meeting to Review Preliminary ESCRA Metering Data and to Consider Rate Increase** – C/P Inch reported that the Finance and Budget Committees will meet once enough information is obtained.

**NEXT COUNCIL MEETING DATE – JULY 3** – There was some discussion regarding the next Council meeting date. Some thought the date was changed to July 10 but it was determined that the next meeting would in fact be July 3, as more people will be available then than July 10.

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

**BOROUGH ADMINISTRATION / PROPERTY AND EQUIPMENT: C/P Mengel, Chairwoman** – No Report

**COMMUNITY ACTIVITIES AND PUBLIC AFFAIRS: C/P Herb, Chairman** – C/P Herb stated that he has not heard from the Kiwanis yet. Mgr. Bickhart reported that the Kiwanis contacted him indicating that they were satisfied with his summary. He turned it over to Solicitor Cravitz, who prepared a lease agreement which is available for approval tonight.

**PERSONNEL MANAGEMENT COMMITTEE: C/P Anderson, Chairwoman** – C/P Anderson stated that a search is in process for the Director of Public Works position. The Committee met and did its first review and Mgr. Bickhart is checking those the Committee has chosen to pursue. More news will be coming later. The pool is lean and the Committee has authorized that the position continue to be advertised if that is necessary. Mgr. Bickhart reported that ten applications have been received so far.

**PUBLIC SAFETY COMMITTEE: C/P Hetherington, Chairman** – C/P Hetherington stated he has received numerous complaints of people walking on Front Street and not moving over for cars. He stated he does not know what can be done about this as there are no sidewalks. A walking path was suggested but it really is not that wide of a street.

**Report on Borough Manager's Meeting with PennDOT Pertaining to Speed Limits on North Market Street, University Avenue in cooperation with Penn Township and West Sassafras Street –**

Mgr. Bickhart reported that all the signs are up on the Borough streets that were changed. There was a small article in the newspaper regarding the changes of speed limits in the Borough. Pres. Handlan asked if the Borough has any of the little orange things that stick up off a new sign when the speed limit changes and Mgr. Bickhart stated the Borough does not have those. He asked Chief Garlock if he had any comments about enforcement. Chief Garlock reported that anyone going over 15 miles per hour over the speed limit gets a warning. He has instructed his officers to give people until the 20<sup>th</sup> of the month to get used to the new speed limits. This period is considered an education period. Anyone driving at an excessive speed under the old speed limit will get a ticket. Mgr. Bickhart stated the other locations that the Committee had talked about include North Market Street from Snyder Street north to the railroad. This was shared with two people from PennDOT, one of whom focused on street and speed limits, and the other person who focused on traffic signals. University Avenue was also discussed. Terry Kissinger had come to Mgr. Bickhart on behalf of his mother, who is a Penn Township resident in the section of the street where the Borough/Township line goes right up the middle of the street. Terry had gone to Penn Township and Roy Knouse, one of the Penn Township Supervisors, called Mgr. Bickhart to ask if he could come and sit and talk with PennDOT because Penn Township also has a preference for reducing the speed limit on University Avenue beyond the first section from 18<sup>th</sup> Street up to the reservoir road. There are some intersecting development streets and as Roy pointed out they have their (Penn Township's) recreational fields and they are concerned about pedestrians and traffic and speed. Roy was at the meeting concurrent with Mgr. Bickhart to speak with PennDOT about looking at that piece of University Avenue from 18<sup>th</sup> Street all the way out to Route 522. PennDOT agreed they would look at that for various speed limits. Mgr. Bickhart shared with PennDOT his concerns with West Sassafras Street and the influence of sporting events and people parking along the shoulders and the crosswalk that Susquehanna had obtained a permit from PennDOT to put in. Sassafras is a state street and PennDOT issued the permit for the crosswalk. PennDOT will look at this as they are also concerned about the impact of the crosswalk in the section that was posted at 35 miles per hour leaving town but 45 miles per hour coming into town. The procedure is that PennDOT will look at these requests and report back to the Borough. However, the Borough cannot do anything other than ask PennDOT to look at things. PennDOT has a fairly elaborate system of studying these issues and they shared with Mgr. Bickhart the fact that they try not to create speed traps. Mgr. Bickhart stated that he never realized until he heard PennDOT talk about it that their definition of a speed trap is lowering a speed limit on a piece of highway on which you could safely go faster. PennDOT has been taken to task on the issue of speed traps so they have quite a procedure they need to go through to make any type of speed limit change recommendations.

**Report on Borough Manager's Meeting with PennDOT Pertaining to Signage and Modification of**

**Traffic Signal at Broad Street and Route 522** – Mgr. Bickhart reported that Mayor Carroll, in his capacity as Director of Transportation for the school district, had brought up the issue of the signal at Broad Street and Route 522 during the times when buses are leaving the campus at the end of the day

and the inability to have an advanced left turn or left turn lane from Broad Street onto Route 522. PennDOT will study the intersection to see what they can come up with. They were not terribly hopeful about being able to do anything. Mgr. Bickhart did learn that PennDOT cannot impose a different signal timing for just a short period of time on school days. Because of the issue of people becoming accustomed to what the timing is, the timing has to be constant and cannot vary for a time of the day or a day of the week. The benefit is understandable but the cost is that any change would have to stay that way 24/7. It is not that they do not have the technology. The equipment could do it but they are not allowed by policy to do it.

