

**SELINGROVE BOROUGH COUNCIL MEETING**

**MONDAY, JULY 10, 2006 - 7:00 P.M.**

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

**COUNCIL MEMBERS ABSENT:** C/P D. Anderson

**OTHERS PRESENT:** Solicitor R. Cravitz; Mgr. J. Bickhart; Mayor P. Carroll; Borough Treasurer Sheri Badman; Recording Secretary Dawne Long; Daily Item Reporter Marcia Moore; Borough Residents Garry Beaver, Joseph and Margaret Siro, Ann Wagner, Clara Wagner, and Anthony Watts

**OTHERS ABSENT:** Police Chief T. Garlock

**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 JUNE 5, 2006:**

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

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

**VISITORS TO BE HEARD:**

**Clara Wagner regarding Cleon Bauman Property** – Clara Wagner reported that the rundown property at 309 South Market Street, which is next door to her, has become a health hazard. She stated the neighbors have put up with this situation for 3½ to four years. A flock of pigeons are now roosting in the house, gaining access through broken windows in the front and a place in back with some siding missing. She stated six or seven weeks ago she came to the police station to report that someone had broken the front door open on the property. She stated the property owner cuts the grass two or three times a year and does not clean up where branches have fallen from a tree. Mgr. Bickhart reported that this is the property that was given to Cleon Bauman by Mahlon Rathfon for years of service at the nursing home. The building was declared uninhabitable by CK-COG and a notice was sent to Mr. Bauman in January giving him 30 days to respond. In May Mgr. Bickhart wrote to CK-COG asking for an update and he has not heard back from them. Officer Mowery had contacted Mgr. Bickhart regarding another complaint on this property so a letter was sent informing Mr. Bauman that the property would be discussed at tonight's meeting. Mgr. Bickhart suggested beginning a more formal process with specific deadlines to pursue the Borough's rights under the Property Maintenance Code. He stated he is disappointed with CK-COG's lack of response and is recommending to Council that they proceed with Solicitor Cravitz and the Borough Manager's office. Mr. Bauman resides in Port Trevorton and has never occupied the property. In the 1990s it was occupied by a tenant. At some point the floor was torn out in the main part of the house so that if someone were to walk through the front door they would immediately fall into the basement. When Mr. Bauman was first contacted last year he did secure the building. Mgr. Bickhart stated Council needs to understand that by taking an aggressive position on this there will be a sequence of events followed by consequences to Mr. Bauman and potential expenses for the Borough. The Borough may end up paying for the demolition of the building and putting a lien on the property; however, the property may not be worth the cost of the demolition. Mgr. Bickhart reported that he has spoken with Mr. Bauman on two different occasions over the past 2 to 2½ years and the last time they spoke Mr. Bauman indicated he was going to demolish the building but wanted some time to salvage some materials such as copper plumbing. Shortly after that CK-COG became involved. Clara Wagner stated last December when the first notice was put up someone took out about three or four pieces of baseboard siding and that is all she has ever seen done to the property. She also stated she had called an

exterminator regarding the pigeons and she was quoted a cost of \$400 to get rid of the pigeons. Mayor Carroll asked if the Borough could board up the places where the pigeons are entering the building and track the fees to pass along to the owner. Solicitor Cravitz stated the Borough would have to give Mr. Bauman notice before they could do anything to the property. C/P Hetherington expressed dissatisfaction that Mr. Bauman has been allowed to get away with not keeping up the property. Mgr. Bickhart again stated that there is a process involved with solving this problem and it is not that easy. Council will have to commit to start spending money to resolve this. The process involves notices with a period of time for Mr. Bauman to respond by either doing what is ordered or to come up with a schedule of when it will be done. If the work doesn't get done then a notice must be sent that the Borough will do the work. Then the Borough can do the work and send the owner a bill. If the bill is not paid then another process is started. Mgr. Bickhart reported that Mr. Bauman may be a truck driver. He is out on the road a lot and hard to get hold of. Clara Wagner stated he has a van that he uses to transport the Amish. She stated she also saw in the paper that he bought the Newman Christmas tree farm. Solicitor Cravitz stated Mgr. Bickhart is looking for authority from Council to proceed with what is necessary to resolve this issue.

Motion by C/P Hetherington to give Mgr. Bickhart and Solicitor Cravitz permission to do whatever it takes to get this problem solved ASAP. Seconded by C/P Mengel.

C/P Reuning suggested giving Mr. Bauman the minimum amount of time for compliance. Mgr. Bickhart agreed, stating that the Borough tries to work with people and in most instances a letter is all that is required for compliance. In this case Council must be prepared to go further. Pres. Handlan called for a vote on the motion.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

**Borough Police Chief, Thomas Garlock – Presentation of Police Report for May 2006** – Mayor Carroll reported that Chief Garlock is on vacation. He stated there are some significant crime increases noted in the police report. Pres. Handlan stated she is concerned about the increase in burglaries and she asked if these are taking place in one specific section of the Borough. Mayor Carroll replied that he thought the burglaries were scattered throughout the Borough. Pres. Handlan stated she is also concerned about the increase in drug offenses. Mayor Carroll stated this is not just a Borough problem but is a problem in all surrounding areas as well.

**Consider hiring Andrew Francis Barbella as a part-time officer** – Mayor Carroll reported that Mr. Barbella is currently in Prince George's County, Maryland. He will have to go through a process to be approved in the State of Pennsylvania. He is a graduate of Bloomsburg University. If Mr. Barbella passes a test he will be grandfathered in Pennsylvania. He and his family are moving to the area sometime in July.

