

## SELINGROVE BOROUGH COUNCIL MEETING

**MONDAY, NOVEMBER 6, 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:** Attorney Daniel Miscavige; Mgr. J. Bickhart; Mayor P. Carroll; Police Chief T. Garlock; Borough Treasurer Sheri Badman; Recording Secretary Dawne Long; DH&L Representative Ken Stettler; Daily Item Reporter Asten Smith; Borough Residents Mr. & Mrs. Peter Bager, Donald Foreman, Joseph and Margaret Siro; Loving Care Personal Care Home Former Employee Beverly Fry; Loving Care Personal Care Home Representatives Mr. & Mrs. Tom Pregent; SEDA-COG Representatives Ryan Unger and Kim Wheeler; Selinsgrove Friends of the Library President Elizabeth Heim; Shade Tree Commission Chairman Karl Maul; Snyder County District Attorney Michael Sholley; Snyder County Library Director Betsy Fordon; Snyder County Waste Management & Recycling Coordinator Debbie Wolf; SPI President Judy Spiegel

**OTHERS ABSENT:** Solicitor R. Cravitz

### **CALL MEETING TO ORDER:**

Pres. Handlan called the meeting to order at 7:00 P.M. and introduced Attorney Daniel Miscavige from Hazleton, who is filling in for Solicitor Robert Cravitz. Mgr. Bickhart called the roll.

### **REVIEW AND APPROVAL OF COUNCIL MINUTES FROM MEETING OF OCTOBER 2, 2006:**

C/P Mengel reported that on Page 9 she was referred to as Pres. Mengel.

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

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

### **VISITORS TO BE HEARD:**

**Introduction of Corby Bowersox, Director of Public Works in Training** – Mgr. Bickhart introduced Corby Bowersox, who began working for the Borough on October 1, 2006. Corby lives in the Globe Mills area with his wife and two children. He expressed his satisfaction with the community of Selinsgrove and his job.

**Borough Police Chief, Thomas Garlock, Presentation of Police Report for September 2006** – Chief Garlock reported that in September the Department handled 142 crime reports, 43 serious crimes and 99 less serious. The Department responded to 652 calls for service during the month as compared to 529 calls for service in September 2005. Total calls for service this year have been 4,367 as compared to 3,671 in 2005. The total crime is running 7.4% higher this year than last year. The total cost of service is running 19% higher this year than last year. In comparing September 2005 to September 2006 the total cost for service is 23.3% higher, total crime is 19.3% higher, summary criminal arrests are 91.8% higher, and total arrests are 68% higher this year than last year. Assaults in September 2006 were disproportionately higher than they were in September 2005 by 24.3%. C/P Inch stated that in looking at the report he notes that 20% of the calls were Susquehanna University student related. Adding in the Selinsgrove Area School District brings the total calls in tax exempt areas to 28%. He felt it was important to bring this up during this budgeting time of the year. Chief Garlock stated these rates are comparable to those in 2005 or maybe even 1% lower this year than last year. Pres. Handlan stated the Borough will be

meeting with President Lemons and other university officials within the next month to go over some of the budgetary issues as well as the increased crime being experienced in town.

**Report on Attendance at Workshop** – Chief Garlock reported that he attended a one-day training class in Lancaster sponsored by the Pennsylvania League of Cities and Municipalities. The first part of the seminar involved plans in law enforcement agencies for cost sharing, regionalization issues, and contract services. The second part of the seminar included legal updates for law enforcement administrators.

**DH&L Fire Company** – No report

**DH&L Ambulance League** – No report

**Shade Tree Commission, Karl Maul** – Karl reported that due to the slow winter season, the Commission is taking time to reorganize and make some decisions. He stated on Friday he met with Penn State University Extension Urban Forester Vinnie Cantrone, Mgr. Bickhart and Dale Hassinger. They walked up and down Market Street, looking at trees and places where dead trees were removed. Mr. Cantrone had some suggestions as to what types of trees to plant or not to plant in certain places along the street. The Shade Tree Commission will make some recommendations in the future for trees along Market Street. Karl also reported that the tree inventory is on hold because the students find it hard to identify tree species without the leaves on the trees. This will give the SU student time to work with the data he has already collected. Karl reported three permits for tree removals were granted this past month. The Shade Tree Commission budget was submitted to the Borough. There is a new redesign permit application which is available in the Borough office as well as in an electronic format on the website. Karl reported that several weeks ago he attended the Pennsylvania Urban and Community Forestry Council meeting in State College. He received good information on tree planting and pruning. He stated there were many community shade tree organizations there which are not sub-political entities and the networking opportunities were very valuable. Pres. Handlan commended the Shade Tree Commission for the job they are doing.

**Debbie Wolf, Executive Director, Snyder County Solid Waste Management Authority & Recycling Coordinator** – Mgr. Bickhart reminded Council that last month they had pretty much agreed to the terms of the contract that was being worked out with J.A.W.S. for picking up recyclable material in the Borough, pulling all roll-offs at no charge, and paying the Borough 1¢ per pound for some materials. Before Mgr. Bickhart entered into the agreement he sent it to Debbie Wolf so she could take a look at it, after which she requested a meeting with Mgr. Bickhart and some representatives from Lycoming County. At this meeting Mgr. Bickhart learned of an agreement that was entered into in August 2005 between the County of Lycoming and the Snyder County Solid Waste Management Authority. This agreement attempted to negotiate some arrangements for the pulling, hauling and accepting of recyclable materials from Snyder County communities, including the Borough of Selinsgrove. If Selinsgrove were to withdraw all their recyclable materials, then Lycoming County would terminate its contract with Snyder County Solid Waste Management Authority. After finding this out, Mgr. Bickhart put the J.A.W.S. contract on hold and asked Debbie to attend tonight's meeting to answer any questions Council might have concerning the contract with Lycoming County. Debbie stated that in August 2005 when the contract was signed Lycoming County was doing Snyder County a favor by supplying any free pulls at all. Selinsgrove's contract at that time was with J.A.W.S., who was charging \$1,200 to \$1,300 per month for the recycling service. The fee now with Lycoming County is around \$300 per month. Selinsgrove also sells their aluminum and keeps the proceeds. Mgr. Bickhart asked Council if they want to proceed on with their contract with J.A.W.S. knowing the impact it will have on Snyder County. The contract with Lycoming County expires in November 2007. The financial difference to the Borough today is such that they would save about \$500 per month in pull costs by entering into the contract with J.A.W.S. Debbie Wolf, through the agreement with Lycoming County, is given 11 free pulls per month; Selinsgrove receives 3 of these. It offsets the Borough's costs, but there are 7 or 8 pulls of recyclables per month in the Borough. The Borough has put much effort into its recycling program and amasses lots of materials. Debbie stated that J.A.W.S. will be pulling in Freeburg, which is not part of the Snyder County contract with Lycoming County. If Selinsgrove waits until November 2007 they will have a better idea of the job that J.A.W.S. does.

