

**SELINGROVE BOROUGH COUNCIL MEETING**

**TUESDAY, SEPTEMBER 4, 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; Recording Secretary Dawne Long; Borough Resident Alain Paradis; Park and Recreation Commission Dick Norman; Derck & Edson Associate Jennifer Lee and Partner Steve Sproles; Rental Ordinance Issues – Charles and Marian Beaver, John Courtney, Brian Farrell, Mike Fisher, Lisa Jones, Ken Miller, Rick Savidge, and Ian Van Pelt; SARI Representative Brian Burke; Snyder County Arts Council – Lindsay Lauver and Diane Mann; Susquehanna University – Mike Coyne, David Henry, Philip Winger; Wellspring Ministries – Joe and Lynn Aurand, Ben Keiser, Cindy and Tim Moyer

**OTHERS ABSENT:** Borough Treasurer Sheri Badman

**CALL MEETING TO ORDER:**

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

**REVIEW AND APPROVAL OF COUNCIL MINUTES FROM MEETING OF AUGUST 6, 2007:**

Motion by C/P Reuning 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 July 2007** – The total serious crimes year to date this year are 2% less than 2006. All other crimes are approximately 18% higher than in 2006 year to date. Overall crimes reported are 11% higher this year than last year. There were 317 calls for service in July as compared to 433 in July 2006. This is mainly due to the change in reporting plan. Chief Garlock has evaluated the effectiveness of this plan, has made some adjustments, and these will be reflected in the next report. He will be increasing the number of reports written to keep better track and to put in services that were omitted but that the chief now feels should be included. July is a transition month between the college and school years. There were very few things to note for the month.

Pres. Handlan asked how the summer intern worked out, whether he was helpful and if Chief Garlock would like to have him return next year. Chief Garlock replied that the intern was helpful, although he was not able to do what the chief would have liked him to do. Next summer he would like to incorporate other things for the intern to do. It was a great assistance, and the costs involved from the police budget were minimal. It was a good force multiplier for the department, and the chief would like to see the program continue next year. Mgr. Bickhart noted that it was a good experience for the intern, who had expressed interest in a career in law enforcement. C/P Mengel suggested starting the process necessary for the things that Chief Garlock would want the intern to do next summer so it is not a last minute thing.

**DH&L Fire Company / DH&L Ambulance League** – No report

**Selinsgrove Area Recreation Inc., Brian Burke** – Brian reported the pool closed yesterday for the season. This year was much better than last year. The pool is going to cooperate with a community project to be a transponder location. Boyer Pool Service met with the Board to discuss preventative

maintenance. Brian hopes to have the internal budget for Council next month which will include the breakdown of who used the pool. The YMCA has expressed interest in continuing the relationship next year. There were two or three instances this year when the pool had to be closed due to equipment not functioning. There was a surprise inspection by the state health inspector, who was pleased with the health, safety and operations of the pool. Pres. Handlan asked if the pool structure is in good enough shape so that nothing major comes up before the renovations are started. Brian stated the Board believes that the pool will be able to operate through next season. They hope to hear back from DCNR regarding the grant by the end of this year, after which they can start some serious fundraising for matching monies, get bids next year and determine what realistic phases can be done after next year's closing. However, there is no significant reserve to cover expenses that do come up. The reserve monies were \$30,000 at the beginning of this year and they are now down to \$10,000. Mayor Carroll asked if the Pool Board would let people know if their meetings are going to be at the pool. He stated he came to last month's meeting at the Borough office because he did not know it had been moved to the pool. He stated he had some calls regarding smoking on pool property, but he understands that is being addressed. Brian replied that the Board voted to make the facility non-smoking for next season. They did not want to make the change in mid-season this year because people had already paid for their memberships with the understanding that there was smoking allowed. The no smoking change will be on the membership application sheets next year. C/P Mengel asked how many children participated in swimming lessons. Brian reported there were a total of 315, with 201 in the first session and 114 in the second session. He stated this is lower than normal. The pool needs to do more advertising. There were also 8 lifeguards who went through lifeguard certification. Pres. Handlan expressed Council's appreciation for all that has been done this past year to get the pool back on track.

**Wellspring Ministries, Pastor Joe Aurand, request for rental of Pump House for weekly church services** – Pastor Aurand stated he has made an application to rent the pump house for weekly church services and was asked to come to Council to answer any questions. The church membership currently consists of four to five families who meet in a home. There are 10 to 12 adults and the same number of children. They would like to rent the pump house every Sunday from 8:00 a.m. to 12:30 p.m. for three to six months, after which they hope to need to move to a larger facility. This use would not conflict with the Kiwanis's use of the pump house. C/P Inch asked if there were any family picnics or gatherings at the pump house on Sundays. Mgr. Bickhart stated there is an occasional wedding. The church had asked to start on October 21 and a wedding has already been booked for that day. C/P Anderson asked Solicitor Cravitz if there are any issues with the Borough renting to a church group. Solicitor Cravitz replied that there is no problem as long as everyone is given equal treatment. Mgr. Bickhart stated that the pump house property is zoned open space, which means that the Borough's own use of it is nonconforming. As a special exception the Borough can use it for essential public services, which are governmental activities. He stated what the Borough has used the pump house for would comply with the zoning. The Kiwanis leases it every Wednesday on a continuous basis. C/P Herb expressed concern about renting the pump house to a religious group, stating the Borough has never done this before. He understands that it is legally permitted, but he is more concerned about what Council should do as opposed to what they are allowed to do. Mgr. Bickhart noted that it may be a precedent that the community room in the Borough building basement has been used every Sunday by a church group since before he was Borough Manager. The room is part of the Borough building but the library has jurisdiction over it and leases it to the church group. Dick Norman stated that the pavilion at Anthony Selin Park is also rented out to church groups. C/P Anderson stated there is a distinction between a one-shot rental and something that will be taking place every week. Mgr. Bickhart stated any group would enjoy the same privilege in the Borough, including a group such as the Ku Klux Klan. He stated this is something for Council to be aware of rather than something to take action on. He stated this generates negative news coverage but it cannot be denied because they have every right. Public properties must be inclusive, not exclusive. C/P Reuning stated the rental of the pump house to the church should not be done without an agreement such as the one with the Kiwanis. He stated they should also be charged a fee. Mgr. Bickhart stated the reason he brought this to Council is because it is not a routine one-time rental. C/P Inch stated his concern is that no other events can be scheduled for the pump house if the church will be using it every week. Pres. Handlan noted that events could be scheduled in the afternoon since the church will be done by 12:30. C/P Inch suggested doing a week-by-week rental rather than long-term. Mayor Carroll stated the rental is first come, first served and many people make their reservations for the year in

January. C/P Mengel asked if Pastor Aurand had seen the Borough's agreement. Mgr. Bickhart replied that he had, and that he completed the application. Pres. Handlan stated that technically Mgr. Bickhart did not have to bring this to Council's attention because the renting of the facility is his responsibility. She stated this is a temporary request and she has no issue with it. C/P Mengel agreed, stating it is similar to the agreement with the Kiwanis. Mgr. Bickhart suggested establishing a term agreement through the winter, with a reevaluation of the agreement in the spring. Pastor Aurand suggested a three-month period with an evaluation after that time. C/P Hetherington asked who takes care of cleaning the pump house and was told the Borough does, and this is all spelled out in the agreement. Pres. Handlan stated no vote is necessary and Council was agreeable to this arrangement.

