

## SELINGROVE BOROUGH COUNCIL MEETING

MONDAY, OCTOBER 6, 2008 - 7:00 P.M.

**COUNCIL MEMBERS PRESENT:** Pres. C. Handlan, C/P S. Hendricks, C/P M. Inch, C/P D. Mengel, and C/P E. Viker

**COUNCIL MEMBERS ABSENT:** V. Pres. J. Herb, C/P D. Anderson

**OTHERS PRESENT:** Solicitor R. Cravitz; Mgr. J. Bickhart; Mayor P. Carroll; Junior C/P Morgan Botdorf; Borough Treasurer Sheri Badman; Recording Secretary Dawne Long; DH&L Representative Ken Stettler; Borough Residents Donald and Gladys Foreman, Paul Grimes, Joseph and Margaret Siro; Attorney Joel Wiest; Penn Valley Airport Authority Representative Glen Rohrer, Mrs. Rohrer and daughter Carrie; SARI Representative Brian Burke

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

### CALL MEETING TO ORDER:

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

### REVIEW AND APPROVAL OF COUNCIL MINUTES FROM SPECIAL MEETING OF AUGUST 25, 2008, MEETING OF SEPTEMBER 2, 2008, AND RECESSED MEETING OF SEPTEMBER 3, 2008:

Motion by C/P Mengel to approve all the minutes as presented. Seconded by C/P Viker. With no additions or corrections, the minutes stand approved as submitted.

### PERSONS TO BE HEARD:

**Borough Police Chief, Thomas Garlock – Presentation of Police Report for July and August 2008 –** Copies provided

**DH&L Fire Company, Ken Stettler –** Ken reported there were 23 incidents in September as follows: 8 automatic alarms, 2 brush/wildfires, 1 CO alarm, 2 false alarms, 1 good intent service call, 3 medical assists, 4 vehicle accidents without extrication, 1 lightning strike, and 1 vehicle fire. The incidents occurred as follows: 1 in Chapman Township, 4 in Monroe Township, 6 in Penn Township, 9 in Selingsrove, 2 in Shamokin Dam, and 1 in Washington Township. The loss within the jurisdiction was \$0.00. September man hours total 185. Ken noted that the man hours figure will go up because there were still a few reports that have not been entered yet.

Pres. Handlan stated that she attended a meeting last week at which the Ambulance League discussed a building they want to erect to house the handicapped van. She asked if Ken knew anything about this, and Ken replied that he only knew that it was being discussed. He has no details, but he can relay information to the Ambulance League that Pres. Handlan would like to see someone about it. Pres. Handlan stated there were some issues with the permits, and she will discuss this with Mgr. Bickhart.

**Selingsrove Area Recreation Inc., Brian Burke –** Brian stated the pool board is waiting on the DCNR agreement. The contractors have agreed to extend the bids for another month, making October 19 the new due date. There will be no price increase. SARI continues to work with Representatives Merle Phillips and Russ Fairchild to move things along. When Mgr. Bickhart receives the DCNR information he will call a Council meeting so action can be taken on the bids. Brian stated that the pool board has prepared budget requests for the local municipalities. Tomorrow night a request will be made to Penn Township. The pool is closed down for the season. Due to problems in prior seasons, the windows have been boarded up and the area is well lit to discourage vandalism. Pres. Handlan asked how often the

area is patrolled. Brian stated that the area has much support from the police department, with regular nightly patrols. However, in the past when the facility was less secure, people could jump fences and gain access to the building. This has been taken care of with extra locks and lights. Brian also reported that Bob Soper is heading up the fundraising group and is continuing to work behind the scenes to secure funds. After the behind-the-scenes fundraising is completed there will be a public appeal. There has been a mini public appeal in the Borough newsletter. The next public appeal will be a full page insert with information about the whole renovation and how the local community can get involved. At that time all the monies that have come in so far, both private and public, will be announced. Brian thanked Council for their support and relationship with the pool board. Mgr. Bickhart reported that he received a copy of an email from the state requesting completion of a form that is required by a grant that was issued on October 2, so he does expect to see paperwork soon. Brian stated that the general consensus of the pool board is that once the bid is awarded work will begin, hopefully in October, and will continue as long as the weather will allow. The contractors were given a concession in order to hold their prices, which is that the project does not need to be complete by May 15, 2009. This has been extended to June 15, but without knowing what the weather will be like it is impossible to speculate how much work will get done.

**Glen Rohrer, Chairman and Borough's representative to Penn Valley Airport Authority: Update on Authority's consideration of changes in operation of Airport and Notice of resignation as the Borough's representative to PVAA** – Glen stated he is resigning after 23 years with the Airport Authority. Glen thanked Council for the support they have given him over the years. Given all the airport publicity lately, Glen asked Council if they had any questions he could answer for them. Glen stated that the authority has been working since January to do the paperwork correctly in order to protect all the municipalities that own the airport. The paperwork has been reviewed by the Bureau of Aviation in Harrisburg and then it was given to the FAA, who agreed that the documents were done properly and provided protection for the municipalities. On the financial side, a series of compromises were worked out with Paul John from Ritz-Craft. The essence of the agreement was reported in the newspaper, with \$125,000 to \$160,000 to be invested in the first year to take care of deferred maintenance such as hangar roofs, painting of lines, and rehashing some of the ramp areas. The John Foundation has arranged for the PVAA to borrow money from the foundation at a very attractive interest rate to pick up the debt, including \$280,000 for the terminal building which is now worth well over \$1 million, and a line of credit that added about \$98,000 to the total loan package. This roughly adds up to the \$400,000 that was reported in the newspaper. The John Foundation will pay the interest on the \$400,000 loan. The nine municipalities provide a total of \$22,000 per year, and that money will go directly to pay off the principal for the mortgage and the line of credit. If the municipalities continue with the five-year plan, the principal on the debts will be paid off and at the end of the five years the airport will be where they need to be. The John Foundation is doing a 30-year package with the authority to be renewed every five years. The next couple years will be very rough before the airport can actually begin to make money. Pres. Handlan asked if Glen is visiting all the municipalities. Glen replied that he has taken the same package that was brought before Council last month to all the municipalities. Every representative from the PVAA is required to talk to their municipality. Monroe Township, Shamokin Dam and Penn Township were at the last authority meeting when final decisions were made, so they are pretty well up to speed. However, it is a priority that all the municipalities be made aware of the situation. Pres. Handlan asked if any municipalities have given notice that they are stepping out of their commitment to the five-year plan. Glen stated that the people who understand the plan are completely supportive of it. Two months ago this was not the case, as the authority was held to silence regarding the plan because of the work that was going on at the John Foundation at Ritz-Craft. This was difficult for everyone because a lot of rumors were on the street that could not be disputed. Now the correct information has been given to all concerned.

Mgr. Bickhart stated that he has been associated with the airport for 30 years, and he was at some of the former FBOs that the documents talk about. He stated the current agreements are greatly superior to what was available 30 years ago, as most of those agreements were verbal. The authority has come a long way. Mgr. Bickhart had asked about the impact of the new agreement on a public airport to which the Borough was committing public funds. He noted that the agreement exceeds his expectations in terms of transferring a lot of the FBO and a lot of the debt and expenses to an FBO who is coming in but still leaving the authority with some things to do, along with some sources of revenue. Mgr. Bickhart asked how much annual revenue the flowage fee of 5 cents per gallon might be worth. Glen stated that

in 2007 the airport sold about 80,000 gallons of fuel. At those numbers the flowage fee would provide \$4,000 in revenue. Heritage Aviation has projected 100,000 gallons of fuel usage for the next fiscal year, which runs from October to October, which would provide \$5,000 in revenue. The authority has also retained 45.2 acres of land from the Heimbach farm, from which the airport receives revenue of around \$6,000 per year. Mgr. Bickhart asked about the first year's deferred maintenance estimate of between \$125,000 and \$160,000. Glen stated that some of the roof estimates have varied significantly for the large hangar that needs a new roof, so \$165,000 would be the worst-case scenario. However, Glen stated he is anticipating it to be closer to the \$125,000 figure. That is on the contract and Heritage Aviation is committed to doing this in Year 1. Pres. Handlan and Council thanked Glen for all his years of service. Glen thanked Council and stated that he will be available to whomever Council appoints as their new representative so that he can provide any information that person may need.