Motion by C/P Hetherington based on Chief Garlock's report that if Mr. Barbella meets all of the requirements that Chief Garlock be given permission to hire Mr. Barbella as a part-time officer. Seconded by C/P Inch.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

Margaret Siro asked if she could see a copy of the police report, which Pres. Handlan allowed her to see. Pres. Handlan asked at what point Council will be proactive and take the responsibility of notifying the Borough residents that there are increases in burglaries in order to allow the citizens to be more cautious. Mayor Carroll stated there have also been more burglaries at the Selinsgrove Elementary School than there have been in the past. He stated that no further action has been taken on the community Crime Watch program in the Borough. There are pros and cons on this and the person who suggested it has not been back to any more Council meetings. This would be another avenue to explore if the community would get involved, but if there is no community involvement then the police department should not be expected to train and support a program that people will not support. C/P Hetherington stated after the initial request the Safety Committee never really pursued this. He got no feedback from the public on it.

**Grant Agreement** – Mgr. Bickhart reported that the police department received a grant agreement for the \$20,000 that Russ Fairchild had made available to them for renovations to the police department. Solicitor Cravitz looked this over and it is pretty much a standard contract.

Motion by C/P Hetherington to authorize Pres. Handlan to sign and Mgr. Bickhart to attest the grant agreement. Seconded by C/P Inch.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

**DH&L Fire Company** – No report

**UNFINISHED BUSINESS FROM PRIOR MEETINGS:**

**Review List of Council Issues** – Mgr. Bickhart reported that Bob Slivinski's inlet has now been completed. C/P Reuning's committee will meet tomorrow at 10:00 to go over some sidewalk issues. C/P Mengel asked if the library has moved into the basement at all and Mgr. Bickhart replied that they have not. C/P Hetherington stated he was glad to see that the Slivinski issue has finally been resolved. He stated that it took a long time to happen and he made it clear that he was not blaming Mgr. Bickhart for anything. Mgr. Bickhart stated that unfortunately when the pipes were completely open and there was all that rain the other day the water still backed into Bob Slivinski's basement. He stated that nothing the Borough does there will stop Weiser Run from backing up into the street and the basement short of the Slivinskis building some sort of dike around the foundation wall. C/P Inch stated reporting the sewer rates that the Finance Committee had a meeting and they are still waiting for the data so a decision can be made as to how to proceed. A second meeting is scheduled for July 25 and after this meeting he hopes to have a recommendation for Council. Sheri and the summer intern are doing studies to find out what the Borough's costs are and what the metering shows.

**Consider proposal prepared by Gannett Fleming pertaining to conducting a Water System Inspection** – Mgr. Bickhart reported that this is not the same scope that existed when the trust indenture required annual review by Gannett Fleming because some things are currently done in-house. Gannett Fleming has proposed to use their hourly rates and they estimate a cost of \$3,000 for their services. This is not something that needs to be done annually. The inspection will reveal when the next inspection should be done. If something is in good shape it would not need to be inspected annually; if something is in need of repair or observation then the inspection of that element can be done annually. Jeff Golding is the person that has been identified as doing the inspections. Stating he means no disrespect to Gannett Fleming, Mgr. Bickhart noted that in an organization that size someone could be sent out who knows less about the water system than Rick and Roger do. However, that is not the case here. Mgr. Bickhart had an opportunity to interview Mr. Golding and he will be able to make some meaningful suggestions on the operation and maintenance of the system. C/P Hetherington asked if the money is available for this and C/P Mengel replied that \$2,500 has been set aside for the inspections.

Motion by C/P Mengel to enter into an agreement with Gannett Fleming to inspect the water system. Seconded by C/P Hetherington.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

Pres. Handlan asked about the additional services. She wanted to be sure that if these were needed that they would be brought back to Council. Mgr. Bickhart assured her that that would be the case.

**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: SIX (6)                      NAYS: NONE                      MOTION CARRIED**

**Statewide Tax Recovery, Inc. - Exoneration Requests** – Danielle Alderson requests exoneration for the year 2005. She submitted documentation that she was not a resident at that time.

Motion by C/P Mengel for exoneration of Danielle Alderson. Seconded by C/P Hetherington.

**AYES: SIX (6)                      NAYS: NONE                      MOTION CARRIED**

**Review of preliminary ESCRA metering data** – Mgr. Bickhart reported that based upon the three months of metering data there is a reduction in the Borough's percentage of the costs of operating ESCRA. The Borough will no longer pay for the unaccounted for part of the flows. The amount of the reduction is conservatively estimated to be around \$100,000 per year.

**PUBLIC FACILITIES & SERVICES COMMITTEE: C/P Reuning, Chairman** – The committee will be meeting tomorrow regarding sidewalks.

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

**COMMUNITY ACTIVITIES AND PUBLIC AFFAIRS: C/P Herb, Chairman**

**Report on Town and Gown Committee Meeting held June 26, 2006** – C/P Herb reported that a meeting was held with officials from Susquehanna, including Tom Rambo, Tracy Tyree, and Eric Lassahn and Borough representatives including Mgr. Bickhart, Pres. Handlan, C/P Reuning and himself in attendance. The discussion centered on the effectiveness of regulating the conditions under which students were occupying rental properties in the Borough. The general sense was that those people who own properties that rent to students who are active in managing their properties and establishing criteria that the students have to meet probably have the fewest number of problems with their students and when problems arise involving their tenants they are the ones that are most likely to be resolved quickly and directly. Altogether there were about eight to ten different property owners present at the meeting, several of whom own multiple properties. This constituted a significant number, but not a majority, of properties that are available for rental. C/P Herb felt that it was a productive meeting. It showed that there are areas of responsibility that the university is not willing to assume and there are areas of responsibility that property owners legally cannot require of their tenants. Responsibilities and opportunities were clarified for the Borough, the tenants, the university and the property owners.