**Alain Paradis, concern about neighbor's abandoned vehicles** – Mr. Paradis stated he lives at 105 North Water Street, right down from the gazebo and near the creek. His neighbor at 101 North Water Street has three unregistered trailers, five unregistered cars and one under a tarp. He passed around some pictures. He stated there are also a number of riding mowers and the property is unsightly. Everyone who attends events at the gazebo drives by this property. Pres. Handlan made Mr. Paradis aware that the Borough is compiling a list to address properties such as this. Mr. Paradis asked about a timeline to enforce these things. Mgr. Bickhart had given Council a draft of the letter that will be sent, along with a list of the vehicles and their locations. The address at 101 North Water Street is on the list. If Council accepts the language of the letter he can send them out immediately. C/P Hetherington asked if the Borough has to pass another ordinance to satisfy the district magistrate. He stated he has noted vehicles from as long ago as two years or more, especially the one down behind Market Street on the former Lutze property. Mgr. Bickhart explained that prior to adopting the Property Maintenance Code the Borough ordinance for abandoned vehicles required a second factor, such as weed growth, rodents, a hazard to people, or some other public health issue. Vehicles such as the ones at 101 North Water are sitting on the property just like a licensed and registered vehicle sits on a property. He stated if those vehicles went to the district magistrate under the old ordinance it would go nowhere because there are no safety hazards or weed growth. Solicitor Cravitz stated Chapter 132 has been on the books since 1993. When Council enacted that they added the public nuisance factor to give the ordinance more teeth. The Pennsylvania Vehicle Code does not allow abandoned vehicles to be taken off the owner's property. It only covers abandoned vehicles on a highway. If the vehicles are on a Borough street or right-of-way the Pennsylvania Vehicle Code could be used to remove them. C/P Hetherington stated the vehicle at the former Lutze property has been partially in the alley for years. He stated they occasionally move it back and forth and they recently slapped some new putty on it. Mgr. Bickhart noted that this vehicle is not on the list because it is a vehicle that is under repair by a nonconforming use in that zone of someone who repairs cars. He stated the car predates his term as Borough Manager. C/P Hetherington asked how long a person can have to repair something, especially if it becomes a problem. Mgr. Bickhart stated when Council adopted the Property Maintenance Code it contained language about abandoned vehicles and it does not have the same requirement for a secondary hazard. It just says if the vehicle is abandoned the Borough can order it to be removed from private property in the same way that the Borough does other things under the Property Maintenance Code. The enforcement under the Property Maintenance Code falls to the Borough Zoning Office and not the police department. The police department has no jurisdiction to enforce the Property Maintenance Code. The Borough has been working to utilize the new ordinance to take care of this old problem of abandoned vehicles. The letter that he has passed out to Council was written in a way so as to encourage people to work with the Borough. At some point, if necessary, the letter can be converted to a violation notice. He felt the letter is a way to get people to call the office to discuss ways to get rid of their vehicles, some of which have been on properties for a very long time. He stated this letter will go to everyone on the list at the same time. C/P Herb asked if this is applicable to trailers as well and Mgr. Bickhart replied it is not. He stated it is not applicable to a trailer or lawn mower, but only to motor vehicles. If trailers and camping trailers become an issue Council could seek another ordinance or revise the ordinance to apply to that condition as well. C/P Inch asked if there is a time span to determine abandonment. Mgr. Bickhart explained that the definition of abandoned is that it is not licensed, registered or operable. The day the license or inspection sticker expires is the day it is considered abandoned under the ordinance. C/P Inch asked what happens if someone who collects cars brings one home on a rollback but it has only been there a week and Mgr. Bickhart replied that, according to the language in the ordinance, that person needs to plan to put the vehicle in a garage or some other suitable enclosure. Throwing a tarp over it does not apply. Mayor

Carroll asked about the homemade trailers on the 101 North Water Street property and Mgr. Bickhart replied they are not motor vehicles under the law. C/P Hetherington stated Council should also determine the difference between a flea market and a lawn mower junk yard. Pres. Handlan suggested Council look at the ordinance again. C/P Herb recommended that Council approve the letter so that the process can move forward. Mgr. Bickhart noted that he did not leave the public rights-of-way in order to gather the information on his list; he did not go onto any private property so he does not know what is under the tarp at 101 North Water Street. C/P Mengel stated there is a vehicle and weeds in the alleyway behind North High Street, but she does not see it on the list. Mgr. Bickhart thought the vehicle was not there any more and C/P Mengel stated it was there as of last night. C/P Hetherington stated the car near the Foreman property is filled up with bumpers and no one could even get in it to steer it. They push it forward or backward, but there are no headlights or anything. He stated he complained about this two years ago and he stated when people ask what is being done he refers them to the Borough Manager or the police department because they are the ones to enforce the ordinance. He stated if there is no ordinance to cover those vehicles then Council should have one. C/P Mengel stated there is an ordinance now. Mgr. Bickhart stated that if Council has no objection he will use the letter. Pres. Handlan asked that if anyone sees any more abandoned vehicles they let Mgr. Bickhart know. Mr. Paradis stated the trailers at 101 North Water Street are less than two feet from the road, with no reflectors on them, so they are very hard to see at night. He asked if there is anything that prohibits them from being that close to the road. Solicitor Cravitz stated that if they are off the right-of-way then the Borough has no jurisdiction. C/P Mengel asked that Mgr. Bickhart add the vehicle at the former Lutze property to the list.

**Snyder County Arts Council, Diane Mann and Lindsay Lauver, First Fridays** – Diane Mann introduced herself as the president of the newly formed Snyder County Arts Council. She stated the group formed in the late spring and early summer for local artists from Snyder County. These arts would include music, performing arts, photography, painting, sculpting, fiber artists, etc. Their long-term goal is to rent a building such as where the Country Squire currently is to turn it into an art gallery, artists' co-op and studio spaces. The short-time goal is to enhance the art scene in conjunction with the new restaurants and businesses downtown. The group has formed by-laws and come up with applications for membership. Diane introduced Lindsay Lauver to report on First Friday events. Lindsay stated that this Friday will be the start of First Fridays in Selinsgrove. The goal is to pull the community together in order to draw people to the downtown for celebration nights and to have the school district, Susquehanna University and the Borough co-exist better. First Fridays in the fall will run from 4:00 to 10:00 p.m. The school district will be in the focus from 4:00 to 6:00 p.m. with information on their clubs and performances by choirs and musicians on the street and in local businesses who have donated space. From 6:00 to 9:00 p.m. there will be artist showings in downtown businesses, which will be staying open later. The focus will mainly be on art, but also on pulling everyone together in the community. Eventually they would like to add First Saturdays to focus on young children, with some dance groups, music groups, or teachers to put on performances and workshops for young children. Lindsay said for this First Friday there are six to ten artists who will be showing their work. There will be a dance group performing in the Italian Terrace parking lot. There will be artist showings from the chiropractor to the Country Squire. Irene's will have a photography show out front with some free goodies. Pres. Handlan stated the other First Fridays in the past were very successful and she is glad they are starting again and will be ongoing.

#### **PLANNING COMMISSION – Earl Moyer, Chairman**

**Recommendation to accept Campus Parking Study 2006 with the added recommendations that the Borough Police Department be notified in advance concerning University events that would generate large volumes of traffic and that the University continue to address the faculty/staff/student parking along Susquehanna Avenue** – Steve Sproles from Derck & Edson gave a PowerPoint presentation on the parking situation at Susquehanna University, noting favorable changes and additions over the years since the 1998 study, and ideas for further improvements. Steve showed the increased parking spaces and their locations. There were graphs showing parking utilization during various events on campus, during different times on typical class days, and during the Lifelong Learning Institute. Since 1998 restrictions and enforcements have been put in place, including handicapped parking spaces, time restrictions, and spaces where freshmen are required to park. There has been a 13% increase in students and employees over the eight-year time period. Permit issuance is more restrictive, resulting in

only an 11% increase in permits issued. There has been a 26% increase in available parking, which means the parking spaces have grown in a way that exceeds the growth of the campus and the demand on those spaces has been reduced. Temporary signs have been used to direct visitors to parking during peak activity periods such as during football or basketball games or other special events. Mgr. Bickhart stated the Planning Commission has already approved this updated study and is recommending Council approve it also. The study creates an excellent picture of the way the parking is utilized. It documents more than an actual number of parking places. The Planning Commission discussed some issues such as Chief Garlock appreciating more advance notice on events that will generate a lot of cars and the minor inconvenience to some of the property owners on the first block or two along Susquehanna Avenue just off University Avenue where faculty and staff seem to be parking. This may be able to be mitigated administratively by asking faculty and staff not to park there. C/P Reuning suggested better direction to parking spaces during events, especially at night and during the winter. C/P Herb asked what the ratio of number of parking spaces to students and staff who register their cars is. Steve replied that the ratio is 1.66 to 1. Later on C/P Herb clarified that the percentage of spaces being utilized by people with parking permits is 93%.