Pres. Handlan asked if Selinsgrove was aware that they were even part of the Lycoming County contract, as the Borough is not a party to the contract. Debbie replied that this was a failure on her part to notify Selinsgrove of the existence of the contract. She stated Lycoming County is also looking at ways to provide more services for free. C/P Anderson stated that because Selinsgrove is not a party to the signing of the Lycoming County contract they are not legally obligated to abide by it; this is more of a moral or ethical issue. C/P Hetherington stated that the contract states that Snyder County will, at its own cost and expense, provide suitable locations which are to be designated as drop-offs for recycling. He stated the Borough has done all their own work. He asked if Snyder County will be reimbursing the Borough for what they have spent so far and if they will come in and provide more spots in order to live up to their part of the agreement. Debbie replied that Selinsgrove is the only mandated community in the County. She stated she could bring a request for reimbursement to the Board, but she is sure the answer would be no. Snyder County currently has no funding. They used to get a \$2 admin fee for every ton of waste that went to the landfill. C/P Hetherington stated that it appears that the County has not met their obligations under the agreement and so is in violation of the agreement. The County is making mandates but not living up to them. He stated it is not fair to the taxpaying citizens of the Borough. Debbie stated it is the Borough's decision as to how they wish to proceed, but the County will potentially lose its contract with Lycoming County. She pointed out that Selinsgrove charges its residents a recycling fee on their water and sewer bills. C/P Anderson read the section of the contract to which C/P Hetherington was referring. It states, "At each location Snyder will construct a concrete slab or provide a similar solid surface upon which recycling containers can be placed." She stated that the Borough paid for their own surface. C/P Inch stated financially it will be better for the Borough to go with J.A.W.S. Mgr. Bickhart agreed, stating that it will cost the Borough about \$500 per month more to stay with the County contract. Debbie pointed out that the contract with Lycoming had been saving the Borough money up to this point. She stated the landfill is there whether the market for recyclables is good or bad. Mgr. Bickhart stated that Lycoming County mentioned at the meeting that the contract to be negotiated in November 2007 would look significantly different due to the market conditions. C/P Anderson asked if Lycoming County could come back with a counter offer to encourage Selinsgrove to stay with them. Mgr. Bickhart stated he never understood how the 11 free pulls were distributed around the County. Selinsgrove is the only mandated community. They do the majority of the collection of recyclables, yet only get 3 out of 11 free pulls. Debbie replied that Selinsgrove's recycling drop-offs are only for Borough residents while the other drop-offs are open to the entire County. Mgr. Bickhart asked if any of the other municipalities utilize taxpayer money to offset the pull costs. Debbie stated that some communities do pay the labor for the drop-offs, but they do not pay the \$100 per pull. Mgr. Bickhart stated he would feel better about staying with the Lycoming County contract if the burden were more equitably distributed across the County. He stated the Borough is in an agreement that they morally do not want to get out of, but they are locked into paying \$500 per month in additional expenses when Monroe Township and Penn Township and other communities are collecting recyclables at no cost. Debbie stated the County is not involved with Monroe Township's drop-offs. Snyder County's contract with Lycoming County includes Penn Township, Kreamer, Middleburg and Port Trevorton.

C/P Hetherington suggested sending this issue back to Committee for review. Pres. Handlan stated a decision will not be made tonight. C/P Anderson asked how J.A.W.S. is responding to this delay in signing a contract with them. Mgr. Bickhart replied that they are not happy, but a specific deadline was never discussed. J.A.W.S. is feeling that this is another way in which private enterprise is being adversely affected by governmentally subsidized entities. C/P Reuning stated that he feels the County owes Selinsgrove on this arrangement and not the other way around. C/P Hetherington again expressed that the County has not done anything. Debbie pointed out that 90% of the Borough's expenses were funded through a program grant and the Borough also gets a performance grant which they get to keep. Pres. Handlan asked C/P Mengel to have her committee study this issue. Debbie reminded Council to keep in mind that if they go with J.A.W.S. and he does not perform well, then getting Lycoming back to do the pulls will be difficult. She stated there are other people in line who want their service, so Selinsgrove would go to the back of the line. Mgr. Bickhart suggested C/P Mengel's committee include Debbie Wolf and someone from Lycoming County at the meeting to see if they have something to offer the Borough. He stated the Borough does not have any direct representation on the Snyder County Solid Waste Authority. The representatives are appointed by the County Commissioners from the County at large and

are not specific to any municipality even though some members, Karel Page and Vicki King, do happen to live in the Borough. Decisions are being made without direct representation of the Borough. The Authority does not work the same way ESCRA does. He stated back when the contract with Lycoming County was signed everyone was happy that costs were going down, systems could be improved, and the Borough got some free pulls. Now the value of recyclables has changed and the Borough's circumstances have changed. C/P Hetherington asked Debbie to ask the Commissioners when they plan to meet their obligations of the contract. Debbie corrected this, stating that it is not the Commissioners but the Solid Waste Authority. C/P Mengel stated she will get in touch with Debbie and set up a committee meeting.

**Snyder County Library Director Betsy Fordon and Friends of the Selinsgrove Library President Elizabeth Heim** – Elizabeth Heim asked Council to fund the library generously, stating the Library was thrilled last year when Council increased the amount of their donation from the year before. She stated that the state has been more generous in their funding to libraries this year, but it is not as good as it looks on the surface. Until the library has every book that it wants and can afford to be open every hour it wants to be open and has every program that it wants to have, Elizabeth will be asking for donations. She stated libraries are very important to the community, serving an incredibly diverse group of people in ages and interests. She stated the youngest age group is the toddlers for the reading group. The library could participate in a program called “Books for Babies” if funding were available. The library does participate in a program where children can call a phone number to have a book read to them. This encourages them to come to the library to pick out a book to read. The library has puppet shows and teen movies. The people who use the library build relationships and exercise their imaginations. Elizabeth shared some information on results of a public opinion survey on the five things community leaders should know about libraries.

Director Betsy Fordon explained the funding formula. For all monies spent locally the library gets money back from the state. If there is not enough local effort the library gets less money from the state the next year. Betsy stated that Selinsgrove Borough allocates the most money to the library in Snyder County. She speaks to other communities that give little or no money and they want to know what Selinsgrove gives. The more Selinsgrove gives, the more the other communities give to the library. C/P Reuning stated that he has not seen much increase in giving from the other municipalities. Betsy stated she has been visiting as many municipal offices as she can soliciting donations. C/P Anderson asked where the plan stands for the library taking over the additional space downstairs. Betsy replied that she has applied for a DCED grant for \$27,000 to refurbish the downstairs. She hopes to hear by the end of the year whether the grant was awarded. Rep. Phillips' office is helping her with this process. She hopes to see some progress on the downstairs next year.

**Laura M. Kerstetter, CPA, Forgett & Kerstetter, P.P. – Independent Auditor's Report for 2005** – Laura was not in attendance, but all Council members received a copy of the report.

**Ryan Unger, Senior Program Analyst, SEDA-COG, Revitalizing River Towns, and Kim Wheeler** – Kim reported on a project called Revitalizing River Towns Through Asset Marketing and Development. Every year SEDA-COG has an opportunity to apply for federal funding through the Appalachian Regional Commission, or ARC. These are funds that are funneled through the state to regional agencies such as SEDA-COG, which has a history of working with downtown Main Street organizations, downtown redevelopment entities, regional land use planning and environmental planning projects. SEDA-COG is currently working in a number of river towns through the central Susquehanna Valley area. These include Bloomsburg, Danville, Riverside, Sunbury, Northumberland, Selinsgrove, Milton, Lewisburg and possibly Watsontown. A program is being developed to look at the region as a whole collaboratively. Some of the regional entities that have gotten involved include the Greater Susquehanna Valley Chamber of Commerce and some of the tourist promotion agencies. They are also working with the state to put together the river town revitalization program to connect the downtowns collaboratively to the river. SEDA-COG will work with the Main Street managers or revitalization programs to help enhance what they are already doing and bring more of a regional perspective, which is currently something that the state and federal governments are very interested in. The goal is to market communities in a regional way, to develop their assets and strengthen what they already have, to understand what programs are in place

and what initiatives may already be working with developing the assets, and to pull it all together in a larger way. The program is offered to communities that are on the river and have the opportunity to reconnect, or connect for the first time, their downtown with the river in a physical way and to utilize that as an asset. The Susquehanna Greenways Project is housed at SEDA-COG and they are looking for demonstration projects up and down the river to do implementation projects of connecting the town to the river. SEDA-COG recently received got a feasibility study to look at heritage areas for this portion of the state. There are a lot of overlaps that can play in nicely to determine how to develop the middle region with an identity and an image that is recognized within the area and throughout the commonwealth to use as tourist promotion and recognition.