**PLANNING COMMISSION: Earl Moyer, Chairman**

**Recommendation Pertaining to Conditional Use Request of Susquehanna University for Off-Site Directional Signs (2) to Replace Former PennDOT Issued Directional Signs (2)** – Mgr. Bickhart reported that when the old streetlights were replaced on Market Street with the new decorative streetlights one of those streetlights in front of the CVS building had a PennDOT-issued directional sign that said Susquehanna University, a distance and a little arrow. This was the standard PennDOT blue background with grey fluorescent lettering, about 3½ feet wide by 18 inches high. It was mounted 15 feet above the ground because it overhung the road out further than the curb line. It was a PennDOT sign that was put up like any advertising sign by PennDOT for a select group or entity. There is a similar sign across from the Post Office for northbound traffic, which is still there and is mounted on an existing streetlight which is proposed to be removed. Although the Planning Commission was focusing on just one sign with the conditional use request, they are actually recommending both signs be permitted. It is a conditional use because the ordinance says that an off-premises directional sign has to go through a conditional use process which means that it has to go through the Planning Commission for recommendation and to Council for consideration and approval with or without conditions. Mgr. Bickhart proposed to Susquehanna that they have something designed that would fit within the existing sign standards that the Borough has and which all the businesses up and down Market Street utilize in front of their businesses. There is a certain kind of sign that the Borough permits with certain specifications. Susquehanna took those parameters and came up with a sample that Mgr. Bickhart showed to Council, stating that the actual sign will be just a bit bigger than the sample. The sign would be in Susquehanna's colors and much more consistent with the decorative nature of the downtown but yet carefully convey the fact that there is a university out the road. This is an issue that was brought to light with the work that the Penn State students did, which stated that the Borough should do what they can to acknowledge the university and let people know where it is and how to get to it. The university developed a proposed layout, which would be approved under the Borough's ordinance allowing the sign to be on a 4 x 4 post embedded in the area just back from the curb much like all the business signs that are there right now, with a colonial style post and a small sign. The Planning Commission is recommending approval of two signs, one for southbound traffic in the vicinity of the CVS building and one for northbound traffic in the vicinity of Hair by Candlelight. Mayor Carroll asked if the sign at the CVS site could be made back-to-back in case someone missed the first northbound sign so they might see the next sign. Mgr. Bickhart replied that the signs are permitted to be double sided. He stated alternate locations for the PennDOT sign were explored and thankfully the signs cannot be put on the new decorative traffic signal poles.

Motion by C/P Mengel to approve the conditional use request for two sign locations. Seconded by C/P Inch.

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

**Recommendation Pertaining to Proposed Use of Building at 600 South High Street for Non-Conforming Light Industrial Use in Commercial Zone** – Mgr. Bickhart reported that this property is the industrial facility that at one time was Sporoco and at one time was Barrier. It is currently a warehouse for a grocery store chain in Mifflinburg by its use. He has been contacted by two different entities for the same proposal, which is the possibility of leasing the facility to a mattress manufacturer who would like to occupy the space and manufacture mattresses. He took the issue to the Planning Commission just to really find out what their attitudes might be so that he could figure out how to pursue this as quickly as possible. The problem is that the property is zoned C1, a commercial zone. On the other side of South

Tributary the PennDOT facility and off to Industrial Park Road is all zoned industrial. The Borough's industrial zone is a light industrial zone in that the proposed uses in the industrial zone are very light manufacturing but no medium and no hard manufacturing. Light manufacturing involves assembling components that come from other places. For instance the springs in the mattresses would not be made onsite. They would be made at a steel industry someplace and brought in and combined with frames and padding and the sewing of fabrics to put together the mattresses which would then be shipped out from there. So it is the inconsistency with the current zoning ordinance that presents a problem; in the ordinance there is a provision that talks about discontinuance. If a nonconforming use is discontinued for a year's time then it is possible that that nonconforming use cannot be continued again. The Borough would have the right to deny the continuance of it. The Planning Commission is advising Council to find a way to allow this to occur without rezoning of the property. The Planning Commission felt that the current zoning, the C1 zone, was appropriate for the neighborhood on this side of South Tributary. It is in close proximity to multi-family housing and some single-family housing. Across Sand Hill Road, which is in Penn Township, there are single family homes. The Planning Commission felt that this proposal had merit. They felt that the proposed use would be good for the community and they are encouraging Council to in essence continue the prior nonconformity in granting permission for this kind of use. C/P Inch asked how many people would be hired to work in this factory and Mgr. Bickhart replied that the man he spoke with felt that initially it would be 15 to 20 people and that if it went well they would double the size of the work force. C/P Herb asked if there is any concern on the part of the people living in the area about this or are the residents unaware of it. Mgr. Bickhart replied that so far they are unaware of this and the properties in the area are largely either commercial or rental properties. C/P Anderson pointed out that the residential properties came second. She stated when someone builds there and moves there they know that there is light industry right across the street. C/P Herb asked what the impact of this will be on the people who are living in that area. Mgr. Bickhart stated that compared to the prior uses there should be no difference from what people have experienced years ago. It is just recently in the last couple of years that it has been warehousing but tractor-trailer trucks come and go, forklifts move materials, and a significant change of the noise level is not expected. C/P Hetherington asked where the employees will park and C/P Anderson stated there is already a parking lot there. C/P Hetherington stated in the past the trucks would sit halfway out in the street. Mgr. Bickhart stated these are good discussions but the problem he finds himself faced with in these kinds of circumstances is that the people want to know how they can proceed. It was in this context that he spoke with the Planning Commission about what they thought would be a reasonable way to proceed and they came up with the notion that they do not want to see it zoned industrial, which would be one choice – to rezone the tract to industrial so that it will be consistent. The Planning Commission felt in deference to the neighborhood and given the fact that this property could be torn down someday they still wanted to see it a commercial zone for the future. However, they still saw that this was a reasonable use given the prior use. Mgr. Bickhart stated if it is a conditional use process the public is notified and the neighbors are notified of the continuation of a prior existing use. He is asking for some guidance from Council and stated that he wished the Borough were more proactive in this regard and that all available properties could be looked at and these things thought about so that when someone comes with a good proposal an answer would be immediately forthcoming. The Borough's ordinance is very restrictive, a little cumbersome, and very limiting. For example, one way that this would go much more quickly is if the Borough would say that in the C1 zone all light industrial uses would be permitted as a conditional use. This would allow Council to hear the case and consider it on a case by case basis, and Mgr. Bickhart would be in a position to say yes to the proposals. C/P Anderson stated that this is what Dr. Rohrbach's proposal called for – recommending that Council not change the zoning district and permit the recontinuance of the nonconforming use of light manufacturing in the former Sporoco building. C/P Inch stated that he would like to see the neighborhood continue as it is and bring some jobs in there. The other businesses in the area are all industrial. Pres. Handlan asked about the hours of operation and whether there would be an evening shift. Mgr. Bickhart replied that he did not know the answer to that. Pres. Handlan stated if the building can be used to bring jobs to the Borough and it is not a manufacturing industry but an assembly place then this is a good thing. C/P Herb asked if Council is able to take the conditional use back after they grant it if they find in a year or two that the impact on the neighborhood was more significant than expected. Solicitor Cravitz stated that the Borough is pretty much stuck unless they make the conditional use very qualified and limited, which would make a business tentative to move into the area. If Council withdrew the conditional use approval the tenant could respond that they have made a significant capital

improvement and now the Borough is taking that away. C/P Herb asked if it is easy to distinguish between light industrial use and something that goes beyond that. Mgr. Bickhart stated that the Borough's ordinance very clearly defines what would be considered light industrial and anything else is excluded. He stated the ordinance talks about the assembly of components that come in from other places. It talks about manufacturing in the context of a stereo or a television set, where pieces come in and they are just put together. Nothing is made; the pieces are just put together. The ordinance also permits sewing and clothing manufacturers in the light industrial areas. The proposed manufacturing operation is a blend of the sewing, the fabrics and the assembly of the parts. It does not make any of the parts; it just assembles them together into a finished product. That is an essential element of light industrial – it does not make a part. Pres. Handlan asked if this has to be posted or anyone notified if Council grants this use. Solicitor Cravitz replied no, as all Council is doing is recognizing the existence of the preexisting use. A change is not being proposed. The use is just being continued. Mgr. Bickhart clarified that it is a continuation of a prior nonconforming use.