Motion by C/P Anderson to accept the Campus Parking Study as the new benchmark for the University along with the suggestion that signage be improved for large campus events and that the University requests that faculty and staff not park along Susquehanna Avenue. Seconded by C/P Reuning.

C/P Mengel stated she did not feel such a stipulation can be put on public parking. She stated the permanent residents on Orange Street would like to not have all the vehicles parked there either. C/P Anderson stated that some of the Admissions and Development people park along Susquehanna Avenue in the belief that it is leaving parking in the lot for visitors. With some of the changes that have been made this is not necessary. She stated she is not asking that parking along Susquehanna Avenue be prevented but only for the administration to request that employees and staff voluntarily not park there. Mike Coyne stated he has sent an email to the two senior staff members asking them to direct people to park in the university parking lots. He stated that there will be more parking as early as next summer or fall. C/P Anderson stated she could take the stipulation out of the motion if it bothers people, but she did feel it was a nice courtesy for the university to make that request. C/P Mengel stated it could be a request, but she did not think it should be part of the motion. Pres. Handlan called for a vote on the motion.

**AYES: FIVE (5)**

**NAYS: TWO (2) – C/Ps Herb and Mengel**

**MOTION CARRIED**

**Recommendation to accept in concept the University Avenue Corridor Study with the added recommendations that the raising of the textured crosswalks and that the dimensions of the “bump-outs” be reconsidered** – Jennifer Lee of Derck & Edson showed artist’s drawings of the proposed changes along University Avenue from the main entrance to the university to the four-way stop sign at 18<sup>th</sup> Street. With more uses coming to the north side of University Avenue, the safety of people crossing anywhere along the avenue is an issue. There are two things to be accomplished. One is to slow down traffic and the other is to control the pedestrian crossing locations. The recommendation is for four main crosswalks, one just west of the main entrance, another one near North Hall, another across from Fisher Science and the last one near the campus health center. To encourage people to use the crosswalks a funneling technique is proposed that would include a system of brick piers and chest-high fencing between the curb and sidewalk along the corridor, with breaks at each crosswalk. Some recommendations to slow down traffic include changing the paving material at each crosswalk, making it a different color and a different texture from the road pavement, and bumping out the curb at the crosswalk locations to narrow the cartway of the street. The current cartway is 28 feet; the bump-outs would be a couple feet on each side which would still leave room for vehicular traffic. This narrows the motorist’s vision when coming down the road, and a narrower road encourages drivers to slow down. To help heighten the sense of the road narrowing it is also proposed that campus light standards be installed to make people realize they are entering a special area. C/P Hetherington asked if the bump-outs would cause problems with snow removal when plows come through and the curbs stick out. Jennifer stated she is just asking Council to consider the concept tonight. The details will be studied and worked out later with the Borough and the maintenance people. C/P Inch asked who is responsible for the maintenance of

the design. Jennifer stated the Borough is responsible for the maintenance, but if a utility needs to be replaced the university will help with the replacement of those. Mike Coyne stated the roadway itself would be the Borough's responsibility but the university would take care of everything else. Steve Sproles stated in this case the Borough and the university would have a maintenance agreement that would define who is responsible for what. C/P Reuning expressed concern for people crossing the street near the chapel auditorium, stating a fifth crosswalk should be put there. Jennifer showed on the drawing that the fourth crosswalk goes right to the road going down to Weber Chapel. C/P Anderson stated some research was done into raising the crosswalks themselves but the Planning Commission reviewed that and found that this would create a puddling effect because of the slope of the road coming down University Avenue. C/P Hetherington stated this is a heavily used street and with the creation of the recreation areas in Penn Township the traffic will be increasing. Dave Henry stated this is what the plan is trying to address. Mgr. Bickhart stated the Planning Commission is recommending adopting this plan in conceptual form with the bump-out distances being subject to reconsideration later. Mayor Carroll stated that rumble strips had been suggested and he wondered if this was still being planned. Jennifer stated this is something that would be considered in the engineering phase of the project. C/P Hetherington asked if the design team had considered a walk-over. Jennifer replied that it was considered but it is very hard to get students to walk up a flight of stairs to come right back down on the other side of the street. She stated the current plan is the one that was felt to be the best for the situation. C/P Hetherington stated he would like the Safety Committee to have input on this also. C/P Mengel asked how high the fencing will be along the curb line. Jennifer stated it would be chest high on a 6' tall person, noting it will be high enough that it would take an effort to crawl over it. C/P Anderson noted that the university has not accepted all of this yet and Jennifer agreed, stating it is still in the concept stage. Pres. Handlan asked if there is another town with a similar setup that people could go to see. Jennifer did not know of anywhere nearby, but she did have some pictures from Lebanon Valley College where they had done some of the raised crosswalks and textured pavement. It was noted that Bloomsburg has done this and Lewisburg is currently doing bump-outs. Dickinson in Carlisle has stone walls, and the commercial area on the west end of State College is very similar.

Motion by C/P Anderson to accept the concept as described and look forward to further reports as it moves along. Seconded by C/P Mengel.

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

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

**Review and comment on last draft of "Rental Unit Occupancy Ordinance"** – Ian Van Pelt, a tenant, stated that he just received the most recent draft and he feels another meeting is needed to review the draft and go over some points that need clarification. C/P Mengel stated she is not opposed to this. Brian Betz had wanted to have another meeting with the landlords but was not able to do so. However, the draft is to the point that the exemptions were the only issue remaining unresolved. Ian had missed a meeting and had been out of the email loop and so he was unaware that most of the issues had been resolved. The Committee's recommendation to remove the exemptions was submitted to Council last month. Lisa Jones, a landlord of one rental house, asked where she could get a copy of the proposed ordinance. She stated she is usually not able to attend the meetings. Mgr. Bickhart stated copies are available in the Borough office. Lisa asked when the ordinance would be finished and Pres. Handlan stated it was hoped that it would be tonight, but now it looks like it may not be tonight. Lisa asked if the inspection costs are included in the information and whether the landlords will have to pay the costs. Mgr. Bickhart stated this is an arrangement that is to be worked out between the landlord and the inspector. There was a meeting with the third party inspector for the Borough, CK-COG, and the current rate was discussed as well as time charges per unit. The cost would be about \$51 per hour with the inspection taking a half hour. Pres. Handlan noted the landlord has the right to hire their own inspector. Lisa asked if there is a list of what will be inspected and what the most common violations may be, stating that this information would be helpful to a landlord. Mgr. Bickhart stated that in the packet there is a shorter version of the original checklist, which had included the entire Property Maintenance Code reduced down to a series of yes or no questions. This was too cumbersome so Tom Sauers with CK-COG stated that his focus would be on life safety issues and the list was reduced down to these

things and other things such as yard drainage and downspouting issues were removed. There is a note in the documentation that the checklist is partial.