Kim reported that the first phase of the program is to do an assessment of what currently exists today. This involves working with the downtown community organizations to understand, identify and articulate what the assets are in each of the communities, amass them geographically and understand what their relationship is to the river and how the communities can be looked at as gateways from the river to the towns. The first step is to develop a regional partnership throughout all the communities and develop a framework for implementation projects to get done. The state is looking at projects that are fundable and which will create an impact in a regional way. SEDA-COG needs to look at Selinsgrove, identify its assets and the specific needs of the downtown projects, find common themes that can be pulled together with some of the other communities that are experiencing some of the same issues, while also emphasizing the uniqueness of the community. A plan will be developed that will work with the plans that are already being implemented in the communities to enhance them even further. Kim stated the program is sitting in Harrisburg, where the intention is to fund it for the first year, starting in January.

SEDA-COG is looking for Selinsgrove's support, which will raise the awareness of what Selinsgrove has to offer in a more regional way for not only livability purposes but also for tourism promotion interests. Future phases will hopefully involve marketing and developing some actual on-the-ground projects. The first phase is a \$25,000 grant that SEDA-COG expects to receive for the first year of planning. That amount needs to be matched by 54 or 55%. They are looking for a community match from each of the communities as well as some other agencies and foundations they are working with. The cost to each community will be about \$1,800. The money can come from the Borough, the downtown organization or any other group or entity that wishes to donate to the project. Pres. Handlan asked when SEDA-COG needs a commitment from Council as to the Borough's participation and when funding would be required from the Borough. Ryan Unger replied that a commitment would be appreciated as soon as possible. Kim stated that the funding would be required sometime throughout 2007, not necessarily all within the first quarter. Ryan stated that every community that has been approached has verbally committed and is working on a commitment letter and a way to raise the money from the community. Sheri Badman asked if the \$1,800 is just for one year and Kim replied that it is. Judy Spiegel stated that this program was discussed at the last SPI meeting and SPI is looking for ways to raise a portion of the money. Ryan stated that this program in no way intends to supersede the Main Street Manager process that Selinsgrove has embarked on. The two programs should compliment each other. Energy will be expended to enhance what a community currently has rather than to bring in new things. In this region there are communities with unique downtowns and access to the Susquehanna River. It was decided by Council that this will be discussed during the budget work session next week.

**Tom Pregent, President of Loving Care Personal Care Home** – Beverly Fry, a former employee of Loving Care, stated that she has obtained permission from Mgr. Bickhart to tape record certain sections of tonight's meeting. She stated that she is doing so because for the past year and a half Mr. Pregent has made false allegations regarding her employment with his company. Solicitor Miscavige stated under the Open Meeting Law there is no problem with the recording being made.

Mr. Pregent stated he has been in the community since 1999. There is an allegation of theft at the nursing home which occurred over a year ago. At that time he called the state police and asked them to assist in reviewing the data that the nursing home had gathered. The state police referred Mr. Pregent to the Borough. At the beginning of September 2005 the Borough police were contacted. On September 9 Mr. Pregent sent a letter to the Borough police with more data and more information, asking them to intercede. Mr. Pregent was subsequently advised of a pending arrest. This all took place a year ago. In

the fall of 2005 Mr. Pregent met with Chief Garlock in his office to find out if he was going to follow up with the officer who did the preliminary investigation. Chief Garlock advised Mr. Pregent that he would look into it and get back to him, which has not happened in almost a year. Family members of the residents of Loving Care Personal Care Home are in attendance at tonight's meeting. Mr. Pregent explained that the residents get \$60 a month, so when thousands of dollars are missing it has a significant impact on them. Mr. Pregent stated no less than one dozen phone calls have been made to the police department. He stated on September 17 he met with District Attorney Michael Sholley and gave him a complete portfolio. DA Sholley called Chief Garlock and recommended that an investigation ensue because the material did not look good for the suspect. Mr. Pregent met again with DA Sholley on October 11 and DA Sholley recommended that Mr. Pregent bring his concerns before Borough Council. Mr. Pregent stated there are 40 residents who are missing significant amounts of cash from their burial funds. The people involved have been identified and the information has been turned over to the police with no return calls. It was also turned over to the district attorney. Mr. Pregent stated he is asking for Council's assistance because nothing has happened on this case for at least ten months. He stated he has signed an authorization with the District Attorney so they can review his bank records. He brought the authorization to the police station and he has still heard nothing. He feels that not having calls returned and not having an appropriate investigation is inexcusable. Pres. Handlan noted that District Attorney Sholley is also present tonight. She stated she appreciated Mr. Pregent bringing this to Council's attention and noted that yesterday's newspaper article was the first that she was aware of the situation. She is recommending at this time that the situation go to Mayor Carroll for review, and she asked that Mr. Pregent deal directly with the Mayor on this issue. Mayor Carroll stated Chief Garlock had made him aware of the situation a few days earlier, but this is the first time the issue is actually being referred to him. C/P Hetherington stated that Mayor Carroll is the civilian head of the police department, and while Borough Council negotiates contracts with the police department, they have no direct control over them. Mgr. Bickhart stated the standard procedure in these matters would be to refer the issue to the Mayor. Council is not trying to duck the issue, but are just keeping things in the normal chain of command. The Mayor reports to Borough Council on issues involving the police department. Mr. Pregent stated he was not aware of this, and he will contact the Mayor. DA Sholley stated that many Boroughs in the County operate very differently. The effectiveness and authority of the mayor varies. He understands what the charge of the mayor is, but it is very different in the different municipalities, so he did tell Mr. Pregent if he had concerns about the Chief those concerns should not go to the DA but rather to the governing authority. DA Sholley stated next time he will know to send someone to Mayor Carroll in matters pertaining to the police department.

**Judy Spiegel, SPI President** – Judy reported that the Main Street Manager process is underway. The next step is that the state comes up and does an appraisal of the town and digests all the paperwork. SPI has been notified that this will occur on December 7. The state will be looking at SPI's strategies and goals, committee structure and what the committees have been doing. It is essentially a report card on the paperwork and activities. Borough Council is welcome to sit in on the meeting, preferably late morning around 11:00 a.m. Judy stated she is putting together an agenda and can email copies to everyone. Pres. Handlan encouraged Council members to try to make it to the meeting to ask questions so they can fully understand the Main Street Manager Program. Judy stated the committees will come in and do presentations on things they have been working on that fall within the structure of the program. During lunch the state representative will talk with the Board about their responsibilities. Judy also reported that White Christmas planning is continuing, with an event to be added for the downtown.

#### **UNFINISHED BUSINESS FROM PRIOR MEETINGS:**

**Review List of Council Issues** – Mgr. Bickhart reported that he has not had a chance to get together with Solicitor Cravitz regarding the sidewalk ordinance. The Budget and Finance Committee met today to go over the rates/fines/fees schedule. Progress has been made and revisions are being worked on. The goal is to come up with a resolution listing all the rates that are applicable so that they do not fall by the wayside or go decades without being upgraded. This is a fairly common practice. Sheri worked on pulling together a composite list of all the rates for the Committee to work from.