Mgr. Bickhart noted that Council is at the beginning of their budget preparation time and asked if Glen could offer any information regarding the five-year infrastructure investment plan. The member municipalities, with the exception of Penn Township, agreed to the first year and the PVAA is hoping they will continue with their commitments. Mgr. Bickhart stated that there were grant applications submitted for the \$150,000 for state and federal grant funding. Glen reported that applications were submitted for \$100,000 from Merle Phillips and \$50,000 from Senator John Gordner. He stated the monies should be available in the first quarter of 2009. The money may be used to satisfy open accounts receivable and deferred maintenance. It cannot be used to reduce debt. Mgr. Bickhart stated that the goal of the \$563,500 was a combination of things, one of which was debt retirement for the capital improvements. However, other monies were put in for deferred maintenance items. Since the John Foundation is covering that, this covers the large airport users group and then some because Heritage Aviation is taking that out of the needs of the airport. Glen stated the deferred maintenance was not identified as a major component of the plan. It was primarily the debt, and the bottom line was to leave the authority with \$100,000 in its pocket at the end of five years. There is a debt of \$400,000, with \$100,000 in the bank. That is essentially the \$500,000 that the plan was targeting. Mgr. Bickhart stated that because of the controversy the airport authority suspended fundraising in the Friends of the Airport and the large airport users categories. Glen stated that this fundraising was suspended because the authority was in the position where any business people would not want to put money into an enterprise that was not looking very healthy. This would be wasteful, so the authority purposely set aside the large airport users and the small users and Friends of the Airport. Mgr. Bickhart asked whether the suspension of this campaign means that it will eventually be started up again, and Glen replied that that will absolutely happen. There are people now who are working to kick that campaign off again. Mgr. Bickhart stated this information will be helpful as Council deliberates on their budget for next year. Glen stated that Council's commitment is absolutely vital to help pay down the debt. The money has been used properly to date and this will continue. Glen stated that the airport is a good, healthy operation and it will continue to get better. He thanked Council for their support.

**Paul Grimes regarding aesthetic concerns in the Borough** – Mr. Grimes stated that he lives in Selinsgrove on Eighth Street. He has been a resident for about five years. He comes from a background of being in the service department of various automobile dealerships, and he has noticed some things in the Borough that he has questions about. He stated that in his businesses they could never have had dumpsters sitting along the streets like there are along Market Street. He stated the Borough wants to make improvements, but when someone rides down Market Street there are a lot of trash dumpsters sitting in plain sight. Mr. Grimes also questioned the condition of some of the homes in the area. He looked through the regulations to find out about maintenance, and all he could find was information addressing rental properties. He stated there are several buildings that have not been painted in 30 years and they are in rundown condition, with broken windows, and he wonders why they are allowed to be like that. He also questioned why tractor trailers are allowed to come down the center of Market Street because these trucks can take the bypass to avoid the center of town. Pres. Handlan asked if Mr. Grimes has reported these issues to Council before, noting that a few of the issues have also been reported by other citizens. Mr. Grimes stated this is his first time before Council, but he has reported a couple things to the police. Those issues have been corrected right away. However, the dumpsters are another issue. Mr. Grimes stated that at one dealership where he was a service manager, the dumpster could only be accessed from the front and it had to be in an enclosure with gates that had to be kept

closed. He stated that there are dumpsters by the tobacco store and at the gas station next to it, and one at another repair shop down a bit further. He stated this does not look good. Mgr. Bickhart at first thought Mr. Grimes was referring to the dumpsters that are actually off the street, noting that the Borough had given temporary permission for dumpsters to people who are renovating properties. He stated he now realizes that Mr. Grimes is referring to dumpsters that are off the street on business properties. Mr. Grimes stated that last year one person was renovating his windows and he had trash sitting alongside his house for more than three months. He stated the man had no intention of moving it and it was right on Market Street. He stated if the Borough wants people and businesses to come to town it has to look nice. He stated you would not see these things in Lewisburg along the main street. He stated the people who own the properties should want their properties to be nicer as it is more conducive to doing business. Mr. Grimes stated there is a used car lot that looks like it has a junk yard in the back. C/P Viker stated that some of the concerns may be addressed by the Building Maintenance Code, and Mgr. Bickhart would be the person to go to in order to find the relevant code for these situations. This seems to involve the age-old balance between the rights of a property owner to manage their privately owned property as they see fit versus the community consensus of how the community as a group wants to maintain the entire community. This is a delicate balance and sometimes the Building Maintenance Code has to err on the side of caution in that regard. Mr. Grimes stated that the Building Maintenance Code addresses rental properties. Mgr. Bickhart stated that the Code actually does apply to both kinds of properties. Mr. Grimes stated there is a house up the street from NAPA that has not been painted in 30 years. There is a skid of shingles out back that has been there since Mr. Grimes moved to the Borough. He stated this should not be allowed, and it is not allowed at rental properties. C/P Viker noted that there are similar expectations in owner-occupied homes. He stated if someone lives in a gated community with a homeowners' association, the homeowner has agreed to purchase the property and abide by the much more stringent series of expectations. In town, although a hog farm would not be allowed in the Borough, there is some sense that property owners are under less stringent expectations than they would be in a subdivision with a homeowners' association. This is a delicate balance. Mr. Grimes stated Selinsgrove is not a gated community, but painting something more often than every 30 years or repairing windows that have been broken for five years is not a high expectation. C/P Viker asked what would happen if the homeowner was approached and he said he could not afford to do the work. Mr. Grimes stated this particular person also owns other properties. Pres. Handlan if Mr. Grimes could put together a list of the properties that he has taken note of. The Borough does need to take a look at the dumpster situation, and Council is currently working on improving properties that are run down. There have been two properties taken down in the last year. Mr. Grimes stated he saw the one on Route 522, and Pres. Handlan noted there was also one on Market Street that was taken down. She stated that depending on the severity of the situation and how it is pursued, it could end up becoming the Borough's responsibility. Mr. Grimes stated he does not want it to sound like he is policing the area, but he formerly lived in Bristol Township, PA and there is no way that these situations would have been allowed to continue. Pres. Handlan stated she cannot address the tractor trailers driving through town, but if they are making deliveries they must come into town. Mr. Grimes stated they drive straight through. Mayor Carroll noted that this issue has come up before and Chief Garlock has talked about it. Some tractor trailers have to go down to the Isle of Que for tomatoes and potatoes that are grown there. The ones that go straight through town do so as a diversion from the major road. Mayor Carroll stated he will follow up on this with Chief Garlock to see how he is handling this. Regarding dumpsters, if Council wants to see what Mr. Grimes is referring to by enclosed dumpsters, they can see one at the CVS property. If the Borough did an ordinance it would be something such as this. Mr. Grimes had approached Mayor Carroll about some of these issues, and he was encouraged him to come to Council and to get in contact with Mgr. Bickhart. Pres. Handlan stated she encourages all citizens to do that. Mr. Grimes stated the first time he called about these issues he called the Borough office and was told he had to call the police. He called the police and they said he had to call the Borough office. Pres. Handlan stated that the police department is the code enforcement agency in the Borough. Mr. Grimes stated there was a mattress sitting out on Market Street for a couple weeks. He called the police department and it was taken care of. Pres. Handlan stated the Borough does not allow that, and in a worst case scenario the Borough would remove it at the Borough's expense. Hopefully the cost would be recouped from the homeowner but that does not always happen. She noted that Mr. Grimes has legitimate complaints and she appreciates his coming forward. She showed some notes that she has received in response to the Borough newsletter regarding similar issues of trash concerns and cleaning up the

Borough. Mr. Grimes stated he has managed businesses where the image was part of the business, and he does not understand why the people who own a business would not want to correct these situations. Mayor Carroll stated that Mgr. Bickhart has sent out nine different complaints, so these things are being addressed. Mr. Grimes stated this is his first time at a Council meeting, and he was encouraged to come to more meetings. Mayor Carroll and Council thanked him for coming.