Charlie Beaver stated he thought there was a consensus among the property owners that there would not be any exemptions. He asked if the six entities that Mgr. Bickhart sent letters to are going to be exempt. Mgr. Bickhart replied that there was much discussion last month about certain types of rental properties that already have inspections and how stringent those inspections are. The atypical rental situations were identified and they are the six entities to which a letter was written asking them to share with Council information about the inspections they are subject to and what their management practices are in relation to inspection of units so that Council could have some additional documentation to evaluate whether those atypical properties deserve an exemption for specific reasons. As of now the draft does not exempt anyone, but the discussion at last month's Council meeting was whether some of these entities should be exempted. Mgr. Bickhart stated that he has received written information back from Mike Fisher on behalf of High Street and Market Street Manors, written information from Pine Meadows, and a phone call from Pennsfield Apartments. Mike Coyne is present tonight to discuss university housing. C/P Anderson stated she finds the arguments compelling given the inspections these entities already have to go through. C/P Reuning agreed, stating he will not vote for the ordinance if there are no exemptions. C/P Inch stated he read the letters and was surprised to learn that High Street Manor is run by SEDA-COG as a for-profit organization. He stated there are landlords who rent private apartments to elderly people who must compete with High Street and Market Street Manors. He does not feel the Manors should be exempt due to the for-profit situation. He stated the requirements of the six entities may not be as stringent as what the Borough would require, noting the recent incident of the boy stuck in the elevator in the high rise in Sunbury. C/P Hetherington stated he agrees with C/P Inch and does not feel there should be exemptions. Mgr. Bickhart stated the university's inspections are done right after a property is built and there is nothing after that. C/P Anderson stated there are inspections that are done by the insurance companies. The RAs go through the dorms with a checklist, and there are many procedures in place. Mgr. Bickhart stated it was his hope that by sending the letter to the entities he would be able to gather that information. The university is in favor of the ordinance and the inspection of properties. If all the properties on campus have to be inspected the university will not oppose the ordinance because they want the improvement can be made in the community. Mike Coyne agreed, stating the university fully supports the ordinance. There are some concerns as the ordinance relates to the university. The residence halls are different because there are fulltime paid staff in the residence halls every day the students are there. The university also feels the cost is an issue and they would like a definition of a unit – is it every bed or every room? The university would like to do notifications to the tenant via the Web rather than contacting each person individually. This would be more effective because there are 1,500 students to be contacted on campus. The university also would like to do a third of the three-year tri-annual inspections every year rather than doing them all in one year. Pres. Handlan stated there is nothing in the landlord ordinance relating to stove or fireplace inspections. The incident on Chestnut Street last year involved a woodburning stove and that would not have been covered by the ordinance. Mike Coyne recommended that that be reviewed. Mgr. Bickhart stated there is language in the ordinance involving heating systems, but it may take a liberal definition. This should be looked into. C/P Mengel stated the landlords themselves could have more stringent requirements.

Charlie Beaver stated the rumor is that the average cost of this ordinance will be \$100 per year per unit. He asked if this is correct. Mgr. Bickhart replied there would be a \$10 licensing fee per year per unit and an inspection once every three years that is estimated to be a \$25 expenditure. This would come to less than \$20 per year per unit. C/P Mengel stated that if there are problems that need to be corrected the cost would be higher. C/P Reuning asked how sorority, fraternity and project houses would fit into inspections on the campus. Mike Coyne replied that they would be included in the ordinance. C/P Anderson stated that the buildings that are used as residence halls but that were not built as residence halls are different than the buildings that were built as residence halls. Pres. Handlan stated she feels the dormitories should be excluded but not the fraternity, sorority and project houses. C/P Anderson stated that she heard today that Lewisburg has an ordinance and that Bucknell complies with inspections. She asked if the Committee looked into this and was told the Committee only looked at the Bloomsburg ordinance. She stated it would be a good idea to have a look at the Lewisburg/Bucknell ordinance.

Mike Fisher from Market Street and High Street Manors stated his properties are a for-profit limited partnership from the standpoint of the investment and federal tax credits. These trigger some regulatory requirements for annual inspections. Partners are not getting rich off the facility. They are just getting their return on the tax credits. There is very little cash flow at the end of the year to support costs. Mike Fisher stated the units are already heavily regulated and have a preventative maintenance program. There is a fulltime staff throughout the week, as well as janitorial and maintenance staff and a rental manager that averages 24 to 34 hours per week at each facility. Their role is to go through on a routine basis – weekly, monthly, semimonthly, biannually and annually – with a broad checklist to be filled out on what is being done as far as maintenance. The facilities are atypical in relationship to the safety equipment that is already in place. The buildings are fully sprinkled in both residential and common areas. There is a 24-hour monitoring service that monitors all the sprinkler heads and the common area smoke detectors. If any of these are tripped the monitoring service calls 911 and then a call list of people. The police, ambulance crew and fire department all have access to the building through keys that they carry with them. The facilities have biannual fire drills with the fire department, one of which involves full turnout gear and practicing fire rescue. The facilities have a state inspector that comes in annually to inspect 20% of the units plus any unit that has been turned over since the last inspection. This inspection is done to the Property Maintenance Code and to the Internal Revenue Service Code in relation to health and safety issues. The CK-COG inspector would be looking at health and safety, but the Market and High Street Manor facilities go beyond that to include aesthetic issues, etc. If there is a problem with a drywall crack in a common area it gets picked up in the inspection. The facilities are always clean and well appointed. The facilities are restricted as to how much they can raise the rent on an annual basis because of the tax credits. They are regulated as far as how much to charge for rent. The current rent is \$430 including all utilities except TV and cable. The rent increases \$15 to \$20 per year in order for the facility to keep up with utility, insurance and other costs. Mike Fisher stated the buildings are clean, safe and well maintained, and they are regulated by outside agencies through annual inspections and through the county due to 60 to 70% of the residents receiving Section 8 rental assistance. A third party inspector for the county does annual inspections of these units. Mike stated that in terms of the failure of the elevator in Sunbury, his facilities have a monthly elevator inspection by Port Elevator and an inspection every three years by the Department of Labor. There is also a 24-hour monitoring service so anyone who would be trapped could call out to the monitoring service. Sometimes things happen and what happened in Sunbury could happen at his facilities but there are backup plans that include the fire company and police department. Mike Fisher stated he is asking Council for an inspection exemption for the two properties based on the nature of the facilities and the proactive maintenance program that is already in place, plus all the outside eyes that are already looking at them. C/P Inch asked if the facilities have applied for and been granted a tax exemption and Mike Fisher replied that that is not correct. C/P Inch asked if the Borough made a significant contribution to get those facilities started and Mike Fisher replied that that is correct. The \$200,000 contribution helped to underwrite the cost of the development in order not to have any amortized debt. Regarding the tax issue, Mike stated the properties asked to be considered under the new state program which recognizes that the properties should be assessed differently based on an income approach as opposed to a replacement approach because they are restricted on how much rent they can get based on renters' incomes. C/P Herb stated that in trying to set up a code, the Borough is trying to come up with some sort of a vehicle to ensure that places that are available for people to rent in the community are going to be safe and healthy places for them to occupy. Up until this point there has been very little regulation in effect over the rental properties in the community. He feels it is foolish to regulate properties through the ordinance that are already otherwise regulated. The job of regulating properties is a commendable goal but it is not necessary for the Borough to do a job that is already being done very well by other entities. The question for Council to focus on is not whether there should be exemptions, but whether the regulations being considered in the ordinance are useful and will accomplish the goal to be accomplished. If so, they should then be applied to the places to which they should be applied, and to those where they do not need to be applied the Borough should consider itself lucky that there are already organizations and people in the community who are already doing the job. Mgr. Bickhart stated that last month the comment was made by someone that they were not interested in adding any additional layers of regulations. That is why he asked the atypical properties to let Council know what they do.