**Report on Meeting with Randy Varner, Selinsgrove Area School District, on Weiser Run Stabilization** – Mgr. Bickhart reported that he met with Randy Varner. The school district then sent a letter and another meeting had been scheduled for November 2; however, this meeting was canceled due to someone not being available. The meeting will be rescheduled. Mgr. Bickhart stated as long as the school district is cooperating and moving forward the Borough should work with them and allow them time to resolve this issue. He has made it clear that the Borough's position has not changed and the school district recognizes this. Some decisions will most likely be made at the next meeting.

**Update on Cooperative Recycling Program with SU** – Mgr. Bickhart gave Council a written update on this program, which seems to be working out as planned. Pres. Handlan stated the students are very energetic and helpful on Saturdays.

**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 Herb.

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

**Recommendation on the allocation of excess interest from Pension Plans** – Mgr. Bickhart stated a decision needs to be made on this so that notification can be made by the 15<sup>th</sup>. C/P Inch stated the recommendation from the Committee for the non-uniformed part of the excess interest: Part A, the municipal account of \$4,762 be turned back into the municipal account for the pension, Part B, the member account of \$3,088 be turned back into the municipal retirement board, and Part C, the retired members reserve account of \$5,989 be set aside to pay a small increase for the retirees to be distributed on an equal basis. There are nine retirees so each would get 1/9 applied to their specific retirement account, which would boost the amount of their check slightly. C/P Reuning pointed out that there has not been any increase in five years. C/P Inch stated on the uniformed/police part of the excess interest the Committee recommends that the \$9,839 be credited to the municipal account. Mgr. Bickhart stated that these two plans can be dealt with completely separately. What is done with one does not have to be done with the other. There is no equity across the plans so the action is totally at Council's discretion. The plans are not the same based on financial health so the best thing to be done for the police officers is to put it into the municipal account to offset a time when they will have to kick in some additional money. The police get a fixed cost of living adjustment in their retirement, which is another way in which the two plans are not equivalent. That is why the Committee decided to slide some money into the retirees' account for the non-uniformed to provide some equity. Sheri stated she contacted PMRS about the potential decision and they were also in agreement with the recommendation.

Motion by C/P Hetherington to approve the recommendation of the Finance Committee. Seconded by C/P Reuning.

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

**Statewide Tax Recovery, Inc. - Exoneration Requests** – Mgr. Bickhart reported one exoneration request for Ronnie L. Grady for the years 2001, 2002, 2004 and 2005. Documentation was submitted indicating that Mr. Grady was deceased in those years.

Motion by C/P Hetherington to approve the exoneration request. Seconded by C/P Inch.

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

**PUBLIC FACILITIES & SERVICES COMMITTEE: C/P Reuning, Chairman** – C/P Reuning reported that the street program for 2007 was discussed. Priorities were set in light of the liquid fuels money and the Borough's own contribution.

C/P Reuning reported that a meeting needs to be made on the sidewalks. A walk needs to be taken to address issues of unsafe sidewalks. Solicitor Cravitz also needs to work on an ordinance for this when he is able to do so.

**Report on Water System inspection** – Mgr. Bickhart reported that at Council's request Gannett Fleming did a study of the water system. The study was proposed at \$3,000. It has been completed and a precise report has been made. Some of the recommendations have been incorporated into budget requests from the water department. The inspection was very timely and worth the money spent on it. C/P Reuning stated some of the issues, such as the cover for the reservoir, will show up in the budget process. C/P Mengel asked if there is money in the reserve fund for this. Sheri stated the water department has \$50,000 in reserve monies. Mgr. Bickhart stated specific elements can be discussed during the budget work session. C/P Mengel asked what will be done about the other things that are not in the budget, stating that if the inspections had been done annually the list would not be so long. C/Ps Anderson and Reuning stated the list is not long at all. Mgr. Bickhart stated the things that were suggested to be watched will not be included in the budget, but the things that were suggested to be done will be in the budget process.

#### **BOROUGH ADMINISTRATION / PROPERTY AND EQUIPMENT: C/P Mengel, Chairwoman**

**Report on "Draft" Agreement pertaining to future disposition of recyclables** – Pres. Handlan asked that C/P Mengel's committee come back to Council next month with a report on what the Borough's options are and what the impact of each option will be. C/P Mengel asked that each Council member send her an email to let her know what his or her feelings are on this. C/P Anderson stated the contract with J.A.W.S. works best for the Borough, but if the Borough goes through with the contract, what kind of neighbors are they being for the County. She stated it would feel better if Lycoming County would give a little. C/P Mengel stated it would have been nice if Snyder County would have informed the Borough of the agreement. Pres. Handlan stated that Debbie Wolf did acknowledge the fact that she erred on this. C/P Hetherington stated that Council's first obligation is to the people of the Borough of Selingsgrove and not to the citizens of other municipalities. C/Ps Inch and Reuning agreed.

**Report on meeting with Selingsgrove Library Building Committee relating to securing building and locking restrooms** – C/P Mengel stated a meeting was held on several issues including whether or not to lock the downstairs bathrooms. It was decided that the bathroom doors will remain open at this time. A trial period will be held until the end of the year. The users of the facilities downstairs will be responsible on the nights that they have meetings to see that the building is secure. On other nights the library will have that responsibility. The Borough had asked the library to send out a letter with closing procedures to each group and to get a written commitment from the groups that they received the letter and will adhere to the policy. Betsy Fordon confirmed that the letters went out on November 1 and she set a deadline of November 15 for responses from the groups. Mgr. Bickhart reported he has been checking on the situation and it has substantially improved.

C/P Mengel stated there was a meeting on October 19 regarding the plans for the library. C/P Anderson stated she found the meeting frustrating. The plans were the architect's renderings for the additions that would be made to the existing building. The plans lacked the Borough's portion of the building. As the meeting went on and C/P Anderson asked questions, the architect indicated that part of the goal for the library is to be on one level as much as possible to facilitate their operation and staffing. In their desire to do that, they were making up things to do in the basement because they did not really need all the extra space on the lower level. C/P Anderson suggested they include the Borough building and operations in their thought process. If they could come up with an entrance off Pine Street, with the Borough offices downstairs, then the library could gain the upper level. However, the Borough offices should not be an afterthought. C/P Anderson stated her impression was that the library will want a stand-alone facility but the expense is such that they will not be able to afford it. With just the renovations to the existing building