**PERSONNEL MANAGEMENT COMMITTEE: C/P Anderson, Chairwoman** – Mgr. Bickhart stated dates were chosen to conduct interviews of candidates for Gary's position. C/P Mengel and C/P Herb stated late afternoon or evening would be better on any of the dates, July 19, 20 and 21. Mgr. Bickhart will schedule some interviews and let the Committee know when they will be.

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

**Consider request from Pete Carroll, SASD Transportation and Crossing Guard Coordinator, pertaining to extending the no parking zones along Broad Street at Mill Street** – C/P Hetherington stated that he had received a letter from Mayor Carroll in his role as transportation and crossing guard

coordinator for the school district requesting that the yellow curb lines be extended at the northwest and southwest corner of West Mill and Broad Street by 15 feet on both sides in order to improve visibility and safety at the intersections for vehicle and pedestrian traffic. The school district's maintenance department would supply the labor and paint for the extension at no cost to the Borough. C/P Hetherington stated there was not a Safety Committee meeting per se but each member individually had no problems with this proposal; therefore, the Committee is suggesting that Council approve this request. Chief Garlock and the safety patrolman in the area are also in favor of this. This will require an ordinance change. If the process is begun this evening it should be able to be implemented shortly after the start of the new school year. C/P Herb suggested also considering this same change at the next intersection north, at Penn Street on the Elementary School side, which is actually Seals Drive, where the sight lines could also benefit from increased no parking zones. There was some discussion of lost parking spaces and it was noted that a parking space along the curb is usually 20 feet. With the proposed ordinance change one parking space may be lost on each side of an intersection.

Motion by C/P Hetherington to pass an ordinance extending the no parking zones at the northwest and southwest corner of Broad Street at West Mill Street by 15 feet to the north and 15 feet to the south, and also extend the no parking zone at the southwest corner of Broad Street at the intersection with Seals Drive an additional 15 feet. Seconded by C/P Reuning.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

C/P Hetherington stated he will get with Mayor Carroll and Chief Garlock to look into other intersections and problem areas throughout the Borough.

**Parking of oversized vehicles on Borough streets** – Pres. Handlan asked how successful the program has been where notices have been put on the large vehicles around town. C/P Hetherington stated he has had no feedback on this. C/P Mengel stated the large camper on Tenth Street is now parked in the back yard. Mayor Carroll stated he understood that the notices will be handed out based on complaints. The officers will keep track of the tag number as well as the date, time and location of the vehicle. Mgr. Bickhart stated there are fewer trucks parked around town and he has noticed that the recommended parking area on South Water Street has a tractor-trailer parked there that was not there before. He stated the most offensive truck, which blocks a stop sign, is at the corner of Tenth and Sherman Streets. He has spoken with the woman who lives on the corner and she claims she does not know who the driver of the vehicle is. He stated this issue is not a large problem but involved a small number of vehicles that were inconveniently placed.

**PLANNING COMMISSION: Earl Moyer, Chairman** – No Report

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

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

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

**Reminder of Multi-Municipal Comprehensive Recreation, Parks and Open Space Advisory Committee meeting to be held July 20, 2006 at 7:00 p.m. in the Selinsgrove Borough Council Meeting Room** – Information only. Pres. Handlan mentioned that Penn Township has received some grant money.

**SHADE TREE COMMISSION: Karl Maul, Chairman**

**Report on Susquehanna Avenue trees** – Mgr. Bickhart reported that an arborist has looked at the trees and based on his report the Shade Tree Commission has recommended that one of the trees be removed. The Borough engineer has revised the street program and is proceeding on without damage to any of the trees. Mayor Carroll reported that the trees' owners have been notified by the Shade Tree Commission of their recommendations. The Rudnitskis will be removing the one diseased tree on their

property. Mayor Carroll also reported that the Shade Tree Commission has expressed their willingness to work with Council regarding the trees at the former CVS site as well as trees downtown and throughout the Borough. Regarding the trees and improvements at the CVS site, C/P Reuning asked if SPI has gone back to Don Sherwood's office regarding the property. Mgr. Bickhart reported that he found out that the grant has been closed but it will open again next February or March. This would be an issue at budget time for Council to consider what trees they would like to add to the site. A number of entities have asked for trees, such as the tree museum, the Parks and Recreation Committee, the Streetscape project, and SPI. They could all go together to participate in one grant, which is a 50/50 program. The program will accept a lot of in-kind services, which is unusual for a federal grant program, but this one acknowledges the use of the Borough's backhoe and labor provided by the Borough crew and equipment. C/P Mengel asked about the tree at Kleinbauer's and Mayor Carroll stated the Shade Tree Commission will be making a recommendation regarding this tree.

#### **BOROUGH ADMINISTRATIVE REPORTS:**

**MAYOR: Pete Carroll** – Mayor Carroll reported he is keeping in touch with Chief Garlock on a weekly basis. There should be some more work done at the police station now that the \$20,000 grant money has been received. One of the projects Chief Garlock wants to do is to close off the back of the building to keep people from walking past the back door area. Mayor Carroll also reported that he was asked for the first time to perform a wedding; however, he was out of town that weekend. He asked the he be informed of meetings so that he can attend. C/P Herb asked how it was determined where the \$20,000 grant money will be spent. Mayor Carroll replied that Chief Garlock had made recommendations to Council in the form of a wish list and the money will be applied to the items on this list.

