

SELINGROVE BOROUGH COUNCIL MEETING

MONDAY, AUGUST 4, 2008 - 7:00 P.M.

COUNCIL MEMBERS PRESENT: Pres. C. Handlan, V. Pres. J. Herb, C/P D. Anderson, C/P D. Mengel, and C/P E. Viker

COUNCIL MEMBERS ABSENT: C/P S. Hendricks, C/P M. Inch

OTHERS PRESENT: Solicitor R. Cravitz; Mgr. J. Bickhart; Mayor P. Carroll; Borough Treasurer Sheri Badman; Recording Secretary Dawne Long; DH&L Representative Jason Kaufman; Daily Item Reporter Damian Gessel; ACT Coalition Representative Megan Will; Borough Residents Garry Beaver, Paul Helwig, Lisa and Thomas Jones, Joseph and Margaret Siro; Main Street Manager Jess Newell; Police Officer Applicant Mike McLeod; SARI Representative Brian Burke; SEDA-COG Representative Bill Seigel; SPI Representative Judy Spiegel; Verizon Tower Representatives Peter Kellepourey and Richard Williams

OTHERS ABSENT: Junior C/P Morgan Botdorf; Police Chief T. Garlock

CALL MEETING TO ORDER:

Pres. Handlan called the meeting to order at 7:02 P.M. Mgr. Bickhart called the roll.

REVIEW AND APPROVAL OF COUNCIL MINUTES FROM MEETING OF JULY 7, 2008:

Motion by C/P Mengel to approve the minutes as presented. Seconded by C/P Viker.

AYES: FIVE (5)

NAYS: NONE

MOTION CARRIED

PERSONS TO BE HEARD:

Borough Police Chief, Thomas Garlock – Presentation of Police Report for May and June 2008 – Mgr. Bickhart explained on behalf of Chief Garlock that the monthly reports have not been submitted for the past two months due to computer software problems. As soon as the computer issues are resolved the reports will be given to Council. Pres. Handlan asked who is working on resolving the problems. Mgr. Bickhart reported it is a combination of SEDA-COG on behalf of the Borough and representatives from a software company called Informant. SEDA-COG is being paid for their services. The services of Informant are under a service contract at no charge as long as they can function remotely. However, SEDA-COG is actually recommending that an IT person be called in from Pittsburgh at Borough expense to fix the problem. Pres. Handlan asked whether there are other tasks, beyond the monthly reporting, that are not able to be completed because of the computer problems, such as reports that are provided externally. Mgr. Bickhart replied there are some reports that cannot be completed until the software issues are resolved. Pres. Handlan asked if these reports are being done manually or if they are just not being provided. She wants to be sure the Borough is compliant. Mgr. Bickhart stated Chief Garlock did not indicate there was any noncompliance; just some of the reports that he files with state and federal agencies are not able to be filed.

DH&L Fire Company, Jason Kaufman – Jason reported for the month of July there were 10 calls in the Borough, 9 in Penn Township and 4 in Monroe Township. The loss within the jurisdiction was \$0.00. A fundraiser was done during the Wine Festival which netted DH&L \$148 in profit, \$50 of which was donations. It was a good PR opportunity and the fire company would like to participate again next year. The driveway will be sealed within the next month. It has been decided there will not be a social club, so things from the bar are being sold. Everything is running smoothly. Jason asked if sometime DH&L could sit down with Council to come up with a 10-year plan or a 5-year plan since a lot of things have changed since the last 5-year plan was written. Mgr. Bickhart stated that new state regulations require

the Council to work more closely with the fire company at budget time. There are certain things that Council must have from the fire company, all of which they have given in past budgets. During the cycle of budget preparation, which starts in September, DH&L will be invited to come in to a work session on these issues. Pres. Handlan remarked on the new legislation passed with regards to volunteerism. Jason stated there will be tax incentives for volunteers. The main issue right now is the price of fuel. Because of this DH&L is not going to many parades this year. Hopefully the government will come out with some help on this issue.

Finding of Audit Report for 2004, 2005 and 2006 pertaining to the Dauntless Volunteer Firefighters' Relief Association – Mgr. Bickhart reported that DH&L's Firemen's Relief Association, which is a subset of the corporation and the volunteer fire company, was audited and the audit turned up that back in 2004 two expenditures were made for which the auditors did not have proper documentation. When Mgr. Bickhart called the fire company to ask about this, he was told that it was already resolved with the auditor's office. Jason explained that some wetsuits and dive gear were bought from a company with a credit card. The company did not provide an invoice, so the Relief Association only had the credit card bill and canceled check showing it was paid. Everything has been explained to and corrected with the auditors to their satisfaction. Jason stated the auditor met with him three separate days and stated that she wished all the departments she audited worked as quickly to resolve issues. Mgr. Bickhart stated that each year the Relief Association expends about \$25,000 so this was a relatively minor finding and it was corrected right away.

Selinsgrove Area Recreation Inc., Brian Burke – Update on Fundraising and Project Schedule – Brian reported that the Degenstein Foundation awarded \$200,000 toward the matching grant that was secured by DCNR. Of this, \$100,000 will be awarded in 2008 towards the beginning of the project, and another \$100,000 in 2009 for the completion of the project. That allows SARI to begin securing state grants. Meetings have been held with SPI to strategize fundraising. Brian passed out some information and reported that in 2007 there were 4,300 non-member daily admissions to the pool. In 2008 to date there have been 5,397 non-member daily admissions. This includes all usage of the facility, such as people paying the \$3.50 daily admission, day camps, parties, swim teams, etc. This shows that the pool is not an idle facility. The majority if the individuals are from the Borough. Brian reported that membership numbers have remained fairly level at around 175 individual memberships. Communication has improved with the school district so that sports camps and kids on the football team use the pool. There were four Splash Hops held in July with about 90 kids of middle school age attending each one on Thursdays from 8:00 to 10:00 PM. There is a DJ and supervision for the kids. Pres. Handlan asked if the FrankFest event is included in the report. Brian replied it is in the paperwork but he is not sure exactly where it falls. C/P Viker stated these numbers make it clear what a great asset the pool is. Brian stated that next month he will have more specific information related to SEDA-COG, the bid process, and information on where the renovations are going. There is a mandatory bid day on August 12 at the pool for anyone who wants to submit a bid. This is a question and answer session, and then the companies submit their bids for a public opening on August 19. This will take place in Borough Council Chambers. After the bids are opened, a several-week review process will take place involving the SARI Board, Mgr. Bickhart and Wade Associates. After that the pool will communicate with SEDA-COG and move forward from there. Brian stated he hopes to have a team of three or four people making a presentation at the next Borough Council meeting. It is too early now to determine whether Council will be asked for a commitment at that point. If the process is that far along, Mgr. Bickhart will let Council know a week or two in advance of the meeting so there are no surprises at the meeting itself. C/P Anderson asked whether the Council actually makes the decision and Mgr. Bickhart replied it does. The construction contract will be with the Borough. The plans for the pool illustrating the types of improvements the pool board would like to make are on display in Council chambers. The estimated cost of the project illustration is \$653,000. The grant application was for a \$1.4 million project knowing that that would not succeed. The grant from DCNR was for \$250,000 so the pool board pared the project back to the bare bones. It addresses all the operational issues, but there are relatively few amenities. They are listed as alternate bids so they can be pulled out if the bid prices are too high. Mgr. Bickhart stated this is as good as the project can be and it represents very sound thinking. With the Degenstein pledge and the DCNR grant the project has funding for \$450,000. C/P Anderson noted that \$50,000 still needs to be matched, so that would be the minimum fundraising goal. Brian agreed, and stated that there is still some

discretion in the project in case the bids come in higher than hoped for. Pres. Handlan and Council expressed appreciation for how far Brian and the pool board have come in the past couple years.