Solicitor Cravitz stated that the problem from an enforcement standpoint, and to avoid a lawsuit by the rest of the landlords, is whether Council in giving an exemption to an entity is giving that entity a bump up with regard to their rent because they will not have the additional cost. Council must justify the exemption and show that they are applying the law equally to everyone. The main issue here is equal protection under the law. Council must show that the atypical properties' regulations are equal to the Borough's regulations. If they are they can be exempt, but if they are not equal and are less than what the Borough is requiring, then the application of the law would not be equal under the law. This is unfair and the landlords who are not exempt can sue the Borough for unequal protection of law and strike the ordinance down as being unconstitutional. He stated that Mr. Fisher is correct that his properties do a lot of inspections, but CK-COG might not inspect for the same things that the Borough ordinance will require. Council should be looking at determining whether the inspections already being done are equal to what the Borough is requiring so that everyone is equal under the law. C/P Herb asked why this conversation is just being held tonight for the very first time. Solicitor Cravitz replied that the exemption issue has just come to the forefront now.

Brian Farrell asked how this ordinance would affect HUD housing, which is already being inspected to HUD requirements. Solicitor Cravitz stated that in Middleburg, the HUD housing is subject to the Snyder County Housing Authority inspections and they must meet both requirements. HUD regulations are more stringent than what Middleburg's so they meet the base requirements. What Selinsgrove is proposing is light years ahead of what Middleburg has. Brian Farrell also stated that with the landlords in Lewisburg it became such an issue to deal with the students that the landlords went with HUD housing instead. If landlords in Selinsgrove switch to HUD housing so as not to rent to students any more this could create some problems by encouraging the influx of issues relating to drugs and crime that is associated with HUD housing. Another concern Brian has is the paperwork this will generate in the Borough office. Alain Paradis stated that he has a concern about older houses that would be very difficult to renovate to the new standards because of the construction of the buildings. The buildings may not meet the proper rise for steps or have the proper handrails or have the proper egress windows. C/P Reuning stated that in reading Brian Betz's email he noted the words "there should be no exemptions". C/P Reuning stated that he resists that idea because he feels this was said with the attitude of "if I have to do it then everyone should have to do it". C/P Anderson stated it sounded mean spirited. C/P Inch did not think that was the idea behind the statement. He stated he has been in favor of the code but he does have a problem with some being under the code and others being exempt.

Motion by C/P Hetherington to turn this back to the Committee to address some of the questions brought up at tonight's meeting. Motion died for lack of a second.

Pres. Handlan asked if anyone else had any concerns they wanted to air. Rick Savidge addressed Alain's concern, stating that many of the issues would not be enforced until someone was to remodel. If codes are not met now they are grandfathered in. If you do not tear out windows or remodel a kitchen or bathroom or basement, you will not be made to comply. Mike Fisher asked if that means the code only applies if modifications will be done. C/P Anderson explained that this refers to the maintenance part of the code. Rick stated this applies to things like only one receptacle in a kitchen. Mike Fisher stated some things need to be done no matter what. These would include safety features such as egress windows. He suggested having some more definition as to how CK-COG will interpret these things. He stated that at this point no one knows whether his inspections are equal to the Borough's inspections. Mgr. Bickhart agreed, stating the only person who would know at this point is Tom Sauers from CK-COG.

Ken Miller asked about the situation of a tenant having three violations and the landlord being asked by the Borough to evict that person. He asked what happens if that tenant is a student at Susquehanna. Would the person return to their home town or would they be given campus housing. He asked if the university is in a position to support the ordinance by perhaps asking the student to take a semester off. Phil Winger stated there are things that happen off campus that go through the university's judicial process but he does not know if a violation of the housing ordinance would fall under that. He stated the students who were displaced by the fire were given housing on campus. The university guarantees housing all four years for students but in some instances, depending on what the misconduct is, the judicial process may result in the student being asked to leave. Ken Miller stated the threat of eviction

may not be much of a deterrent to a student who knows he is guaranteed housing for the duration of his schooling. Phil stated there would most likely be some ramifications for the student.

Pres. Handlan asked if the majority of the landlords feel the way Brian Betz expressed in his email, that there should be no exemptions. Rick Savidge stated that he agrees with Solicitor Cravitz. As long as a property's requirements are as stringent as those the landlords are required to follow then there is no problem with that property being exempt from the Borough's ordinance. Mike Fisher stated if the requirements for his properties are less than the Borough's then he does not have an argument for exemption. C/P Herb stated it seems that Council is talking about whether they might get sued over someone having to ante up \$8 per year per unit more than someone else. Solicitor Cravitz stated that if Council chooses to exempt someone and a life could have been saved by not making the exemption then the Borough's liability is much more than \$8 per year per unit. Brian Farrell stated there is a \$1,000 per day penalty if someone is in violation of the ordinance. Mike Fisher stated his properties are asking to be exempt from the inspections, but they are not asking to be exempt from the whole code. He feels that the properties should be responsible for all the other code issues that are in there. If there are unruly people in the building then they should be as liable as everyone else. Pres. Handlan noted that an agreement will not be reached tonight. She asked C/P Mengel to designate a member of the Committee to obtain a copy of the Lewisburg information and set a date to go over this and the other issues that were raised.

### **Review List of Council Issues**

There are some people who are complying with the sidewalk work this summer, most notably the man on Pear Street across from Middleburg Yarn who has applied for a grant to do his curbing and sidewalks.

The crosswalks at University Avenue have been on the issues list since 2003, but the university is just now responding to the Borough's concerns, as discussed earlier tonight.

Mgr. Bickhart met with the Selinsgrove school district's buildings and grounds committee. They will recommend to the school board to approve the Borough's request to share the engineering costs to figure out what to do about Weiser Run.

The Shade Tree ordinance is still being considered.

Sediment was removed from the section of Weiser Run just below the box culvert. There was a 17-inch-deep accumulation of sediment at the end of the pipe. The excavation went to just around the bend. C/P Hetherington asked if the section near Charles Avenue could be cleaned out. He stated there is a 12-inch-wide area where the water runs out but the rest is all blocked. Mgr. Bickhart stated he does not think this needs to be done, but he can ask the engineer to take a look at it and make a recommendation. C/P Hetherington stated from Charles Avenue to Susquehanna Avenue there are so many weeds along Weiser Run that you cannot see through that section of it. He is concerned about what will happen with a large rainstorm or a flash flood. C/P Inch asked why rip rap was not put in along Weiser Run in the Chestnut Street area when work was done there. Mgr. Bickhart stated it may be that pipe was put in at the easement but then rights to an easement would have had to be acquired to do further work in the stream channel. The work was done about ten years ago and priorities were different then.

Mgr. Bickhart is still compiling information on the unsafe sidewalks in the Borough. C/P Reuning stated about two thirds of the Borough is completed.

C/P Mengel asked if the Borough can adjust the landlord ordinance costs for high volume people like Susquehanna University or High Street Manor. Solicitor Cravitz stated that it could be done if it could be justified by some type of volume issue in one place. C/P Anderson asked if having a live-in manager would qualify and Solicitor Cravitz replied that there has to be articulable reasons to justify it. He stated there will be people who do not pay for one reason or another, and when the Borough tries to force them to pay these people will attack the ordinance. If the ordinance would be declared unconstitutional then everyone who has paid up to that point will want their money reimbursed. Solicitor Cravitz stated he has been on the defensive end of similar issues before, so he is looking at it from the standpoint of defending

the ordinance. Mayor Carroll stated that based on what Solicitor Cravitz said earlier the wording should be put into the ordinance that any entity already having inspections must document that those inspections meet or exceed what is required by the Borough. Mgr. Bickhart stated it is in the ordinance that a landlord can get an exemption by coming before Borough Council and it will be reviewed on a case-by-case basis. He stated inspections are equal across the boundary of project houses and dormitories on the university. Solicitor Cravitz stated Council does not want to run into a situation down the road where lives could have been saved if Council had enforced the ordinance equally across the board. C/P Anderson gave an example of the dormitories installing smoke detectors in every room in addition to the common areas, such as High Street Manor does. She stated this is above and beyond the standards of a residential rental unit, which does not have smoke detectors in every room. C/P Inch stated this will change because the ordinance will require a smoke detector in each sleeping room and one outside each sleeping room in the hallway. Mgr. Bickhart stated this is a life-saving issue. The smoke detectors can be battery operated and do not have to be hard wired, but they do have to be there. C/P Anderson stated this will not prevent someone from removing the battery. Mgr. Bickhart stated the ordinance could be changed to require tamper-proof smoke detectors from which the batteries cannot be removed. They cannot be serviced, so when the light comes on saying that the battery is low the whole unit is replaced.