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

**Advice concerning abstentions in voting** – Solicitor Cravitz reported that Council members have an obligation under the Borough Code to vote. When a Council member has a personal or pecuniary interest in the matter being voted on then the Council member must abstain and must inform the other Council members as to the reason for their abstention. Years ago a Council member did vote after making it clear to the rest of Council that there was a personal interest. At that time the rest of that Council waived the conflict and decided to allow the other Council member to vote. However, this is very rare. As an example, in the past C/P Inch would always abstain from votes involving Penn Printing due to his involvement with that business. The Borough Code suggests \$1,000 as the cutoff for pecuniary interest. Council members have been elected by the public and can very seldom abstain except for in the case of personal or pecuniary interests. A Council person cannot abstain from voting to avoid personal embarrassment or to avoid alienating constituents. If a Council person cannot make up his or her mind or does not have enough information to vote then that could also be a valid reason to abstain. C/P Mengel asked why this has come up after the vote last month on the church, when she and C/P Hetherington abstained because they are members of the church. Mgr. Bickhart replied that this has been an issue in his mind since reading a Q&A in the Borough magazine a number of months ago. The article had indicated that Council members have the right to abstain under certain rules but he saw that the Council person is required by law to inform Council of the situation either orally or by written memo and this was not occurring. Because it is required by law, in addition to abstaining the record must show what the reason is for the abstention. C/P Hetherington objected to having to state a reason for abstaining. Solicitor Cravitz replied that it could just be a simple explanation that it is for personal or pecuniary reasons. It just needs to be put on the public record if a Council person had a personal interest in something. C/P Herb stated he always thought it was up to the Council person to vote or withhold their vote as they saw fit, whether there was a personal reason for withholding a vote or not. He stated this information is helpful to him even though he is not sure he is comfortable with what it says. He stated there may be some problems with it down the road.

Margaret Siro stated that she has been reading issues of the Borough news and she has been struck by an article on the role of the elected Council members and their responsibilities to the citizens who have elected them. She asked if each Council member has a copy of the up-to-date Borough Code and Pres. Handlan replied that they do. Mrs. Siro stated she is also having trouble figuring out what SPI's role

is in the Borough and what the citizen's role is in the Borough. She expressed concern for community projects and who bears the ultimate responsibility if a project such as the CVS property were to fail. She stated she herself and other citizens may not want to get involved with something that down the line may be run by private owners rather than a community organization. Pres. Handlan addressed Margaret Siro's concerns and reported that she and Sheri Badman had attended a seminar a few weeks ago that addressed a comprehensive plan for the Borough. It is not just the Borough Council that contributes to this plan. The citizens, SPI, the Selinsgrove Chamber of Commerce, SARI and the Council all work together for the betterment of the community. Each organization needs to have trust in the other organizations that they will be able to do what they say they will do. Each organization has partners to help them carry out their commitment to the public. All meetings are open to the public. Mrs. Siro expressed concern about something she read which stated the ultimate responsibility lies with the taxpayer. She emphasized the seriousness of the positions that are held by the Borough Council members to work for the citizens who cannot attend meetings and who do not have the Code book and who do not understand everything that goes on. The citizens are trusting the Council members to do what is best for the Borough and its residents. She stated she has put a lot of trust and hope into the Council members and she respects and admires what they do for everyone. Pres. Handlan thanked Mrs. Siro for her comments and encouraged her to bring her concerns to Council either at a meeting or via telephone to herself or Mgr. Bickhart. Mayor Carroll stated he understands Mrs. Siro's concerns and he stated he himself is still learning. It is a constant learning process. C/P Hetherington thanked Mrs. Siro for her comments and for her trust and faith in Council, stating that it means a lot to him to hear her comments. Pres. Handlan noted that Margaret Siro is very involved with the Selinsgrove Library.

**Consider the adoption of Resolution 2006-6 pertaining to Main Street Manager Program** – Solicitor Cravitz reported that this resolution is to authorize a request of \$170,000 from the Department of Community and Economic Development for the Main Street Program. The Borough on behalf of Selinsgrove Projects Inc. will assume the full local share of the project costs. The Borough, acting on behalf of SPI, will reimburse the Commonwealth for the state's share of any expenditures found by DCED to be ineligible. The Borough Secretary needs to be authorized by Council to execute a certificate attesting to the adoption of the resolution. Mgr. Bickhart reported that he has an amended version with the correct date on it since the Council meeting was postponed a week. The funds for this are not budgeted, as it is a grant request.

Motion by C/P Mengel to adopt the resolution. Seconded by C/P Herb.

