

SELINGSGROVE BOROUGH COUNCIL MEETING

MONDAY, JANUARY 8, 2007 - 7:00 P.M.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Solicitor R. Cravitz; Mgr. J. Bickhart; Mayor P. Carroll; Police Chief T. Garlock; Borough Treasurer Sheri Badman; Recording Secretary Dawne Long; DH&L Representatives Dewayne Betzer and Ken Stettler; Daily Item Reporter Asten Smith; Parks & Recreation Chairman Dick Norman; SEDA-COG Representatives Michael Miller and Bill Seigel; SPI President Judy Spiegel; Borough Residents Joseph and Margaret Siro, Erik Viker; Church Issue Palmer and Deb Marshall, Trace Nevil; Selingsgrove Sub Shop Purchasers Nick Charles and Emma Renninger; Skateboard Issue Attendees Robert Cook, Ron Cowan, Brian Farrell, Bridget Farrell, Dylan Farrell, Tyler Halton, Dave Hoke, Jr., Eric Hoke, Kurt Iobst, Rita Klinger, Devin Kratzer, Christine and Michael Lester, Ruth Lundberg, Jason Mitch, Andrew Wilson, John Wilson, and Mitchell Wilson

OTHERS ABSENT: None

CALL MEETING TO ORDER:

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

RECESS MEETING TO PUBLIC HEARING at 7:30 P.M. – advertised for 7:00 P.M.

Presentation by Bill Seigel on FFY 2007 CDBG Funding and past allocation of funds – Bill Seigel introduced Mike Miller, who is on staff at CEDA-COG and is also on the South Williamsport Borough Council. Mike will be working with Mr. Seigel on Selingsgrove Borough's projects and also with SARI with respect to the swimming pool project. Mike was on the recreation committee in South Williamsport and was instrumental in their swimming pool renovation and rehabilitation. Mr. Seigel reported that tonight is the first public hearing in preparation for the Federal Fiscal Year 2007 Community Development Block Grant Program, which is an entitlement program funded by the U.S. Department of Housing and Urban Development. Selingsgrove's funds pass through the Commonwealth of Pennsylvania's Department of Community and Economic Development. Selingsgrove receives an allocation of funds under this program because they are a municipality in the commonwealth that meets the criteria. Mr. Seigel reported that this year's estimated allocation is \$115,400. This is the same amount that the Borough received last year. There has been no federal budget passed yet, so the assumption is that the allocation will be close to last year's amount. A portion of these funds are set aside for administrative services for both the Borough and for SEDA-COG. The estimated amount this year is \$17,720 total, with SEDA-COG services being \$17,220 and \$500 set aside for Borough costs for legal notices. This leaves \$97,680 net funds to allocate to Borough projects. Tonight is the first public hearing and approval is anticipated at the February 5, 2007 Council meeting. Comments will be solicited from the public and a final public hearing will be held on March 5, 2007. The application will then be submitted to the state in late March.

Bill Seigel reported that there are two criteria the Borough must meet in order to receive Community Development Block Grant funds. The first is that the project must be an eligible activity, and the second is that the Borough must meet certain federal funding thresholds or criteria referred to as fundability. CDBG funds may be used for a broad range of community development activities, such as economic development, public infrastructure, streets, roads, bridges, water, sewer, public services, fire services, community services, recreation, stormwater, housing activities, sidewalk rehabilitation – any activity that can be used to improve the quality of life for a community and the citizens of that community. The easiest way to remember what is eligible is to remember what is not eligible. Generally, two things are not eligible: general purpose government and routine maintenance activities. Once an activity meets the

eligibility criteria it must then be qualified as meeting fundability in one of three ways. 1) It must benefit predominantly low/moderate income persons, with at least 51% of the people being served falling within the federal guidelines for low/moderate income; 2) it must eliminate an immediate and urgent emergency situation, usually requiring a gubernatorial or presidential declaration, such as a few years ago when CDBG funds were used to remove snow from the downtown; or 3) it must remove a slum or blighting influence from the community, for example removing abandoned buildings that have fallen into a serious state of disrepair. There are federal guidelines which Selinsgrove must follow, and historically the Borough has adopted both the Fair Housing Policy and an Antidisplacement Plan.

Projects Currently Under Consideration – The Pine Street reconstruction project has been completed on the Isle of Que. The Borough financed the construction with the intention of reimbursing themselves from the CDBG program over a period of several years. The remaining amount payable that the Borough is entitled to be reimbursed under the program is \$134,827. SEDA-COG has reviewed South Second and South Front Streets on the Isle of Que and has documented that the DCED will view those projects as serving predominantly low and moderate income persons. Those projects are eligible and fundable for CDBG consideration for reconstruction. With the outstanding debt to Pine Street, Mr. Seigel stated the Borough would not be in a position to initiate activity on South Second and South Front Streets at this time. However, the survey work that the Borough did for the Isle of Que can be used through 2011. If Council wants to fund the South Second and South Front Streets projects with CDBG funds, then the project must be started by 2010 or 2011 at the absolute latest in order to grandfather in the survey until the project is completed.

Removal of Architectural Barriers (curb ramps at intersections) – This will be a continuation of an ongoing program. There is \$23,000 remaining in this grant program.

Curbing/sidewalk construction/reconstruction (include tree removal?) – There are currently no funds budgeted for the Borough's curb cut program. This may be something Council should address if any street reconstruction projects are anticipated. These projects are presumed to benefit low/moderate income persons because they are removing architectural barriers and have a presumed qualification. In answer to a question from Karl Maul of the Shade Tree Commission, Mr. Seigel stated that tree removal and replacement can be funded with CDBG funds as long as the trees are in the project area and between the street and sidewalk, based on individual household qualifications.

New project ideas and/or discussion from Council and/or the public – There were none.