**Joel Wiest representing Donald and Gladys Foreman** – Mr. Wiest stated that in the past he has come to Council asking that they correct the issue with the Andretta-owned property next to the Foreman property in the Borough. To date, this has not taken place despite various promises that it would. At this time Mr. Wiest is at a loss as to how to proceed. It has been six years since the court order was entered and the work is not getting done. C/P Mengel asked what still needs to be done. Mr. Wiest replied that he just drove by the property and it is still a flat stone parking lot. It was a rolling, grass-covered hill with no entryways before, and that is what it should be returned to per the court order. C/P Mengel stated she thought the grading was taken care of. Mgr. Bickhart replied that some work was done and Council indicated that more needed to be done. Jerry Edmondson is a contractor for Beavertown, and he has indicated he will be there the end of this week, either Thursday or Friday, to actually do the rest of the removal of the materials on the lot. C/P Mengel asked if the removal of the materials will return the lot to a rolling hill. Mgr. Bickhart stated it will be regraded to the best of the contractor's ability to get it to the way the contour was initially. The stone and the foundation that has been mentioned as an issue are part of the things that will be removed in that activity later this week. Mr. Wiest stated there is also a concern about the entryways into the property because people are driving right in and parking there anyway. Solicitor Cravitz stated that curb cuts exist throughout the Borough. His office property has a curb cut for no purpose other than it was there when he bought the property. Anyone can request a curb cut. Mr. Wiest stated that the curb cut was done for the purposes of putting in a driveway and a parking lot and a garage, which was court ordered to be removed, and everything was court ordered to be returned to the way it was prior to that time, which would include removing the curb cut. Solicitor Cravitz reported that certain improvements are not required to be done if Borough Council does not feel they have to be done. Council has encouraged people to put sidewalks in and those sidewalks were installed. If someone asks for a curb cut, whether or not they're going to do anything with the curb cut, they are permitted to install one. Citizens are allowed to have curb cuts. Mr. Wiest stated that the exception would be when it is in conjunction with putting in an illegal structure. Solicitor Cravitz replied that the illegal structure has been taken care of. Mr. Wiest replied that it has not. Solicitor Cravitz stated there are no structures there now and the property has been graded once already and more will be taken off. Mr. Wiest stated that the wall beneath the ground, the footers, remains. Solicitor Cravitz stated that he thought the footers had been taken out, and Mgr. Bickhart noted that they are scheduled to be removed this week. They were not totally taken out before. C/P Mengel stated she also thought the footers were removed, and Mgr. Bickhart replied that just the part above ground was taken out. The part below ground is still there. Solicitor Cravitz stated those must be taken out, and he was under the misconception that they were. Mgr. Bickhart replied this is all part of the regrading to take place this week. Pres. Handlan asked if there is anything that would prohibit the Andrettas from putting in a driveway there. Solicitor Cravitz stated there is nothing in the Borough Ordinance to prevent someone from putting in a driveway. Mr. Wiest stated that first the property must be restored and then the owners must obtain a legal permit, which they do not have. Mgr. Bickhart stated that the Borough does not issue permits for driveways. Mr. Wiest contended that this has been stonewalled for six years by Mgr. Bickhart because he is friends with the parties involved. He accused Mgr. Bickhart of driving by on weekends with Mr. Andretta and laughing at the Foremans. He stated if this is not taken care of immediately he will return to court to seek an injunction and also seek the attorney's fees that are due him. He stated that six years is too long and it is absolutely unconscionable. He stated that the Foremans have spent \$12,000 of their own money to do what the Borough should have done for them. The Borough is supposed to protect the Foremans, and the court said the Foremans are absolutely right. They are not rich people, and they spent \$12,000 to wait six years for this to take place. This is not right. For six years people have been parking directly by their picture window and deliberately shining their headlights into their home. Solicitor Cravitz stated the garages have been removed. Most of the foundation has been removed and some grade has been removed. If a picture were taken before and after it would be clear that the structures are gone and the property leveled. The owners paid between \$40,000 and \$60,000 to do this work. Mr. Wiest noted that the Andrettas bought the property knowing that they were going to have to spend that money.

Mr. Foreman spoke up, stating that Andretta did not pay for that work. He stated that Lutz paid to tear it down. Solicitor Cravitz stated that the end result still is that it is torn down. Mr. Wiest stated that Mr. Foreman is upset, and Mr. Wiest is also upset for him. It has been six years. Council can talk about something to happen this week, but the Foremans have heard it all before. Mr. Wiest is asking for action or he will be forced to move forward in court, and he does not want to do that. C/P Viker asked for an explanation of what is meant by "rolling grade". He asked what has not yet been done that is supposed to be done by court order and does the court order specifically reference some sort of rolling hill. Solicitor Cravitz said the court order just says to restore the property. C/P Viker asked if the court order specifies whose judgment would constitute restored and Solicitor Cravitz stated that it does not. C/P Mengel stated it just says to restore it to what it was before. C/P Viker asked if there is a date that it must be restored back to. Solicitor Cravitz stated that it would be prior to whenever Lutz put on the garages. C/P Viker asked if there is any question that there is still more to be done. Mgr. Bickhart stated there is significantly more to be done. C/P Viker asked if the Borough's contractor is doing that, and what the target date is to have that done. Mgr. Bickhart replied it is the Borough's contractor doing the work, and today the contractor said he would be there Thursday or Friday of this week. The contractor has been delayed with other work. It should not take long to begin it and end it. C/P Viker asked if this must be a rolling green hill with grass, as that could not happen yet this season. He asked if dirt will be placed there and Solicitor Cravitz stated that dirt will be removed from there to create the grade. Mgr. Bickhart stated dirt will remain back there, and it will seed itself or be seeded at the property owner's discretion. It will be up to the property owner as to what surface he wants there. C/P Viker stated he is leading up to another question, which is if the property owner then petitioned the Borough for a permit to have a driveway there, is there any reason to believe that that could not happen, and then everyone will be back in the same situation with someone complaining about lights in their window. Mgr. Bickhart stated the Borough does not issue permits for driveways, so there is nothing to prohibit a property owner from installing a driveway. C/P Viker stated that he wants to make sure that everyone understands that even if the court's order is satisfied to everyone's convenience, there is no guarantee that one of the problems cannot keep happening, and there is nothing that Borough Council can do about it. Solicitor Cravitz stated that that is correct. C/P Viker stated that Council cannot control where people park on their property and whether they choose to turn their lights on or off. Solicitor Cravitz stated that if someone does that on a repetitive basis it should be reported to the police as harassment. Mr. Wiest stated that that problem is one that will be dealt with later. If the Andrettas want to try to put a parking lot back in there in the flood zone he will ask them not to do so legally. However, that is not why the Foremans are here tonight. Tonight is about complying with the six-year-old court order. Mr. Wiest stated he has made his and the Foremans' position known, and he thanked Council for any action they could take. At this point Mr. Wiest and the Foremans left the meeting.

Pres. Handlan stated that if there are any more conversations about this issue they should be directed to Solicitor Cravitz. She does not want anyone talking to the Foremans about this. She asked Mgr. Bickhart to make sure the contractor shows up this week to take care of this. She agrees that it has been going on for way too long, even though some work has been done. She also stated that it is an unreasonable request to take out the curb cut, however, the grading and footer removal should be done. C/P Mengel stated she thought this was done, and she is glad the solicitor thought the same thing. She stated as far as the curbing, when curbing is put in, a curb cut for a driveway is not usually part of that work. Maybe it should be restored to a regular curb. Solicitor Cravitz stated this would also require a higher sidewalk to be installed. C/P Viker asked if this would be at the Borough's expense since it is not necessary. Solicitor Cravitz replied that to take the judge's order literally, it should be restored to how it was before the Lutzes asked for the permit. Maybe the curb cut existed before the permit was obtained. Mgr. Bickhart replied that it was all done together. Pres. Handlan asked if a permit was needed for the curb cut and the answer was no. She stated that if a permit is not required for a curb cut she does not see how the owner can be made to remove the curb cut. C/P Viker stated that as long as there is a curb cut there people may be parking there and lights will be shined into windows and someone will complain. Solicitor Cravitz asked if the regrading will change that, and Mgr. Bickhart stated that it will take the level down a few feet. He stated when they regrade it, it will be more difficult to use it as a driveway. It will not be stone and there will be a drop off the edge of the sidewalk. However, if the property owner intends to do it, he will do it. Pres. Handlan noted that this is a rental property, so there are multiple people in and out of there. She stated she finds it hard to believe that the owner of the property is the one who is doing

the harassing. C/P Viker stated that for the amount of the attorney's fees expended an 8-foot fence could have built. He stated that town living has its challenges and its rewards, and people do have to get along.

**UNFINISHED BUSINESS FROM PRIOR MEETINGS:**

**Notice of Intent to Request Release of Funds – Front and Second Street Reconstruction –**

Mgr. Bickhart stated that October 6 was the last date for people to make public comments, and he has not received any regarding the Borough using CDBG money to reconstruct Front and Second Streets in the flood plain. As part of their procedures, SEDA-COG did the advertising on the Borough's behalf.

**Review List of Council Issues –** Mgr. Bickhart reported that Council has a copy of a draft revising the Borough Ordinance pertaining to recycling. Mgr. Bickhart compared the proposed draft to the existing regulations and found that all the definitions were already in the Borough's Ordinance. Many of the provisions were in the Ordinance, and it boiled down to three things that the Borough needed to add. Mgr. Bickhart has drafted an ordinance to do those three things, which will be discussed a bit later tonight. Mgr. Bickhart reported he is still waiting for the school board to get the committee to schedule a meeting to go over the Weiser Run project. Mgr. Bickhart is still working on the policies and procedures for the sewer and water facilities planning, and as soon as C/P Anderson gets back from her vacation the job descriptions will be reviewed and this will lead to employee evaluations.

C/P Viker had a question regarding the garbage ordinance requiring a contract because there are some disposal vendors that allow customers to do a tag-a-bag model, which does not require a contract. The homeowner purchases a certain number of tags with which they tag their bag when they put it out for collection. There is no way for these people to prove they have a contract. Solicitor Cravitz stated that this could be proven through receipts or canceled checks. Mgr. Bickhart stated that homeowners are also permitted to dispose of their own garbage by putting it in a bag and taking it to the transfer station in Sunbury, in which case receipts are required. C/P Mengel stated there should also be a receipt for homeowners who buy tags. Solicitor Cravitz stated that without that proof the homeowner is in violation of the ordinance. Pres. Handlan commented that someone apparently moved out of her neighborhood, emptied their refrigerator and left their garbage at her house, and she had to dispose of it.

**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 Hendricks.

**AYES: FIVE (5)**

**NAYS: NONE**

**MOTION CARRIED**

**Statewide Tax Recovery, Inc. - Exoneration Requests – None**

**Acknowledge receipt of additional \$25,000 donation from Susquehanna University –** C/P Inch reported that the Borough received a second check from the university, bringing to \$50,000 their total donation this year. He stated that this is welcomed, and the committee is very pleased and thanks the university for its donations. Pres. Handlan asked if a letter will be sent to the university, and C/P Inch asked if Mgr. Bickhart could do this.