they are looking at a \$4 million project. Skip Weider had done some work for the library and found that they could probably raise \$1.3 million. Pres. Handlan stated that much of what C/P Anderson just shared was also shared at the library board meeting, along with the idea of doing another feasibility study, which would be a waste of money. She stated there was no vision in the current plans. Because of the limitations with the block walls the discussion even turned to razing the existing building and starting fresh. No one talked about taking the building out and closing the alleyway, and there are even more possibilities that were not addressed at all. She stated the board is coming to the realization that there is no way they will be able to afford a stand-alone building, let alone maintain and staff it. C/P Anderson stated concern was expressed about parking, and how if the building is enlarged parking will be lost. She stated with the new police office and the parking demands of the bank being less, the library should look more creatively. A concern exists with mothers of young children crossing the street, so C/P Anderson suggested designating the parking spots closest to the building as mothers' parking. She stated she was discouraged by the lack of creativity, and the feeling that the library and the Borough were being looked at separately with the exception of the entry area and an elevator. C/P Reuning stated this seems to be where the library was five or six years ago, and that no progress has been made. At that time someone in Sunbury had designed a building that left the Borough out completely and put the police department in the basement of a new building to be constructed on the vacant lot. Pres. Handlan stated she would like the Committee to continue working with the library and she would like Mgr. Bickhart to have some input also. C/P Anderson stated the library's way of dealing with the Borough's list of needs was to give them back the former police offices downstairs. Mgr. Bickhart stated he looked over the plans and marked them with some of his thoughts. He stated the plans take the entire community room for "administration", which seems like too much space for this use, and there is lots of wasted space on the floor plan. The plan architecturally wastes the ability to have a row of parking along the alley by moving it over. The architect's plans did not start with the sense of maximizing the site development, but instead maximized the building. He stated the only thing that has changed in six years is that the library has added 1,000 square feet to their needs. C/P Anderson stated the plan shows confusion as to whether it will be the Selinsgrove Library or the Snyder County Library. Pres. Handlan stated it will just be the Selinsgrove Library; Middleburg, McClure and Beavertown libraries will all remain open. The director, who oversees the entire County system, is housed in Selinsgrove. She stated the board discussed that a decision must be made; this has gone on too long – almost ten years. If the library wants to go to Penn Township, then they have to make that decision and then work with Penn Township. She stated she would like to see the library stay in the Borough and C/P Anderson stated she also expressed this to the library's committee. She stated that in looking at the library's usage statistics it is to their advantage to be in town, where people can walk to them. The Selinsgrove branch is by far the most utilized branch in the County. She stated it is a win-win to look at the whole as opposed to separating out the Borough and the library in the plans. C/P Reuning stated their funding chances would be much better if they took that approach rather than the one they are taking. Pres. Handlan stated the board knows this, even though their wish is for a stand-alone building. C/P Inch asked if there was a lot of input at the meeting C/P Anderson attended. She replied that it was the building committee and some other people, about eight people including herself and C/P Mengel. Pres. Handlan stated the longer it takes the more costly the building will become. C/P Anderson stated the pricing that the committee had did not include furnishings or site development. She stated there was easily another \$1 to \$1.5 million more than what was shown. Pres. Handlan directed the Borough's Committee to continue to have a vision and to work with the library building committee. She stated while Borough offices do not need to remain on the same floor, the Borough Chamber should remain on this floor. Mgr. Bickhart stated the Borough Chamber is a big space that the library could use when the Borough is not using it. He does not see a need for two separate spaces in the same building. He stated the plans did put an elevator in a common place for access to Borough areas on two floors.

**COMMUNITY ACTIVITIES AND PUBLIC AFFAIRS: C/P Herb, Chairman – No Report**

**PERSONNEL MANAGEMENT COMMITTEE: C/P Anderson, Chairwoman**

**Recommendations to proposed budget – C/P Anderson reported the Committee met on October 30 to work on a proposed budget and also to discuss an appropriate celebration for Gary's retirement.**

**Recommendations pertaining to “Smoking Policy for Borough Buildings and Vehicles” –**

C/P Anderson stated the Committee recommends that the Borough adopt a smoking policy that says as of July 1, 2007 there will be no smoking in any Borough building or vehicle. She stated July 1 was chosen to give people a chance to adapt and to stop smoking or figure out how they will deal with this. She also asked Mgr. Bickhart to see if the health insurer would cover a smoking cessation program for the employees. C/P Herb stated the Committee would also like to get reaction to this policy from the employees by December 1, 2006. Pres. Handlan asked what will happen if all the employees are opposed to the policy. C/Ps Anderson and Herb said the Committee would then meet and discuss the issue again, and while the recommendation may not change they would like to have the opportunity to address concerns expressed by the employees. Mgr. Bickhart will draft a letter of notification for the employees to be included in their paychecks on Thursday. The letter will ask for feedback to be directed to C/P Anderson, who will review the letter before it is distributed.

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

**Stop Sign Issue at Strawberry Alley and East Pine Street –** C/P Hetherington reported that the Committee discussed the request from Don Bower to replace the stop sign southbound on Strawberry Alley at East Pine Street. They also discussed the fact that there are more stop signs on Strawberry Alley without an ordinance to cover them. The Committee is making a recommendation to replace the stop sign southbound on Strawberry Alley at East Pine Street. The required ordinance should also include the stop signs northbound on Strawberry Alley at East Chestnut Street, southbound on Strawberry Alley at Walnut Street, and southbound on Strawberry Alley at East Chestnut Street. The Committee will also allow Don Bower to install a post at his stop sign to protect it somewhat. It was suggested that the post be painted fluorescent green or fluorescent orange to make it more noticeable. Due to the narrowness of the street and parking issues, it is hard for the large trucks to make the turn without hitting the sign, which is why it came down in the first place. C/P Mengel asked if there are any more stop signs not covered by ordinances. Mgr. Bickhart stated there are not very many more. C/P Hetherington stated a review was done a couple years ago and some were found. Mgr. Bickhart is also working on this issue for the Committee.

Motion by C/P Mengel to authorize the solicitor to amend the ordinance to include the four locations on Strawberry Alley as mentioned above. Seconded by C/P Hetherington.

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

**Recommendations on request for Handicap Parking space on South Water Street –**

C/P Hetherington reported that the Committee is recommending that no private parking places be created. Gary has painted new arrows for the traffic flow in and out of the parking lot on South Water Street and has repainted the existing handicapped parking space. The Committee is also recommending that Council send Mr. Dietz a letter notifying him of the decision and expressing that they sympathize with his situation but there is handicapped parking available right across the street. C/P Mengel suggested putting an additional handicapped space in the lot. Mgr. Bickhart stated the Committee will ask Mr. Dietz to advise Council if the existing space is not available to him. The Borough has no knowledge of anyone else using the space, in which case there is no reason to add a second space. If the current space is being utilized and is not available to Mr. Dietz, adding a second space will be relatively easy to do. Pres. Handlan asked if there is a sign designating the current space as handicapped and whether the sign states the vehicle will be towed. She stated that ticketing a car parked in a handicapped space does not help Mr. Dietz when he comes home. Mgr. Bickhart replied that he believes the sign contains both panels required by code, one designating handicapped and the other listing the penalties, but he is not sure if it states anything about towing. Chief Garlock stated in a public parking lot tickets are issued but towing is not usually done unless the vehicle has been there for more than a prescribed period of time. Pres. Handlan stated because Council did not accommodate Mr. Dietz’s actual request she would like to accommodate him in any way possible. She stated there are notices on signs in Harrisburg regarding towing, but they are on private handicapped parking spaces. She asked that this be investigated. C/P Hetherington stated the Borough would have to have a secure impound area and Chief Garlock

replied they would use the same area they use when towing cars for the Market Street Festival or the Halloween Parade.

**PennDOT recommendation on signal timing change, Route 522 & Broad Street signal –**

C/P Hetherington reported the Committee did not address this or the issue of PennDOT's speed zone recommendations. They can hold a meeting and report back at the December Council meeting. Mgr. Bickhart stated the letter from PennDOT did not give the Borough much regarding the speed limits. However, they did note that they would approve a request from the Borough for a signal timing change at Route 522 and Broad Street to add 10 seconds to the amount of time given to cross Route 522 in either direction. There will be no changes in who can turn when. The timing proposal would be effective from 3:00 p.m. to 6:00 p.m. weekdays. The computer technology in the box is such that this can be set up and PennDOT would allow this to be done during times of higher traffic flow at the intersection. Pres. Handlan asked if PennDOT was approached to redo their study on the speed limit changes when school is in session, since they did their study when school was not in session. This has not yet been done.