Bill Seigel stated he is required to ask if there are any known historical or environmental impacts for any of the projects that have been discussed this evening.

Public comments on projects previously funded by Selinsgrove Borough Council through the CDBG Program – Hearing none, Bill Seigel turned the meeting back over to Pres. Handlan and the Council.

RECONVENE MEETING at 7:22 P.M. to discuss proposed use of funds for FFY 2007 – There was no further discussion. Mgr. Bickhart noted that the final public hearing will be held February 5, 2007.

REVIEW AND APPROVAL OF COUNCIL MINUTES FROM MEETING OF DECEMBER 4, 2006:

Motion by C/P Anderson to approve the minutes as presented. Seconded by C/P Inch.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

VISITORS TO BE HEARD:

Borough Police Chief, Thomas Garlock – Presentation of Police Report for November 2006 – Chief Garlock summarized the report, stating that in November of 2006 the Department handled 33 reported Part 1 crimes, the more serious crimes, and 61 Part 2 crimes. Total crimes reported for the month were

108. During November there were 443 calls for service. Last November there were 283 calls for service. The total calls for service year to date through November 2006 were 5,325 and in 2005 for the same time period there were 3,648 calls for service. The Part 1 crimes for 2006 are lagging behind those of 2005, but the rate of difference between the two years is now less than 1%, as anticipated would happen by the end of the year. Part 2 crimes are 15% higher in 2006 than they were for the same time period in 2005. The total call volume for 2006 is 31.5% higher than in 2005. There were 5 burglaries reported for November, which is atypical; usually there are not that many. Vandalism was higher in November than October, with 26 reports of vandalism for the month. There was one domestic-related rape reported in November; this was closed within two days of the report. C/P Hetherington noted that 12% of the calls for service came from the Selinsgrove School District. Chief Garlock stated these include traffic complaints, disturbance reports, suspicious vehicle reports, and crime reports. He stated he would have to look through the specifics for November to report on what exactly these calls were for.

DH&L Fire Company, Ken Stettler – Ken reported there were 17 incidents in December as follows: 1 automatic alarm, 1 vehicle accident with extrication, 1 miscellaneous fire, 1 medical assist, 1 local alarm, 5 vehicle accidents without extrication, 6 structure fires, and 1 vehicle fire. The incidents occurred as follows: 1 in Chapman Township, 1 in Jackson Township, 1 in Middlecreek Township, 1 in Monroe Township, 7 in Penn Township, 2 in Selinsgrove, 1 in Sunbury, 1 in Union Township and 2 in Washington Township. The loss within the jurisdiction was \$0.00. December man hours total 381.

Ken reported that for the year 2006 there were 321 incidents, a \$55,000 loss for the year within the jurisdiction, and 7,670 total man hours. He stated these figures are in line with other years, although the dollar loss is fairly low.

Ken reported that elections have been held, with Dewayne Betzer being elected the new fire chief. Mr. Betzer has been with DH&L for about 15 years and has worked his way up through the ranks with various offices. Ken reported that the Department had a good influx of firefighters with the college students that came in. There were at least 12 students. Other firefighters have come in from other departments to help out. Things are good, but Ken stated that the Department can always use more volunteers. Mgr. Bickhart reported that Jason Kaufman is now the deputy fire chief. He stated there are some very good people in leadership positions in the fire department. Donny Weirick is an assistant fire chief. Ken stated this is Donny's first year as a chief, but he has been a firefighter for 15 or 20 years. He stated most of the officers have at least 10 years' experience. Mgr. Bickhart mentioned some other names of officers: Greg Ulsh, Jeremy Smallwood, and Pat Metzger, who is captain and president.

DH&L Ambulance League – No Report

Skateboarding Issue, Ron Cowan – Mr. Cowan, a Borough resident since July 2006, expressed concern with Ordinance #587, which goes back to 1988 and states that no skateboarding is permitted on any grounds, parks, sidewalks, or structure within the Borough except for Industrial Park Road. Mr. Cowan stated that Industrial Park Road has tractor trailer traffic and the road surface is not in good enough repair for people to enjoy the extreme sport of skateboarding. He stated there are currently about 300 skateboarders in the Borough who are risking being ticketed by the police department when they skateboard. Mr. Cowan asked if Council could come up with a short-term solution to make more space available to the skateboarders to enjoy their sport. He asked if perhaps Council and the police could look the other way and not treat the kids who are just trying to have some fun as young criminals. Mr. Cowan also suggested the long-term solution of building a skate park in the Borough. He stated he will address this with the community and he will seek public and private funds. If feasibility studies are needed he will find the funds to pay for them. C/P Hetherington expressed his concerns with the letter that Mr. Cowan distributed, specifically the first paragraph stating that the skateboarders are considered "delinquents, criminals, hoods or punks in the Borough of Selinsgrove." Mr. Cowan replied that no Council member or any police officer has directly said anything like that, but he has heard adults in the community make comments about the skateboarders. C/P Hetherington stated the pictures in the newspaper show Mr. Cowan condoning skateboarding in front of his house on Orange Street, which is against the ordinance and on a street with more traffic than Industrial Park Road. Jason Mitch, a skateboarder, stated that Industrial Park Road is not skateable at all. He stated the road is rocky and the truck drivers

are inconsiderate of the skateboarders. He has had several boards run over by trucks and he has even been hit by a truck. The skateboarders have been called names by the truck drivers and Jason stated he has even been called a hoodlum by the Selinsgrove Police Department. He stated he has had about ten fines for skateboarding. He suggests that a skate park is the best solution to this issue. C/P Herb asked Mr. Cowan what types of short-term solutions he has in mind. Mr. Cowan offered the following suggestions: 1) that skateboarders be disbursed by the police rather than have citations issued, 2) that skateboarders might be given a pass, with their parents' approval, issued through the Borough Office for a monthly fee, and agree to hold property owners harmless for liability, and 3) that the fee be used to take care of any damage to curbs and sidewalks.