**Recommendation concerning change in Water Rate Schedule –** C/P Inch stated that the goal was set several years ago to adjust the water rate schedule to finally have one rate for everyone. Another step in that direction is being taken this year. The recommendation of the committee is to make a change in the water rate schedule to eliminate the lowest rate of \$2.25 per 1,000 gallons.

Motion by C/P Inch that the water rate schedule be changed to drop the lowest rate of \$2.25 per 1,000 gallons. Seconded by C/P Viker.

Mr. Grimes asked why there are different rates. C/P Inch replied that many years ago rates were set based on water usage, and larger volume users pay less per gallon. The Borough is now trying to make one flat rate for everyone. C/P Viker stated that this eliminates the quantity discount. C/P Hendricks stated that he would like to see the minimum charge for water lowered to the 3,000 gallon limit so it is in line with the sewer rates. That way the Borough is getting closer to people being billed for their actual usage. According to Sheri, 350 customers would fall in the category of 3,000 gallons or under, and of those customers, 70 to 83 properties are vacant at this time so there are actually around 270 customers being billed at a lower rate that are not actually utilizing the water. Mgr. Bickhart noted the properties are either vacant or they are a business that does not use much water or that may be closed down and used for storage. C/P Hendricks stated that he would like to see that as the Borough moves toward the flat rate for usage they also move toward actual usage at the same time. The fiscal impact should be minimal in billing for 3,000 gallons of water per quarter if they are not using that amount. C/P Inch stated that there was a full finance committee meeting last week when this was discussed and it was unanimous to recommend the change as in the motion that was put forward. C/P Viker asked what the conflicts are between that idea and C/P Hendricks' idea. C/P Inch stated that in doing the math, the recommendation follows the schedule of the first 6,000 gallons being billed at \$3.90. The committee has decided to leave it at that and continue on.

Some new figures were also prepared this afternoon. Sheri stated she printed these out, and the idea that C/P Hendricks has put forward would be Option 5 on this new handout. In going with Option 2, the Borough would make a minimum amount of \$25,000. In going with Option 5, the Borough would make only \$1,800. This would take the minimum from \$23.40 to \$11.70, which is where the revenue is lost. Those people would get a 50% decrease and the high-end users would still be at the same 16 to 20%. C/P Hendricks asked if the Borough is trying to remain revenue neutral and not generate income or if the goal is to eventually flatten everything out and generate revenue. The answer is yes to the latter. Mgr. Bickhart noted that the committee was happy with the \$25,000 additional revenue with no significant rate increase because it shifts the income to the more commercial, larger water users. Options 4 and 5 were two cuts at this, and there are other ways to look at it. Option 5 basically says from 0 to 3,000 gallons, or for a vacant building, the owner gets billed a minimum. The minimum would be half of what it was before, at \$11.70 per quarter for the new minimum. Option 5 and 6 differ as far as what happens after the minimum. Option 5 puts another step in, leaving the step from 3,000 to 6,000 gallons at the same rate as it is now, \$3.90, so in this case Options 5 and 2 are identical in terms of who it affects. It does help some people at the absolute minimum. People who do not use 3,000 gallons in a quarter, instead of paying \$23.40 will now pay \$11.70. Option 6 drops the minimum down and then figures out what the cost per 1,000 gallons would have to be to keep about even with the revenue from Option 2. It would take \$3.15, so the step would go from \$2.70 per 1,000 to \$3.15. In Option 6, this takes the impact on the big water users back up nearly 45% which was why the committee did not want to go with some of the other options initially. They wanted to do this in small steps over a number of years. C/P Inch stated that people just think of actual water usage, but there are also costs for billing, and the revenue increase is a very small rate. The water company is a proprietary fund, so it is a business. They are taking a very small increase in revenue, but it is needed. Mayor Carroll stated that a year ago Aqua came in wanting to buy the water company, and they would certainly have raised the rates. C/P Inch stated the water users are getting a very reasonable price for the water they get. C/P Hendricks asked if all the high volume users realize this is coming down the line. Mgr. Bickhart replied they are, noting that Council has gone on record as saying over the next few years the declining rate schedule would continue to be modified until it was down to a flat rate and a minimum, whatever that turns out to be. C/P Inch noted that his motion is for the second adjustment in the series of adjustments.

C/P Hendricks stated that he was not voted into office by the high volume users, and it is the people in town he wants to represent. C/P Inch stated the committee is also concerned with them. C/P Viker stated that the proposal put forth by C/P Hendricks is very compelling. He noted he seconded C/P Inch's motion but he likes the idea of not looking at the water service as a big moneymaking operation since the average homeowner does not have a choice. It is either use the Borough's water or sink a well; there is no free market. He stated there is a certain disquiet to the Borough's making a bundle on this. C/P Inch stated that, as Mayor Carroll noted, the Borough was approached last year by Aqua, who wanted to buy

the water system, and everyone on Council at that time realized that by the Borough keeping ownership of the water company and running it the way they are, it is a great service to the public. The committee wants to keep it well run, while being fair and keeping it within bounds. Mgr. Bickhart stated that where Mr. Grimes came from the water was probably more expensive. Mr. Grimes stated that it was actually less expensive. There were six people living in his house. They had a 16' x 32' pool and a pond. He watered his grass and washed his cars. The average bill for water and sewer was about \$55 per quarter. Now with just his wife and himself in the house, no pool, no pond, and no watering of the grass, the bill is \$39. C/P Viker stated that C/P Hendricks' idea moves the Borough along the path toward a flat rate schedule more quickly. C/P Hendricks stated his concern is for the single person living alone who does not wash cars or water the lawn or have a garden. He feels that people should pay for what they use. He stated there is what is pumped out and there are also infrastructure costs that have to be taken into consideration. C/P Inch stated the Borough has quite an investment in the water system. C/P Viker stated there is a motion on the floor and now there is a competing idea which he finds pretty attractive. Pres. Handlan asked for a vote on the motion as put forth by C/P Inch.

**AYES: TWO (2) – C/Ps Handlan and Inch**  
**NAYS: THREE (3) – C/Ps Hendricks, Mengel and Viker**  
**MOTION FAILED**

Motion by C/P Hendricks to approve Option 5. There was no second.

C/P Viker stated that he was all set to go down the gradual path, but C/P Hendricks came up with a path that makes a lot of sense to the average homeowner. Pres. Handlan stated that it is unfortunate that two of the individuals who put forth the idea as made in the motion by C/P Inch are not here this evening. C/P Hendricks asked if this could be tabled until the next meeting. Mgr. Bickhart stated if it is deferred it will postpone the implementation on January 1, to be billed April 1. He stated if this is postponed until the November meeting he does not see how an ordinance can be adopted to be effective January 1. If this deadline is not met then the change will be effective starting the second quarter of next year. It is not that big of a deal, but he wants Council to be aware of the timeline. Pres. Handlan stated this will be tabled until next month.

**Recommendation concerning request to consider the naming of alternate depositories for Borough funds to obtain maximum protection from the Federal Deposit Insurance Corporation –** C/P Inch reported that the committee recommends that Council consider using several alternate depositories for the Borough funds. The FDIC insures deposits of \$100,000 and there are times that the Borough actually has considerably more than that in deposits for a short time. The committee felt it would be a good idea to have some additional depositories so the Borough is fully covered by insurance.

Motion by C/P Inch that the Borough add several alternate depositories for the Borough funds. Seconded by C/P Viker.

**AYES: FIVE (5)      NAYS: NONE      MOTION CARRIED**

Mgr. Bickhart asked if specific depositories will be name and C/P Inch stated that Susquehanna Bank was mentioned by the committee. Mgr. Bickhart stated the institution needs to be specified in the motion.

C/P Inch amended his motion to add Susquehanna Bank as an alternate depository for Borough funds. Amendment seconded by C/P Viker.

**AYES: FIVE (5)      NAYS: NONE      MOTION CARRIED**

**Review revised MMO calculations for 2009 for Non-Uniformed Employees –** Mgr. Bickhart noted this has been revised slightly and is submitted for Council's information.

**Recommendation on Request for Proposals for Auditing Services –** Mgr. Bickhart reported that Forgett & Kerstetter was the only accountant to respond to the request for proposals. Council was

supplied with a listing of accountants to whom requests for proposals were mailed directly. This is bid for a three-year period in order to avoid the expense of doing it annually. The request for proposals was also published in the newspaper. Since there was only one response, Mgr. Bickhart recommends that Council accept the proposal of Forgett & Kerstetter for both the Borough and the Municipal Authority's audits for calendar years ending 2008, 2009 and 2010.

Motion by C/P Mengel to accept Forgett & Kerstetter's proposal. Seconded by C/P Hendricks.

**AYES: FIVE (5)**

**NAYS: NONE**

**MOTION CARRIED**

**General Fund Budget Review** – Mgr. Bickhart reported that the general fund budget was reviewed through the first three quarters of the year, and anyone who would like to review this can stop in the office to see either Sheri or Mgr. Bickhart. Based on current projections, the year should end with a surplus.