There was some confusion because the agenda listed this as pertaining to the streetlight program. Mgr. Bickhart clarified that this involves the application of SPI for the Main Street Manager Program. C/P Hetherington stated he would like to see in writing just exactly what this program is. He stated the Borough has a Council, a Chamber of Commerce, SPI and he does not feel a main street manager is needed. Pres. Handlan stated all of the individuals in these organizations are volunteers who work full time at other jobs and cannot devote time to a main street manager project. She stated she does not want the Borough Manager using his time to go out and find individual businesses to fill empty storefronts. There was some discussion involving the Borough's share of the project. Pres. Handlan stated the contribution required by the Borough for five years totals \$90,000. Susquehanna University has committed \$45,000 and it is estimated that SPI will contribute \$22,500, leaving the same amount to be contributed by the Borough, or \$4,500 per year for five years. The \$170,000 grant and the contribution of the \$90,000 will cover the entire program including the salary for the main street manager. C/P Herb stated that the main street manager will be someone who will have responsibility for the development and promotion of the Market Street area so that it will become an enhanced area for both businesses and pedestrians and become a more attractive area for the community and an asset to the community. He cited Hughesville as a community that has made many improvements to the downtown area within the past year, stating that this is what he envisions for Selinsgrove. He stated there are no assurances for what will happen in five years but this resolution is more to adopt a vision of what might occur if Council takes the action and invests the trust and faith that, given the right leadership and taking the proper steps now, the Borough is headed in the right direction. Pres. Handlan stated that there was a main street program attempted in the past but it was a shared effort between Selinsgrove and Mifflinburg and it really did not pan out the way it was anticipated. In today's environment the energy and the resources are

available to make this happen. Mgr. Bickhart stated the Borough does get involved in the hiring process. SPI is the corporation that has been formed to advertise for, hire and pay the manager. SPI is the entity that will define the scope of the duties of the Main Street Manager. This will be in concurrence with Council and what Council wishes to see. The program does not have one description but is a program that is modified to suit the needs of each community. The Borough's financial commitment has been budgeted. DCED requires the Borough to take a co-applicant position on the application but the Borough will not have to pay the entire amount required. Council may want to have some type of agreement with SPI concerning the fact that SPI is taking on all of the responsibilities for this and Council is simply signing the agreement to back them up, much like the other projects and fundraising activities that they have accomplished such as purchasing the CVS building and raising the funds to demolish the CVS building and working toward creating a park on the CVS site. This is a matter of confidence in SPI to believe that they will be able to do what they say they are going to do. C/P Hetherington stated SPI is taking on the responsibilities of developing the boat ramp and the main street project, but Council has never seen a financial report. He feels that everything has been in secret as far as who put the money up and whether it will have to be repaid. He stated if the projects fall through the taxpayers are liable for the money. He stated Selinsgrove is competing with Wal-Mart and a big mall right up the road. He stated downtown Selinsgrove will never be the town that he grew up in because people will not want to make the commitment to locate stores there. He also expressed concern that the Council will not spend money to hire more police officers but yet they want to have more places downtown for the college students to hang out. Pres. Handlan stated SPI meetings are held the third Tuesday of every month and Council members have been invited to attend those meetings. She stated Council can have copies of their minutes or their financial reports. She stated SPI has done nothing but good things since they were formed by splitting off from the Chamber of Commerce. She noted it was the Chamber that got the streetlight project going. C/P Hetherington asked for a figure by the next Council meeting of how much the Council is undersigned for in supporting all the organizations and projects in town, such as the fire company. He expressed concern about a worst-case scenario. Pres. Handlan stated Council approved the budget so these figures are known. C/P Reuning stated Council has to have some vision to move forward and make improvements. C/P Mengel stated that Council never voted to say they would support the Main Street Manager Program even though money has been put in the budget and the budget has been voted on. Pres. Handlan stated that this goes back to before she was even on Council. The university had committed to their share of the funds before she came to Council so that is where the research should be done to see what was voted on. Solicitor Cravitz stated this resolution is to file a proposal for funds. It does not mean the funding will be approved by DCED. If the grant is approved the Borough can still refuse to accept it if the requirements are too onerous. Council will vote on the program when they find out if the grant is approved or not.

Pres. Handlan called for a vote on the motion.

**AYES: FIVE (5)**

**NAYS: ONE (1) – C/P Hetherington**

**MOTION CARRIED**

**Curb and Sidewalk List** – Mgr. Bickhart reported on a list of property owners for which curb and sidewalk improvements have been identified as part of the 2006 Street Program. Council needs to authorize Solicitor Cravitz to prepare the ordinance necessary to tell these people to construct the curbing and sidewalks that have been designed. If they do not do the work then the Borough will have it done and a lien will be placed on the properties in question.

Motion by C/P Mengel to authorize Solicitor Cravitz to prepare the ordinance. Seconded by C/P Reuning.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

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

**Update on pending projects** – Mgr. Bickhart reported that the bids were opened for the 2006 Street and Alley Program. The low bidder was Mid-State Paving in the amount of \$206,946.29. There was one

small problem with that bid that John Coukart and Solicitor Cravitz spoke about today concerning the fact that the bid documents require prequalification by PennDOT and apparently Mid-State has allowed their prequalification to expire. Solicitor Cravitz's recommendation is to award the bid conditional upon Mid-State being able to re-obtain the appropriate prequalification by a certain date. He stated that Mid-State reported that they can get their qualifications in line within two to three days. Because there is a \$25,000 difference between the low bidder and the next bidder it would be in Council's interest to grant Mid-State the additional time, perhaps to July 20, to obtain the prequalification. If they cannot do this then Council would have to go to the next lowest bidder, which is G&R Charles Excavating Limited with a bid of \$231,732.30. Several Council members wondered why Mid-State would allow the prequalification to expire since they are a paving contractor. Mgr. Bickhart replied that if a contractor does not do a lot of PennDOT spec work then they do not need it and it is easy to forget about renewing it. He stated there was a different prequalification problem with Beck Electric and the streetlight bids. Solicitor Cravitz stated that Mid-State's prequalification lapsed just about two weeks ago. Mgr. Bickhart pointed out that if Mid-State does not get the prequalification then Council will have to reject their bid before then accepting the next lowest bid. He would like to do all that with a conditional motion tonight rather than put it off another month. Sheri pointed out that Council needs to adopt an ordinance before they can do the street program and then the residents are given 30 days after the ordinance is adopted in August so the project will not actually begin until September at the earliest. C/P Inch asked about the financial stability of Mid-State and Solicitor Cravitz assured Council that John Coukart informed him that Mid-State met all the other qualifications. The bonding is in order and they do quality work. The Borough would not be waiving the prequalification but would just be extending the deadline for obtaining it.