Dick Norman, Chairman of the Parks and Recreation Committee, stated the he was mayor in 1988 when the ordinance was passed. Complaints of the citizens of the Borough led to the passage of this ordinance. Skateboarders were causing problems on side streets, several residents were literally run over, and kids were hanging onto the backs of cars and trucks and riding down the street. At the time the ordinance was passed Industrial Park Road was a decent road and traffic was not as heavy at that time. Dick stated that since he has been involved with Parks and Rec, many people have come to him asking about a skate park. Each time he told them that they should pursue it, get facts and figures, determine who would maintain it, where it should be, and who would police it. When people found out that a skate park would cost \$30,000 to \$40,000 the issue never went any farther. He stated that Lewisburg's skate park was done by the non-profit organization, LARA, not the Lewisburg Borough. Sunbury put in a skate park which is controlled by the City; however, a group of individuals started and funded the project, and they also maintain it and police it. Dick challenged Mr. Cowan to pursue the idea of a skate park by forming a corporation such as the one formed for Kidsgrove. SARI has done the same thing with the swimming pool.

Robert Cook, a skateboarder, stated that Sunbury and Lewisburg both had temporary parks before the current skate parks were built. He stated Bloomsburg has a skate park that was built and is maintained by local skateboarders and BMX riders. He suggested the Borough of Selinsgrove give the skateboarders a place where they can get together and build their own skate park. Brian Farrell, a local business owner and father of a skateboarder, encouraged Council to review and revise the ordinance so the children do not have to leave the Borough to skateboard. He suggested letting them skateboard on back roads or alleys and stay away from main roads and intersections. Kurt Lobst, owner of The Skateboard Store in Lewisburg, stated he has worked with LARA and helped out with issues including the temporary park before the skate park was built. He stated the temporary park was in Buffalo Township on property owned by LARA. In Lewisburg the only place where skateboarding is prohibited is on Market Street and the two alleys parallel to Market Street. C/P Anderson stated it is obvious that the 1988 ordinance needs to be reviewed; she suggested referring it to the Safety Committee. Christine Lester, a teacher in the middle school, stated that the skateboarders are good kids who are just looking for a place to pursue their interests. She was concerned that the entire group was being punished because of the actions of a few skateboarders who are getting in trouble.

C/P Reuning stated he has no objection to reviewing the ordinance. He did want to make Mr. Cowan aware that there are people in the Borough, especially older people, who are afraid of skateboarders. He also stated that if something is illegal, then the police must enforce the law. He stated the skateboarders are not hoodlums, but it is the same as if someone were to exceed the speed limit. That person is not a hoodlum, but if caught that person has to pay the fine. He stated that damage to curbs is not insignificant because the entire street must be ripped out to replace the curb. The homeowner on that particular piece of property has to bear this expense. He stated that steps have been destroyed by skateboarders at Susquehanna University. C/P Mengel stated that since both sides have issues to resolve, the ordinance should be reviewed to see if there are some short-term solutions that can be worked out. She also suggested the skateboarders get an organized group together to work on a skate park. Ruth Lundberg, the grandmother of a skateboarder, suggested letting the skateboarders use curbless streets or alleys. Jason Mitch stated that he and some friends were skateboarding at the university today and they got kicked out by the security guards because they were not SU students. SU students are allowed to skateboard there. Jason stated the damage to the university is caused by university students and not the Selinsgrove kids. Kurt Lobst admitted that skateboards do cause damage to property. However, so does

any sport which is actively pursued outside its environment, such as playing football or baseball in the middle of the street. Any damage that results should be paid for by the person who caused the damage.

Mike Lester asked if the Borough has an ordinance regarding bicycle riding within the Borough. C/P Hetherington stated bicycles are not allowed to be ridden on sidewalks. Mr. Lester pointed out that bicycles can be ridden down any street. He stated he does not understand the difference between a child riding a bicycle and a child riding a skateboard on any Borough street. He stated the citizens pay for damages and community issues through their taxes. C/P Reuning replied that tax dollars are not used for sidewalks and curbs. The property owner pays for their own curbs and sidewalks. C/P Herb stated that one exception to that would be the CDBG grants that Bill Seigel spoke about earlier in the meeting. Mgr. Bickhart stated that he also noticed the parallel between bicycles and skateboards so he looked into it. The Borough does have an ordinance on bicycles, which basically prohibits them from exceeding the designated number of people on a bike and includes some general statements about exercising care. However, bicycles are vehicles under the State Vehicle Code and they are regulated by state law in terms of where they can be and how they can operate. C/P Herb stated that this issue becomes emotional for the homeowner who has recently spent thousands of dollars to install a new curb or sidewalk only to see it marked up by skateboard wheels.

Pres. Handlan thanked everyone for coming to the meeting to provide information on both sides of the issue. Council now has some suggestions and some alternatives to look at in reviewing the ordinance. She stated the ordinance is old and does need to be revisited. She stated she is most concerned about safety issues for the skateboarders themselves and for those citizens traveling down the street who need to avoid the skateboarders. She is also concerned with the liability issues and the damage issues. She stated there is a good group to work with and she hopes they will organize themselves to take the lead in building a skate park in the Borough. She stated Council will try to find some land that could be used. This issue will be referred to the Safety Committee. Robert Cook asked if the train station building could be demolished and used for a skate park. He was not aware that this is privately owned and is currently for sale. Tyler Halton, a skateboarder, stated that there is a field by the laundromat that might be suitable for a temporary skate park on a trial basis. He stated skateboarders act differently now than they did when the ordinance was passed in 1988. Dick Norman offered his services to the group and also stated that there is possibly land available if the group organizes to pursue this issue. C/P Hetherington stated the Safety Committee will try to have a meeting before the February Council meeting. He will let Mr. Cowan know when this will be; the meetings are open to the public. Mgr. Bickhart suggested that Mr. Cowan get his group organized and offered the use of the basement for the group to meet before they leave tonight. He asked for contact names for notification when the Safety Committee meets.