Motion by C/P Anderson to have Mgr. Bickhart make application on Council's behalf for the 10 second signal timing change as discussed above. Seconded by C/P Mengel.

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

**South High Street Streetlight** – C/P Mengel asked if anything has been done regarding a streetlight in the area of L/B Water Service. C/P Hetherington stated he called but never received a call back on this. L/B Water has some of their own lights there. It is also possible that L/B wants more light but some of the neighbors do not. C/P Mengel stated it is a safety issue. Pres. Handlan stated there are no lights on that side and there is a big difference between where there is a light and where there is no light. Mgr. Bickhart explained that to get a light the Borough simply has to tell PP&L that they want a light. They will install a light and add it to the Borough's account. C/P Mengel stated that she has also had an inquiry regarding a light on Woodruff Avenue and Sherman Street. C/P Hetherington stated his Committee will look into this.

**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**

Mgr. Bickhart reported there will be a Multi-Municipal Comprehensive Recreation, Parks and Open Space Plan Advisory Committee meeting on November 16, 2006 at 7:00 p.m. at the Shamokin Dam Borough Office.

**SHADE TREE COMMISSION: Karl Maul, Chairman** – Previously reported

**SCHEDULING REMINDER** – Pres. Handlan reminded everyone that when they are scheduling their committee meetings they must share that information with Mgr. Bickhart so he can post it on the calendar.

**BOROUGH ADMINISTRATIVE REPORTS:**

**MAYOR: Pete Carroll** – Mayor Carroll reported that he attended a ribbon cutting on October 21 for Dr. Derr, the chiropractor in town. He also went to the Selinsgrove School District's Victory Plaza, which is located outside the football stadium where people pay to put a brick or something in as a fundraiser.

The Halloween event at the Police Department went well. During the Halloween Parade Mayor Carroll had handed out flyers to the adults notifying them that the foyer area of the Police Station would be open for parents to bring their children for a treat and where the parents could check their own children's candy and dispose of anything objectionable. Mayor Carroll stated he had over 125 bags of chips and they

were all given out. Officer Wolfberg came by on his own time and Officer Grove was on duty and helped out also. Mayor Carroll hopes to continue this event as long as he is mayor. He stated there was a small write-up in the Daily Item and a larger one in the Snyder County Times, which included tips from Officer Wolfberg on safety during trick-or-treating. C/P Hetherington stated this was a great idea and good public relations for the police department. He asked that Council's thanks be forwarded to Officer Wolfberg for all his help.

Mayor Carroll reported that he was invited to a dinner where Officer Wolfberg was recognized by the Vo-Tech School for his outstanding work that he has done since 1998 as an instructor in their Police Science program and his work on the advisory committee. The school gave Officer Wolfberg a statue dedicated to his time and service, and Mayor Carroll spoke on Officer Wolfberg's behalf when they broke off into committee.

**BOROUGH SOLICITOR: Robert Cravitz**

**Report on Real Estate Assessments for Harold and Ann Schriver, for Thomas and Ginger Ryder, and for Selinsgrove Projects, Inc.** – Mgr. Bickhart reported that the Schriver's were granted an assessment adjustment from \$28,950 to \$22,040, a reduction of \$6,910, which will mean lesser revenue for the Borough in the amount of \$89.83 per year. The Ryders were granted an assessment adjustment on the former Kelly's Town Tavern property from \$24,040 to \$7,900, a reduction of \$16,140, which will mean lesser revenue for the Borough in the amount of \$209.82 per year. SPI was granted an exemption from property taxes on the former CVS and Sampsell properties, which will mean lesser revenue for the Borough in the amount of \$1,032.98 per year.

C/P Mengel asked if the Borough has the ability to ask for a reassessment after the renovations are completed at the Ryder property. Mgr. Bickhart stated the assessor's office has the ability to do a reassessment at the Borough's request. C/P Herb stated they will have to have building permits to do their work and he thought a reassessment would be done automatically. Attorney Miscavige stated the property owner is responsible to notify the county assessor of any changes. However, the Borough has a right to appeal an assessment adjustment within 30 days if it would be financially feasible to do so. He stated that the Borough or the School District can file an appeal in any year without waiting for the county assessor to go to the property. Any appeals must be filed by September 1 for the following year. He stated copies of the building permits that are issued should go to the county assessor and they will come out and do a reassessment and issue a new notice. The Borough is required to receive a notice of what the new assessment will be. At that point the Borough, the school or the property owner could file an appeal on that reassessment. C/P Inch referred to the information given by Mgr. Bickhart last month showing a .45% drop in revenue due to reassessment of properties. Mgr. Bickhart stated the three assessment adjustments discussed today were not in the analysis from last month.

**Consideration of proposed Resolution pertaining to implementing the National Incident Management System** – Mgr. Bickhart reported that the documents were reviewed by himself and Attorney Miscavige.

Motion by C/P Anderson to approve the implementation of the National Incident Management System. Seconded by C/P Inch.

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

**Execution of Labor Agreement with Selinsgrove Police Officers Association** – Mgr. Bickhart reported the Association has signed the labor agreement.

Motion by C/P Reuning to officially accept the contract agreement and authorize Pres. Handlan to sign the document and Mgr. Bickhart to witness her signature. The mayor also has to sign the agreement. Seconded by C/P Anderson.

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

Mgr. Bickhart stated that this process was a credit to everyone who made it relatively painless. It was well negotiated and everyone seems to be happy with it. Mayor Carroll asked for clarification on the signature page, whether the "local elected official" was the Council President or the Mayor. Attorney Miscavage stated since Council is voting on it, the signature should be the Council President's.

**Indemnification from SU pertaining to West Halls Development Plans** – Mgr. Bickhart reported that the Planning Commission and Council granted conditional approval for the West Halls development plan subject to receipt of an indemnification letter indemnifying the Borough from any damages resulting from using the parking lot for a stormwater retention basin. The Borough received a letter signed by Mike Coyne reiterating the agreement and saying "based upon the above, Susquehanna University hereby agrees to forever release and indemnify the Borough of Selinsgrove, Borough Planning Commission. . ." Mgr. Bickhart had asked Solicitor Cravitz if this qualified as an indemnification. Attorney Miscavage stated this is not adequate. The Borough should have an Indemnification and Hold Harmless Agreement in a form approved by the Borough Solicitor. Mgr. Bickhart stated that the university will be notified that this letter is not an adequate indemnification.

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

**Update on pending projects** – Mgr. Bickhart reported that the University Avenue sanitary sewer project is complete. He has seen the revised easement for the Siros, which they have signed and given back to the attorneys.