Motion by C/P Herb to tentatively award the bid to the low bidder, Mid-State Paving, under the condition that within ten days, by midnight on July 20, 2006, Mid-State Paving will produce the required prequalification and in the event that they do not produce the required prequalification by the deadline then Council will reject the bid of Mid-State Paving and award the contract to the second low bidder, which is G&R Charles. Seconded by C/P Inch.

C/P Mengel expressed concern that Council is being unfair to the other companies who submitted bids and who do have all of their qualifications. Solicitor Cravitz stated that Council is allowed to waive minor defects in all bidding processes. Council is not taking the qualification out but is allowing extra time for Mid-State to get the certification but if they do not get it then their bid will be rejected. Mgr. Bickhart stated there is no specific language stating when the prequalification is required in the process. It indicates that the contractor is required to have it but it could imply that he does not have to have it until the date that he actually does the work. The contract language is not specific as to when a contractor has to have the qualifications. Mgr. Bickhart reported for Council's information that another contractor has inquired about the fact that he knows that the low bidder does not at this point in time have the prequalification. Pres. Handlan stated that Mid-State did have the prequalification at the time they made the bid; it just lapsed in the last two weeks. C/P Mengel stated she does not want to see Council get in trouble over this and Mgr. Bickhart stated that Council is accepting an informality and making a determination based upon the solicitor's advice that it is appropriate to give the contractor ten days to obtain the certification.

Pres. Handlan called for a vote on the motion.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

Sheri pointed out that the budget allows for \$205,000 so if Council goes with the second low bid of G&R Charles will they take Base Bid 1 or will Council elect to review the cost of the streets and take a project out or pay more money. Solicitor Cravitz suggested dropping down to Base Bid 3, which is \$182,000. Base Bid 2 is \$210,000 which is \$5,000 over budget. C/P Hetherington suggested going with the entire project even if Council has to borrow from within or from a local lending institution. The price to finish the project next year will most likely be more than the \$25,000 difference. He suggested borrowing the money from the water fund. C/P Herb asked what the implications of a \$25,000 loan are to the Borough. Solicitor Cravitz stated the money is usually taken from the water fund and C/P Inch agreed, stating that the Borough would most likely borrow the money from itself. C/P Herb verified from Sheri that the money

is available and does not impact the activities of the Borough in any way or have any adverse effects. It is basically a transfer from one account to another which will be replaced during the next budget process.

Motion by C/P Hetherington that in the event that Council has to go with the second lowest bid and needs additional funds, the money would be borrowed from within to make up the difference in the cost.  
Seconded by C/P Mengel.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

Mgr. Bickhart reported that the School District completed the work on the Weiser Run washout. The Borough was not notified before they did it or while they were doing it. He and the engineer have looked at it and their intention was that the work should be done under the inspection of the Borough engineer. John Coukart has been asked to inspect the work and make a report back to Council. During the last rain some of the larger rock actually moved off the fabric, which means it is not stable and it is moving where it is not supposed to move. Coukart will determine if this is a problem or not.

**BOROUGH TREASURER: Sharon Badman**

**Review Treasurer's Report for June 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.

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

**Non-Police Complaint Update** – Mgr. Bickhart reported that many people have calling the office this summer. He is following up on as many as possible but there are still some on the list that need to be followed up on. He has been utilizing the letters that were shown to Council last month, making people aware of circumstances relative to the Property Maintenance Code. Some of the people who received letters have called and agreed to rectify the problems. C/P Mengel asked how many letters have been sent to Cleon Bauman regarding his property and whether or not he has ever been fined. Mgr. Bickhart replied that CK-COG sent a letter in January based upon their inspection and requested Mr. Bauman to respond within 30 days. Mgr. Bickhart sent a letter to CK-COG four months later asking for a progress update. He then sent a letter to Mr. Bauman on July 7 inviting him to the meeting tonight and asking him to take action before the Borough takes more aggressive action, which has been authorized tonight. C/P Mengel asked if Mr. Bauman has ever been fined for the weeds and Mgr. Bickhart replied that that would be a police department issue under the Borough ordinance and he does not know if Mr. Bauman has been fined. C/P Hetherington asked if the Borough is getting their money's worth out of CK-COG. Pres. Handlan stated she knows they are in the process of hiring five more inspectors. Solicitor Cravitz stated they are really swamped with construction season issues. Mgr. Bickhart stated that the Borough is getting its money's worth because they are paying CK-COG nothing and are basically getting nothing in return. CK-COG has not sent a bill to the Borough for any of the work they have done on any issues including all the work they did on the Mary Searer property and the Cleon Bauman property. There is a fee schedule that the Borough has adopted and CK-COG knows they can bill the Borough because these are extra services. Mgr. Bickhart feels that Tom is embarrassed by the service and is doing what he can to keep up and is not charging the Borough. C/P Hetherington asked if the Borough should consider hiring another agency. Mgr. Bickhart replied that at this point in time CK-COG responds to the Borough's requests to do inspections but they do not follow up administratively. The Borough does not have to defer these issues to CK-COG but they have chosen to. By Council's action tonight they have taken the Bauman follow-up away from CK-COG and will proceed to administratively follow up on their own under the Property Maintenance Code. For now Mgr. Bickhart suggests using CK-COG to their best advantage, which is inspections, and the Borough will follow through with the administrative parts. Pres. Handlan stated she will call Tom tomorrow. C/P Mengel asked about the Bartholomew property on High Street and whether it has been up for sheriff's sale yet. Solicitor Cravitz stated it will be up for sheriff's sale in August. C/P Mengel asked if the new owner will be responsible for the cleanup and Solicitor Cravitz replied that if the bank gets it back then they will be responsible for the cleanup and if they sell it then the buyers will be responsible.