Church in Business District Issue, Trace Nevil – Mr. Nevil reported that he and his wife, Colleen, own the building at 29 North Market Street. He stated that Palmer and Deb Marshall have the Apostolic Gospel Fellowship Church in that building. They first took occupancy as a Bible study group which had been meeting in their home. They outgrew their home and rented from Mr. Nevil. They continued to grow and filed articles of incorporation to become incorporated as a church, at which point they filed for a permit at the Borough office to put up a sign advertising their church. Janet informed Mr. and Mrs. Nevil that the church was in violation of Ordinance 140.99, which does not allow churches in the central business district. Mr. Nevil stated he reviewed the ordinance and he does not see where it says that churches are not allowed. He was told he could file an appeal to the zoning officer. They did this, paid \$100 and had a hearing on December 7, 2006 at which time they were told that this was not a variance issue. He is asking Council why a church is not allowed in the downtown business district. He stated if parking is the issue, it is not an issue for this particular church because there are 10 to 15 paved parking spots behind the building and public parking beside the building. The church meets two times a week in the evenings and many of the people carpool. He stated the Marshalls will outgrow the spot they are renting in August when their lease is up so they will be moving out then anyway. Mgr. Bickhart replied that the zoning ordinance does not prohibit churches, but that churches are not on the list of what is approved. Therefore, churches are not an approved use in the central business district. The zoning ordinance lists the uses that are permitted in the zone to the exclusion of all other uses. He stated no one really knows the reason why the zoning ordinance does not list churches in the central business district. He stated the Zoning Hearing Board did all they could, but they do not have the authority to change the

uses. Mgr. Bickhart stated Council could forestall enforcement action until the end of August. C/P Mengel asked for clarification of the central business district, since the Episcopal Church and Sharon Lutheran Church are both in the downtown area. Mgr. Bickhart stated they are existing nonconforming uses. If they were to come in today the Borough would say no. Solicitor Cravitz stated it may have something to do with density and the need for parking.

Motion by C/P Anderson to declare a moratorium on enforcement of the ordinance through the end of the lease in August. Seconded by C/P Mengel.

C/P Hetherington questioned the legality of this and Solicitor Cravitz replied that Council can choose to enforce or not enforce a particular ordinance. Council could have done this tonight with the skateboarding issue by directing Chief Garlock to declare a moratorium on the enforcement of the skateboard ordinance. In this case, Council is declaring a moratorium on enforcement of the ordinance as it regards this particular church. C/P Reuning asked what will happen in August and Mr. Nevil stated the church will be moving. If they find a space to move to before then he will let them out of their lease early. If Council approves the motion, then the Marshalls will have until August to find a new space. C/P Mengel pointed out that a sign will not be allowed even if the motion passes. Pres. Handlan called for a vote on the motion.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Parking Variance Issue at Former Selinsgrove Sub Shop, Nick Charles & Emma Renninger – Nick Charles stated he and Emma Renninger have entered into an agreement to purchase the Selinsgrove Sub Shop from the Underhills. Restaurant seating and parking are the issues he needs to address with Council. The sub shop seats 46 people and he is proposing to continue the business as a non-sub shop restaurant with 50 seats. He is hoping to close the sale by January 31 but the sale is conditioned on Borough approval of the conditional use request. Mgr. Bickhart stated the ordinance permits the restaurant as a conditional use. The normal procedure is to run through the Planning Commission for comments, but in deference to the fact that Nick has a short-time closing date he is asking Council for conditional use approval without going through the Planning Commission. The proposed use is not much different than the prior use. Based upon the number of seats, there would need to be 14 off-street parking spaces. The two employees would increase this requirement by two parking spaces and there is an apartment upstairs which requires two parking spaces, for a total of 18 parking spaces. The property has a stone parking lot at the rear accommodating eight vehicles. C/P Anderson asked if there are any fire regulations regarding square footage of the property that will be impacted by the change in seating. Mgr. Bickhart stated if it does it would have nothing to do with Council or the Borough. He asked if Nick or Emma have approached CK-COG to see what requirements they might have; Nick replied that he has not spoken with them yet.

Motion by C/P Herb to grant approval of the increased seating and to grant the conditional use request. Seconded by C/P Inch.

C/P Reuning asked if Council approves this whether there will be other problems. Mgr. Bickhart stated that this has been reviewed and he is in a position to approve the zoning permit as long as Council grants the conditional use on the parking. There are no other issues as far as the Borough is concerned. Mgr. Bickhart stated this is called conditional use because Council can impose conditions along with their approval. They are to be evaluated on a case-by-case basis in order to continue business in the downtown.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Emma Renninger stated the restaurant will be a whole foods restaurant, with local meats, cheeses, and produce, supporting the local community. She stated everything will be homemade.