Lisa Jones, 3-way stop intersection at Front and Bough Streets – Mrs. Jones reported that she has some concerns about the new stop sign that the Borough has placed at Front and Bough Streets. She stated that all of her research and information gathered has come from one state policeman, four PennDOT engineers, and the MUTCD manual. This is a manual on uniform traffic control devices that is put out by the Federal Highway Administration. Pennsylvania has adopted it and receives funds for it. This is something that all towns are supposed to abide by. She stated the two main engineers she spoke to were Steve Mutchler from Montoursville and Ken Williams from the central office in Harrisburg. Mrs. Jones stated she understands the installation of this stop sign stemmed from concerns her neighbor, Tony Butto, had from seeing a near accident involving a child on Front Street. She stated she would like to know who exactly proposed the stop sign, as she does not think it was one of Mr. Butto's proposals. Mrs. Jones stated her husband attended the meeting and understood that Mgr. Bickhart said he would submit the idea to PennDOT but he knew that it would not be approved. Mrs. Jones stated that she, along with her neighbors, thought this would be the end of it. According to Steve Mutchler from the Montoursville office, PennDOT does not get involved with stop signs at municipal roads. Mr. Mutchler said he sent the Borough a copy of a statute that recommended doing a traffic study. Mrs. Jones stated that on today's agenda it states something about letters to and from PennDOT. She stated Mgr. Bickhart sent her a copy of the letter that he sent to PennDOT but she did not receive a copy of the letter from PennDOT to the Borough. She asked what happened with the recommendations and who decided not to take them into account. Mrs. Jones reported that through her research, she believes the stop sign is not placed legally and is in violation of the MUTCD manual, in which Part 2B-07 states that a traffic study must be done. She stated that a traffic violation cannot be enforced at that stop sign because the sign is in violation of Vehicle Code 6109E that states a traffic study must be done. A traffic study would have several criteria, none of which would be met. One is that there has to have been five accidents within six months or a year – Mrs. Jones was not quite sure on the time frame. She stated to her knowledge there has never been an accident at that intersection. Another criterion is volume of traffic, with a requirement of 300 or more vehicles in one direction and 200 vehicles in the other direction, which there is not. Another criterion consideration is pollution, and Mrs. Jones noted there is a lot of farm equipment that stops at that sign so there is a lot of diesel fuel being released there. The overall cost, which includes fuel usage and brake usage needs to be considered. The PennDOT engineers stated that if it needed to be approved by PennDOT it would not be approved. Mrs. Jones stated that traffic signs are not to be placed to calm traffic, and that is why this sign was placed – to calm traffic for the safety of pedestrians and bicyclists. Mrs. Jones stated that the engineer out of the main office stated that stop signs used in a situation such as this usually breed disrespect, and it actually increases speed because the driver is trying to make up for lost time. Studies show that this can take a bad situation and make it unsafe rather than better. The Borough could get FHA Publication 383 for Traffic Calming for other ideas on how to calm traffic. The engineer also told Mrs. Jones that in addition to violations that cannot be enforced there, if a bicyclist or pedestrian were to be hit there, or a vehicle accident occurred, the Borough could be sued and held responsible because the stop sign is not placed there legally. Mrs. Jones stated she would like to know why a traffic study was not done and if the Borough will reconsider the stop sign. She stated everyone she has spoken to and all the research she has done shows that a stop sign is not the answer to the situation. She stated there are lots of things that can be done to slow traffic, but a stop sign is not the answer. Mrs. Jones stated that she also consulted an attorney in Harrisburg who is a traffic expert. His name is Attorney McQuillan.

Pres. Handlan stated that she appreciates Mrs. Jones' information and the research she did on this; however, she missed the reason why Mrs. Jones brought this to Council. She asked if Mrs. Jones is in the vicinity of the stop sign. Mrs. Jones replied she is, but stated she brought this to Council because everyone who lives on Front Street who came to the big meeting when making Front Street one way was discussed left the meeting under the impression that a letter would be submitted for a stop sign and it would not be approved. Then suddenly there was a stop sign there. Mrs. Jones stated she had a letter drafted to all her neighbors and they could have shown up in force tonight because a lot of them are not in favor of the stop sign. Jim Cole with Furman's Food is not happy about it either. Mrs. Jones stated she thought she'd come herself so there would not be a roomful of people, and she noted that this has been a

concern since the issue was brought up. The stop sign only went in very recently, so tonight was the first time she had the opportunity to speak to Council about it. Pres. Handlan stated that she appreciates this and she encourages citizens to bring issues before Council. Mrs. Jones is the first person she is aware of that has objections to it. The ordinance was posted in the newspaper. She stated that the stop sign is legally placed, and deferred to C/P Herb, the chairman of the Safety Committee. C/P Herb asked for the publication number Mrs. Jones referenced. She replied that it is FHA Publication 383 for Traffic Calming. C/P Herb stated that he has spoken with Mrs. Jones on the telephone before tonight so he is aware of her concerns. He disagrees that the impression was given at the committee meeting that the stop sign would not be approved. He stated if that is the impression the people left with, he will take responsibility for that and apologize for it. It was not his impression that that was a non-starter. At the meeting, various options were discussed and it appeared as though the stop sign was a viable possibility. Of the alternatives given to deal with the safety issue, it was one of the most reasonable alternatives to consider. However, this would not have been regarded as a reasonable alternative if it was known ahead of time that there was no possibility of it being approved. C/P Herb asked for input from Solicitor Cravitz regarding the issue of legality because that was not an issue that was dealt with at the committee meeting. Mrs. Jones stated that when she spoke with the PennDOT engineer and a state policeman, she found that there are lots of town ordinances everywhere that are not legal. Normally the state police and PennDOT will not challenge a municipality, but if there is something that happens at that stop sign legally a traffic study has to be done or the town is liable. Mrs. Jones stated she personally could get an attorney, or get a group together to get an attorney to have the stop sign removed. She again stated it is not there legally and cited an example given to her by the state policeman. In Paxtonville there has been a stop sign at a major intersection for years and somebody recently ran it. They found out there was no traffic study done when the stop sign was placed, so they got an attorney and the motorist was not liable for that violation. From that time on the state police will not enforce any violations at that stop sign. She stated she does not know what the town police would do, but anyone can go to the state police with the concern that a certain stop sign is not legal and the state police will still hand out violations there because they cannot carry around a huge book with every stop sign that is not legal. C/P Viker seconded C/P Herb's intention to get input from Solicitor Cravitz, stating that there is a competent attorney in the room.

Solicitor Cravitz reported that regarding stop signs at any Selinsgrove streets, there used to be a requirement to perform traffic studies under the Pennsylvania Vehicle Code. About ten years ago the Boroughs Association asked for that requirement to be removed because it was very onerous upon local municipalities and the requirement was removed from Pennsylvania legislation. The Borough does not have to conduct traffic studies. Mrs. Jones again cited MUTCD, stating that they do require traffic studies and Pennsylvania participates with that and it is a recent law. Solicitor Cravitz stated that with regard to Pennsylvania statutes, traffic studies are not required. In Sandra Tosca's letter she recommends that the Borough look at the manual for uniform traffic control devices and do the studies under that, but she said it is not required. Therefore, Solicitor Cravitz's understanding of the present state of the law is that the Borough does not have to do a traffic study. The Ordinance is presumed to be valid unless and until a court rules otherwise. He asked Mrs. Jones for the name of the state policeman she spoke with so he can talk to him as well as the chief legal authority for Snyder County, District Attorney Mike Sholley, and the chief counsel's office for PennDOT to determine why PennDOT engineers are speaking out on what is legal and not legal because that is not their job. Solicitor Cravitz stated the people who should be consulted are the chief counsel's office and the district attorney's office. He stated he is not doubting Mrs. Jones' position, but he does not know the engineers. He does know Sandra Tosca and he feels that if she looked at the situation and found a concern she would come directly to the Borough to notify them of a situation that would cause trouble. C/P Viker asked if there has ever been a complaint to the Borough office about a stop sign in the Borough being onerous to the people who live around it. Mgr. Bickhart stated the only complaints he has heard concerning stop signs during his history with the Borough have been from people encouraging the Borough to place stop signs. Solicitor Cravitz stated that the Borough was brought into a lawsuit and then dismissed from it due to an accident on Sassafra. The Borough had asked for a stop sign to be put in and PennDOT denied it. Someone was seriously injured in an accident and sued the Borough. The Borough had letters documenting their request of PennDOT to put in a stop sign and PennDOT's refusal, so the Borough was let out of the suit. He stated it would be hard say if someone got hurt at a stop sign for stopping there and getting into an accident how

the Borough would be liable for that stop sign being there. It is where a stop sign does not exist and someone gets hurt that the Borough runs into a liability.