#### **Update on 2006 Street and Alley Program with Mid-State and curbing work with M&E –**

Mgr. Bickhart reported that the contractor was notified that he was running too close to the contract deadline. PennDOT requires paving must be completed on or before October 31 for any project where the Borough is spending liquid fuels money. The contractor was not able to do much paving before that date. It was decided that it was in the Borough's best interests to terminate the contractor's work on the contract and he was ordered not to start any additional things, to restore what he had ripped up, and to complete what he could by October 31. A restart date for the project was discussed and it was agreed that the contractor would hold his contract price and the project would be restarted on April 16, 2007 with the contractor completing paving between May 1 and May 11, 2007. Mgr. Bickhart stated that this is a situation that needs to be addressed with the solicitor in terms of properly placing the Borough with respect to the contract because the contract does call for delay damages in the amount of \$100.00 per day. The Borough has additional costs associated with inspection and engineering costs for a project that runs longer than the days prescribed for the project. The Borough could consider exercising their right to collect the delay damages from the contract. It was indicated to the contractor that this would be brought to Council's attention tonight for their determination. C/P Anderson asked whether, since the Borough elected to stop the project, they could still collect damages. Mgr. Bickhart replied that the Borough stopped the project after the project was already a couple of days past the completion deadline date. C/P Herb asked if there are any legal or practical difficulties in binding the contractor to complete the project next spring. Mgr. Bickhart replied that he does not know about this; the contractor has offered to honor his contract price in return for being permitted to stop and restart the project. C/P Herb stated that he wants to be sure the Borough has control of the situation because there was a contract that the contractor failed to fulfill. Mgr. Bickhart stated that this all has to be done through the solicitor and carefully written as to what the Borough's position will be. The Borough is in control of the situation due to the contractor being in breach of the contract and not fulfilling his obligations under the contract. C/P Herb stated he would not want to impose as severe a penalty as the Borough is legally able to impose, but he thinks that the Borough is entitled to have the work done, have it done at the original contracted price, and to not incur additional expenses beyond that. He feels it is reasonable for the contractor to bear any expenses incurred by the Borough. Mgr. Bickhart stated that it has been a struggle to get the contractor to perform in a satisfactory manner. The Borough has had to spend a lot of time inspecting the work to be sure it is satisfactory. The work that has been completed is now satisfactory, but there are some things that have not been done which means there are issues as to what the contractor will be paid for regarding what he has done so far. In the bills, the contractor had made a request for payment of \$83,000. This has not been authorized. The final payment determination lies with

John Coukart. When he certifies what the Borough owes for what has been completed then the Borough will pay only that amount. Mgr. Bickhart stated this has been a nightmare season for contractors and not just in the Borough. Monroe Township had a situation with a different contractor. Because the Borough hired a contractor who has not fulfilled his contract, Council has the ability to go to the contractor's bond company, take the money and hire someone else to finish the project if that what they choose to do. There was a similar situation with G&R Charles and the culvert. Because the situation can get ugly, everyone tries to find a compromise. The next step is up to Council, but it is difficult to exercise rights under the contracts. It could involve litigation and spending money unnecessarily because it is hard to judge which way it will go. Mgr. Bickhart waiting until after the solicitor has had a chance to study the situation and make a recommendation. Pres. Handlan stated if Council has the contractor restart the work in the spring they will have to make sure the bond is still in effect. Mgr. Bickhart stated there are many elements that need to be addressed, including the damage issue. Attorney Miscavige recommended Council keep their options open. He stated he will work on this issue with Solicitor Cravitz as he is able. Mgr. Bickhart suggested he meet with the solicitor and John Coukart to come up with a solid recommendation on how to proceed for the December Council meeting. He stated the Borough has budgeted a certain amount of money for the project, and even though a lot of it was funded with liquid funds money, if this is not spent it carries over so it is not lost. As things stand now, the Borough is not losing anything and they have some time to figure out what to do with this contractor. The issues with the contractor have been well documented. The crew was close to being incompetent in some cases, so the Borough employees stayed on top of things and made sure that the work was done correctly. Mgr. Bickhart stated contractor certification has been discussed by Council in the past. He stated that he and the engineer feel that certification is not as important as spending more time and money on engineers and on the Borough doing their own inspections for projects going forward. Mayor Carroll asked how the Borough can avoid a contractor who does shoddy work or who requires Borough manpower to ensure the work is done correctly, when the same contractor could be the low bidder on another project and Council takes the lowest bid. Mgr. Bickhart stated it is very hard to disqualify a bidder unless the Borough has had a legally recorded end product, something that has been resolved through the legal process where the contractor has been found to be at fault. It is the obligation of the Borough to get the contractor to do the work that the specifications call for. He stated there was one contractor in the Borough who was made to replace the same piece of curbing three times until he got it right. Sheri stated that if the Borough makes a contractor keep ripping out his work and redoing it until he gets it right, then that contractor may not want to work in the Borough again and so he will not submit a bid. C/P Inch stated there were problems right from the start with this contractor. Mgr. Bickhart agreed, stating the Borough accommodated them right from the beginning with paperwork issues. Pres. Handlan asked if this issue could wait until the next Council meeting and Attorney Miscavige replied that it could. No work would be done any more this year anyway. Mgr. Bickhart stated he will check to see how long the performance bond is good for.

**Phase 2 of Streetlight Project** – Mgr. Bickhart reported the contracts have been received for Phase 2 of the streetlight project. They will be notified to proceed tomorrow.

**Recommendations on modifications to Bid Specifications pertaining to Prequalification of Bidders**

– Mgr. Bickhart reported that John Coukart and Solicitor Cravitz discussed this and the last set of specifications that they came out with included language that any PennDOT prequalification would only be as a subcontractor and not as a prime contractor. The experience that Monroe Township had with Fulkroad, who is certified as a prime contractor, proves that there is no difference in terms of output of a prime contractor versus a subcontractor. As noted above, the best thing is for the Borough to be prepared to spend the effort to make sure work is done correctly. The Borough would like to be able to attract local contractors, who would give the Borough lower prices, thus keeping the work as close to home as possible. The only way to ensure quality work is through inspections. The contract specifications will call for PennDOT prequalification only as a subcontractor for the Borough's work, and the invitation to bidders will indicate that they must have that prequalification at the time they submit the bid. They will have to keep the prequalification after submitting the bid. This will eliminate situations such as occurred at the beginning of the project with Mid-State Paving.

**BOROUGH TREASURER: Sharon Badman**

**Review Treasurer's Report for October 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.

**Review Independent Auditor's Report for 2005 –** Sheri recommended that Council read the notes on the auditor's report and let her know if they have any questions.

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

**Non-Police Complaint Update –** Mgr. Bickhart reported that Joyce Hendricks was concerned about the delays in the street program and she also pointed out an unsafe sidewalk. Pres. Handlan asked if a letter was ever distributed to the homeowners on West Snyder Street. Since this was not done, she recommended letting the residents know the Borough appreciates their patience with this issue.

**Update of PROPERTY TRANSFERS and BUILDING PERMITS ISSUED, Janet Powers, Deputy Zoning and Permit Officer –** Information only. Mgr. Bickhart mentioned that the Candy Bouquet is now open, as well as Mrs. Green Jeans. Pres. Handlan reported that the Selinsgrove Inn is now open, and they were sold out their first weekend. Mgr. Bickhart stated it is an amazing facility. He encouraged Council to stop in when the owners, Scott or Melanie, are there and can explain the facility. He stated it is more like a bed and breakfast establishment. No two rooms are the same; all furnishings are different.

**DCED Review of Borough's CDBG Grants –** Mgr. Bickhart reported that DCED is quite happy with the way the Borough spends their money. The Borough received a clean bill of health.

**Reminder – RESCHEDULED Budget Work Session – Monday, November 13 at 7:00 p.m. –** Mgr. Bickhart stated the meeting has been advertised.