UNFINISHED BUSINESS FROM PRIOR MEETINGS:

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Review List of Council Issues – Mgr. Bickhart reported that he, John Coukart, the school district's contractor, and Randy Varner met to discuss the Weiser Run issue. John Coukart determined a need for additional engineering work and it was decided to recommend to Council that the Borough and the school district split the engineering costs 50/50. These engineering costs include identifying what the school district needs to do in order to restore the channel stabilization in the area where it failed. The school district did some inadequate repair work. The first rock was too small, so the contractor brought in larger rock, but large rocks are not stable and they will roll around. There needs to be a variety of rock sizes in order to lock the big rocks together. This lack of varied sizes of rocks led to the instability of this section of Weiser Run. The engineering study will determine how the work that has already been done can be improved to make the area stable. Randy Varner stated the school district's engineer is standing behind their original design and did not participate in the meeting. Therefore, it is best for John Coukart to come up with recommendations for the school district to follow through on. John Coukart pointed out that the original design did not consider the stability at the end of the design area. Because of the highly erosive soils and the energies created by the curving of the upstream areas, the instability of the area just below this was not considered. John Coukart will look at this on the Borough's behalf to recommend what the Borough can do to stabilize the portion of the channel from the end of the school district's portion down to around Magnolia. He has estimated \$7,200 as the engineering costs for this work. The school district is meeting tonight and Randy Varner will be presenting this same proposal to them for their approval. The school district will pay for the work that needs to be done on their portion of the project. C/P Inch stated that he sat in on the meeting and got the sense from listening to Randy Varner that the school district knows their work was inadequate and they are willing to correct it. C/P Inch stated that once the water runs off the school district's portion, if the Borough does not make some transition adjustments then the school district's work will be an exercise in futility because the same thing will happen again. Mgr. Bickhart stated that John Coukart feels that the instability just below the improvement contributes to the instability above. It creates turbulence and undermines the work that the school district has done. C/P Hetherington stated the school district caused the problem and he feels they should pay for all of it. C/P Anderson stated that it is her understanding that Weiser Run had a lot of problems even before this issue and it cannot all be blamed on the school district. C/P Inch stated that the Borough will be helping to improve land that is not on school district property. C/P Mengel stated she would like to see a guarantee that the school district will pay half of the estimated \$7,200 engineering costs.

Motion by C/P Anderson to conditionally accept the recommendation, assuming the school district is also amenable, for each side to pay half of the estimated \$7,200 engineering costs in order to determine a solution for stabilizing Weiser Run. Seconded by C/P Reuning.

Mgr. Bickhart stated Council is trying to help the school district with their costs by having John Coukart devise a plan to improve on what the school district has already done, rather than Council requiring the school district to totally rip out what they have already done and move forward following the original plans. With what is proposed, the Borough engineer will determine what needs to be done and the Borough can inspect the process and have the satisfaction that it will work. He further stated that while this problem was not the Borough's doing, in a way it was. The engineer is studying how to fix the failure of the school district's part, but the study will also include the Borough's failure to do anything beyond that, which contributed to the failure of the school district's area. The meeting determined that this is a mutual problem and there needs to be a mutual solution to fix the issue. John Coukart stated that the failure was in the initial plans that the school district's engineer drew, which failed to consider the transition from the stabilized channel to an unstabilized channel. However, those plans were reviewed and approved by the Borough engineer so the Borough cannot hold the school district to a standard beyond that. This issue could be in court a long time or it can proceed with the Borough's cooperation. The engineer can decide how the little rock and big rocks should be mixed or even whether a concrete base is needed to interlock the big rocks together. Mgr. Bickhart recommended sharing the cost of the study with the school district, with the understanding that the school district will proceed with the engineer's recommendations in their section. C/P Anderson stated the Borough then has the obligation to do the recommended work below that in order not to undermine the school district's work.

Pres. Handlan called for a vote on the motion.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

C/P Hetherington asked if there is a possibility that property owners will be assessed to put in retaining walls or whatever the engineer recommends. Solicitor Cravitz replied that this is a possibility. Pres. Handlan asked what happens with the part of Weiser Run that goes underground. Solicitor Cravitz stated the Borough does not own anything along there. C/P Hetherington stated according to the report there was a bulging area near his home and he would like to know what is going to be done there. He stated he is getting water that he did not get before so maybe there are some problems that are not seen that also need to be studied. He stated unless a cement floor and cement sides are put into Weiser Run it will continue to be a problem. He stated better controls need to be installed to the west. C/P Mengel asked if John Coukart could get his report to Mgr. Bickhart by midweek before the Council meeting so the Council members could have it along with their other paperwork to review before the meeting. Pres. Handlan stated Coukart can be asked to do this, but he has not been responsive. Mgr. Bickhart stated that John Coukart works for Council and he will convey their wishes to him.

C/P Reuning asked if something could be done with the property next to the animal hospital on Route 522. The man is getting more and more junk on his property. C/P Hetherington stated the Borough needs a definition of flea markets versus junk yards. Pres. Handlan stated this will be added to the issues list.

Mgr. Bickhart stated he is finishing the compilation of a Borough-wide abandoned vehicles list. He stated there are many such vehicles in the Borough. A letter will be sent out soon. Pres. Handlan remarked that she has seen some being removed recently.

COMMITTEE / COMMISSION / BOARD REPORTS:

FINANCE & BUDGET COMMITTEE: C/P Inch, Chairman

Payment and Ratification of Bills

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

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Statewide Tax Recovery, Inc. - Exoneration Requests – None to report

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

Approve dates for Spring Cleanup 2007 – Mgr. Bickhart reported that Spring Cleanup this year will be Monday, Tuesday and Wednesday, April 16, 17 and 18. He stated that it will be clarified with the recyclers that blue glass goes with green glass. C/P Hetherington asked if there is a place a person can get rid of old paint. It was noted that paint can be put out with regular garbage as long as it is dried out. C/P Reuning asked if flashlight batteries are recyclable. Pres. Handlan stated the university collects them on campus and then takes them somewhere. She will try to find out where they are taken. Joe Siro noted that Lowe's collects rechargeable batteries.