Motion by C/P Anderson that the zoning district not be changed and that the recontinuance of a nonconforming use of light manufacturing in the former Sporoco building be permitted. Seconded by C/P Inch.

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

Pres. Handlan stated Council still needs to address Mgr. Bickhart's comments going forward that Council think about this so that proposed initiatives not be prolonged when someone wants to do business in the Borough. She asked that Council think about this.

C/P Mengel asked what happens with the grocery warehouse that no one knew anything about. Mgr. Bickhart stated the warehouse is still operating and they will share the building with the mattress assembler. C/P Mengel asked how the grocery warehouse got there without the Borough knowing about it. Mgr. Bickhart stated that he knew about it. A warehouse is a permitted use. C/P Mengel stated the document says "however, we were not aware of that use. No occupancy permit was ever obtained." Mgr. Bickhart replied that an occupancy permit was not obtained because the warehouse did not come in and give the Borough the details of what they were doing. He stated the warehouse had asked about occupying the building and then they occupied it. They did not come in to prepare an occupancy permit so there were no details. C/P Mengel objected to this, stating that the grocery warehouse did not go through the process that the mattress assembler is going through. Mgr. Bickhart replied that the warehouse did not have to go through the process because warehousing is a permitted use in a C1 zone. They are like so many businesses that come and go in that they just did not come in and fill out a paper but they did call and ask if they could use the building for a warehouse and after looking at the zoning ordinance they were told that they could. C/P Inch asked who currently owns the building and Mgr. Bickhart stated he was not sure but he thought it was the owner of the grocery store in Mifflinburg.

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

**CIVIL SERVICE COMMISSION: Dalton Savidge, Chairman – No Report**

**PARKS AND RECREATION BOARD: Richard Norman, Chairman**

**Multi-Municipal Comprehensive Recreation, Parks and Open Space Plan Advisory Committee Meeting to be Held June 15, 2006, 7:00 P.M. at Shamokin Dam Borough Offices –** Mgr. Bickhart reported that he gave Council a copy of a questionnaire put together by the Advisory Committee to gather data. The consultant who put it together asked that it be shared with the respective municipalities for their comments. Mayor Carroll stated there is a conflict with this meeting in that the Shade Tree Commission meeting is this same night. Mgr. Bickhart stated that due to tonight's action by Council the Shade Tree Commission has become a moot point. He stated no action is required on the questionnaire as it is not a request for approval.

**Life Trail Update** – Pres. Handlan reported that the Life Trail is going in. She stated it is not necessarily a Senior Life Trail but can be used by anybody.

**MAYOR: Pete Carroll**

**Seals' Den Update** – C/P Anderson stated that she went to the Open House at the Seals' Den and commented on how nice it is. Mayor Carroll agreed and reminded Council that Ms. Vennie had come to Council for approval of this project and that she wanted to make sure that Council had the opportunity to see what they have done with the property.

**Part-Time Officer** – Mayor Carroll stated that he swore in the part-time officer, Officer Powell, the other day. He stated he is also the school's D.A.R.E. officer so he has seen him around. He believes Chief Garlock has made a very good selection in hiring him. Chief Garlock is also moving along to submit some other names for part-time officers but some of them have taken other jobs.

**Thank You Letters** – Mayor Carroll reported that he sent a letter of thanks to Susquehanna University regarding the sign for the police department. The open house is being wrapped up, with certificates of appreciation going out to everyone who donated or supplied things for the open house, or did work at the new station.

**BOROUGH SOLICITOR: Robert Cravitz**

**Review and Acceptance of Kiwanis Lease Agreement for Pump House** – Solicitor Cravitz reported that the Kiwanis will be able to use the pump house every Wednesday between the hours of 4:00 p.m. and 11:00 p.m., and for no more than 12 other limited special occasions during the calendar year. Any Borough functions take precedence over Kiwanis functions. The lease will run from June 1, 2006 through May 31, 2007 with ten additional terms of one year each with a 90-day expiration notice to be given if the Borough does not want to renew the lease. At any time, with a 90-day notice, the lease can be terminated for cause or if the property is destroyed or flooded the lease can then be terminated also. The rent is \$25.00 per month negotiable for the additional terms. In addition to the rent the Kiwanis will be performing yard work including but not limited to shrubbery trimming, grooming, mulching, raking leaves and other gardening. The Borough can change from time to time the cost of the rent based upon utility costs, of which the Borough will inform the Kiwanis. Around November or December of each year the Borough will negotiate with the Kiwanis to determine the new rate and if there will be any holdover period in the future. The Borough will pay for the other expenses at the pump house. If the Kiwanis gets a telephone it will be at their own expense. The Borough is paying the electricity, garbage and refuse removal, and water and sewer service. The Kiwanis can only use the pump house between the hours stated above and cannot use the pump house at any time between 11:00 p.m. and 6:00 a.m. on any date. The Kiwanis is accepting the pump house as is. If there is a loss there, they will pay to occupy the building until the loss is repaired. The Kiwanis also have insurance to cover their use and also to protect the Borough. The lease addresses all the issues the Kiwanis had and it also protects the Borough similar to, but a little bit better than, what the Borough has with Susquehanna on the fields over at Kidsgrove.

Motion by C/P Hetherington to accept the lease, send it to Kiwanis for their signature, and authorize Pres. Handlan and Mgr. Bickhart to sign on behalf of the Borough. Seconded by C/P Inch.