#### **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**

**Minimum Municipal Obligation (MMO) Worksheet and the Determination of State Aid for the 2008 Uniformed and Non-Uniformed Pension Plan** – C/P Inch reported that the Finance Committee has reviewed this and is recommending the Borough go along with it. This means no payment to the Borough because there is enough money in both funds to take care of this. Mgr. Bickhart noted that regulations require that this information be shared with Council before the end of September. Council does not need to take any action. In 2008 the Borough will be paying the employee's contribution to the pension plan, which maximizes the Boroughs use of state aid. This is contractual with the police.

**Budget Seminar** – C/P Inch reported that the committee and Sheri attended a budget seminar last week and received certificates. Pres. Handlan asked what the most important thing the committee learned from the seminar was. C/P Inch replied that he received some clarifications on things that he had not understood previously. He got some ideas for things to update on the Borough's budget this year. Sheri is working on some narrative issues that will make it easier to understand. C/P Anderson stated the handouts were excellent. C/P Reuning stated that he learned that Selinsgrove is doing things very well as compared to some other boroughs that were there.

**Statewide Tax Recovery, Inc. - Exoneration Requests** – No exoneration requests.

**Proposed contractual and tentatively proposed wages for 2008 Budget** – Mgr. Bickhart noted this is for Council's information and it is the basis for which the calculations were done for the MMO. If there were significant proposed changes to the list, the calculations would have to be amended. The police are contractual, but the rest of the employees will receive 3% across the board. C/P Anderson asked whether this will change if the custodian position is filled by someone on a part time basis.

**Part Time Custodian** – Mgr. Bickhart replied that Brian Beaver's custodian position was advertised to be filled as Brian did the job, full time at 40 hours with benefits. After speaking with Corby and Sheri, it was felt that the Borough could work with the most outstanding applicant for the position, who can only work on a part-time basis. There is a concern among the daytime employees that the part-time person would not be available to respond to something that would occur, such as someone getting sick on the floor.

The part-time person would work after 6:00 p.m. on weekdays and most of the day on Sunday. Snow removal would have to be contracted with someone to come in during the early morning hours to remove snow in and around the sidewalks of the Borough building, the police department and, if necessary, the pump house. It is not feasible to reassign someone from the Borough crew to do this because they are needed elsewhere for snow removal in the Borough. Brian had worked on curbside recycling one day a month, but Corby would be able to utilize summer help or the kids from the probation department to help out with this. The new employee would start at 25 hours per week and Mgr. Bickhart is confident the work can be done in this amount of time. C/P Anderson stated this would be for a six-month probationary period. Mgr. Bickhart stated this is a decision he makes as part of his job, but he wanted to get Council's input. If they are opposed to this, it will be reevaluated. Pres. Handlan asked what the person does when not working part time for the Borough. She stated she has concerns with replacing Brian with someone part time. She does not know if it is in the Borough's best interests to do this. Mgr. Bickhart replied that the person has a fulltime job at Professional Home Systems in Middleburg. He stated this is what is best for the Borough. C/P Inch agreed, stating this could be a significant benefit to the Borough. Mgr. Bickhart stated that those who viewed what Brian had done agree that he was perhaps too meticulous and did not have to do the things he did as frequently as he did them. He stated for the last couple weeks the office has had to empty their own wastebaskets, and the floors and windows have not been cleaned in over two weeks, but it is not that bad. Brian would have cleaned the windows, wet mopped the floor, and cleaned the wastebaskets every day. The new person will be asked to reset the schedule. C/P Anderson noted that Brian started out as part time too. Pres. Handlan asked if 25 hours a week is enough; what all does the person do? Mgr. Bickhart stated the person will be responsible for the Borough building, the police department, the pump house, and the seasonal kitchen and restrooms at Anthony Selin Park. Pres. Handlan stated people should be managed correctly. If someone is being too meticulous they should be told about it. C/P Hetherington stated the building was a showplace when Brian worked here and he took pride in his work. He agreed with giving the part time person a try. Pres. Handlan cautioned that it is a public facility and she does not want it to become shabby. C/P Mengel asked if the mechanic position has been advertised yet for someone to replace Sheeny. Mgr. Bickhart replied that he just got Sheeny's letter of resignation today effective December 31 and accepting the contract. He stated the hiring process will begin after Corby looks at the job duties and a job description is written.

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

C/P Reuning reminded the committee that there will be a meeting on Monday, September 10 at 1:00 p.m. regarding the 2008 Street and Utility projects.

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

C/P Mengel asked Mgr. Bickhart to get a copy of the Lewisburg/Bucknell ordinance. A meeting will be held on Tuesday, September 25 at 7:00 p.m.

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

The summer program went well, with a lot of water activities. There were more kids in the mornings, but then they left around 1:00 when the pool opened. There has been some discussion about putting in a misting machine. There were three students this year, two of whom would like to come back next year. Matt is moving on and will not be able to come back. Dick has contacted outside organizations that have programs and he is going to a seminar next month on supplementing the program to involve more than just playing. The crafts were popular with the kids. They used the stage at Kidsgrove for dances and plays. There were a couple special parties, including wiener roasts and pizza parties.

The ice skating rink has received some grants, including \$2,000 to order new ice skates and equipment. Some of the donated skates were not in good shape and fell apart. A cement block addition is being put onto the building to house the logs to avoid having them thrown into the ice. The firewood came from the trees that were trimmed at the LifeTrail. A sidewalk was added from the curb to the building. The next project will be to extend the deck to the sidewalk so people will not have to go through the building to get to the deck. A sign for "Little Norway 2" is being designed which will include the hours of operation.

The LifeTrail is going well. It has been cleaned out and the grass is growing well. Most of the bad trees have been cleared out. The stumps will be leveled to help the mowing situation. The brush at the ditch was trimmed so people can see in there better to see what it is. Evangelical was there last Wednesday morning from 7:30 to 8:30 to do blood pressure checks and blood testing. There were 12 people who attended. This seems low, but Evan went to four different places and Selinsgrove had the highest turnout. There is a group that walks every morning. Susquehanna will encourage the students to use the LifeTrail. Dick has worked out a deal to update the five stations, adding lower units to each one so that they will be wheelchair accessible. He will be able to purchase these units for a cost of \$1,800, half the regular cost of \$3,600. This price includes lifetime repairs and maintenance.