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

**Report on meeting to discuss 2009 Infrastructure Improvement Program** – C/P Hendricks stated that the committee met on September 8 at 2:00 PM. Also present were Mgr. Bickhart, Sheri Badman, Corby Bowersox and Rick Kline. Corby represented the street department and Rick represented the water department. C/P Mengel left work early in order to prevent overtime expenses for the Borough employees. Rick and Corby gave the committee their wish list regarding the 2009 infrastructure program. For the 2009 CDBG funding: Front Street from Bough Street to East Chestnut Street and Second Street from Bough Street to Raspberry Alley were discussed for curbing, sidewalks, paving, water and sewer. Discussion revolved around the scope of the project with the highest priority placed on the paving of the infrastructure and sidewalks, pending the receipt of final costs. All this was submitted to the engineer for cost analysis. Other issues for 2009 include the Isle of Que access, which is still with the commissioners. The reservoir cover and telemetry are budgeted in 2008 and need to be bid out. For the 2009 street improvements there is a must-fix on West Independence Street from Susquehanna Avenue to Orange Street, due to the restoration of the street over the water system improvements to complete the 2008 Utility Improvement Program. The engineer was requested to cost out improvements to West Independence from Magnolia Avenue to Susquehanna Avenue. Curbing and sidewalk may be required in spots only. For University Avenue from South High Street to West Pine Street, it was decided to make approximately 15 patches of utility trenches, to permit time for the University to complete plans for their proposed improvements of University Avenue. These improvements are also out to the engineer for costs. For the future, there is a list of 12 additional streets including portions of Tenth Street, Ninth Street and Sugar Maple Street, as priorities, followed by Front Street from Bough Street to the Borough line, South Water Street and East Sassafras Street from East Pine Street to South Market Street, and Penn Street from North Market Street to Broad Street. These are also out to the engineer. The committee also talked about base repairs on small isolated portions of Linda Lane and of Eighth Street from Route 522 to Sugar Maple Street. Alleys that were discussed included Liberty Alley from Spruce Street to Mill Street, Elderberry Alley from Sherman Street to Vine Street and from Sherman to Penn Street. That is also out to the engineer. As far as seal coating projects, a portion of University Avenue from Broad Street to 18<sup>th</sup> Street was discussed, along with, Pine Street from Broad to University Avenue, and 18<sup>th</sup> Street from University Avenue to Route 522. The committee discussed holding this until the SU building projects are all completed to prevent wear and tear. There was a brief discussion on electronics recycling and medicine disposal, and the committee will do some more research before making a recommendation. Everything is to the engineer for his analysis, after which the committee will meet again and make a recommendation. C/P Inch stated that there had been discussion about getting prices from the engineer regarding Weiser Run in order to set aside a small portion of funds to improve the part adjoining what the school district will fix. Sheri stated that this is on her list. Mgr. Bickhart stated that part of the recommendation was for additional expenditures to be included in the budget for 2009. He stated another meeting will have to be scheduled to go over everything once they get the figures from the engineer. C/P Hendricks stated this will be done. Mgr. Bickhart stated the objective is to pull this together because it becomes a piece of the budget. C/P Mengel stated she would like Council to send a letter to the commissioners regarding the Isle of Que emergency access and where that stands, encouraging them to move on the issue. Mgr. Bickhart stated that he mentions this to Malcolm Derk

every time he sees him, but he will send him a letter. C/P Inch asked if the committee would be getting the information on Weiser Run and Mgr. Bickhart replied that it should be included with the engineer's analysis, as John Coukart did get that information. (**Editorial Note** - portions of the preceding paragraph were revised by the Borough Manager/Secretary, following approval of the minutes by Council, to clarify references to specific portions of streets and alleys and to conform to the information contained within the spreadsheets used by the Committee on September 8th)

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

**Report on Selinsgrove Municipal Building and Community Center Library Renovation and Expansion Project Feasibility Study** – EI Associates conducted a site visit on September 16, 2008. The next meeting with EI Associates will be held on Wednesday, October 8 at 7:00 PM in the Council Meeting Room. Tonight's meeting will be recessed to that meeting. Pres. Handlan encouraged everyone to be at that meeting. C/P Viker asked if that is a committee meeting. Pres. Handlan stated she got a call from the library's executive director today asking for that same clarification. It is her understanding that EI Associates wants everyone there rather than just the building committees. Everyone on the Library Board did get Mgr. Bickhart's email, so the entire building committee will be at the meeting as well as the executive director and the director of the library. C/Ps Anderson and Herb will not be there, as they are both away. Mgr. Bickhart stated that this process will begin with wish lists and proceed through a series of meetings to boil the project down. This is an opportunity for anyone who has anything to put into this to make those ideas known. Another meeting may have to be scheduled because Selinsgrove Projects Inc. and the Commons Committee and the Selinsgrove Chamber of Commerce were not invited to this meeting. Pres. Handlan stated that other than the commons area it is too early to include those entities unless they will put up some financial contribution. Mgr. Bickhart stated that that is why he did not invite them, so that this discussion could be held on Wednesday night. Pres. Handlan asked if EI Associates has seen the plans for the commons and Mgr. Bickhart replied that they have.

**Report on request of Dave Dagle on behalf of Meals on Wheels to use Pump House kitchen to prepare and package meals, 9 AM to noon, 5 days each week and identification of costs, terms and conditions for such use** – Mgr. Bickhart reported no progress has been made on this request. C/P Mengel stated they were looking at another location. C/P Viker asked if there is a solid schedule of rental fees for the facility, and if there is a policy in place. Sheri noted that the Kiwanis is a regular user with a special agreement that Council made at \$25 per evening. She stated it is normally \$50 to rent the facility, and \$75 if the kitchen with the stove is required because that involves extra work to get ready. Mgr. Bickhart stated that there are specially negotiated agreements with people who want to have an ongoing situation. Pres. Handlan stated it is a nice facility and she would like to see it rented more often.

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

**Susquehanna University Parade Saturday** – Pres. Handlan thanked C/P Viker, Mayor Carroll and C/P Anderson for taking part in the parade on Saturday. She stated the university really appreciated the Borough's participation in helping them celebrate their 150<sup>th</sup> anniversary.

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

Pres. Handlan stated that position descriptions have been received from the Boroughs Association that can be used as the Borough's model. Mgr. Bickhart reported that Susquehanna University submitted their position descriptions also.

**PUBLIC SAFETY COMMITTEE: C/P Herb, Chairman** – No Report

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

**ZONING HEARING BOARD: Cyril Runkle, Chairman** – No Report

**CIVIL SERVICE COMMISSION: Dalton Savidge, Chairman**

**Terminate appointment of Dan Greak due to his moving out of Selinsgrove** – Mgr. Bickhart reported that because Dan Greak has moved out of the Borough he can no longer serve as a member of the Civil Service Commission.

**Appoint a replacement to serve Dan's unexpired term to 12/31/12** – Mgr. Bickhart stated he has not come up with any particular names. He will try to find someone by next month. He has mentioned it to Buzz Savidge, who is the chairman and who found the last appointment, so maybe he can find someone.

It was noted that a replacement also has to be found for Glen Rohrer, and C/P Viker asked if both of these vacancies would be appropriate for a newspaper advertisement, asking interested residents of the Borough to apply at the Borough office. Pres. Handlan stated a small notice could be put in the Daily Item. C/P Viker stated they may print it as a public service announcement. Pres. Handlan stated she is not expecting the Borough to pay for this, noting that there is no newspaper coverage at this meeting.

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

**Appointment of person to serve as the Borough's representative on the Penn Valley Airport Authority to complete the unexpired term of Glen Rohrer until 12/31/09** – Names to be considered are Charlie Benner of 1 Linda Lane and C. Allen Yessel of 601 Orange Street. Mgr. Bickhart stated that Charlie is a pilot and a long-time friend of the airport. Mgr. Bickhart had occasion to ask Charlie about the position, and he has indicated he will consider it. He is a retired farmer from Washington Township who has recently moved into the Borough. Charlie is very involved in all sorts of things. Mgr. Bickhart stated he does not really know Allen Yessel, but it is someone Glen Rohrer had thought of as someone who might be interested. C/P Mengel stated he attends church but she does not know anything about him.

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

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

**Authorize Downtown Streetscape tree removals and trimming** – Mgr. Bickhart reported that the commission received four bids. A copy of the low bid is supplied tonight. The highest bid was \$6,000. The Shade Tree Commission would like to proceed with Dincher & Dincher to complete the trimming and tree removals that are on the specification sheet. This is covered under their budget. C/P Hendricks asked about Trees 27 and 28, and whether they are being removed because they are dead. Mgr. Bickhart stated that Tree 28 is the badly skinned up maple in front of the old CVS lot that is surviving but barely. Tree 27 is the tree in front of the Kind Café. It is a beautiful tree but it is pushing the sidewalks and has exceeded its useful life as a streetscape tree. The Shade Tree Commission has recommended its removal and ultimate replacement with another tree. Pres. Handlan stated that she has heard that the lights will be removed from the trees and new lights will not be put in for this Christmas season. Mgr. Bickhart replied that that is correct.