Authorize advertisement for contracted services for collection and disposal – Mgr. Bickhart stated that this year he is proposing to lessen the specifications in order to get more bidders and perhaps use more than one company to provide packers. In the past the Borough was looking for one company to provide two packers, which basically restricts the Borough to one garbage hauler in the area. However, many garbage haulers have one packer available, so the specifications can be rewritten in order to have one packer from two or three different contractors. The current specifications are for two large packers. However, three smaller packers would maintain the same efficiency or even be slightly more efficient. If the Borough gets to the point where they cannot get any contractors then Spring Cleanup will be over.

There is no way that the Borough could do it themselves. In order to be cost effective the items must be compacted.

Motion by C/P Anderson to advertise for contracted services for collection and disposal with the specification changes noted. Seconded by C/P Reuning.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

BOROUGH ADMINISTRATION / PROPERTY AND EQUIPMENT: C/P Mengel, Chairwoman – No report other than that C/P Mengel stated she has not heard anything from the library building committee.

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

PERSONNEL MANAGEMENT COMMITTEE: C/P Anderson, Chairwoman – C/P Anderson stated that there was a concern raised in the past about the smoking policy being extended to the fire and ambulance building. She has learned that the ambulance crew has been nonsmoking for quite a while already and the fire company has been discussing it and the majority of them decided to go nonsmoking.

PUBLIC SAFETY COMMITTEE: C/P Hetherington, Chairman – C/P Hetherington stated he will try to schedule a meeting as soon as possible to address the skateboarding issue.

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 – Dick Norman reported that the Life Trail is complete as far as the equipment and the walk is concerned. The backfill needs to be done on the walk and some signage needs to be installed. The monies received and spent totaled \$34,000. The labor was supplied by two boys who were working for their Eagle Scout awards with Troop 3419. Each boy was in charge of a group of volunteers. Dick stated he had a total of five boys this past summer working on Eagle Scout projects. C/P Hetherington suggested sending the boys some sort of letter recognizing their efforts and the hours they put in. Dick stated that the one boy's father works for Wood Mode and there was an article in their newsletter about it. C/P Anderson suggested that something similar be put into the Borough newsletter. Dick stated the Life Trail is being used. More benches and swings are coming in the spring. Evangelical Hospital has promised to put on a program this summer for people. Pres. Handlan asked if a dedication or ribbon cutting ceremony could be held for this. Dick stated this will be done in the spring. He also stated he asked for \$40,000 to extend the walking trail all the way around the park. This would be nearly a whole mile of walking trail. He stated Council would have to request funding for this through the proper channels.

Dick Norman stated that the ice skating rink is ready to go as soon as the ground freezes enough to hold the water. He stated that \$11,500 has been received in donations. Some money is being held in reserve for future projects. A Boy Scout was working on the deck and other volunteers worked on the fireplace and painting the inside. There are new lights and new sound, hot chocolate and coffee. Beavertown Block donated half the bricks for the fireplace and Paul Heintzelman laid them. The fireplace and building have been remodeled in such a way that in the event of flooding it will just need to be hosed down. There is some carpet that was donated by a person who was just going to throw it away, so if it were to get wet it could still be thrown away. In answer to some questions from Pres. Handlan, Dick stated that the lights are on a timer to be used if there is skating. There is no fence and no restrictions on skating, so people can get in at any time. The building may not be open all the time, however. There are volunteers who will run the place and others who will clean the snow off the ice. Dick checked with Mrs. Burns, the only living relative left from the original Little Norway, and she has given permission to call the skating rink "Little Norway 2" so Dick is having a sign made. The lights and speakers are aimed toward the creek so they will not bother the neighbors.

Dick stated that things went well for Parks and Rec this year. The money came in and they got the things done that they had planned. There are some things in the budget for next year and some things that need to be finished that were started this year. At Anthony Selin Park the pavilion building was repainted, a refreshment stand was there for the AYSO, a counter was put in, and Kidsgrove bought some equipment such as coffeepots, a microwave and a grill. A walk was put in to the bathrooms in order to make them handicapped accessible.

Dick reported that the summer program went well, although it was not as busy as it should have been, probably due to the very hot weather. The three boys did a good job and a lot of parents helped provide food at different times for the kids. Two of the boys were from Susquehanna and all three of them had varying sports interests so all the summer sports were covered. The boys prepared a report and some recommendations for next year. Dick stated he has put the summer program in the budget again for funding from PHEAA and Degenstein. Two horseshoe pits were used this summer but the quoits pits were washed out due to the flooding. The water is a problem sometimes in one area. Dick stated that since the addition of the non-porous surface up the road and the new sewer line that went in, the tributary has overflowed three times and flooded the area at the end of the Life Trail. The water comes down and makes a 90° turn followed by another 90° turn and this is a bottleneck. Susquehanna University owns the ditch up to a certain point but part of it is also owned by the Borough. Dick stated his intention is to build up the wall with stone and dirt. Eventually it will be washed away and another solution will be needed.

Dick stated the regional group has suggested some things, such as the mile-long walking trail mentioned above and a skate park. Pres. Handlan suggested preparing a list of all the donors in order to send them a letter of thanks from the Borough. Dick stated this has been discussed and a letter/brochure is being made up to send to the individuals who have donated. C/P Hetherington remarked on all that Dick Norman does for the community, stating he should be commended for all his work. Dick stated he enjoys the work, but it is not only him; it is the committees and the volunteers who work together for the good of the community. He also wanted to state that he belongs to the VFW and the Legion, and the thought has been expressed to have a plaque or something installed at the former CVS property to commemorate the veterans of the Selinsgrove school district area. Most communities are putting up some sort of sign or statue, and the Legionnaires would like to take this on as a project to get rid of the unsightly wall. Pres. Handlan stated she will pass this along to Judy Spiegel, who had to leave the meeting earlier.