C/P Viker noted that Mrs. Jones seems quite concerned about keeping this legal, and he asked if the stop sign is personally offensive to her. She replied that it is not. Her husband, Thomas Jones, stated that it is personally offensive to him. Mrs. Jones stated that her main concern is the safety issue. She feels that the stop sign is making the situation that the Borough wanted to correct even worse. The PennDOT engineers stated that a traffic device in a situation like this actually breeds offensiveness and higher speeds in the area. The stop sign also creates a bottleneck because it is placed at the narrowest portion of the road. There are two farms, a construction company, school buses, and delivery trucks for the flower shop on the Isle of Que so three oversized vehicles could potentially stop there at the same time. Three large vehicles at the stop sign cannot make the turn, and when adding pedestrians to the mix it becomes dangerous. She stated she has lived there for 50 years and there has never been an accident at that intersection. She stated she would not mind seeing traffic slow down; this has always been a concern for her. The stop sign creates a lot of pollution and a lot of noise, but her main concern is safety. She again stated that Council has taken a situation that could be made safer and made it worse rather than better. Mrs. Jones stated that according to any study that Council could look at the two stop signs will not slow down traffic. It is not an intersection where someone cannot see right or left. In town there is no farm equipment and huge construction companies and such narrow intersections. She stated this should not be compared with an intersection in town, such as the one at Sassafra. Pres. Handlan again thanked Mrs. Jones for her research and stated that the solicitor will check into this further. She noted that Mrs. Jones said she had other suggestions on how to improve the traffic in that area. She asked if C/P Herb has discussed this with Mrs. Jones. C/P Herb replied that he has not. He stated that it would be helpful for the Safety Committee to have Mrs. Jones' information in written form so they can reexamine this issue. He also asked for any documentation that could be supplied. Mrs. Jones stated she supplied the MUTCD information, again noting that Pennsylvania complies with this and the Borough is in violation of this law. Pres. Handlan stated that Solicitor Cravitz will interpret this information and the Safety Committee will reexamine the issue.

Judy Spiegel, SPI – Introduction of Main Street Manager, Jessica Newell – Judy introduced Jessica Newell, the new Main Street Manager. Jessica started on July 30 and she gave a report last week on all the things she has done so far. She has already met with the university and started to talk about orientation programs to get the students downtown. Jessica has set up meetings with Jeff Brace, the Pennsylvania Downtown person who is responsible for training her under the Main Street Program. Jeff recommended that Jessica also talk to Brian Jeremiah, who works for DCED and helps tap into grants. Jessica will be meeting shortly with the Visitors Bureau to help promote Selinsgrove. Jessica's prior experience includes being a sales consultant for Big Country radio. In that capacity she put together inexpensive promotional programs for downtown merchants to help promote the downtown during events. One of Jessica's successes was under the retail committee with the Chamber and she did this in a volunteer capacity, working with Angie Hurrad to bring people downtown for Trick or Treat contests and Valentine's Day contests. Jessica has done a lot in a volunteer capacity. She and her husband and children recently moved into the Selinsgrove School District near the airport. Jessica's office is at the FNB Bank on the third floor. The bank has given SPI a very inexpensive lease. Jessica is set up with a computer and a cell phone. Jessica passed out business cards to Council. Judy thanked Sheri Badman and Mgr. Bickhart for helping get Jessica set up on the Borough's payroll system and helping her get settled in. Diane Alderson at the bank and the Chamber have given Jessica a welcome plant and some gifts. Judy stated everyone is excited to have Jessica onboard. Jessica stated that she has been working with Selinsgrove since she got her job with the radio station last June, a little over a year ago. She immediately felt very comfortable working with everyone in Selinsgrove. She is excited to now be able to just focus on Selinsgrove. Council extended their welcome to Jessica, and Pres. Handlan stated Jessica is welcome to sit in on Council meetings each month even if she is not an agenda item.

Judy stated that the Borough was able to put up the Welcome to Selinsgrove banners in time for the BrewFest. These are the banners that the university helped to design and coordinated with the Borough, the Chamber and SPI. This week the Susquehanna University banners will go up on the every-other posts. The banners will hang during big events at the university, such as kids coming into town and

alumni weekend. The idea is to put a committee together to come up with other banners to switch out with the SU banners, promoting White Christmas or other events. The Welcome banners will stay. The banners were paid for by the university. Judy stated she has heard nothing but good about the banners that are up. She stated a local machine shop in Middleburg did the arms and the Borough hung them up very quickly. She thanked Council for their help with this. Mgr. Bickhart stated this represents what is becoming very common: a coordinated effort between the university, SPI, the Chamber and Borough Council. It is a simple project that looks very good in the Borough.

C/P Anderson asked if there is a BrewFest report and Pres. Handlan stated that everyone who was involved with it, the committee and volunteers, citizens and attendees, had an enjoyable time. SPI is happy with the outcome and the success of it. Pres. Handlan has already requested permission to start a second annual BrewFest. She is sure the Board will approve that and it can move forward. She stated it was well received and brought in people from a number of different states to this area. Quite a few of the businesses downtown said their business was up. She thanked everyone for their support.

C/P Anderson stated the only suggestion she heard was that next year glass should be used instead of plastic. Pres. Handlan stated glass is more expensive, but it will be taken under advisement. She stated she has received a lot of feedback, including moving the date because it was so hot. However, that is a great date and hopefully it will be July 18 next year. Some other suggestions were for more food vendors and considering allowing re-entry.

Battle of the Bands, Megan Will, ACT Coalition Chairperson – Megan stated that back in June Council approved a noise variance for the event, but they had to change the date to August. She stated she understands the noise waiver is still okay. Mgr. Bickhart had mentioned that Council had some other questions, so Megan passed out some information that she put together. She stated that she did not realize until recently that the event is being held the first weekend that the university comes back, but maybe some of the students will attend. She stated that the ACT Coalition is made up of people from Columbia, Montour, Northumberland, Snyder and Union counties who work toward preventing youth substance use and abuse. She stated Selinsgrove was selected for the event because this is where she lives. However, the event may relocate to Bloomsburg in the future. One of the five effective ways to prevent youth substance use is to provide alternative activities. Megan stated she grew up in Mount Pleasant Mills, and she had the same complaints that kids have today – there's nothing to do. She stated this is just a start on something for them to do. Admission is only \$2 but if someone shows up without the \$2 she will still allow them in. The company that she works for is the fiduciary company for the ACT Coalition and is covering the liability insurance. She provided a photocopy of the insurance policy, but stated they may have to purchase an additional rider. When she gets a copy of that, probably Wednesday or Thursday of this week, she will submit it to Mgr. Bickhart. K and K Sound, who provided the sound for Relay for Life this past June, will supply the sound for the event. There are some businesses in the region that are supporting them, and they can always use more support. Megan asked that her number be given to anyone interested in helping out. She stated this is being done on a very small budget. Haines Music was the first business onboard for support. Information can be found on Face Book and My Space, and people from New York and Delaware are interested in helping out. C/P Viker stated he appreciated Megan attending tonight to flesh out some information that Council had questions on. The noise ordinance waiver went through without difficulty but there were still some questions as to what the ACT Coalition is and what the event involves. Megan stated the next meeting of the ACT Coalition is next Thursday, August 14 at 7:30 p.m. in the offices in Northumberland. She noted the address is on the bottom of the letter and everyone is welcome to attend. She stated she is the chairperson and John Reed is a member. She stated someone had asked what kind of music will be at the event. She does not know other than it is rock and roll. There are professional judges coming to judge the event. If Council has any more questions after today they can contact Megan at the number on the letter. C/P Anderson stated that since that is the weekend that the university comes back, Megan might want to touch base with the student life office so they know that it's going on. Chances are they have activities planned, but if their activities for that night are at Trax there may be quite a bit of traffic. C/P Viker stated that the Friday evening events tend to be around the Degenstein area on campus. If there is something at Trax it would start at 10:00 when the Battle of the Bands is wrapping up. Megan stated she will touch base with the student life office. Mgr. Bickhart stated that the concern was raised by Council as to placing the adult volunteers in such a way as to secure the rest of Anthony Selin Park.

Megan stated that she spoke with Chief Garlock about this very thing, and she asked if someone would give him a copy of the letter she provided to Council. Mayor Carroll will do so. Megan stated that out of the 15 volunteers, 8 will be on security detail. Something will be put across the entrance from the grassy area by the band shell into the park to discourage entrance, as well as signs prohibiting entrance into the playground area. Volunteers will be equipped with flashlights. Chief Garlock will put a notice on the board regarding the event. Megan said last year there was a movie event at the park to celebrate the smoke-free parks and the police officer on duty that evening was not aware of what was going on. He came onto the park property as the group was cleaning up and from the tone of the conversation Megan's students expressed fear that she would be taken away. Mgr. Bickhart stated that Council raised a number of concerns which he passed along to Megan. He feels that all the concerns have been addressed. Megan noted that all the adult chaperones are in their 30s. Pres. Handlan thanked Megan and wished her luck with the event.