Motion by C/P Inch to accept the bid of Dincher & Dincher. Seconded by C/P Mengel.

**AYES: FIVE (5)**

**NAYS: NONE**

**MOTION CARRIED**

**BOROUGH ADMINISTRATIVE REPORTS:**

**MAYOR: Pete Carroll** – Mayor Carroll reported that on September 25 he participated in the ribbon cutting at the Manor at Penn Village for the new therapeutic center. On September 27 he participated in the Market Street Festival. In talking to people, he learned that it has been a number of years since there was bad weather for that event. On September 29 he participated in the ribbon cutting at Red Robin. On October 4 he participated in the Susquehanna University Homecoming events. C/P Anderson was there, and C/P Viker attended the ceremony where items were placed into the vault to go in the cornerstone to be opened in 2058. C/P Anderson put in the 150<sup>th</sup> anniversary pin that Council members also received. Congressman Chris Carney was also there. White Christmas is coming up and the committee is trying to

come up with some figures to present to the Selinsgrove Chamber of Commerce and SPI regarding costs for replacing the lights in the trees. Pres. Handlan reported that Mayor Carroll is co-chair of White Christmas this year along with Joe Kleinbauer. Mayor Carroll stated he also attended many other meetings, including SPI, Chamber and committees. This month will also be busy with all the ribbon cuttings at Monroe Marketplace as the stores open. Mayor Carroll reported that Officer Wolfberg is back to work, having returned Thursday last. Mr. Grimes stated Officer Wolfberg is the one who handled the call he made about the mattress on Market Street.

**BOROUGH SOLICITOR: Robert Cravitz, Esq.**

**Update on GLSS Partnership's Appeal of Real Estate Assessment** – Solicitor Cravitz reported this is the former Mr. Carmen building. There are two parcels there. One is a small parcel to the north that is really just wasteland with nothing on it. This was assessed at \$37,000. The main factory building is located to the south of the small parcel. The assessment board is stating they may modify this a little but not a lot because by the testimony of the present owner/operator there are four to ten different small businesses in there. He is hoping to develop more economic power in the local job market. The assessment board will probably give the owner a break on the small parcel of wasteland, but will not modify the larger parcel that much. The owner cannot do much with the small parcel as it is only 50 feet wide at the most. Mgr. Bickhart reported that the owner stopped in to inquire about selling the piece of wasteland property, but it is required side yard and it cannot be sold. Solicitor Cravitz stated that the impression was given to the board that the owner could not do much with it other than sell it to a surrounding landowner. Mgr. Bickhart stated that he cannot part with it because it is required side yard. The building currently goes right up to the edge of the main lot and the small lot is then the full 50-foot side yard. The owner was informed that when it went up for a tax sale, Mgr. Bickhart took note of it in order to ask Solicitor Cravitz what had to be done because the owner of the larger parcel had to retain ownership of it. C/P Viker stated it should be one parcel of land because the building has setback requirements that the smaller parcel satisfies. Mgr. Bickhart agreed that it should be one parcel of land and in what has been done in developing the two adjacent parcels it effectively became one parcel, but Snyder County has never required people to rewrite deeds. Pres. Handlan stated the owner could still do that in order to make it one parcel. Solicitor Cravitz stated again that the small parcel was valued at \$37,000 for assessment purposes, and Mgr. Bickhart stated it is not useless because it is required for the business. The owner cannot comply with the Zoning Ordinance without that piece of property. Solicitor Cravitz stated that that is not the impression that the owner gave the assessment board. Mgr. Bickhart stated that during his conversation with the owner, he told him that he could not sell the parcel, and when it went up for tax sale it is a good thing that he bought it back because there would be a real mess if someone else owned it. The owner would actually have to purchase it back or be in violation of the Zoning Ordinance. C/P Viker stated this is not grandfathered in, because the owner built the building with the understanding that he needed that land to satisfy the building code. He again stated it really should be one parcel. Solicitor Cravitz stated this gives him information to take back to the board, as these are things they were not aware of. He will bring this to their attention. They may not reduce the assessment as much as they thought they were going to, because the owner represented that parcel as being wasteland that he could do nothing with, when in actuality it is required side yard.

**Report on legal implications related to Thomas Szczepkowski, Selinsgrove Veterinary Hospital, request to close portion of Elderberry Alley between Route 522 and Bridge Street** – Solicitor Cravitz stated Elderberry Alley goes back many, many years. If the Borough is so inclined they can vacate it and it will revert to Dr. Szczepkowski, but the surrounding landowners have a private right-of-way. The alley does exist on the records on a map that goes back to 1908, as approved by the Town Council of the Borough of Selinsgrove. Mayor Carroll stated that the stop signs at each end were probably put up by PennDOT. C/P Viker stated that he is assuming that Dr. Szczepkowski wants this to become one parcel if Council were to vacate the alley. Solicitor Cravitz stated that Dr. Szczepkowski will still have to contend with the rights of way of the people who are on the map. Everyone that built on that subdivision theoretically has the right to use all the public rights of way as indicated on the map. C/P Mengel asked who this included and Mgr. Bickhart stated it would be all the residents on Bridge Street, as well as the people on Eighth Street. C/P Viker stated that he could throw a rock from that alley and hit another access road between 522 and Bridge Street, so he does not feel that it is inconveniencing anyone if the

alleyway were to stop existing. However, if there are laws or provisions that do not allow this to happen, then that is another matter. He stated that he wonders if Dr. Szczepkowski assumes that he can just grade over the alley and make grass. Solicitor Cravitz stated that the doctor can try that but everyone on the map has a right to use the alleyway. C/P Viker stated he wonders if the doctor has an assumption that if the Borough vacates the alley he will be able to turn it into a garden spot and that would not be the case. He stated Dr. Szczepkowski needs to understand before any action is taken on this that someone could still drive their vehicle over there regardless of whether Council vacates it or not. Mgr. Bickhart stated he has raised these legal aspects because this is different in that this alley is opened and is used by the public to the point that PennDOT put stop signs on both ends of it. Mgr. Bickhart does not know if the Borough has spent money improving the alley. It may be like the alley by Coles except that this one is used more and there is a higher probability that the Borough has spent money on it. As long as the Borough can vacate their interests without any concern that is fine, but Dr. Szczepkowski needs to be aware that all of the people who own any of the lots at the north end of Orange, Eighth, and Ninth Streets on both sides of Route 522 are all included in that development and have the right to use the alleyway. C/P Viker asked if anyone from the Borough is in contact with Dr. Szczepkowski. Solicitor Cravitz stated the doctor just made the request to close the alley. C/P Viker stated that the doctor needs to be made aware that there are things he cannot do even if the Borough vacates the alley. Solicitor Cravitz stated he could try to close it, but if someone were to confront him he would have to open it back up. If he closes it and lets it closed or blocked off for 21 years, then those rights are extinguished. Mgr. Bickhart stated that he is afraid that Dr. Szczepkowski may come for a building permit to build a building across the alley. He will have the quit claim deed to the alley but unless he does something with all the property owners to exhaust their rights the Borough should not issue a building permit. C/P Mengel stated that if the doctor wants to do that, he will need to talk to all the people involved. C/P Viker asked whether Mgr. Bickhart could ascertain Dr. Szczepkowski's intentions. Pres. Handlan stated that Council could just deny the request to vacate the alleyway. She stated this is a very unusual issue, as the other roadways that have been vacated were not opened.

Motion by C/P Mengel to deny the request to vacate Elderberry Alley between Route 522 and Bridge Street. Seconded by C/P Inch.

Solicitor Cravitz stated that Dr. Szczepkowski can get people to sign off on this and then come back to Council at a later time to have them reconsider his request. Pres. Handlan called for a vote.

**AYES: FIVE (5)**

**NAYS: NONE**

**MOTION CARRIED**

Mgr. Bickhart stated that he was a surveyor for 25 years and these situations are nightmares. Mayor Carroll asked whether Mgr. Bickhart can explain to Dr. Szczepkowski, if he calls the office, why this was denied. Mgr. Bickhart stated that he will explain as best he can what he knows about the law. He can show him the plans with all the people that he will have to get permission from if he plans to build across the alley, and note that it is not in the public's best interests to vacate the alley.

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

**Update on pending projects** – Mgr. Bickhart noted that the engineer's comments about Susquehanna University and Selinsgrove Area School District are incorrect in that Council has given them preliminary plan approval and they are continuing to work toward final plan approval. John Coukart called and asked Janet, and she did not have a strong understanding regarding the preliminary plan approval and final plan approval process, so she misled the engineer. Both projects are in compliance. C/P Mengel asked if Mgr. Bickhart has talked to the engineer so he understands this. Mgr. Bickhart stated he has not had a chance to correct the engineer's understanding, but he has corrected Janet's understanding. C/P Inch asked if there is anything in violation that would require the work to be halted. Mgr. Bickhart replied there is not, explaining that preliminary plan approval gives first consent to construct the improvements. Once the public improvements are made they are inspected by the engineer, and if they are in compliance with the plan they are given final plan approval. The Borough has approved all the plans and allowed them to begin and finish construction. Occupancy is withheld until final plan approval. Land developments are handled differently, but SU and the school can build their entire projects. One of the issues with the

parking lot at the science building was the planting of trees along the periphery. Those trees are part of the land development plan and are an absolute requirement to be in place. The Borough agreed how many, where they would be placed, what size they would be, and the university needs to do this as one of the improvements they are required to make. They and the school district just need to follow the plan as Council approved it.