Multi-Municipal Comprehensive Recreation, Parks and Open Space Plan Advisory Committee –

Mgr. Bickhart reported that the next meeting will be held January 18, 2007 at 7:00 p.m. in the Selinsgrove Borough Council room.

Consider filling the vacancy of two members of the Parks and Recreation Committee –

Mgr. Bickhart stated that so far Marsha Lemons, who is involved with Kidsgrove, has committed to this. Pres. Handlan stated that she spoke with Jane Coyne today, but she cannot commit until tomorrow. Dick Norman stated there is a meeting on January 23 and he sent invitations to these two women to attend the meeting. He stated it is an open meeting and everyone is invited to come. Dick stated he would like to talk to Marsha and Jane, and then make a recommendation at the next Council meeting.

Recreation Projects Funding, Bill Seigel – Bill stated that one of the challenges for CDBG funds has been that demonstrating principal benefit to low/moderate income persons Borough-wide has been very difficult. This leaves two good sources for recreation funding: 1) a community revitalization program with direct access through Russ Fairchild's office, a state senator or state legislator, and 2) the Department of Conservation and Natural Resources, which has a couple of programs including a small communities program for communities with a population under 5,000. Selinsgrove is just over the limit, but this includes the university population and an appeal might be able to get this under 5,000. If the Borough could qualify for a small communities program they could use those funds of \$20,000 with no match and then dollar for dollar up to another \$40,000 if matched. In-kind services can match this, so the work that Dick, his members and volunteers do on a project could be matched. Under the DCNR Community Partnership Program there is also a community facilities program which is a dollar-for-dollar program. If the Borough cannot be appealed to under the 5,000 population, then they will have to compete for a

dollar-matching program up to a \$200,000 project. The Borough has several projects on the burners, and at some point some choices will have to be made. There is the swimming pool project which is in the middle of a feasibility study. There is the skate park project which was suggested tonight. This is an eligible activity for the DCNR and is a good match for the small communities program if the appeal is approved because there would be a lot of volunteer help. There are some of the projects that Dick Norman is working on, as they are eligible activities, but the Borough must be the municipal applicant for the programs. The Commonwealth is not going to choose, so the Borough will have to make the choice of how to rank the projects. Bill Seigel stated that SEDA-COG can assist the Borough if they decide to pursue these options. Dick Norman stated that there is a man who volunteered land in a suitable out-of-the-way location within the Borough for a skate park. The only condition is that the land be used for a skate park. Dick stated this was a verbal conversation and nothing has been written down. The man would be willing to donate the land to the Borough or lease it for \$1. C/P Reuning asked how large the land usually is for a skate park. Bill Seigel replied that Lewisburg's park is about 50 yards by 50 yards.

SHADE TREE COMMISSION: Karl Maul, Chairman – Karl reported that a new permit application has been designed which gives the Commission more information to make decisions on tree plantings, removals and prunings. One permit request was received a couple months ago. The Commission did not meet last month because of the holidays. The inventory by the SU student continues. Some data will be compiled pretty soon and the inventory of the rest of the Borough will continue on for the next few years. Karl stated that he has been in contact with Dick Norman, and the Shade Tree Commission will go down to the Life Trail to do a hazard assessment of the trees in that area to avoid having limbs come down on people who are using the trail. Some plantings will be done along the area to replace trees that were removed in order to get equipment in and out. Karl reported that the Commission was pleasantly surprised that Council passed their budget without any modifications. This shows Council's commitment to the Shade Tree Commission, and the Commission appreciates this. Pres. Handlan stated that someone talked to her about the new trees on Market Street and the stump. Before she could discuss this with Karl, he was already making arrangements to have the stump removed. Karl stated that six new trees were planted on Market Street mostly by the Borough crew. Mgr. Bickhart coordinated this and the Commission picked out the proper sizes and species of trees and decided where they would be located in order to not obstruct signs when they get older. The shape of the trees was picked specifically for their locations also. There were two special cherry trees that do not branch out, two zelcovas in the elm family, and two European hornbeams. Karl hopes to do some pruning in the Market Street area in the spring. Dick Norman stated that Karl also helped Kildgrove and gave them permission to plant some trees.

BOROUGH ADMINISTRATIVE REPORTS:

MAYOR: Pete Carroll – No Report

BOROUGH SOLICITOR: Robert Cravitz – No Report

BOROUGH ENGINEER: J. A. Coukart & Associates

Update on pending projects – Nothing more to discuss

Letter from Mid-State Paving, LLC pertaining to a request to consider the proposed damage assessment and to change the date for the resumption of the 2006 Street and Alley Improvement Contract – Solicitor Cravitz stated that Council should wait until April when Mid-State is back on the job. The bonding company has been put on notice and pressure needs to be kept on Mid-State to complete the work. Mgr. Bickhart stated that Mid-State gave a date to restart the project that was before the historical date when asphalt plants open back up again because there is prep work that has to be done. Now Mid-State is saying that they do not want to start any sooner than they can be sure they can get all the work done because Council has imposed the \$100/day penalty for every day until they are done. It is an ongoing issue that Mid-State gives one set of information and then later changes it. Mgr. Bickhart stated he agrees with Solicitor Cravitz that there is no merit to changing anything that Council has done.

Review Treasurer's Report for December 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. Mgr. Bickhart stated Council has also been given the budget information for the entire year of 2006. The Borough ended the year in good shape, with an excess carryover of \$134,000 although a lot of that has been earmarked for projects in which the money was not spent in 2006.

BOROUGH MANAGER / SECRETARY / ZONING OFFICER: Mgr. Bickhart

Non-Police Complaint Update – No additional complaints since the last Council meeting.