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

**Sample Letters for Administration of Property Maintenance Code** – Solicitor Cravitz reported on sample letters that Mgr. Bickhart had put together with regard to building code and property maintenance code violations. Solicitor Cravitz reviewed them for legal sufficiency and they are very good. Mgr. Bickhart will cut and paste these letters to send out and post on properties so people know what they are being cited for. The letters will also give the people their rights with regard to appealing any kind of action that the Borough is taking with regard to violations. This will allow Selinsgrove to be a more proactive municipality in letting people know there are problems, what the problems are, how the problems can be solved, and if the people do not agree with the determination the letters explain their

appeal process. Mgr. Bickhart stated that the reason this comes up is that he gets calls from people complaining about things under the Property Maintenance Code and the Borough needs to be proactive in the enforcement of the code as it was adopted to be used in response to complaints. Many of the complaints need to be acted upon quickly and in the last incident that came up Mgr. Bickhart thought that it might be helpful to have a standard form for Solicitor Cravitz's approval. The sections of the ordinance can be filled in so that people can be notified quickly and so they can respond quickly with a schedule to have the issue inspected or fixed. The Property Maintenance Code deals with a number of issues that overlap the issues that the police department currently enforces under other Borough ordinances such as those dealing with junk cars, grass and weeds, materials stored outside, garbage and rubbish, etc. The case that came up was a neighbor complaining about furniture and grass and weeds behind a property that had previously been occupied by college students on Orange Street. The property owners are in Ohio and California and they have a local real estate manager. In the course of addressing that issue quickly Mgr. Bickhart came up with the sample letters for Solicitor Cravitz's procedural approval. If Council has no objections the letters will be used to contact people as complaints are made about issues that will be verified. This is a process that was begun with Mary Searer and which subsequently involved CK-COG on the Borough's behalf. At one point in the letter it states that the inspection may not be done just by the Borough Manager but other people may be involved. Those issues will be brought to Council for authorization on a case by case basis. These letters will start the process, put people on notice and will use the Property Maintenance Code. This will interface with the landlords' issues and the ordinance being discussed in that these letters could be one of the mechanisms for obtaining compliance. Property owners expect that the Borough will respond quickly to issues and correct them quickly and these letters are the best way to do that. Solicitor Cravitz stated the letters will come in handy for enforcement purposes because they give everyone the information needed about violations and how to correct them or appeal them. If the next steps are taken, including to have CK-COG become involved, those next steps will move along much more quickly. Pres. Handlan asked if the letter will be sent only if the owner or tenant does not respond to the police department. She stated some of the things are just violations of Borough codes, such as weeds. Mgr. Bickhart stated there is an ordinance that the police have routinely been enforcing and weeds are also mentioned in the Property Maintenance Code and can be enforced through these letters. Pres. Handlan asked if the first step is for the police department to respond for resolution or if the Borough is going directly to a notice. Mgr. Bickhart stated he is recommending that the letter be used first, even before the police become involved. The letters would be used on the initial identification that the person is in violation of some facet of the Property Maintenance Code. He stated in response to the question of abandoned cars he will have to work with the police department to find out who the owners are. At that point the letter could be used or the Ordinance could be used, with the police department making first contact. That will be a discussion between Mgr. Bickhart and Chief Garlock and whichever means is more efficient will be utilized. Pres. Handlan asked that the Borough be consistent in its practices. Mgr. Bickhart also noted that he will copy Chief Garlock on all letters that he sends. Mgr. Bickhart stated that Officer Grove had come to him to find out the owner of 206 Orange Street and Mgr. Bickhart was already working on the letter for the situation. It was satisfactory to the police department that it was being handled by the Borough. The issue dealt with weeds and rubbish. The police cannot deal with rubbish through the Ordinance but the Borough can deal with rubbish through the Property Maintenance Code. It states that nothing but furnishings can be stored outside a building unless it is in a container. It does not matter if it is in a neat pile or a not neat pile. The Property Maintenance Code is not something that the police department has jurisdiction to enforce. The police department can respond to weeds through the weed ordinance but weeds have also crossed over into Property Maintenance Code enforcement so if a letter is written for rubbish, the weeds will be included in the letter also. Chief Garlock stated this will offer a dual avenue so things do not slip through the cracks. What the Borough cannot enforce will be enforced by the police department. Chief Garlock feels that this will make both his job and the Borough Manager's job easier. Pres. Handlan asked if the letter will be posted on the front door of the property as a notice. Mgr. Bickhart replied that as part of the process, the original letter is sent through the mail to the property owner at the billing address for the water and sewer bill, and a copy is also posted on the property. There is a place on the letter where the date will be noted that the notice was actually attached to the premises. C/P Herb asked if this letter precludes someone making a phone call to inform someone about a problem on the property. Mgr. Bickhart stated a phone call could still be made. In the incident that happened recently someone had informed him that the Bowen Agency was the rental agency so he called the Bowen Agency and talked with Karen Bowen, who was the agent

responsible for the property. She was aware of the situation and made arrangements to correct it. Mgr. Bickhart told her that he would be sending the letter to document the process even though she assured him that it would be taken care of. She understood that and was fine with it. C/P Herb asked about materials not being allowed to be stored outside a property unless they are in a container. He asked if bricks are included in this and Mgr. Bickhart replied that unless it is a construction site bricks must be in a container. This also applies to lumber, used furniture, brush, and anything that would be considered rubbish. This is not to be confused with garbage, which is a separate class. The Borough has never had an ordinance that dealt with rubbish before now. Pres. Handlan asked if this will go into effect immediately and Solicitor Cravitz replied that it already has gone into effect.

**Report on Completion of High Street Manor and Market Street Manor Assessment Appeals –** Solicitor Cravitz reported that the assessment appeals are done and the final paperwork recorded.

**Receipt of Grant Agreement for Phase II of the Streetlight Project –** Solicitor Cravitz stated that Mgr. Bickhart sent him a copy of the resolution with regard to the Transportation Enhancement Program Federal Aid Reimbursement Agreement for Political Subdivisions and Other Public Bodies. This deals with the second phase of the streetlight project. This is pretty much the same as what the Borough had before. It provides for 100% reimbursement from the federal government and it has the usual strings with regard to completion of the project. If the project is not completed or the Borough somehow violates the agreement and PennDOT does not receive the federal funding then the Borough has to fund the project. If the Borough does not have the money to pay it back then the money will be taken from the Borough's Liquid Fuels Fund. There are all sorts of clauses but it is what was signed for the original project. It is requested that a resolution be passed by Council authorizing the reimbursement agreement to be signed by Mgr. Bickhart and Pres. Handlan. Mgr. Bickhart reported that the Borough received the grant agreements for Phase II of the streetlight project and it is proposed to follow the exact same process that was used for Phase I. The exception is that this project is all funded by grants, with no Borough involvement. The Borough should have, as a condition of approval, a letter from the Selinsgrove Chamber of Commerce similar to the letter they provided last time acknowledging that they will be responsible and that the Borough is required to be the applicant. The project is being redesigned now by Coukart for the Selinsgrove Chamber of Commerce, who is paying for all the cost of the design. The final design will be reapproved by PennDOT and then bid. This all should proceed very quickly and the construction on the project should be this year yet. The cost of Phase II will be \$230,000.