#### **BOROUGH TREASURER: Sharon Badman**

**Review Treasurer's Report for September 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.

**Information on relative security of Borough's deposits/investments of operational (liquid) and reserve funds and pensions** – Sheri reported that the Borough keeps a lot of money in PLGIT, which has verified that they invest in government-secured securities, so the Borough is okay. The only problem area was the local bank, where there is sometimes more than \$100,000, especially now with grant monies coming in up to \$250,000. This was taken care of earlier in the meeting.

Pres. Handlan asked that everyone has their dates to work on the budget and asked that everyone be sure to be available for these meetings.

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

**Non-Police Complaint Update** – Mgr. Bickhart reported nothing of great impact. Pres. Handlan asked where things stand regarding abandoned cars in the Borough. She stated there are still some around the Borough, although a lot have been gotten rid of. Mgr. Bickhart stated he is still working on them. Pres. Handlan encouraged everyone to report abandoned cars to the Borough office. Mr. Grimes asked if they have to be on private property and Mgr. Bickhart replied they can be on private property. If they are unregistered or unlicensed or otherwise inoperable they can be reported. Mr. Grimes asked about the car dealer with the junk yard out back. Mgr. Bickhart stated that that is different because it is a used car lot. It is a commercial business and he is allowed to have vehicles on his lot that are unlicensed. Mr. Grimes said some of the vehicles have been there for five or six years. Mgr. Bickhart stated the vehicles are on a used car lot and they are for sale. He stated there is a similar situation at Arbogast's Garage. Mr. Grimes stated for 25 years he was in the automobile business and he could never get away with this. If there was something that could not be operated as originally designed it could not stay on the property. Pres. Handlan asked what county Bristol is in and Mr. Grimes replied it is in Bucks County. Mayor Carroll noted that he has given a copy of the ordinance from across the river to Pres. Handlan, Solicitor Cravitz and Chief Garlock. Mayor Carroll feels that this ordinance would work perfectly in the Borough for these issues. The ordinance has held up in court. The issue was taken to a higher level and the judge still upheld the ordinance and the fines. Solicitor Cravitz stated he is waiting for Chief Garlock to get back to him on this ordinance. Mr. Grimes stated that even though he was a car dealer they were not allowed to have car parts sitting around. He stated the Citgo gas station by Smokers World has parts, such as a differential housing and brake drums, that have been sitting outside for a long time. C/P Viker stated it sounds like a draft ordinance will be considered that might rectify some of these concerns.

Pres. Handlan stated responses are coming in from the recent newsletter. Some of these get listed on the complaints list and Mgr. Bickhart deals with them accordingly. Pres. Handlan has seven letters. Three of the writers gave their names so she can talk to them personally. Many of the concerns involve weeds, noise, animals, and student parties. Some reported that the students were running naked in the streets. She does not know if the chief got any calls regarding this, but these letters will be addressed.

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

**Appointment of person to serve as the Borough's representative on the Penn Valley Airport Authority to complete the unexpired term of Glen Rohrer until 12/31/09** – Mgr. Bickhart stated he will talk with Charlie Benner unless someone else has some other suggestions. If Charlie is willing to take

the position then Mgr. Bickhart would recommend him. C/P Inch and Pres. Handlan agreed. Pres. Handlan asked if he would come to the next Council meeting so everyone could meet him before he is voted in. C/P Mengel mentioned that Charlie calls square dances.

**Reminder concerning 2009 Budget Requests** – Pres. Handlan asked if everyone has turned in their budget requests. Sheri replied that she received has three or four, but they are not due until October 10.

**Update on detection of West Nile Virus at Anthony Selin Park** – Mgr. Bickhart stated that there is no update. Everything he has known he has made public. The same day that he got the phone call, signs were put up at Anthony Selin Park and Kidsgrove. There was a media release to the newspaper. The Borough has no obligation to do anything regarding this. The notice got people concerned and then there were rumors about spraying, which never occurred. It is so late in the season that more tests and trapping would be done but nothing more. Mgr. Bickhart was notified on the 22<sup>nd</sup> or 23<sup>rd</sup>, but the mosquito that was trapped was actually tested on the 8<sup>th</sup>, so it had been two weeks before the notifications. He stated that this is an issue that people need to be aware of all the time because by the time the authorities find out about an issue and notify the public it is probably too late. Mgr. Bickhart stated he has not heard from anyone who got West Nile Virus, and he feels the Borough did everything they needed to do. He stated he called and asked what was found upon retesting, but he has not heard anything back yet.

**Notification of voluntary termination of employment by Curtis Wray and hiring of Mike Lang as a probationary employee** – Mgr. Bickhart reported that Curtis Wray quit effective the 28<sup>th</sup> or 29<sup>th</sup> of September. Sheri stated he gave his notice the day after the last Council meeting. Mgr. Bickhart stated the Borough had just had two men working over the summer through a program from Career Link. When Corby came to Mgr. Bickhart with the notice from Curtis Wray, he stated that the guys had all talked about it and wanted the Borough to hire Mike Lang, one of the men who worked through the program to build experience. Mgr. Bickhart contacted him, got a resume from him, checked him out and he seemed like a good employee. He was offered the job and is now back as a probationary employee. Pres. Handlan asked if the position has to be posted and Mgr. Bickhart replied that no positions are required to be posted. Mayor Carroll asked what the probationary time period will be and Mgr. Bickhart replied that by the regulations it is six months, but Mike was going to be credited for the months that he already worked for the Borough as a fulltime employee through the program. Therefore, he only has a few months to serve as a probationary employee. Pres. Handlan asked if he is doing the same job and same type of work he was doing through the program and Mgr. Bickhart replied that he is. Pres. Handlan stated if he was not, then she would say he had to go through the whole six-month probationary period. Mgr. Bickhart stated that he is doing the same work. C/P Hendricks asked if this is the second employee lost within the past three months and Mgr. Bickhart replied that one, Sheeney, retired and he was replaced by Curtis Wray, who is the first person Mgr. Bickhart is aware of to actually quit the employ of the Borough. Pres. Handlan stated this is the first employee she knows of who quit. C/P Viker asked if Mike Lang was someone Corby was interested in bringing back. Mgr. Bickhart stated that when Corby brought him the notice that Curtis Wray was quitting he immediately suggested Mike Lang as his replacement. He had spoken with the guys in public works and they all agreed.

**Update on Rental Unit Occupancy Ordinance Enforcement for July/August/September of 2008:**

<b>Disruptive Behavior Violations –</b>	<b>0</b>	<b>/</b>	<b>1</b>	<b>/</b>	<b>8</b>
<b>Property Maintenance Code Violations –</b>	<b>0</b>	<b>/</b>	<b>2</b>	<b>/</b>	<b>0</b>
<b>Failure to Register Notifications –</b>	<b>0</b>	<b>/</b>	<b>2</b>	<b>/</b>	<b>13</b>

Mgr. Bickhart stated that these are the violations that he has noted to people. There have been some police complaints. The disruptive behavior violations were all police complaints that the Borough got a copy of. Through the Landlord Ordinance these were passed along to the landlords so they can report how they will prevent these from occurring again. The Borough has gotten some good responses from the landlords. They are willing to participate and in some cases they are happy to learn that these things have occurred. One incident was a party of 40 or 50 people and that landlord, someone Mgr. Bickhart has never dealt with before, was very happy to learn that this had happened because she does not want her property destroyed. In most but not all of the cases, the destructive behavior was done by students. Pres. Handlan asked how the Borough is doing on inspections. Mgr. Bickhart reported the inspections will be done at the rate of 30 per month. He has people scheduled up through December and will move

along month by month. He notifies those who need to do inspections. There are six properties that were owner occupied at the time of the adoption of the ordinance and then were subsequently bought and converted to rental properties. The regulations indicate that those people must immediately have those properties inspected before they come in and register them. Those inspections are occurring, and another routine group has been notified of the need to do their tri-annual inspection.

**Reminder: Halloween Parade October 21, 2008 starting at 7:00 PM** – Mayor Carroll noted that the rain date for the parade will be Wednesday, October 22. He also stated that Trick or Treat will be Thursday, October 30 this year because of the football game at the high school and activities at the university on October 31. This will enable the kids in the Borough to trick or treat without conflicting with other events that are going on. The police station will be open for treats, parental inspection of candy, and Wee Willy the clown will be there to hand out balloon animals. Flyers will be handed out during the parade. Mgr. Bickhart reported that Chief Garlock has acquired the permit to close the street for the parade and they are arranging for the fire police. Mayor Carroll stated there will be some meetings on this, and noted that the Borough has been very helpful regarding the closing of the street and putting up no parking notices and barricading streets. Corby had the signs from last year and put them up.