Update of PROPERTY TRANSFERS and BUILDING PERMITS ISSUED, Janet Powers, Deputy Zoning and Permit Officer – Nothing to report

PEMA Weather Emergency Exercise – Mgr. Bickhart reported this exercise will be held Thursday, March 15 and Friday, March 16. He spoke with Dave Nichols and DH&L about the possibility of using this as an opportunity to test how well the Borough can respond in the event of a power outage, which in the All Hazards Study was the fourth most likely hazard, not too far down in the ratings scale from No. 1. Loss of power poses significant problems because it is relied on so heavily. It is possible the Borough crew, the Borough office staff and the fire company will be working a scenario to see how well they do in a circumstance with no power and basically no communications to see where the weaknesses are. In the event of a hurricane or some event that knocked out the power the Borough will have had some prior experience with it. Some of the NIMS training may be used to call in some Council members to see how that would work. In the case of a major regional disaster everyone has assigned duties to carry out. In a regional scenario Snyder County Communications would not be the first alternate because in a regional scenario that entire building would be full of people doing the same thing for the region. The Borough's second alternative is to go DH&L Fire Company with their emergency generator. If the scenario presents itself, the Borough will go to DH&L to see how they would get in touch with the people they have to get in touch with.

Statements of Financial Interest are to be completed and returned to the Borough Office before May 1, 2007 – Reminder to Council members.

Borough Newsletter – Mgr. Bickhart asked for ideas and suggestions for articles for the next newsletter. Pres. Handlan stated the distribution of the newsletter will now include all residents of the Borough and not just homeowners. Mgr. Bickhart stated the spring door-to-door delivery will include the newsletter.

SELINGROVE MUNICIPAL AUTHORITY – Donald Bottiger, Chairman – No Report

EASTERN SNYDER COUNTY REGIONAL AUTHORITY – Bob Dagle

Appointment of new representative to replace Dave Faust –stated he talked with George Kinney, who stated he would gladly serve. C/P Hetherington stated that he would make a motion to name George Kinney as the Borough's representative. Pres. Handlan stated she spoke with him today for a while and he is interested. Bill Ward is also interested but he is doing some preliminary background for more information and is contacting the authority members. He will get back to her shortly. Pres. Handlan stated she has not heard back from Jim Black so she did a follow-up call to him today. She is anticipating at least two candidates and possibly three for this position. She stated she told George Kinney and Bill Ward that Council is entertaining multiple candidates for this position. They both said that that is fine.

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

**NEW BUSINESS:
COUNCIL MEMBERS**

C/P Hetherington questioned whether all the signs at Chuck's Sports Bar are in compliance with the Borough's sign ordinance. He stated the outside of the building is almost completely covered with signs. Mgr. Bickhart will look into this.

C/P Hetherington stated the Council should thank the Borough crew and a few Council members who donated money for Gary's retirement party. He stated the crew donated 90% of the funds.

C/P Mengel asked what went on at the meeting with Susquehanna University. Mgr. Bickhart stated that it was not much different than any other meeting the Borough has had with them. They acknowledged that there are some differences and also some places where they all work well together. C/P Reuning stated the point was made that Council would like to see some funding for police officers. Pres. Handlan stated that the information that was gathered by C/P Inch and Sheri Badman regarding other college/university towns was shared with the university. Susquehanna asked for a copy, which was provided to them. This report showed what the other institutions donate to their municipalities. Some donated nothing and others donated significantly more than what Susquehanna donates. Susquehanna has increased their donation every year since Pres. Handlan has been on Council. She is not sure if Council would want the university to designate monies to go to a specific need. C/P Anderson stated the other conversation related to planning and zoning, and looking at a way to define the zone in the new areas where the university is, such as the old silk mill, and getting all the properties in the same RSP zone. They will discuss this further with the Planning Commission. Mgr. Bickhart stated that the university indicated to him that they will be doing this in a formal way. They will petition Council to change the zoning, thus starting the process with an official request. In response to that, Mgr. Bickhart stated his recommendation will be that Council refer it to the Planning Commission, and his recommendation to the Planning Commission is that the additional documentation that they need would constitute the elements of a comprehensive plan as it pertains to what they are talking about. This enables discussions to be put on the table regarding the value of the university and the socio-economic impact of the university, and these can be used to evaluate this request. The Borough has something that the university wants, and the Borough needs to be prudent in evaluating the university's request. C/P Inch asked if the former silk mill and the homes that the university owns there are on the tax rolls or if they are tax exempt. Mgr. Bickhart stated that the homes are still on the tax rolls and he believes the silk mill is still on the tax rolls as most of the university's recent purchases were initially left on the tax rolls. Pres. Handlan stated that the university has expressed no intentions to build on the vacant land along the alley from the apartments to Sassafras, so she asked them if they would be willing to donate that land to the library to build the library there. She has not heard anything more on that. She stated she realizes the land is swamp-like. C/P Anderson stated that there are some issues with wetlands there. She stated that the university feels they are making good use of their nightclub. There have been non-alcoholic student events and alumni events held there. Mgr. Bickhart stated that the university has approached Penn Township to request permission to build a greenhouse on the Yoder farm which they purchased. The tenant farmer has been moved off the property and the university has total control of the property. The property is zoned for residential use but has been perpetually in farming. However, the zoning ordinance does not permit a greenhouse on this property, even though it has been farmed, because it is in an R1 zone. Mgr. Bickhart spoke with the Penn Township zoning officer and he has been invited to a meeting to discuss how Penn Township should deal with the university in terms of their plans. He stated he feels he needs to impress upon the Penn Township supervisors and planning commission that they owe this region a service of committing some of their property to university development and to bear their share of the tax issue. The university is not only talking about a greenhouse, but also a possible research project.

ADJOURNMENT:

Meeting adjourned at 10:00 p.m. following Motion for adjournment by C/P Hetherington.

Attachments: None

Meeting Date: January 8, 2007

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