**Update of PROPERTY TRANSFERS and BUILDING PERMITS ISSUED, Janet Powers, Deputy Zoning and Permit Officer** – No update this month.

**Notice from Snyder County Assessment Office pertaining to increasing the predetermined ratio from 75% to 100% effective 1/1/07 (13 mills at 75% = 9.75 mills at 100%)** – Mgr. Bickhart reported that this does not mean that properties are worth more on the market but that the basis that is used to figure out a property's value has changed. The value of a property is now 100% of what it would have been worth in 1973 according to the Snyder County Assessment Office's figures. This will require that when Council starts the budget process for 2007 instead of showing 13 mills they will show 9.75 mills to start because that is the equivalent millage that generates the same revenue from the new assessment base. Five or six years ago it went from 25% to 50% and the total went from 20-some mills to half of that. This is the same process.

**Annual update of Selinsgrove Borough Code books** – Mgr. Bickhart reported that Council members need to go through the process of inserting the updates into the Code books.

**National Incident Management System (NIMS) training** – Training for Borough employees and Borough Council is set for Wednesday, July 12, 2006 from 10:00 a.m. to noon in the training room of the Snyder County Communications Center. Prior to the training session participants are to read the Manual. Immediately following the training session the certification exam will be given on one of the computer terminals at the Center. Anyone who cannot attend this session should contact Mgr. Bickhart to arrange an alternate. There will be another opportunity scheduled to go the comm center, probably sometime during the evening. The exam could also be taken right in the Borough office. Pres. Handlan asked if there is still a fee of \$25 to take the course and exam online and Mgr. Bickhart replied there is not. It was reported that Sheri is exempt from taking the NIMS training because she is not actually involved in the incident management process. Council is included because they could be called upon to authorize funding in the midst of an incident and the Borough crew will actually be responders to the incident. Pres. Handlan suggested people not take up Mgr. Bickhart's time to take the exam in the Borough office. She stated they can take the exam online from their own home computers. Mgr. Bickhart stated the best thing for everyone to do is to allow Snyder County Emergency Communications to give the review and then take the exam out there right away because in the review they will essentially go over all the things that are needed for the test. He stated he will be there in case anyone needs assistance.

**Report on the "Institutional Control" measures proposed to resolve the soil contamination issues at the Career Link property (formerly AMP, Inc.)** – Mgr. Bickhart reported that he was invited to a meeting at the former AMP building regarding an environmental situation. When the Commissioners bought the property AMP had agreed to conduct an investigation of the potential contamination. Some contamination was found and a means of resolving the issue has been proposed. If the Department of Environmental Protection accepts the proposal it will end the monitoring and the obligation of AMP to further investigate, monitor or remove any of the contamination. There are very minor materials that have gotten into the groundwater and some materials that are in the soil in one particular area of the site. The measure of institutional control is that the area where the material is in the ground has been identified and an easement will be put around it stating that no one will ever build there and that will be the end of the issue. This has no impact at all on the fire department's proposed social hall. The area where the materials were stored for years and leached into the soil is all on the part the County owns and not on the part that the Borough owns. The County is proposing that the material stay in the soil and never be disturbed. C/P Inch asked if there is any danger of the chemical leaching into neighboring lands and Mgr. Bickhart replied that this has already happened. C/P Herb asked what the materials are and Mgr. Bickhart stated that they are various organic compounds, nothing toxic, nothing carcinogenic, and nothing that would pose a threat to uses of the groundwater. The consultant was very meticulous in investigating any potential well that exists in the area that the groundwater contamination has occurred and studied possible well sites in the Borough all the way down to Market Street and out almost to Penn Street. There was only one well that was identified and it is a reinjection system that is being used for a groundwater heat pump. The consultant believes that no one will have access to any of the contaminated groundwater. C/P Herb asked how far the contamination is from Penn's Creek and Mgr. Bickhart reported he does not have data on how far the plumes exist. C/P Inch asked how large an amount is

underground and Mgr. Bickhart replied that it is a minimal amount. C/P Herb asked if they are chemicals that were stored in drums underground. Mgr. Bickhart replied that they are chemicals that were stored in drums that were above ground that leaked or were spilled onto the ground at a time when that was no big deal. These are chemicals that the employees handled without fear. However, the whole world has changed in terms of contamination. He stated he is comfortable with the fact that DEP is having an overview of this. No one is trying to slide anything under the carpet and it is all open and above board. There is much documentation concerning the contamination, where it exists and the wells that could be affected. The consultants seem comfortable with the proposed mechanism of control to just let it there and eventually it will degrade itself to nothing. C/P Mengel asked if there was testing done on the site of the proposed social hall. Mgr. Bickhart replied that there are monitoring wells there and they have not indicated that there is an environmental hazard there that needs to be dealt with. Joe Siro asked how this will affect the Chesapeake Bay if it's in the waterway. Mgr. Bickhart corrected him, stating it is in the groundwater, not the waterway. He stated that the people that Council trusts to study these things on their behalf are looking at this and are hopefully making decisions that are in the Borough's best interests and these people are not concerned so neither is the Borough.