FINANCE & BUDGET COMMITTEE: Marlin Inch, Chairman

Amend 2006 CDBG Budget to transfer \$1,832 and \$447.09 out of a \$2,279.09 balance from "Housing Rehabilitation – Sidewalks" line item to the "Removal of Architectural Barriers" line item for the construction of a handicapped ramp at South High and Sand Hill Road and to the "Administrative Costs" line item. This will close the 2006 CDBG Grant.

AND

Amend 2008 CDBG Budget to redistribute \$39,528.27 from the \$58,474.02 "Pine Street Reconstruction" line item to the "Removal of Architectural Barriers" line item, leaving \$18,945.75 in the amended "Pine Street Reconstruction" line item

Bill Seigel from SEDA-COG echoed the kudos of Council regarding the pool board and the work that has been done to date. He also shared that one of the greatest forms of flattery is to be copied and duplicated. He stated that as he has been in various communities following the Borough's WineFest he has found that Selinsgrove is the talk of many communities and there is talk of copying and duplicating that event in other communities. He congratulated Selinsgrove on their success with that event.

Bill stated that some administrative logistics need to be taken care of regarding the Community Development Block Grant. Selinsgrove is an entitlement community and annually receives an allocation from DCED. One of the benefits of that is that the Borough has the flexibility to reallocate funds where they are needed for particular projects. This evening there are some changes in both Federal Fiscal Years 2006 and 2008. There is no formal hearing required, but action is needed by Council this evening. For FFY 2006 the Housing Rehab Sidewalk Program will be zeroed out. These are the sidewalk grants that are made directly to property owners. The majority of those funds will be reallocated to the removal of architectural barriers to pay for an intersection curb cut that has been undertaken by the Borough, with a small amount of funds moved to Borough administrative costs to offset some legal advertisements that were required for the program. For FFY 2008 the funds were earmarked for Pine Street improvements in order to cover all the costs. The treasurer and SEDA-COG have done a review and wish to reallocate a portion of the funds to Borough-wide curb cuts for additional handicapped accessibility at intersections. Upon approval by Council the changes will be submitted to DCED for their approval. Bill does not anticipate any difficulty with getting this approval.

Motion by C/P Viker to approve the changes as noted above. Seconded by C/P Mengel.

AYES: FIVE (5)

NAYS: NONE

MOTION CARRIED

PLANNING COMMISSION: Earl Moyer, Chairman

Review Final Land Development Plans for Icon Realty property to permit installation of Verizon Wireless Cell Tower – Pres. Handlan noted that Council members have copies of the location maps as well as Janet's memo and the decision of the Zoning Hearing Board. Mgr. Bickhart reported that this project has gone through a number of steps already. The initial request was one for compliance with the Zoning Ordinance. With the advice of the solicitor the Borough responded with some objections as it fit

with the Zoning Ordinance, and the applicant asked for a hearing before the Zoning Hearing Board as the arbiter of Mgr. Bickhart's objecting to the situation. The Zoning Hearing Board felt that the tower was consistent with the Zoning Ordinance and gave approval to the project from the zoning point of view. The next step was to prepare land development plans and to submit them to the Borough Planning Commission and the County Planning Commission. The Borough Planning Commission reviewed the plans at their last meeting. The end result is that the Borough Planning Commission moved to recommend to Council to approve the land development plans. The Borough still needs the review letter from the Snyder County Planning Commission; this is just a timing issue. The Borough has also not yet received any review comments from the Borough engineer on the plans. At best tonight, any approval by Council would have to be conditioned upon receipt of those two satisfactory reports. C/P Anderson noted that the recommendation of the Planning Commission is that it be approved conditionally upon receipt of those reports. Pres. Handlan asked if the Verizon representatives would like to say anything. Peter Kellepourey introduced himself as the site acquisition consultant for Verizon Wireless, who had submitted an application for the construction of the new tower within the community. They appeared before the Zoning Hearing Board and the Planning Commission. The plans call for the construction of a 190-foot self-supporting tower. He explained the three different types of cell towers as follows: 1) a mod-a-pole, which looks like a very big telephone pole; 2) a guy tower, which is a slim lattice tower supported by guy wires; and 3) a self-supporting tower, which is a three-legged lattice-type structure. No. 3 is the structure proposed for the Icon Realty site. It would be 190 feet with an 8-foot lightning rod at the top of the structure. In addition to the tower, Verizon Wireless will have an 11½ by 30-foot prefabricated equipment shelter which would house the equipment. The facility is unmanned and visited once or twice a month by a technician. It will be surrounded by an 8-foot chain-link fence. Peter reported comments have not been received yet from the Borough engineer or the County engineer. The submission to the Borough was just made on July 10, so they are well within the 90 days. Verizon does not anticipate any comments at this juncture. In addition to the outstanding comments, approval is still needed on the erosion and sedimentation control plan as well. This evening, Verizon Wireless is requesting that the application be tabled until next month until all the comments come in. Peter stated he and Richard Williams, the attorney, are here tonight to address any questions Council may have. C/P Herb asked what would happen to the tower if at some future date the tower would no longer be needed by Verizon. Peter replied that the lease agreement with Icon Realty, the owner of the lease parcel, requires that the tower be removed within 90 days of a termination of the lease or if the lease expires. Verizon Wireless is responsible for removing the tower. C/P Herb asked if this agreement will be in effect 50 years in the future. He asked if there was any way Verizon could avoid responsibility for removal of the tower. Peter replied it is a contractual agreement between Verizon Wireless and the owner of the property that the tower is on. C/P Herb asked what happens if the corporate entities of Verizon or Icon were to no longer exist. Peter replied that there is a situation called "steel in the air". Steel is very valuable and in many instances people are willing to take that steel and recycle it. In addition, when a municipality such as Selinsgrove has a concern relative to a tower remaining on a property independent of the lease agreement, Verizon Wireless is always willing to post a removal bond indicating that there is a surety in effect so that if Verizon Wireless were to default on its obligation to remove the tower then the surety would step in and pay the removal cost to dismantle and remove the tower. C/P Herb asked if the surety bond is set up in such a way that it takes inflation into account. Peter stated he is currently working with a similar request in Paradise Township in Monroe County. One of the conditions of the approval is that Verizon Wireless post a removal bond with an escalating provision in it for the removal cost over the term of the agreement. Although the language of the bond is not finalized yet, the surety indicates that it is something that will be accommodated and incorporated into a bond form. C/P Herb stated that this is something for Selinsgrove to consider as well. He stated this is similar to the issue where a factory has closed, the company leaves and it sits there empty and deteriorating for years. No one in the community benefits from that, and this is potentially the same sort of thing. He noted that changes in technology will probably occur pretty quickly that might make the tower obsolete. He stated he is not thrilled to see the tower go up in the first place, and he feels that this is just another kind of building, or it has the same effect, and has the potential of being a structure that is abandoned and sticking up in the air rather than spreading out horizontally. Peter stated that regarding the technology, many planning commissions will ask about satellite technology and when the service is foreseeable to go from towers to satellites. He stated that the difficulty with satellites today in 2008 is that they cannot supply in-building coverage. With satellite coverage today you could not utilize your cell phone in your car, your basement, or a building

because they cannot communicate through any type of structure. Peter stated he does not know when this will become feasible. Regarding the removal bond, Peter stated that Verizon Wireless is always willing to post that type of security if requested by a planning commission, zoning hearing board, or council. C/P Viker stated he would support a removal bond for Selinsgrove. However, he stated that due to the value of steel that much steel would be picked up by a salvage company pretty quickly.

Motion by C/P Anderson to table this until next month at the request of the Verizon representatives.
Seconded by C/P Mengel.

AYES: FIVE (5)

NAYS: NONE

MOTION CARRIED

Paul Helwig regarding neighborhood issues – Mr. Helwig stated he lives on North High Street and has some concerns. He stated that last year he had worked with Mayor Carroll regarding noise issues in the Borough, particularly motorcycle noise. He stated during the summer months a lot of it originates at the Selinsgrove Hotel, with people competing to see how loud and fast their motorcycles are as they go through town at any hour of the morning. Mr. Helwig stated they drive up and down the alleys and side streets. He stated it is not just the young kids; the adult bikers do it too. He stated it would be good to make arrests if something is too noisy and to let it be known that Selinsgrove will not tolerate it. He stated since the bypass was put in there are not so many problems with diesel engines and jake brakes. C/P Mengel stated these problems still exist along Route 522 through the Borough. Mr. Helwig stated Selinsgrove is a noisy town. He stated his family moved out of the country into town and he will probably make an effort to move back out of town.