Motion by C/P Anderson to approve the grant agreement to be signed by Pres. Handlan and Mgr. Bickhart. Seconded by C/P Reuning.

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

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

**Update on Pending Projects –** Per the letter from Coukart, some projects have been completed including the interceptor metering chamber project. The University Avenue sewer project has one issue yet. The engineer has been given specifications for the street and alley program by Mgr. Bickhart. As a result of Council's action tonight Mgr. Bickhart will call the engineer tomorrow to complete the design of Susquehanna Avenue and the other streets in that project. The 2006 utility program project has been designed and put out for bid. The bid tabulations show G & R Charles as the low bidder. A notation from the Borough engineer indicates that he recommends approving the low bid of G & R Charles for \$99,204.05.

Motion by C/P Mengel to approve the low bid of \$99,204.05 from G & R Charles. Seconded by C/P Hetherington.

C/P Herb asked if this amount of money falls within the budgeted amount and Mgr. Bickhart replied that \$90,000 was budgeted. C/P Herb asked how the difference is handled in a case like that and Mgr. Bickhart replied that since it is a water project there are sufficient funds within the water fund to

cover the difference. A budget allocation is made but the water fund has capital funds in reserve for just this kind of thing. Pres. Handlan called for a vote on the motion.

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

**Notice Concerning Completion of “Punch List” for Streetscape Project** – Mgr. Bickhart reported that the issue of the grouting around the anchor bolts on the streetscape project turned out to be an issue of the bases fitting tightly on the brickwork. He now has a fax from the engineer indicating that the grouting is not required by the pole manufacturer, by PennDOT or by the Borough. In with the bills that were submitted and that the Finance Committee recommended for approval was the final payment to the contractor, Beck Electric, on the project. It also included authorization to make the final request for reimbursement from the grand funds. Along with that there is an attachment of a memo from the Borough engineer concerning the grouting and the fact that all the items on the punch list have been satisfied. The project has been certified as being complete and the final payment of just over \$15,000 will be made. Of that amount \$10,900 is actually in the final grant funds. C/P Mengel asked if the Borough is putting out \$5,000 and Mgr. Bickhart replied that some of that is probably part of the traffic signal work and the other part is the overrun on the grant amount that the Selinsgrove Chamber of Commerce has already paid to the Borough. Because the Chamber is reimbursing the Borough on the contract amounts, the \$15,000 is all retainage on the project, or 5% of what the grant paid for, what the Borough paid for and what the Chamber picked up so it is a little bit of everything. The project has to be completed before the retainage in the grant funds can be requested for reimbursement. So now the project is finished.

**Susquehanna University Housing** – C/P Hetherington stated the Borough is still waiting to hear from the university’s solicitor. He asked how long this will be allowed to drag on. C/P Reuning stated there is nothing the Borough can do until the university comes to them. Solicitor Cravitz stated the university is not pushing the issue forward just yet. Mgr. Bickhart stated the university will not get a building permit without the Borough hearing from the solicitor.

**BOROUGH TREASURER: Sharon Badman**

**Review Treasurer’s Report for May 2006** - Pres. Handlan asked if there were any questions on the Treasurer’s report. Hearing none, she stated that it is on file for audit.

C/P Mengel asked if there was some problem with getting some tax money. Sheri replied that she is going to wait until the end of June to inquire about that, as that is the end of their fiscal year. Mgr. Bickhart stated there was a large concern about 2005 and then the Borough received \$30,000 as an adjustment to 2005. It is still less but that is not surprising because in the process of changing over some people may have been miscoded and may have been paying money to Selinsgrove when it should have gone to Shamokin Dam based upon the address of Selinsgrove, PA. Sheri is in contact with Jeff (Hummel) to make sure nothing unexplainable is happening.

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

**Non-Police Matter Suggestions Update** – Mgr. Bickhart reported that he has gotten many suggestions from the general public. C/P Mengel asked if the Shade Tree Commission has done anything about the tree at 300 South Front Street. Mgr. Bickhart stated that he reminded them at last Thursday night’s meeting and they are going to look into it. This was brought to their attention over a year ago and nothing has happened. C/P Mengel stated that people are complaining about the property at 713 North High Street. Mgr. Bickhart stated the owner moved out and just left it. The bank will probably get it back and it will be up for a sheriff’s sale.

**Review of the Determination of Selective Insurance, on Behalf of Borough, Pertaining to the Claim of Jeanette Culp** – Mgr. Bickhart reported that Ms. Culp did not feel that she was dealt with fairly by the insurance company. She was dealt with technically correctly because she did not have any arguments about the fact that what she was told is correct, but she felt that she deserved a bit more consideration. Mgr. Bickhart stated he does not think Council can do anything about this. He has had this feeling in

other circumstances where because of systems that the Borough operates citizens of the Borough have been adversely affected. The Borough files the information with the insurance company to make them aware of the situation but there is no settlement on behalf of the Borough because it is exempt. Legally the Borough is not responsible and in that case the insurance company will certainly not settle anything. This happened with a sewer backup and also with people falling. He stated this just does not feel right and when Ms. Culp came in he decided to point it out to Council. Solicitor Cravitz stated that under the Political Subdivision Tort Claims Act the Borough has immunity and Ms. Culp just happened to fall under one of the situations where there is no basis for her recovery. No matter how badly Council feels for the situation, as the keepers of the public funds Council has to follow the law which states that there is no liability. Even if Council wanted to pay Ms. Culp, Solicitor Cravitz stated he would recommend against it as the law does not require this to be done and the Borough cannot go out and make donations to anybody, especially private citizens, in a case like this. C/P Anderson stated that she objects to the letter starting out as Dear Jeanette Culp rather than Dear Miss Culp or Dear Mrs. Culp. She stated the technical language is certainly not warm or fuzzy and she stated it was too bad there wasn't a nicer way to say no. The way the letter is worded takes one's personhood away. Mgr. Bickhart agreed and he stated that Ms. Culp mentioned being offended by the tone of the letter and not the content of it. Pres. Handlan asked if Ms. Culp is okay and Mgr. Bickhart replied that she is. He stated that she really did not know what she wanted and he hopes that bringing it to Council's attention and letting her know that he did so will satisfy her that Council is aware of the situation and the harshness of the Borough's insurance company.