Regarding the skateboard ordinance, Dick stated he feels Council went a little too far. He stated he has access to some money to start a skate park. It is not enough to build the whole thing. Someone has agreed to donate land for the skate park. Dick presented this information to the skateboarder person, stating that the money would be given as a match. The person donating the money would match up to \$20,000. The skateboarders seem to be reluctant to proceed with this. Dick asked if Council wants him to pursue this and if so, details such as how the land should be deeded and who should supply the insurance would need to be worked out. C/P Mengel stated the skateboarders were told to organize and work on getting a skate park. Since they have organized, it would be their responsibility and their liability. C/P Herb asked what the skateboarders are looking for. Dick replied that they are looking for a free handout and he is not willing to do that. C/P Herb stated that at the time of the new ordinance it was clear that Council was hopeful that a skate park would be built to take the kids off the streets and into the park. Sunbury has a skate park that is operated independently, in the same manner as the Selinsgrove pool is operated. It seemed to be Council's opinion that this is how a new skate park should be operated. Dick stated the skateboarding person was at his committee meeting last week and this was discussed. His feeling was that the kids do not want to do this and they just want the skate park given to them. Dick stated he wants the kids to show him that they want this and are willing to work for it and take care of it. He stated he knows what happened in Sunbury. Lewisburg also has a nice park, but it is run and maintained by LARA and not the Borough itself. Council stated that they support Dick in his approach to this. Dick stated that the skateboarders are thinking the skate park should be built and given to them in a situation similar to the ice skating rink. C/P Hetherington stated that it sounds like they are forgetting about some of the things they said they were going to do after they organized. C/P Anderson asked if there have been problems and reports to the police department. Chief Garlock stated he has not seen a rise in civilian reports, but the officers themselves are encountering skateboarders that are in violation of the ordinance. He stated this is what he had expected. He arrested two over the weekend and issued one warning over the weekend. He stated the ordinance now has teeth so he can enforce behavior. Dick stated he has heard complaints and he has told the people to call the police. Chief Garlock stated people need to call the police because they cannot gauge the public's need unless the public approaches them. C/P Herb stated the issue is whether Council will provide the money to build a skate park if the land is made available and the answer to that is clearly no. He stated Dick could tell these people on behalf of Council that it would be doing a disservice to the community for Dick's committee to take a big chunk of their reserve and put it into a skate park. As an act of faith from the skateboarders they should be willing to work toward the skate park. The rest of Council agreed with C/P Herb's statement. Dick stated he told the skateboarders that the Borough will not pay for the skate park. They need to earn it themselves and then they can qualify for the matching money that Dick has been guaranteed from an outside source. He asked if the donated land should be given to the Borough, who would then lease it to the skateboard organization. Solicitor Cravitz stated it could be done a number of ways, but if the person wants to have a tax write-off he should donate it to the Borough or to a 501(c)3 corporation formed by the skateboarders.

C/P Hetherington stated Council needs to give Dick a big thank you for everything he has done for the Borough. Without Dick the Borough would not have a quarter of the things they have. Dick stated that he will not be able to pull weeds any more. The Borough mows the grass but they do not pull the weeds. Dick stated someone will have to be found to do some of the little things that he has been doing. He stated he had some of the summer help working on weeding, mulching and painting on days where no kids came to the summer program.

The Kidsgrove Mini Town is coming along. Seven of the eight lots are sold. Four of the fronts are done and are being painted. Dick stated he is trying to get a bank and asked if anyone had a good contact. He has tried Omega and they are not interested. The cost is \$500.

**COMMUNITY ACTIVITIES AND PUBLIC AFFAIRS: C/P Herb, Chairman** – C/P Herb has no report tonight, but he suggested that since it is now 10:30 and Council is less than halfway through the agenda they should adjourn to a second meeting later in the month or set a deadline to be finished tonight. C/P Hetherington stated past policy was that if a second meeting was needed it would be held on the third Monday of the month, which would be the 17<sup>th</sup>. Several people were not available then so it was decided that Council would try to finish by 11:00. C/P Herb stated Council does not always deal with issues in the most time effective manner, and his comments are not meant as a criticism of any individuals. C/P Hetherington stated there are too many meetings within the meeting. If a special meeting is needed it should be held separately or referred back to a committee for further study.

**PERSONNEL MANAGEMENT COMMITTEE: C/P Anderson, Chairwoman** – No Report

**PUBLIC SAFETY COMMITTEE: C/P Hetherington, Chairman** – C/P Hetherington asked if the parking on Market Street that was to be referred to the Safety Committee has been addressed. It was not, so he stated he will try to have a meeting before the next Council meeting. He asked the mayor, the chief, and the members of the committee to look over the situation and email any comments to him.

**PLANNING COMMISSION: Earl Moyer, Chairman**

**Recommendation to approve Ordinance # 757 pertaining to the new Flood Plain Maps and updated regulations** – The Planning Commission is on the record as recommending approval of the ordinance.

**Interested Councilpersons invited to participate in Comprehensive Plan Update process** – The Planning Commission is inviting Council members to take an active role in this process. C/P Anderson noted that the people from Derck & Edson will be very helpful in this process.

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

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

**SHADE TREE COMMISSION: Karl Maul, Chairman** – No Report

**BOROUGH ADMINISTRATIVE REPORTS:**

**MAYOR: Pete Carroll** – No report

**BOROUGH SOLICITOR: Robert Cravitz**

**Consider adoption of Ordinance # 757, pertaining to updated Flood Plain Regulations and new Flood Insurance Rate Maps, effective November 16, 2007**

Motion by C/P Anderson to adopt Ordinance # 757. Seconded by C/P Inch.

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

**Consider adoption of Ordinance # 759, pertaining to the adoption of regulations pertaining to pruning of trees under the jurisdiction of the Shade Tree Commission** – Solicitor Cravitz noted he is still working on this.

**Consider adoption of Ordinance # 760, pertaining to Local Services Tax** – Solicitor Cravitz stated that both he and Mgr. Bickhart looked over this and feel it is a definitive ordinance. He asked Council to

review it for enactment at the October meeting. Anyone earning under \$12,000 is exempt. The statute states that if the Borough is charging someone less than \$10 per year on the tax then the \$12,000 exemption does not apply. It only applies if the person is being charged more than \$10. The law is unclear on whether the Borough can have a two-tiered tax so that people making under \$12,000 will be charged \$10 and those making over \$12,000 will be charged \$52. This would result in a difference to the Borough of \$3,000 to \$4,000 per year. C/P Anderson asked if information on this might be found in the information the Finance Committee got from the budget seminar. Mgr. Bickhart suggested contacting Shelly Hauck or Chris Dixon from PSAB because they might have some more current information. He stated when the EMS tax first came out some communities did adopt a two-tiered tax, but he does not know if it was legal or not. C/P Anderson had found her paperwork from the seminar and said it did not read as though that was allowed. Solicitor Cravitz stated he will check on this and if it is legal he will add it to the ordinance.

**Consider adoption of Ordinance # 761, pertaining to Vacating Mahanoy Avenue, as requested by Chris Gemberling** – Solicitor Cravitz reported this is at the end of the Isle of Que. Mahanoy Avenue has never been opened between the Gemberling land and the Borough land. Mr. Gemberling will pay for the entire cost of this process, including the advertising. This is to the north of the driveway to the boat launch parking lot. The driveway is on the southern half of that street. The part Mr. Gemberling would claim has no improvement.

**Consider vacating piece of Chestnut Street next to residence of Dave Faust, per his request** – Mgr. Bickhart reported Mr. Faust would like Council to vacate the unopened piece of Chestnut Street next to where he lives on Susquehanna Avenue. This is on the north side of Weiser Run. He would make the same type of arrangements as Mr. Gemberling. C/P Mengel asked if Council is making a mistake by vacating these streets. Solicitor Cravitz stated that because the Borough never opened or maintained the streets, after 21 years the public flavor is lost and the Borough cannot do anything with them unless they go back in and condemn them. As long as the people are willing to pay the costs it helps them to square away their titles. He stated the Borough is not giving anything away nor are they landlocking anyone. The properties must still remain private rights of way

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

**Update on pending projects** – Council has a copy of the engineer's letter.

**Consider request from Mid-State Paving concerning charges of liquidated damages** – Solicitor Cravitz reported that Mid-State has hired a lawyer, Lori Hackenburg, and he has been corresponding with her about this issue. He thinks it is resolved.

**BOROUGH TREASURER: Sharon Badman**

**Review Treasurer's Report for August 2007** - Pres. Handlan asked if there were any questions on the Treasurer's report. Hearing none, she stated that it is on file for audit.