Another issue Mr. Helwig brought to Council's attention is the loose cat problem. He stated dogs have to be licensed and cleaned up after, but no one seems to regulate cats. The cats use the playgrounds and sandboxes for litter boxes. He stated he has to license his dogs and ensure that they have their rabies shots, but the cats are running rampant. He stated if the cats don't belong to anyone they should be rounded up and taken to the SPCA.

The final issue Mr. Helwig discussed was whether the Borough could get with the Game Commission to anesthetize the rabbits and take them out into a field or woods somewhere. He stated he has at least seven or eight rabbits in his yard every day. He stated he pays people to come spray his yard for fleas and ticks, but this is the worst year. He has two little dogs that are always on leashes, but he cannot keep the fleas off of them. They are house dogs that only go outside to do their business. Mr. Helwig stated he thinks someone could be licensed to anesthetize the rabbits and get them out of town.

C/P Viker stated that the first two issues seem to be matters of enforcement and lack of tax-funded resources for enforcement. There are ordinances about noise in the Borough, and if a motorcycle is making too much noise they are in violation of that ordinance but there are simply not enough policemen to chase them down and ticket them. There is also a requirement that cats be licensed, controlled and leashed but if no one is willing to acknowledge they own the cat or if it is a stray cat there are no resources available to enforce that ordinance. C/P Viker does not feel that Mr. Helwig would support raising taxes enough to bring in teams of people to address the issues. Mr. Helwig stated that there are no resources for policemen to enforce the ordinances, but if he killed a cat and someone reported him there would be police at his house to arrest him. C/P Viker stated he does not feel that would actually happen, and Mr. Helwig asked if he was being given the okay to do this. Mgr. Bickhart made it clear that C/P Viker was not giving permission to Mr. Helwig to take matters into his own hands. C/P Viker stated that Mr. Helwig's frustrations are valid. He also has to deal with the rabbit population. However, there are simply not enough resources to maintain the kind of enforcement that the frustrations evidence. Mr. Helwig stated that since discussions last year there were five or fewer arrests made for motorcycle noise violations. He stated sometimes on Market Street they ride on one back wheel. C/P Herb stated that he lives on Front Street and he hears them. The noise is all over town and it is persistent through the summer. He stated this is not something that can be resolved or even discussed at length tonight. He asked Mr. Helwig if he would come to the next Safety Committee meeting and raise the concern again. He stated that is the appropriate place to begin to look at these issues and see what the ordinances say. Mr. Helwig stated the local motorcycle owners must alter their bikes because they do not come from the

manufacturer as loud as they are. If the motorcycles are passing inspections at those decibel levels, then the inspection stations are in violation. C/P Herb stated this is a problem and it degrades the life of the community to have any more noise than necessary. He again asked Mr. Helwig to come to the next meeting to begin the discussion on this, noting that it may take some time to work through these issues. Mr. Helwig agreed and asked when the next meeting is. C/P Herb stated it is not set yet, but he will notify Mr. Helwig of the meeting date and time. He got Mr. Helwig's phone number before he left the meeting.

Mr. Helwig then asked if he understood that Council was giving him authority to get rid of the cats and C/P Herb stated that that was not the case. Mr. Helwig stated regarding the rabbit issue, it will eventually become a health issue. He stated last year some rabbits died under his storage shed and they stink. He stated only a few rabbits are killed by predators. He suggested getting some help from the Game Commission. C/P Mengel noted that cats kill rabbits. Mr. Helwig stated cats only kill the rabbits. They do not consume them so this becomes a health issue. Pres. Handlan thanked Mr. Helwig for bringing these issues to Council and noted that C/P Herb would be in touch with him.

UNFINISHED BUSINESS FROM PRIOR MEETINGS:

Review List of Council Issues – Mgr. Bickhart noted that he now has the engineer's report on the washout in Weiser Run. This is an issue that should be referred to a committee and involve the Buildings and Grounds Committee at the school district in order to take this to the next level. There are some recommendations in the engineer's report for improvement well beyond the area that the school district originally improved. Those recommendations will have to be addressed because they involve stream stabilization beyond what the school district did. Borough Council needs to be prepared to address the cost of this, and it may be a joint project to correct the problems in a permanent way. The report does indicate, as it was supposed to, what the school district is being called upon to do to restore their part of the stabilization. C/P Anderson asked what committee should take this and C/P Viker suggested C/P Hendricks' committee. Mgr. Bickhart agreed. Mayor Carroll stated that Mr. Hummel forgot to ask Mgr. Bickhart something during their telephone conversation. He asked if Mgr. Bickhart wants him to carry the information to Mr. Hummel or whether Mgr. Bickhart wanted to follow up with him. Mgr. Bickhart stated he will follow up with Mr. Hummel. He needs to find out how the committee wants to meet and handle the evaluation of the engineer's report. He needs to also mesh with C/P Hendricks. C/P Anderson suggested that the Planning Commission may also want to sit in on this.

Mgr. Bickhart reported that advertisements were made for proposals from architectural firms. Five firms responded with documentation. Pres. Handlan stated this needs to be shared with the Library Board. Mgr. Bickhart stated he felt this should be a more inclusive group of Councilpersons to weed through the proposals and perhaps conduct some interviews. He did not feel all the firms needed to be interviewed. C/P Viker asked if there are any external requirements for making this decision, such as bids. Solicitor Cravitz stated that bids are not required for professional services. Mgr. Bickhart stated that because of the federal money that might be involved the Borough has gone through a detailed procurement process of requesting proposals. The actual cost estimates are still in a sealed envelope to be reviewed at Council's discretion. The procedure for professional services is to first evaluate them based on their professional qualifications and then look at the cost proposals that the Borough has as a result of the advertisement and solicitation. The decision for professional services is not a low bid kind of thing. C/P Viker asked if a local firm could be given preference over an outside firm. Mgr. Bickhart confirmed that this can be done. C/P Anderson stated the review process should start with C/P Mengel's committee plus some of the Library Board. C/P Mengel inquired as to whether the library would have to be involved right away. Pres. Handlan replied that they are helping to pay for this so they should be involved in the selection process. C/P Mengel stated it could be a complete work session with everyone. Mgr. Bickhart stated that if more Council members than just the committee wish to attend they should let him know and he will advertise the meeting so that everyone can be there to gather the information to go forward. He stated it is a lot for a committee to boil down and make a recommendation on to the full Council. He stated in doing that, it would put C/P Mengel in a position of having to reiterate what will be a very involved evaluation process so that Council can accept her recommendation. It might be something that more people would want to participate in. C/P Anderson suggested doing it as a work session. She stated time is needed to read the information. She has already started going through the information.

The material that the Borough asked for from the architects is any qualifications that they have, any experience they have with projects like this, and their evaluation of how quickly they think they can move this along on the Borough's behalf. C/P Anderson stated the proposals are different and contain different things. She suggested doing a work session yet in August to get things moving before the fall. She suggested an evening or Saturday. Most Councilpersons were opposed to the Saturday work session but C/P Anderson stated it will be a long meeting. Pres. Handlan asked who is on the committee and C/P Mengel replied it was herself and C/Ps Anderson and Inch. Pres. Handlan asked if the work session would be the committee and the Library Board, or all of Council. C/P Anderson suggested all of Council and Pres. Handlan said she wants every Councilperson to at least read all the proposals and provide feedback to the committee. Mayor Carroll asked if he should provide feedback and Pres. Handlan replied that he should. Mayor Carroll stated he will have to get the information as he does not have it. After some discussion, it was decided to hold the work session for anyone who can attend on Monday, August 25 at 6:30 PM in Council Chambers. Pres. Handlan asked Mgr. Bickhart to provide three sets of the information to Pam Ross and she can have the Library Board members come here to pick them up. Mgr. Bickhart will go ahead and advertise the meeting, so anyone can come who wishes to. Margaret Siro asked if she could attend and Pres. Handlan stated it was an open meeting. Pres. Handlan will send C/P Mengel an email of who would be coming to the work session from the library.

Mgr. Bickhart stated that he added the information on the recycling ordinance as a reminder to himself to get that done. Pres. Handlan asked if work is being done on the job descriptions. C/P Anderson stated she asked Dave Henry for copies of what they use at the university for position descriptions for physical plant, thinking that might be helpful.