**Update of PROPERTY TRANSFERS and BUILDING PERMITS ISSUED, Janet Powers, Deputy Zoning and Permit Officer – Information Only**

**Workshop – “Financing Your Future”, June 27, 2006, Cumberland County –** Mgr. Bickhart reminded Council about this workshop which Sheri will be attending.

**Town and Gown Committee Meeting Scheduled for June 26, 2006 at 7:00 P.M., Community Room, General Public and Landlords Invited –** Mgr. Bickhart reminded Council about this meeting.

**National Incident Management System (NIMS) Training for Borough Council –** Pres. Handlan stated she received a letter this past week from the Emergency Management Services stating that Council members do have to have the training and the EMS will do it for free. She stated the training can be done online. Mgr. Bickhart stated he is planning to get a set of books to do the training with the employees. Then the books will be given to the Council members and an evening will be set up to go out and go through the computer operation at the comm. center to do this. He stated the penalty for not doing this is removal of terrorism funding from the Borough. The deadline for certification is the end of September.

**Acknowledge Retirement Notice from Gary Klingler and Accept Retirement –** C/P Anderson asked if a motion should be made to accept Gary's notice of retirement. Mgr. Bickhart replied that at this point it is premature to accept it because it is so far in the future. He suggested acknowledging receipt of the notice but waiting to accept it until Gary submits an actual retirement date. C/P Anderson suggested writing a citation acknowledging Gary's service to the Borough.

**Notice of Rate Increase by Service Electric Cablevision –** Mgr. Bickhart reported that there is nothing that can be done about this. It is informational only. The Borough raised its percentage to the maximum 5% so the Borough gets 5% of any increase by the cable company. The increase will be effective in July. C/P Mengel stated it would be nice for the Borough to get 5% from the Internet service fees also.

**Report on Future of Cable Franchising, Information Received from Pennsylvania State Association of Boroughs and Verizon –** Mgr. Bickhart reported that this has to do with a debate that is going on to change the legislation for future franchise legislation. The Boroughs Association is making Selinsgrove aware of the fact that the legislature was considering this and it could possibly diminish the ability of municipalities to derive revenue from a franchise. Verizon wrote a letter stating that that is not their understanding. As far as they were concerned franchise agreements with municipalities would continue and not be diminished. C/P Herb mentioned there was a time when Boroughs had the power to

grant or withhold franchises to organizations. Then that was lost and then there was deregulation of the utilities. Mgr. Bickhart stated the Borough still has the right to impose a franchise agreement on cable service and derive a benefit from it at a maximum of 5%, but the legislature continues to diminish the Borough's abilities. Solicitor Cravitz stated that the Borough is giving Service Electric Cablevision the right to use the Borough's right-of-ways. C/P Herb asked if anyone has ever come to the Borough and requested to compete with Service Electric. Mgr. Bickhart replied that unfortunately there is no competition.

**Report of Susquehanna Regional Keystone Innovation Zone (KIZ)** – Mgr. Bickhart reported this is something that he found interesting. A number of months to a year ago Dr. Brock and Dr. Lemons came into his office asking if Mgr. Bickhart would help them with some definitions for a KIZ in a multi-county area. This involved several universities, Geisinger, and the municipalities that hosted those institutions. This application was successful and now there is a Greater Susquehanna KIZ established which received \$200,000 from the state or federal government for initiating this entity. The coordinator is Ed Edwards. Mgr. Bickhart has contacted him but not spoken with him yet about what they have in mind to do. Basically the KIZ was an initiative to get universities and private enterprise to work together to maximize the interrelationship between businesses and universities. This would work well in a hospital setting with schools of nursing. This is in place and operating but the Borough gets no notice and is not a member of any Board. It has the potential of someday reaping some benefits for Selinsgrove through Susquehanna University. The partnership that they identified is Bloomsburg, Bucknell, Susquehanna, Geisinger and the Columbia Alliance for Economic Growth, which is the agency where Ed Edwards is employed.

**Notice from PennDOT Snyder County Maintenance Department Concerning Improvements to East Endwall of Weiser Run Box Culvert Under Broad Street** – Mgr. Bickhart reported that Council inquired on behalf of Bill Hetherington whether PennDOT could do something with the endwall of Weiser Run and they have declined to do anything, taking the position that they have limited resources and the bridge program has to set priorities and this was not one of them. They said they would entertain a proposal if the Borough wished to make some improvement to the endwall. C/P Hetherington stated he appreciated Council's action on his behalf even though he did not like PennDOT's answer.

**SELINGSGROVE MUNICIPAL AUTHORITY – Donald Bottiger, Chairman** – No Report

**EASTERN SNYDER COUNTY REGIONAL AUTHORITY – Dave Faust and Bob Dagle, Chairmen**

**Potential Request for Sewerage Service for Development Outside Four-Municipality Area** – Mgr. Bickhart reported that ESCRA was formed by four municipalities, and this is a request from a developer in another municipality for sewer service. Mgr. Bickhart stated capacity has never been an issue and there has never been any limitation for anybody. However, that day will come and Mgr. Bickhart feels that ESCRA needs to be totally protective of what capacity exists for the four founding municipalities and oppose adamantly any request by this fifth municipality to reap the benefits of sewer service. He does not see how it can be done without reforming the entire authority to include the fifth municipality, which the first four municipalities would have to consent to and this would be an opportunity to renegotiate the whole text of the agreement. He stated that it troubles him that ESCRA is talking about this and the Borough is not being officially notified of any of this. Currently the council of ESCRA is determining whether they can or cannot entertain this request from the other municipality. Solicitor Cravitz stated that at the meeting of the Penn Township Municipal Authority last week this came up. It has been going on for two or three months. The property in question is just south of the Penn Township line at the Gary Walter property. The developer is thinking about building a strip mall there with some housing. It will create a fairly significant amount of EDUs. The authority in Port Trevorton was approached and they cannot run a line up that far. The supervisors from that municipality are agreeing that they are not going to bring their authority up there. If they want to send their sewage north into ESCRA they will let them do that. Penn Township, at the request of the developer, undertook a study to see if there was capacity in their line to get it down to the lift station by the race track and there is capacity in that line now and also for future developments along there. There would be potential to carry the sewage from that development into the regional authority. The municipality then went to the regional authority and asked if they have capacity to serve them and that is what Mgr. Bickhart has heard about.