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

**Non-Police Complaint Update** – The Joyce Hendricks complaint did not affect the sale.

Wendall Roush's complaint regarding the neighbor's trees is a common matter for which Mgr. Bickhart referred him to an attorney. The bird dropping issue could rise to the level of a health hazard and the Safety Committee should take a look at this. The Shade Tree Commission might be able to help with trimming the trees or replacing them with trees that starlings do not like to nest in.

Selinsgrove Dental Arts had learned that Mgr. Bickhart was trying to find out if the Borough had to continue fluoridating their drinking water because it is a hazard and an expense. The Dental Arts wanted to go on record as being in favor of continuing the fluoridating of the water.

Donna Seaman was concerned the about safety of the number of skateboarders using Water Street due to the increase in traffic on Water Street by drivers who are avoiding the red light. Donna contacted the Borough police, who came down and took care of one circumstance where ramps were in the street.

A woman came into the Borough office very upset about her water and sewer bill. She had received a shutoff notice and it was in fact shut off, but she was most upset about Borough employees talking to people on the street about the fact that they were shutting the water off for nonpayment of a water bill. Mgr. Bickhart talked to the employees about that. This woman talked about seeking legal counsel so Mgr. Bickhart had the employees document what they said and he documented what he knew about the woman's visit to the Borough office. He has discussed this situation with Solicitor Cravitz. This woman said very mean and unkind things, and this upset Sheri so badly that she did not come to tonight's meeting because she thought the woman would be here.

There are a number of cats on Orange Street that are being let out into the neighborhood, but there is nothing the Borough can do about this.

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

**Reminder concerning 2008 Budget Requests** – Reminder for Council members and committee chairs that the budget process will begin soon.

**Review and comment on September 2007 Newsletter** – Any comments or changes should be shared tonight or given to Sheri tomorrow. Mayor Carroll stated on the back page in the new businesses section "yard shop" should be "yarn shop". He also noted that Dental Associates will move back out of the Borough soon. Mgr. Bickhart stated he will take this off the list of welcomes.

**Consider amending "Non-Uniformed Employee Handbook, Retiree Health Insurance" policy to also extend coverage to a spouse and/or the dependent(s) of an employee who dies while employed full-time by the Borough, with the same conditions and procedures** – Mgr. Bickhart stated that with Brian's death his wife was left with the dilemma of what to do about her health insurance. The Borough's health insurance representatives will allow Council to take what the Borough says about retirees and the procedure where they can participate for 18 months – or longer with Council's permission – and apply it to this situation. This is payable in advance and if the person fails to pay they lose their insurance. This can be made to say that it also applies to the spouse and/or dependents of an employee who dies while employed by the Borough. If the Borough had 20 employees they would be covered under COBRA, which would require them to extend the privilege for 36 months. The Borough is not under COBRA and so does not have to do this at all but Mgr. Bickhart feels that since it does not cost the Borough anything, and in this case is less burdensome than a retiree, it is appropriate to do.

Motion by C/P Anderson to add an additional category of people who would have the privilege of staying on the medical at their own cost beyond the death of an employee. Seconded by C/P Mengel.

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

**Request from Don Girton, CKCOG Building Inspector, to consider one reserved parking space along East side of block of South Market Street for handicapped use only during hours businesses are open** – Mgr. Bickhart stated that when Don Girton reviewed Irene's he noticed that the handicapped parking place is in the alley and there is not an acceptable route from that parking stall to the front door that is in compliance with the regulation. Considering the number of businesses downtown that are handicapped accessible, Don is asking if the Borough would take one of the parking spaces along the street, sign it and mark it for handicapped parking. If the 21 parking stalls on that block of Market Street were to be considered in the same way as a public parking lot then one of those stalls would be designated as a handicapped space. This is not the same as the requests Council has had in the past from individuals who wanted a handicapped space put in just for them. This space would be for any handicapped individual. It would be located near the main entrance to Bot's Cafe because that is the

most reasonable location without trees, poles and signs. Mayor Carroll asked if this needs to be reinforced with an ordinance so that it is enforceable by the police department. He also stated that if this is done on one block it will most likely be requested in other blocks. C/P Herb asked if this could be referred to the Safety Committee. Pres. Handlan referred it to the Safety Committee for review.

**Memo to employees on Health Insurance coverage** – Mgr. Bickhart noted some changes were made to the Borough’s insurance policies. The memo was sent to the employees and Council for their information. The costs to the Borough were included so the employees would see the value of their benefits.

**Reminder concerning PSAB Fall Leadership Conference, October 19-21, 2007, State College** – Anyone interested in attending this should let Mgr. Bickhart know.

**Letter of Resignation from Robert “Sheeny” Wendt**

Motion by C/P Anderson to tentatively accept Robert Wendt’s letter of resignation, which follows the agreement that was made with him that he will retire effective December 31, 2007. Seconded by C/P Inch.

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

Mgr. Bickhart noted that the retirement will be accepted in December.

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

**EASTERN SNYDER COUNTY REGIONAL AUTHORITY – Bob Dagle and George Kinney, Chairmen**

**Additional information pertaining to ESCRA and an effective moratorium on new subdivisions and land developments in areas served by them and the proposed nutrient trading program for additional phosphorous loadings to treatment plant** – Mgr. Bickhart reported that ESCRA will be convening a group for an Act 587 plan update. The treatment plant does not have a hydraulic overload but they are approaching an organic overload. With the new standards set by DEP they have a nitrogen overload and a very serious phosphorus overload. These are new issues in Pennsylvania because of the Chesapeake Bay Commission, which is trying to regulate water quality in the Chesapeake Bay. This issue will have consequences in terms of additional costs to the Borough, although those costs are yet to be determined. The costs will most likely be passed along to the rate payers. There will be some more regulation in terms of EDUs connected to the system that the Borough will have to participate in. The expansion of the university and the elementary school will result in additional EDUs. This whole issue is very complicated, and the Borough is being asked to participate to a greater degree than they were before. This is not optional; this is mandated. C/P Anderson asked if Mgr. Bickhart will be the Borough’s representative in all this and he replied that he would, especially with his background. He stated someone is welcome to come with him. There will be a series of meetings where all of this will be discussed in more detail and plans made to deal with the overloads. C/P Reuning asked if the sewer plant will have to be expanded because of all this and Mgr. Bickhart stated additional chemical treatment will have to be added immediately for the phosphorus. ESCRA is already working on plans for this, which is where the additional cost to the Borough will come from. There will also be additional operation and maintenance expenses because of this. John Abromitis felt that the treatment plant modifications were in tune with what he expected DEP to say in terms of nitrates but when DEP finally came out with their statement, the limitation was more severe than what they had led John Abromitis to believe it would be. New customers will have to acquire phosphate and nitrogen credits from a treatment plant that has done better than their treatment requirement in order to shift that betterment to Selinsgrove. This is similar to carbon credits in the energy industry. Mgr. Bickhart stated the Borough’s representatives need to do a better job of keeping Council informed. He stated he has learned all his information from the letter from John Abromitis and from reading the minutes of ESCRA meetings, but no one has said anything to him personally. Mgr. Bickhart stated this can be discussed in more length during the budget process.

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

**NEW BUSINESS:**

**COUNCIL MEMBERS**

**Andy Lash Chimney** – C/P Hetherington stated he did not know if Mr. Lash complied with the requirements yet for his chimney, but Mr. Lash wanted to know if the Borough would extend the chimney up at the ice skating rink so as not to annoy the neighbors. Pres. Handlan stated there is no comparison between the two. Mgr. Bickhart stated Mr. Lash' chimney has not yet been extended.

**Absent Members** – It was noted that C/P Inch will be absent from the October meeting. C/Ps Inch, Anderson and Herb will be absent from the November meeting.

**MAYOR** – Nothing

**OTHERS** – Nothing

**ADJOURNMENT:**

Meeting adjourned at 11:00 p.m.

Attachments: None