COMMITTEE / COMMISSION / BOARD REPORTS:

FINANCE & BUDGET COMMITTEE: C/P Inch, Chairman

Payment and Ratification of Bills

Motion by C/P Anderson to pay the bills. Seconded by C/P Mengel.

AYES: FIVE (5)

NAYS: NONE

MOTION CARRIED

Statewide Tax Recovery, Inc. - Exoneration Requests – None this month

Employee Insurance – C/P Anderson reported that as of October 1, 2008 when the new health insurance rates begin for the employees, the increase is only 3.1% as opposed to the 5% budgeted. Mgr. Bickhart stated that the increase for the dental is 3%. There is no increase for vision. Christine Miller, the broker for the insurance, compared with other policies. The only other one available to the Borough is Blue Cross, whose numbers are substantially higher on all of the different types of coverage. Christine also evaluated the benefit of going to higher deductibles, even if the Borough reimbursed the employees for the increased deductible. Two years ago the deductibles were raised to \$500 and \$1,000, double what they were before. At that time it did not make any sense to go higher and it still does not make any sense to go higher as it could cost the Borough money to go with higher deductibles. Christine also provided a summary from the time she has been working with the Borough of the kinds of changes the Borough has made and the costs on the various kinds of medical insurance, particularly representing the time the increased deductibles were put in place for substantial savings. Many companies have seen huge increases over a five or six-year period, and the Borough has actually managed to do quite well in keeping the costs in line or under control as best they can. If Council wants details, Christine is very good at providing documentation. No changes are proposed so there is no action required by Council. The current coverages will be renewed as they are as of October 1. C/P Mengel asked if the Borough has done a lot of reimbursing. Mgr. Bickhart stated the evaluation of the benefit was based on 100% reimbursement but the Borough was advised it might be 20%, and that has in fact been the amount. The other 80% difference is an additional savings to the Borough, so it worked out better than calculated.

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

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

COMMUNITY ACTIVITIES AND PUBLIC AFFAIRS: C/P Viker, Chairman

C/P Viker reported that the Town/Gown Committee will meet on August 13 at 7:30 PM in Borough Council Chambers. If anyone would like to attend the meeting they are welcome to do so, or concerns may be addressed to C/P Viker before the meeting. Pres. Handlan asked who comprises the Town/Gown Committee and C/P Viker replied it is the head of the Public Safety Committee, the head of Community Activities and Public Affairs, the Mayor, the Police Chief, the Public Safety Director from the university, and the Dean of Student Life from the university.

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

PUBLIC SAFETY COMMITTEE: C/P Herb, Chairman

Request by Selinsgrove Area School District to reconsider blocking Magnolia Avenue at West Snyder Street – C/P Herb reported he received a letter from Pete Carroll acting in his capacity as transportation coordinator for the school district asking for approval to move traffic control cones at Magnolia Avenue down to the intersection of West Snyder Street. This is a distance of about one block and affects two homeowners. Mayor Carroll has spoken with the homeowners and the church, and all approved of the change. C/P Herb stated the committee has not met, but he did make C/Ps Hendricks and Viker aware of this and neither of them had any objections.

Motion by C/P Herb to approve the school district's moving the cones under the conditions set forth in Mr. Carroll's letter. Seconded by C/P Mengel.

Pres. Handlan asked if the times in the letter were correct, noting that in the afternoon it was for 45 minutes and the morning is 35 minutes. Mayor Carroll stated that this is correct. He noted the intersection will always be manned in case of an emergency. The neighbors will be able to get in and out. Chief Garlock is also aware of this.

AYES: FIVE (5)

NAYS: NONE

MOTION CARRIED

Mgr. Bickhart noted that this is authorization for a temporary closure on a regular basis. Solicitor Cravitz stated it could be made permanent by way of an ordinance but it can just be done by a resolution of Council. Mgr. Bickhart stated he will write a letter stating that this is provisional subject to Council changing their mind at any time, and that this will not be done by ordinance. C/P Anderson stated Council already did the resolution regarding Safe Routes to Schools. Mayor Carroll replied that is somewhere on the agenda and has not been approved yet.

ZONING HEARING BOARD: Cyril Runkle, Chairman – No Report

CIVIL SERVICE COMMISSION: Dalton Savidge, Chairman – No Report

PARKS AND RECREATION BOARD: Richard Norman, Chairman – No Report

SHADE TREE COMMISSION: Karl Maul, Chairman – No Report

BOROUGH ADMINISTRATIVE REPORTS:

MAYOR: Pete Carroll

Mayor Carroll reported that before his conference on July 17-20 he did an executive board meeting for about 1½ hours. The conference was excellent, and he handed out some little goodies from the

conference along with information from Comcast. There is a brochure about driver ratings in police cars. The gentleman from the Taser company was there and evaluated everyone's policy. He brought the policy up to date and this has been shared with Chief Garlock. Mayor Carroll reported that the state police have purchase a Taser for every officer on the street. Up to the middle of this year, the state police have used the Taser 131 times. The Borough officers have the option to have the Taser with them. Mayor Carroll attends all the SPI meetings and tries to go to all the sub meetings.

BOROUGH SOLICITOR: Robert Cravitz, Esq.

Consider adoption of Proposed Ordinance # 769, pertaining to permitting the public display of fireworks – Mgr. Bickhart distributed copies of a letter from the university on the issue of the bond for Council's review before the meeting. Solicitor Cravitz stated it could be viewed as overkill but it involves dealing with an inherently dangerous process, so as many precautions as possible should be included. There is background information on the operator and insurances. These pyrotechnics involve 2 to 3 pounds of black powder going off into the air and if they go awry there could be some problems. It may be a good idea to make sure DH&L is comfortable with a review of the permits. One thing that adds cost is Section 105-8, the insurances. This will be added into the costs by the pyrotechnician, who will pass the costs along to the hiring entity. It is not that unusual to require that much liability insurance. The big cities such as Pittsburgh and State College require their people to be bonded. The Borough may not want to consider this as it does add significantly to the cost. However, it is there to make sure there is a fund of money in case someone does get hurt so they are not looking around for a deep pocket. Because the Borough is the taxing authority they would have the deepest pocket of anybody. This would cover anyone setting off fireworks in the Borough, including a church, Boy Scouts, the school or whatever. The liability insurance is what is usually required and not so much the bonds, but the bond is there for additional liability coverage. The ordinance covers all the rules and regulations put out by the national and international fire code with regard to pyrotechnics. It would be nice to have the outline of where they are going to be and where their fallout zone will be so Council knows going into it and can set up the 911 facilities and have the emergency responders be prepared for that. The ordinance has not yet been advertised. Tonight's action would be to authorize the advertisement. C/P Herb asked what Solicitor Cravitz means by the bond will add significantly to the cost. Solicitor Cravitz replied that for this kind of one-day event, it would add \$500 to \$1,000 to the cost. C/P Herb asked what the total cost of the event would be. Pres. Handlan stated it was only a 15-minute show. Solicitor Cravitz stated, depending on what they put up, it could run into several thousands of dollars. C/P Anderson stated she was thinking more like \$30,000 and Mayor Carroll stated he was thinking between \$15,000 and \$25,000. C/P Mengel stated she had heard in the vicinity of \$25,000. Solicitor Cravitz stated Freeburg set off a 10-minute display and the fire company paid about \$3,500 to \$4,000. It was a nice display, but they did not go through the ordinance. Solicitor Cravitz stated he did not know they were setting off fireworks until he went over there. Firework ash was falling on the rides where the children were. The fireworks were coming up over the Bingo stand. They will not do that next year. Mayor Carroll asked whether the Borough's charging a permit fee opens the Borough up more to liability. Solicitor Cravitz stated that if the Borough is looking at having a permit they are by default taking on liability. C/P Viker asked if it is being proposed to advertise the proposed ordinance without the bond paragraph. Solicitor Cravitz stated that is what Susquehanna is suggesting.

Motion by C/P Viker to advertise the ordinance without the bond requirement. Seconded by C/P Anderson.