ESCRA is thinking about it and saying that right now there is capacity but they are in a quandary as to how this will figure out. Would it all go on Penn Township's draw on capacity? Currently the capacity is based upon first come first served. There have been no allocations. When the school district came in ESCRA serviced the new elementary and middle school because they had the capacity. What Mgr. Bickhart is saying is that somewhere down the line there will be a lot more development and the future capacity will have to be allocated in some way. This fifth municipality is a potential customer which would lessen everyone's cost theoretically because of more people on the system. ESCRA is looking at it as that if they take this entity on they can name whatever price they want because it is a premium to this entity to have their sewage disposed of rather than building their own package plant. The developer has been notified that if ESCRA allows this it will be X amount of dollars, with X not being determined yet but it will be a fairly significant amount. Solicitor Cravitz stated that Selinsgrove could say that they do not want another customer and it should stay with the original municipalities. He stated the township does not want to get involved with ESCRA because Port Trevorton has their own authority several miles away and they do not want to be involved. This is the first test case for what should be done with customers outside the boundaries. The Borough has two people on the Board so Council should let them know how they feel about it so they know how to react to this and represent the Borough's interests in this situation. In one view, the more people served the better, which will help the environment and save resources. Solicitor Cravitz suggested having some ESCRA members come to a Council meeting to let Council know what they are thinking about. There is a lot of potential there, with the decision to be made of whether to go west to Kreamer or north to pick up other areas by the regional authority. Mgr. Bickhart stated that the current agreement with the four municipalities has no capacity allocation formula. It is a first come, first served situation. He stated he was actually at the meeting the night that this was all discussed. They could not come up with a formula so they decided just to make it first come, first served. With lots of capacity that is no problem but when that last 10,000 gallons is available it will become a huge issue and because there is no formula for dealing with it, it concerns him greatly. He understands the issue of paying a premium, but when ESCRA is out of sewage treatment plan capacity then that is it. He stated the work that was just completed did not add one gallon of capacity to the sewage treatment plant. It has the same capacity it had 20 years ago. The work improved the treatment but it did not add capacity. Of the four members of ESCRA, Selinsgrove is really the only one that will not grow much. Mgr. Bickhart stated the Borough has two votes out of eight on ESCRA. C/P Anderson asked if a Borough committee should work on getting better informed about this issue. Mgr. Bickhart replied that it really is a matter for the Council as a whole. The idea of asking the Borough's ESCRA representatives to come to Council meetings to update them before a vote is taken is a wise thing to do. Solicitor Cravitz stated the Borough should get a copy of the feasibility report that the Penn Township Municipality Authority engineer did. Mgr. Bickhart stated that he is upset that he represents one of the four municipalities and he has heard all this information via rumors. He said he has had no official contact at all. He reads ESCRA's minutes and he saw it in there but that is not an official notification. C/P Anderson asked if Council could do a formal inquiry through Pres. Handlan. Council members agreed and Pres. Handlan stated she will do this with Mgr. Bickhart's help.

**NORTH-EASTERN SNYDER COUNTY JOINT AUTHORITY – C/P Hetherington and Mgr. Bickhart –**  
No Report

#### **NEW BUSINESS:**

#### **COUNCIL MEMBERS**

**Recycling Center** – C/P Mengel asked about plans for students at the recycling center for the summer. Mgr. Bickhart replied that the students agreed to maintain the center through the summer. The Committee needs to meet for an evaluation and recommendation going forward. C/P Anderson stated her neighbors have spoken highly of the students' participation at the recycling center on Saturdays. Pres. Handlan stated she thinks they are doing a great job. She stated she was there at 7:59 last month and it was open and the students were there.

**Water Line Break on Market Street** – C/P Mengel asked if at the same time as the water line break there was a problem at the Selin Hotel. Mgr. Bickhart replied that the water main broke but prior to that

he had been having an ongoing discussion with Tom Ryder concerning recurrent blockages in their sewer lateral. The Borough did not know what was there or how it was built and no plans were available for it. Tom Ryder had gone to the expense of having the line televised. At the point where this ended it appeared that there was an obstruction in the alley. In a public right of way there is a presumption that the line is the Borough's, but that is not always the case because the Borough has given permission for people to actually construct their laterals in the Borough's right of ways because it all went down to a manhole. The hotel and the laundromat are the only two tied into this line at that location. After another obstruction the Borough dug it up and it became obvious that it was the Borough's responsibility in the alley. The point of connection was not a good one so the Borough fixed that. If the obstructions did not go away the Borough put a cleanout in so they would know. Shortly after this when the water main broke on Main Street Mgr. Bickhart got a call from Tom's wife, Ginger, who stated that the sewer had backed up. Someone who was at the hotel saw dirty water in the toilet that was a result of disturbing the water main on South High Street when one of the Savidges ripped the service line out of the main. Mgr. Bickhart stated he tried to reach Roger, who was on duty with the pager, to come out and help with this. Roger was already at the Borough shed with Rick, who had gotten called out because of the water main problem. So there was no sewer problem at the Selin Hotel; it was just a misinterpretation.

**Isle of Que Boat Ramp** – C/P Mengel asked what is going on with the boat ramp on the Isle of Que. Mgr. Bickhart replied that the grant is in place and data is being gathered to put a design together.

**Pool Problems** – C/P Mengel asked if Council knows what is going on with the pool problems. Pres. Handlan stated that SARI changed their meeting at the last minute and she was unable to attend. She did not get an update after the meeting so she does not know what transpired. C/P Anderson stated that she heard that someone stepped forward within the SARI Board and that they hired someone to represent them and it sounds as though it will all turn out okay. Pres. Handlan stated this is true. She also stated that every day that a Form 990 is not filed, even if no money is owed, there is a \$20 per day fine. She believes that this will be resolved. Someone with a finance background will be stepping in as their treasurer. She stated she is not sure if Jill Tomko will be continuing as the paid manager of the pool. She stated it was great to see that the pool had 202 people in one day over opening weekend. C/P Herb stated it is important for people to realize that whether SARI paid the taxes or not, there were four years of letters that have come from the IRS asking for a response and indicating that there were papers that should have been filed, and these letters were ignored. He feels that is a very serious situation. Pres. Handlan agreed and stated that the Borough has a vested interest in making sure the pool runs efficiently.

**Gannett Fleming** – C/P Mengel asked why the Gannett Fleming inspections are not being done, as there is money in the budget for them. Mgr. Bickhart stated he is waiting on a proposal from Gannett Fleming, which they promised for this meeting but which he has not yet received. He spoke with them when they were in town to conduct a similar inspection for the Penn Township system. When he gets the proposal he will pass it along to Council.