**Flood Maps – Notice of 90-day Appeals Period (11/10/06 to 2/8/07) Final Determination and Notification/Adoption (within 6 months of Final Notification) –** Mgr. Bickhart reported there should be two advertisements in the Daily Item with information on the 90-day appeal period. Near the end of the 90 days the Borough has been asked to send a letter stating whether they will or will not have an appeal. After the 90-day period some time is spent issuing a final determination notice. Within six months of that the map and ordinances to go along with it need to be adopted. Mgr. Bickhart stated there is really nothing to appeal in the report. He stated his brother also went over it and found an error in the report, notified them, and they fixed the tables in the report. Mgr. Bickhart stated the community has been notified a number of times. He suggests finding a way to notify them again. The letter from FEMA suggested having a press release. Mgr. Bickhart stated the public is probably not aware of the implications of this. There have been three people who have asked to have this explained to them, and Mgr. Bickhart sat down with them and went over it. C/P Herb stated in the event of a serious flood or any natural disaster, people may find themselves shocked at what they cannot do in the flood plain. People may find that the choices they thought they had are not the choices they are left with. C/P Anderson suggested a letter to everyone who is impacted by this. Mgr. Bickhart stated letters have been done to three different segments of the population. The first letter included people who are not now in the flood plain but who will end up in the flood plain. The second letter was sent to the 55 recurrent loss properties as FEMA is requiring the Borough to spend more time worrying about those people. A third letter was sent to people who are in the flood plain now and will remain the flood plain. A workshop was also held, but something else needs to happen because people still do not understand this. He stated it is not just the impact of the flood plain maps, which have significant consequences, but the effect of the flood plain ordinance, the substantial damage issue, and how it will affect them that people are totally unaware of. This will have repercussions in the development and the future of the Isle of Que, where almost every property will at some time in the future have to be raised. C/P Mengel suggested delivering letters door to door. C/P Herb stated any natural disaster, not just a flood, or any two natural disasters within a two-year period can cause a homeowner to be forced to raise their home or to be in the position of not even being able to repair the property. Mgr. Bickhart stated the cost of elevating some of the properties would exceed the value of the property. C/P Herb stated this affects the resale value of a home if a potential

buyer becomes aware of this. Mgr. Bickhart stated there have already been two problems on the Isle of Que where renovating the homes will not solve the problem. Their best alternative is to take a loss on the property, tear the building down and sell the lot. C/P Herb stated that people need to be made aware that they may lose their homes because they will not be able to afford to comply with the ordinances that have to be adopted. Mgr. Bickhart stated it might be worth a call to Jan Tippett informing her that this affects everyone in the Daily Item's service area and suggesting that she assign a reporter to do a major story on this issue. C/P Anderson suggested a headline such as "Raise It or Raze It" to capture people's attention. C/P Herb stated that this is too complicated of an issue for people to understand from a short article in the newspaper. Pres. Handlan stated most people realize they live in a flood area; they just do not understand the ramifications of it. Mgr. Bickhart stated he will call Jan Tippett to solicit her help.

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

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

**Resignation of Dave Faust, effective December 2006 meeting** – C/P Anderson asked if Council needs to accept his resignation. Mgr. Bickhart replied that Council appointed him so they should acknowledge his resignation.

Motion by C/P Anderson to thank Dave Faust for his service and accept his resignation. Seconded by C/P Reuning.

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

**Appointment of new representative** – Mgr. Bickhart stated Council needs to give Dave Faust's replacement some serious thought. He stated the Borough needs to find someone who will not only fulfill their duties but also keep Council better informed on what ESCRA is doing and what decisions they are making. This will give Council the chance to interject their attitudes through the representative. Mgr. Bickhart suggested finding someone more knowledgeable in business than in actually running a sewage treatment plant. Someone with business sense knows about bonds, investments, operations, and maintenance. C/P Mengel suggested George Kinney as a replacement. C/P Anderson suggested Don Sheldon, Jim Black and Bill Ward. Mgr. Bickhart suggested Council members find out who is willing to serve. If the person has questions about the duties, they can call Mgr. Bickhart. He stated that Bob Dagle is not currently a Borough resident. If the Borough representatives are required to be Borough residents, then Bob would need to be excused from service. He stated he did not see anything stating that the representative needs to be a Borough resident. C/P Inch noted that there is a small stipend of around \$1,200 for the position, paid by ESCRA.

**Proposed 2007 budget** – Mgr. Bickhart reported that the total ESCRA budget increase is a little less than ½%. The proposed depreciation amount is \$380,000, which is down from the original estimate of \$480,000 and it is \$15,000 less than last year. With the metering, the Borough will be paying less and less. Mgr. Bickhart stated the salaries and wages show a 1.46% increase and the Borough was led to believe they gave the employees a 4.5% wage increase. C/P Anderson stated it may be that some higher paid employees retired. Mgr. Bickhart stated there were also some changes in their medical plan.

**NORTH-EASTERN SNYDER COUNTY JOINT AUTHORITY – C/P Hetherington and Mgr. Bickhart**

Mgr. Bickhart reported that the 2007 assessments will remain the same as prior years. Sheri stated the Borough's contribution is \$735.

**NEW BUSINESS:**

**COUNCIL MEMBERS**

C/P Hetherington stated his money to attend classes can be made available to Mayor Carroll, with Council's permission. He stated he does not plan on attending any classes.

C/P Anderson suggested the Borough officially congratulate the school for their first undefeated football season in 74 years, as well as the girl's field hockey team and the other teams that have done so well this year. Pres. Handlan directed Mgr. Bickhart to send a letter on behalf of Council. She also suggested doing an article in the next newsletter.

Pres. Handlan stated that the newsletter is not sent to every resident of the Borough. It only goes to property owners. She stated a way needs to be found to deliver it to every household. Mgr. Bickhart stated the Borough does not have a mailing list for residents. When something needs to go to every resident, it is delivered door to door by the Borough crew. They do this with the recycling brochure and some other things. Mayor Carroll suggested coordinating the newsletter delivery with these other deliveries. Sheri stated one newsletter could go out in April or May. Mgr. Bickhart stated if the Borough enacts a landlord ordinance then the landlords will be required to register their tenants. The Borough could purchase a resident list from the Post Office. Pres. Handlan asked if Sheri and Mgr. Bickhart can work out a schedule to deliver the newsletter to every resident.

C/P Mengel asked if the grant money has been received for the boat launch project. Mgr. Bickhart replied that the committee is still working with the Boat Commission to get the plans approved. He anticipates it will be approved soon and the boat launch will be ready for the spring.

C/P Mengel stated that Dave Faust recommended George Kinney to replace him on the ESCRA board and she thinks George's 18 years as Borough Managers gives him the experience that Council needs on the board. He has worked with the people before and she feels he deserves Council's consideration. Pres. Handlan stated she understands this, but she feels other candidates should also be considered.

**MAYOR** – Nothing further

#### **OTHERS**

Mgr. Bickhart stated that on the issue of pension, some months ago Council had discussed the employees being able to buy back their probationary time toward their retirement benefit. At first Council was misled to believe that they could do this for the probationary period but did not have to do it for part-time employees who have a fixed schedule but do not work 40 hours per week. However, it was found that the actuality is that Council cannot deny the part-time employees the opportunity to buy back their time. Council had made a motion to authorize the Borough to investigate the costs for people to buy back their time for the probationary period and did not authorize the investigation of the costs for the part-time employees. He is asking Council to amend that motion to include the authorization to request of the pension plan the cost associated with the part-time employees buying back their time. This will cost the Borough money as well as the employees.

Motion by C/P Anderson to correct the earlier motion to allow part-timers to purchase back their time.  
Seconded by C/P Herb.

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

**EXECUTIVE SESSION - Council Meeting recessed to an Executive Session at 10:12 P.M. for discussion of Personnel Issues. Council meeting reconvened at 10:58 P.M. with no action taken.**

#### **ADJOURNMENT:**

Meeting adjourned at 10:58 p.m. following Motion for adjournment by C/P Reuning.

Attachments: None