C/P Anderson stated she could not tell from the email if the dollar amounts listed were the costs of the fireworks. Mgr. Bickhart replied that that is the contract cost. C/P Anderson stated she could not tell whether they objected to the size of the bond or any bond at all. Mgr. Bickhart replied that they are objecting to any bond at all. Solicitor Cravitz replied that it costs money to get a bond. C/P Anderson stated she understands that, but she is still not sure that is the case. She stated the "of this size" made her wonder if it is a deal breaker to have a bond at all. Mgr. Bickhart stated that the "of this size" is a poor choice of words. It is his understanding that the company was not required to have any bonds at the 325 shows they put on. C/P Herb stated that if someone were to be injured and the Borough would be called upon due to deep pockets, it does not seem to him that the statement that they did 325 shows without

having to provide a bond will be not much of a defense in court. C/P Anderson stated there is already \$1 million in insurance. Solicitor Cravitz stated the company's insurance would be the primary insurance, and then the Borough's insurance would kick in afterward. C/P Herb asked if a bond would be used secondarily with the Borough's insurance being third, and this was verified as correct. Mgr. Bickhart stated this is a matter of what is generally accepted in the industry, and the company is offering information to say that what is generally accepted is insurance and not a bond. They had no questions about the insurance and will name the Borough as an insured entity. Solicitor Cravitz and Mgr. Bickhart asked for several different versions of permits and the regulations behind them, and in some of the bigger places the bond issue showed up. That is why Solicitor Cravitz put it in the ordinance, not knowing if it was generally accepted in the industry. It appears that it is not as reasonable, but it may some day be accepted. Pres. Handlan asked if any of the references have been called and Mgr. Bickhart replied no. C/P Anderson stated she assumes the university has checked references because that would be their responsibility in contracting the company. C/P Herb called for the question. C/P Mengel asked if she could ask one more question. If Council does this without the bond does it have to be redone if they later choose to put a bond in? Solicitor Cravitz stated the other way to do it is to leave the bond in and give the company a waiver with regards to the bond. He stated it is probably overkill to require the bond. He stated the sample came from Pittsburgh, which shoots off fireworks over Three Rivers. If it lands on a barge they would want to have a big bond in place. C/P Mengel asked if an agreement could be made to require a bond and Solicitor Cravitz replied that if Council feels there is an unnecessary risk they can up the ante and require the bond before issuing a permit. C/P Herb again called for the question and Pres. Handlan called for a vote on the motion.

AYES: FIVE (5)

NAYS: NONE

MOTION CARRIED

Settlement with Omega Financial Corporation on Assessment Appeal – Solicitor Cravitz reported the agreement is signed. The County Commissioners are at a convention so they will not be able to sign it until next Thursday. The assessments were changed right down the line so the numbers came out a little bit different. The combined market value according to the settlement is \$1,155,010 and the assessed value is \$217,140 for all the assessments. This was worked out through a formula from Kimber at the assessment office. After the commissioners sign off it will go to the judge for a final order.

Lawsuit settled – Solicitor Cravitz reported that he received notice from the insurance company that the one lawsuit that was filed against the Borough for deprivation of civil rights has been settled. The police department, the Borough and the individual police officers will have this resolved. The lawyer for the insurance company said it is done except for the final proposal.

Andretta Property – C/P Herb asked about the status of this. Solicitor Cravitz stated the work was done by a contractor hired by Mr. Andretta. A follow-up letter was received from Mr. Weist saying that Mr. Foreman was not completely satisfied until the curbing was removed and sidewalks were taken out and it was reseeded to the point that it was like six years ago. Solicitor Cravitz stated that taking out the curbs and sidewalks would be unwarranted. He feels the judge would see that as improvements not only for runoff but for pedestrians going across it. Mgr. Bickhart stated he needed that determination because the grades are not down to where they need to be. Mr. Andretta had indicated that he would bring his contractor back to do so. Then the letter came with the other things. Mgr. Bickhart stated that knowing he does not have to address those, he will follow up with Mr. Andretta to get his contractor to get the grades back the way they were. Mgr. Bickhart stated he agrees with Mr. Foreman. It is not the way that it was just yet, but it is close. Solicitor Cravitz stated that if Council wants the sidewalks and curbing taken out it is up to Council. However, his legal opinion is that it is not necessary. C/P Anderson stated Council is working too hard to get sidewalks.

BOROUGH ENGINEER: J. A. Coukart & Associates

Update on pending projects – Mgr. Bickhart stated that the report is brief but it does give updates to the various programs, most of which are winding down or finished. C/P Mengel stated she had a question regarding Weiser Run from Mr. Hetherington, who understands or saw that there is water at two spots from Susquehanna University draining into Weiser Run. C/P Mengel asked why this would be.

Mgr. Bickhart replied that Susquehanna has two storm basins with discharges to Weiser Run as part of their plans. The university removed one or two outlets that were across from Mayor Carroll's property. Mayor Carroll stated the university moved the outlets down, and there was a discussion about angling the outlets because they were originally directed straight across. They were angled for a wider basin at the bottom. C/P Mengel did not recall that discussion. Mayor Carroll stated that the outlets were moved from Magnolia down to Rhoades. C/P Mengel asked if there was always an outlet there into Weiser Run and Mayor Carroll replied the one at Magnolia was always there. Mgr. Bickhart stated there was a small basin near the Child Development Center that was also taken out. The stormwater management plan called for two stormwater detention basins at the lower end and they each had discharges to Weiser Run. Pres. Handlan stated it will be interesting to keep an eye on Weiser Run this year.

BOROUGH TREASURER: Sharon Badman

Review Treasurer's Report for July 2008 - Pres. Handlan asked if there were any questions on the Treasurer's report. Hearing none, she stated that it is on file for audit.

BOROUGH MANAGER / SECRETARY / ZONING OFFICER: Mgr. Bickhart

Non-Police Complaint Update – Mgr. Bickhart stated it has been a busy month with people calling about various things. The stray cat issue has been echoed by a number of people, including Richard Shaffer near his property on Orange Street. Mr. Shaffer also indicated that for the past four years he has been trapping squirrels. He has been keeping track of the number of squirrels that he has trapped and he has trapped and removed to state game lands 174 squirrels. The rabbit, squirrel, possum, and skunk problem continues. C/P Anderson asked if animal control worries about the number of rabbits and squirrels. Mgr. Bickhart stated those animals are under the purview of the State Game Commission. It was stated that they are protected and what Mr. Shaffer is doing is illegal. Mgr. Bickhart stated the Borough could have the rabbits and squirrels trapped by a trapper and relocated. The trapper has to have the permission of the Game Commission. C/P Anderson stated that technically Mr. Shaffer should have the permission of the Game Commission. Mgr. Bickhart stated Mr. Shaffer points out that he bought his traps from Bill Wentzel at Wentzel's Hardware. Joe Wentzel is a game officer and he was called to go inquire when they found out about Mr. Shaffer's trapping exploits and Mr. Shaffer reminded him that he did buy the trap from his store.

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

Report on replacement of School Zone sign on Broad Street – Mgr. Bickhart reported the Borough has been working with the school district concerning the School Zone sign that the Borough has and has maintained along Broad Street in front of the elementary school. The construction plans for the elementary school project require the flashing light to be relocated. That would be the obligation of the school district contractor to relocate the sign. Corby Bowersox had come to Sheri and Mgr. Bickhart and said that in the course of moving the sign it would be in the Borough's best interests to purchase a new sign and a new controller because the equipment is very outdated. The parts could be used to maintain the one at the other end of Broad Street. Sheri and Mgr. Bickhart agreed and consented to ordering a new replacement light and controller so that when the pole is relocated the new light will be installed. The proposed relocation moves the pole closer to the edge of Broad Street. It is currently on the school side of the sidewalk. The new location is between the sidewalk and the curb, putting it out where it is more of an obstacle. Corby had also found out that the Borough is not required, but it would be recommended, to put a new breakaway type of aluminum pole in that location. Mgr. Bickhart contacted the school district and they have consented to bear the expense of locating a new breakaway aluminum pole at the new location and to extend the underground service to that point after which the Borough will mount the new traffic sign. This is a good cooperative project with the school district.