**MAYOR** – Mayor Carroll asked about progress on moving the mural from the former police department. Mgr. Bickhart stated he has not had time to pursue this. Mayor Carroll stated that the retired chief, Jim Hartley, has gotten in touch with him and he wants to be sure the Borough moves forward on moving and preserving the mural. Jim suggested reaching out to the university or someone else with some expertise. Mgr. Bickhart stated he talked with Ms. Livingston from the Degenstein Gallery. She looked at the mural and gave some suggestions as to how to prepare it for moving. Mgr. Bickhart stated it would be a good idea to have it digitally photographed so that in the case that it is destroyed its essence will not be lost. Mayor Carroll stated the retired officers have a great wish to see the mural removed and put into the hallway. Mgr. Bickhart stated an effort was going to be made to remove the lower part of the wall without the mural on it to see how that goes and to see what can be learned from that and then apply that information to taking the upper part off. A suggestion was made to cut the mural with a razor to control where the damage was. It is painted on drywall that is taped and the mural was painted over it. C/P Mengel asked who Mgr. Bickhart is working with on this, and she asked if an art class could help in some way. It was felt that an art class would not have the expertise to do this. Mgr. Bickhart stated he is

exploring alternatives, getting prices and ideas. Jim had offered to participate and he has been down to discuss this with Mgr. Bickhart and they are currently working on this together.

## **OTHERS**

**Newsletter** – Pres. Handlan asked when the next newsletter is coming out. Sheri replied that it should be September. Pres. Handlan asked for thoughts from Council for the newsletter. She suggested highlighting Gary and his staff in the next newsletter. It was also suggested that the new police officer(s) be highlighted. The deadline is August 1. The newsletter has six pages but it could go to eight. Mgr. Bickhart stated that the university print shop cannot handle one sheet tri-folded as the last one was. It had to be sent out so there was a premium for that. If two sheets are put together and then folded in half there are eight faces and stock paper can be used. Pres. Handlan stated she got a lot of compliments on the last newsletter from people. She stated she wants to highlight the Borough crew, answer the question of what they do in the winter when there is no snow to remove, and outline how long they have been employed by the Borough. She asked Council to start thinking about articles and she will work with Mgr. Bickhart on what they want to say about Gary and his crew.

**Weiser Run** – Mgr. Bickhart reported that years ago he got together with C/P Inch and they worked up a grant application for a stabilization project for Weiser Run. This related back to some work that was done for the Borough years and years ago where it recommended that Weiser Run be looked at and stabilized and the capacity evaluated. Some places were enlarged to get a more uniform carrying capacity. That application has been renewed year after year for the last three or four years. Council had endorsed that project and had indicated their willingness to cover the local share if the state grant money would be realized. That project was \$481,000 and \$96,200 would be the local match. That was based on a 20% local share with an 80/20 project. The most recent information indicates that this is now an 85/15 project so the amount of local share is now less. In the context of listening to Dave Nichols talk about the All Hazards Mitigation Plan that the county is putting together and seeing other municipalities list in there possible future projects for stream stabilization, Mgr. Bickhart felt that it was in the Borough's best interests to include the identification of a stabilization project for South Tributary as well. He took the information that was put together for Weiser Run and applied it to South Tributary. In order to let DEP know of the intent of the Borough to have two projects, when the update grant application was put together for Weiser Run one was also prepared for South Tributary. The difference is that Council was not informed about this application so there is no indication that it has Borough support. It was intended as a notification to go on record so that if anybody asked they would see that the Borough had these two projects and that those same two projects were in this All Hazards Mitigation Plan that Dave Nichols is putting together. There is no obligation to this; it was just for the purpose of identification for DEP. Every year that Mgr. Bickhart has done this Russ Fairchild's office has been aware and has supported the applications, encouraging the Bureau to consider funding for these. There is really no grant money out there right now for these projects. There are promises of programs that might create money for this kind of thing such as Growing Greener money and the Chesapeake Bay. Dave Nichols was putting his All Hazards Mitigation Plan together to try to get federal monies for flood plain mitigation projects and these things are stabilization projects but they will also significantly affect the carrying capacity of both bodies of water and that has to do with a flooding that results when you are trying to get more water into them than you can get out of them. Mgr. Bickhart stated he received a letter back from the state concerning the South Tributary application indicating that it did not have the political endorsement. The South Tributary project is almost twice as big as the Weiser Run project. It is a \$962,000 project for which the local share of 20% would be \$192,400. The acknowledgement of support has to come from Council. It cannot come from Mgr. Bickhart. When he put the application together he did not indicate that it had any community support. He asked if Council would wish to support this application. He stated he accomplished his objective by getting them in front of DEP to make them aware that these projects are out there and they are on their radar. Weiser Run will stay an active grant as long as the application is submitted every year until it gets funding. Russ Fairchild is also working to get money from the capital program. It seems like the approach is to get the applications in, be patient and wait years until they rise to the top. Eventually a notice may come stating that the program will be granted. Both projects are needed. Weiser Run is a smaller, more identifiable project to start with and it has more impact on properties and single family homes throughout town. South Tributary is twice as long but it goes through more open areas, along the

university and down by the railroad. Mgr. Bickhart stated it was never identified where the local money would come from if the Borough did get a grant. C/P Anderson stated she feels Council should support the South Tributary project and show that both projects are flood mitigation projects worthy of undertaking. Mgr. Bickhart stated that the language he used in the cover letter for Weiser Run was based upon Council's pledge to provide the local share of the project, which has been reduced from 20% to 15%. C/P Inch stated that he feels that the Weiser Run project is something that will eventually have to be done, just like a street program has to be undertaken, and the Borough will have to take some responsibility for it. Mgr. Bickhart stated there is no question that either of these two projects would be beneficial to flooding issues. He stated that a big piece of South Tributary comes down through the university and they have put substantial dollars into it and it is not enough. Adjoining them is the railroad and Mgr. Bickhart has spoken with Norfolk Southern recently and pointed out to them some areas where their rail siding is almost ready to undermine. He stated they have resources to do work, as they are doing the two crossings in town, possibly due to a rumored business locating in Penn Township that wants to have a railroad siding. Hopefully these two entities would help with the local share of costs if the grant were to be received for South Tributary.

Motion by C/P Anderson to draft a letter of support for the South Tributary project. Seconded by C/P Inch.

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

**ADJOURNMENT:**

With no additional business, the meeting adjourned at 10:01 P.M.

Attachments:    None