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

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

**Update on proposed sewer service for development outside four-municipality area –** Mgr. Bickhart stated that he talked with Dave Faust, who reported that the issue of providing sewer service to a property in Union Township has not really come to the forefront yet. Dave will keep Council informed and Mgr. Bickhart explained Council's concern regarding how the decision is made and the need for more information so that Dave will keep Council apprised of any changes. The issue is that this is an area that is outside the political boundaries of the four municipalities that form ESCRA, it is not a part of anybody's service area, and there is a finite reserve capacity at the sewage treatment plant so giving it away to another municipality is of tremendous benefit to that municipality. Mgr. Bickhart stated that he is aware that some of the initial discussions at ESCRA have been around the fact that if this is done it will come with a huge price tag to try to compensate the municipalities that have been a part of ESCRA for all these years, much like the tapping fee is meant to do in the Borough. The tapping fee is a way for a new person to compensate the community for all of their investments over the years to have a sewer system. There was discussion regarding the fact that this customer would actually be a customer of Penn Township Municipal Authority because it is closest to their border. Mgr. Bickhart stated the point he made to Dave and that Dave would take back to ESCRA is that if there is any thought of municipalities benefiting it needs to be all of the members who have contributed towards the regional system for all of these years and not just Penn Township. All of the municipalities have the need to be paid back for the investments because they are all losing the economic benefit of the reserve capacity. Even Shamokin Dam loses something. Dave will carry that point back and he told Mgr. Bickhart that Penn Township is very adamant about the fact that if this does happen it will come with what would amount to be a huge tapping fee to make this financial adjustment. Mgr. Bickhart stated that his problem as he discussed with Council last month is that when that last gallon of capacity is gone the cost to put in reserve capacity is going to be mind boggling and that will be his concern as to whether there will be sufficient funds to cover that. There is currently a very simplistic agreement with the other three members and there are no capacity allocation formulas. It has also not been discussed as to whether you can or cannot extend service beyond your political boundaries. If this does come to pass Council needs to be prepared through their representatives to take a very aggressive stance. Mgr. Bickhart stated people can get caught up in the fact that it would help development and everyone is in favor of development in the region, but this has big dollar consequences to the four members of ESCRA and that is where Council needs to be prepared to be aggressive.

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

**NEW BUSINESS:**

**COUNCIL MEMBERS**

**Pres. Handlan** reported on the meeting that she and Sheri attended several weeks ago. Sheri submitted an in-depth summary of her experiences at the seminar. There were quite a few different municipalities from across the state in attendance, from townships and boroughs to counties as well. The whole gist was linking a municipality's comprehensive plan to its budget. There are a lot of things that Selinsgrove already does that puts them ahead of other municipalities, such as the fact that Council recognizes that there have to be potential partners. The seminar provided a list of the partners that are available to organizations like SPI, the Selinsgrove Chamber of Commerce, the pool, the library, churches, and civic groups. A lot of the entities really are not astute in what resources are available. These resources include entities such as SEDA-COG. Council needs to start communicating better with the organizations in the community to let them know what is available and how Council can help them. Some municipalities with a large proposed project will put it on their ballot to have their citizens vote on it. That would be good feedback to Council on issues such as if they want to hire another police officer but cannot do so without raising taxes. It could be put on the ballot and the community can tell Council to go ahead and find the funds to hire a police officer. It would be an added benefit to Council to know that they had the support of the community in doing what they are doing. Another suggestion is for communities to bid projects earlier in order to capitalize on low bids. Since there is no activity going on they have the ability to get better bids on some of their projects. Pres. Handlan stated the seminar was very worthwhile in many ways. It gave her helpful hints to look at going forward with planning and budgeting and it also gave her a comfort level that Selinsgrove is a lot further ahead than a lot of communities and they are doing more than what they even realize in that respect. But Council does need to do a better job of communicating with the partners in the community and they also have to start taking advantage of Marcia Moore, write their own press releases, and get many more articles and more positive articles out there about what they are doing because visibility is so important. This has already been started by the expansion of the Borough newsletter, and Pres. Handlan reminded everyone to think about getting some information to Sheri for the newsletter. The public works department will be highlighted so Borough residents will know more about the crew and what they do when they are not mowing grass or plowing snow. Pres. Handlan reported that there is another seminar coming up on Developing and Managing Your Municipal Budget that the Finance Committee might be interested in attending. This is an all-day session in August and September.

**C/P Reuning** reported that on July 26 new contract talks will begin with the police department.

**MAYOR** – Mayor Carroll stated that he will be attending a mayor's conference in Harrisburg for two days this weekend.

**OTHERS**

**Lycoming County Tub Grinder Contract** – Mgr. Bickhart reported on an update and cost increase on the Lycoming County tub grinder contract. The tub grinder is used at the compost yard twice a year. There are currently no alternatives that will be less expensive. Since February of 2006 the price has been increased from \$120 to \$150 an hour.

Motion by C/P Hetherington to authorize the Borough to enter into this agreement effective August 1, 2006. Seconded by C/P Herb.

**AYES: SIX (6)                      NAYS: NONE                      MOTION CARRIED**

**ADJOURNMENT:**

Meeting adjourned at 9:46 p.m. following Motion for adjournment by C/P Reuning and Second by C/P Hetherington.

Attachments: None