Donation or sale of 1987 truck – Today at 4:00 bids were opened on the truck that the Borough is looking to dispose of. It was advertised and three bids were received. The low bid was John Coukart at \$555.80. The next higher bid was John Wendt at \$600. Both of those were received in sealed envelopes

as per the advertisement. A bid was found on the bulletin board at the entrance to the Borough building. It was addressed to the Borough, not sealed, open and tacked to the board. The amount of that bid was \$708. In the advertisement it was indicated that formalities could be waived but Mgr. Bickhart does not know how formal Council wants to be. The high bid is by a Michael Scarlot, whose phone numbers are Ohio or Philadelphia area. Council could also reject all bids in favor of the request received from the Snyder Union Northumberland County Animal Response Team who in learning that the Borough had a vehicle to dispose of would like the Borough to consider donating it to them. They are an eligible entity to whom the Borough could donate the truck if Council so desires. Mgr. Bickhart stated he knows nothing else about this group other than what is in the letter, a copy of which Council has. Pres. Handlan stated that she was away over the weekend and got back late yesterday. She saw two men at the truck, one with the hood up and one underneath checking it out. She stopped and asked if they were interested. They said yes and she told them they should call the Borough and get an offer in if they were going to. She gave them the Borough number and they said they were interested and would make good on it. She does not know if that was the man who put the bid on the bulletin board because they were still writing when she left. She did not get their names.

Motion by C/P Viker to go with the highest bid that was sealed and appropriately submitted.

Pres. Handlan asked why C/P Viker made this motion and he stated that it feels less sketchy than the one on the bulletin board. C/P Mengel agreed. Pres. Handlan stated that not everyone reads the newspaper. She asked if it said on the truck that it had to be submitted in a sealed envelope. Mgr. Bickhart stated the notice posted in the truck said "sealed bids only to Selinsgrove Borough office". He stated what was in the newspaper is also what was hanging on the truck. C/P Anderson asked if, before someone seconds C/P Viker's motion, Council wants to consider donating the vehicle. C/P Viker stated money is tight and this would be \$600 that would not have to be spent from tax dollars. C/P Mengel asked when the letter was received as opposed to when the advertisement went out. Mgr. Bickhart replied it was all about the same time, but he believes the bid was already advertised at the time. He stated he wanted Council to be aware of what the truck was worth before making the consideration. If a bid was received for \$2,000 it makes the question of donation a little different than if the bid was for \$200. He stated he had no idea what the truck was worth. C/P Mengel asked if bids could be turned down to give the truck away and Solicitor Cravitz replied it is up to Council. Mgr. Bickhart stated Council could reject the bids and give the truck away. C/P Mengel stated she is not in favor of it.

C/P Viker restated his motion to accept the highest bid that was legitimately and appropriately submitted. Seconded by C/P Mengel.

AYES: FOUR (4)

NAYS: ONE (1) – C/P Anderson

MOTION CARRIED

"Notice" from Governor Ed Rendell's office concerning a joint Snyder and Union County Economic Development announcement of particular interest to the Borough of Selinsgrove, to be delivered on Wednesday, August 6 at 4 PM in the atrium of the Weis Center, Bucknell University – Mgr. Bickhart stated he shared this with Council via email because of the timing. C/P Anderson stated she is planning to go. Mayor Carroll stated he will try to make it. C/P Viker stated there is apparently big money to be had for the university. Mayor Carroll asked if this is tied to the university. Mgr. Bickhart said he is not sure and if in fact it is not, he and Pres. Handlan are willing to finish the letter in support of something else, but if this is what the Borough was asked to consider supporting it will not be necessary. He said it is his feeling that that is what this is. C/P Viker stated the university president's office sent something out today about this being relevant to SU as well. In fact, they are sending a busload of people up. Pres. Handlan asked if anyone got an invitation from Bucknell. C/P Anderson stated she did get an invitation for a reception after the event. Pres. Handlan stated it was rather cryptic.

Audit for Policemen's Pension Funds – Pres. Handlan stated that she got a copy of the audit report. Mayor Carroll also received a copy. There were no findings for the period from January 2005 through December 2007.

Penn Valley Airport – Mgr. Bickhart reported that Glenn Royer, the Borough's representative to the Airport Authority, had called and wanted to be at the meeting tonight, but he had to attend to a medical problem with his brother. Glenn would be prepared to attend the next meeting to fill Borough Council in on the issues regarding the airport that have been reported in the newspaper. Glenn gave Mgr. Bickhart information today and it is not as bad as the newspaper portrays it to be. The airport is diligently pursuing the best offer that they can come up with, recognizing that they need to move the issue forward quickly. This is a very complicated agreement because the airport is a complicated business. They are trying to figure out what to give away to someone else, what to get in return for that, what to keep, and who is doing what. Mgr. Bickhart has asked Glenn to attend next month's meeting because Council will be getting into the budgeting process and they need information to decide if they will continue to give them money. C/P Herb stated that the Airport Authority has run up a significant debt and at this point sees its only way out as working out some sort of arrangement for someone else to come in and operate the airport. He stated that the capital would not be needed if the Airport Authority had been more fiscally responsible. He stated there will be some prices to be paid for this. He asked if the five-year plan has been tossed out. Mgr. Bickhart stated it has not, and C/P Mengel asked what cooperation the airport has received with the five-year plan. Mgr. Bickhart stated that is something Glenn needs to report on, as to how the five-year plan is progressing, what funds have been received as a result of it, and what the difference is. The five-year plan is available for Council to view. Funding was included from five different sources, one of which was municipalities. The municipalities did follow the plan with the exception of Penn Township, who has been going to the meetings to try to gather information pertinent to whether or not they will make a contribution at the end of this year that they did not budget in order to get in line with the other municipalities. The five-year plan was to raise \$590,000 which would in five years put the authority pretty much debt free. They could pay their bills and not even think about bankruptcy. With another operator, the airport would have someone come in and invest money in the deferred maintenance of the airport, the building maintenance. They are trying to configure an agreement where someone would come in and help them cover the interest on the debt while they are covering the capital over five years, and to be able to invest some money to fix up some of the buildings and then operate the airport. There is a give and take of money and investment, and this is what Council needs to hear. Mgr. Bickhart stated he has not seen an agreement. Hopefully Glenn will come next month to explain this.

Legion Event – Mgr. Bickhart stated that the dates have been corrected.

Safe Routes to School Resolution – Mgr. Bickhart reported that Council was emailed information on this resolution to agree to participate with the school district in their application for funding and their pursuance of contracts to make improvements. Mgr. Bickhart provided information from the grant application on the kind of improvements and the kind of money that the school district is looking at applying for. Mayor Carroll reported that the grant application was submitted and it is up to \$720,000. The program could go up to \$1 million. Some things have been added since Mgr. Bickhart downloaded the information. The school district is working with Steve at SEDA-COG, who sits on the review committee but does not have a vote. Mayor Carroll has been keeping him advised. C/P Viker asked what action Council should take on this tonight. Mgr. Bickhart replied Council could adopt the resolution to agree to participate with the school district. The Borough's obligation is to maintain the improvements once they are constructed. Mayor Carroll stated that Penn Township has signed their resolutions. C/P Herb asked if there is any sense of what this will cost the Borough annually in maintenance. Mgr. Bickhart replied that the sidewalks and curbing are actually reconstructing some of the Borough's handicapped curb ramps that lead to some of the crosswalks. Almost all the crosswalks are in the Borough. C/P Herb asked if Council were to adopt the resolution, would they be exposed to expenses that Council should be aware of before they adopt the resolution. Mgr. Bickhart asked what the annual expense is to maintain the flashing light. Mayor Carroll stated the Borough pays the electricity which is \$500 per year. Mgr. Bickhart stated there would be two of these lights added. The school district is talking solar power but Mgr. Bickhart feels this will be changed before it gets done so there may be an electric expense. Mayor Carroll stated that on 18th Street one light is in Penn Township and one is in the Borough. Mgr. Bickhart stated the streetlights would have an expense if they were put up by PP&L, and he assumes they will add three streetlights to the current list of Borough lights which would be a monthly fee based upon the wattage.

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

AYES: FIVE (5) NAYS: NONE MOTION CARRIED

SELINGROVE MUNICIPAL AUTHORITY – Donald Bottiger, Chairman – No Report

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

– Mgr. Bickhart stated the Borough received a letter today from John Abromitis indicating that DEP has accepted their submission and the connection ban has been officially lifted. C/P Anderson asked if Mgr. Bickhart wanted to say anything about ESCRA's health insurance and he said he did not.

NORTH-EASTERN SNYDER COUNTY JOINT AUTHORITY – Bill Hetherington and John C. Bickhart

– No Report

NEW BUSINESS:

COUNCIL MEMBERS – Nothing

MAYOR – Mayor Carroll stated that he put a note in to relate to C/P Herb's concerns about news stand boxes. He stated this just came out today in the magazine.

OTHERS – Sheri reminded Council that next month's meeting will be on Tuesday, September 2 due to the Labor Day holiday.

ADJOURNMENT:

Meeting adjourned at 9:35 p.m.

Attachments: None