**Reminder: PSAB Fall Leadership Conference October 17-19, 2008** – Mgr. Bickhart stated it is not too late to register.

**Tonnage for Recycling** – Mgr. Bickhart stated that C/P Anderson asked today about tonnages and whether they are increasing, so Mgr. Bickhart asked Janet to put a list together showing the tonnages since 1998 as contributed by residents and commercial entities. Janet pointed out that with Phillips being closed down the tonnage from the commercial is off because industries report all their recyclable materials. Every year Janet works with the businesses to get them to report their recyclables, as it is their obligation to do so. Most businesses arrange for their own recyclable pickup. This also indicates that the residents are using the recycling more and more. C/P Mengel asked if there are still Susquehanna students helping with this. Mgr. Bickhart stated that the university runs the program while they are in session, both Saturdays. Pres. Handlan stated that if you go on a Saturday the students do everything.

**Draft of Garbage Ordinance** – Mgr. Bickhart stated that he has taken the model that Janet provided two months ago and boiled it down to the smallest common denominator for what the Borough needed to add to its ordinance. Everything else was already covered in an ordinance except for these three things. Under Item 3, the Amendments, Section 82-5E has to do with compost piles. They had recommended that the Borough specifically exempt compost piles, under certain conditions, from the Borough's other regulations because compost piles are violations of the ordinance without this. This exemption allows people to continue their compost piles as long as they don't generate any offensive odors or attract animals. Section 82-9, Subsections A, B and C are new. They state that every owner in the Borough shall contract with a licensed hauler to have all municipal waste generated on the premises removed and deposited in a permitted landfill on a weekly basis. The "weekly basis" language is not new as there is already language in the ordinance requiring weekly garbage collection. However, for the first time this mandates that every owner have and be prepared to prove, and requires the haulers to assist the Borough in verifying, if necessary, that the owners have the contracts. C/P Viker reiterated his concern from earlier, noting that the language "contract" does not seem to include the arrangements one can have that require no contract with a licensed hauler on a bag-by-bag basis. Solicitor Cravitz reported this is still a contract. The contract in that situation is the tag because there is the understanding that the hauler will pick up the tagged bag. C/P Viker stated he does not want a resident to see this ordinance and think that they can no longer use that method of trash service and that it requires some sort of monthly contract.

Mgr. Bickhart stated that the last sentence in Paragraph A regarding the alternative of the owner self transporting to a transfer station takes care of the duty part. Pres. Handlan stated that the only problem with that is that it does not state how often they have to do that. Mayor Carroll stated that some older people buy tags and have their garbage picked up every other week so they do not have to spend \$3.25 or \$3.50 per tag every week. Pres. Handlan stated that the resident has the option to transport it himself, but it does not say how often it has to be transported. She stated there are some situations, especially with student housing, where garbage is sitting around for weeks and weeks before being transported.

Mayor Carroll stated that would come back to the ordinance where someone would call the Borough office to report trash piling up. He stated there is an issue now that has been brought up before where there is trash collecting in the back of the yard and this goes back to the ordinance. Mgr. Bickhart stated that the last sentence of Paragraph A could be amended to include language that the self transport has to be on a weekly basis. C/P Viker stated that there are some people who just do not generate much trash. Mgr. Bickhart stated that the week has to do with the storage of materials and the decomposition that occurs. It has nothing to do with quantity, but is intended to keep actual garbage that can get rotten from piling up. Weekly pickup is a public sanitation frequency. C/P Viker stated if someone has a garbage disposal and everything goes in there then they will not have decomposable stuff.

Mgr. Bickhart stated that the last sentence of Section B states that owners who are self transporting must retain documentation and be prepared to provide proof to the Borough within 72 hours of request – “hours” should be added where it was left out. C/P Hendricks asked if this is where weekly removal should be specified. He stated that if canceled checks and receipts are allowable, this could also be spelled out right there with a simple sentence. It then becomes clearer to the residents what is expected of them. C/P Mengel noted that the ordinance makes it sound like the residents have to have a paper signed on the dotted line.

C/P Viker asked if these changes are mandated because of the changes in the state law. Mgr. Bickhart replied that this is the case. C/P Viker asked if the language is required by the state and Mgr. Bickhart stated that these are three important provisions that if are not enacted to the satisfaction of the state the state will not accept the Borough’s requests for grants under the program. C/P Viker asked if the state mandates weekly disposal and Mgr. Bickhart replied that they do. This is the state’s recommended language. C/P Viker stated that he just feels there are households that will not have enough in a week and if it is not decomposing it seems absurd to require that they take their wee little bag to the trash or pay \$3.50 to have it hauled away. However, this is not going to be enforced by virtue of knocking on doors every week. It will be enforceable upon complaint. Solicitor Cravitz replied that this is true. C/P Viker stated that the Borough should not be the garbage police and C/P Hendricks stated it should be the reasonable man theory, which C/P Viker agreed with. Mayor Carroll stated that most complaints are generated from a phone call, but that it is also the duty of the police as they drive around. C/P Viker stated that his concern is to keep ordinances from being intrusive in the citizens’ lives.

Mgr. Bickhart asked C/P Hendricks if he had any specific language in mind to modify the last sentence in Paragraph B regarding focusing on documentation. C/P Hendricks suggested it could be changed to “must retain documentation to include receipts or canceled checks”. Solicitor Cravitz suggested “documentation may include but not be limited to canceled checks, receipts and other written proof”. C/P Viker stated that he also feels that Section A needs to be amended to state that a tag bag-by-bag arrangement can be considered as a contract. He is afraid citizens will think they have to stop doing this the way they are doing it and end up with a monthly contract with some company, which they do not need to do. He stated this needs to be clarified. He apologized for harping on this, and C/P Mengel stated she agrees that this needs to be clarified. Mayor Carroll asked if the Borough office gets phone calls when things such as this are advertised or disbursed. Mgr. Bickhart stated that no one ever sees this, and they continue on with what they were doing. Sheri stated it could be put into the newsletter. Solicitor Cravitz stated a summary is put into the advertising because to include the entire thing would cost quite a bit. To put it in the Daily Item is quite cost prohibitive so it goes into the Snyder County Times. Mgr. Bickhart stated that for most people, the first time they will know this is in place is when he knocks on their door and says there is an issue. Pres. Handlan stated this is on the web site. C/P Mengel stated it is not good practice and that the Borough needs to let people know. Mgr. Bickhart stated that the Borough goes way beyond the minimum obligation of putting it in the newspaper; however, it is not effective. C/P Viker stated there is a citizen’s obligation to watch for these things in the newspaper, but he feels that once the issues comes up the ordinance needs to be reasonable in its language. Some examples of reasonable language are as C/P Hendricks suggests about what constitutes documentation and what C/Ps Mengel and Viker are talking about as far as also allowing the bag-by-bag weekly arrangement. C/P Mengel suggested using “agreement”, which does not sound as formal as “contract”. Mayor Carroll stated that Mgr. Bickhart would not ask for an agreement; he would look for documentation. Solicitor Cravitz stated

that the state requires the use of the term "contract". He stated the people in Harrisburg will think the Borough did not do the ordinance correctly so the Borough will not be eligible for grants.

C/P Hendricks stated the last sentence under Paragraph A states that the owner may self transport to a permitted landfill or transfer station. He asked if language could be added to state "on a weekly basis or more often". Mgr. Bickhart stated he has already made a note of this, and he is working on C/P Viker's suggestion of clarifying that a pay as you throw, which is the classic definition of those arrangements, would be considered as an acceptable contract. C/P Viker suggested also adding "provided documentation is available". Mgr. Bickhart stated he also would not want people to cancel their pay as you throw arrangements and go to Waste Management or another hauler for a contract. He stated the modification to Part B on the last sentence will be what Solicitor Cravitz suggested earlier regarding types of documentation. Mgr. Bickhart stated that if Council is willing, with those understandings, it would be helpful to authorize Solicitor Cravitz to prepare the ordinance and get it advertised for adoption. Mgr. Bickhart stated he will email everyone a copy of the draft, receive their comments, and get a consensus on the language. Solicitor Cravitz stated that all that will be advertised will be a summary.

Motion by C/P Hendricks to authorize Solicitor Cravitz to prepare and advertise the ordinance with the changes and additions discussed. Seconded by C/P Mengel.

**AYES: FIVE (5)**

**NAYS: NONE**

**MOTION CARRIED**

#### **SELINGSGROVE MUNICIPAL AUTHORITY – Donald Bottiger, Chairman**

**Proposal for additional wireless antennas on Water Tank** – Mgr. Bickhart stated the Municipal Authority is scheduled to meet Thursday evening for their first review of the proposal. In essence this is another wireless telecommunications company who is looking to lease the right to place additional antennas on top of the water tank. C/P Inch asked if this could be done and Mgr. Bickhart replied that it could be done. C/P Viker stated that he is all for raising revenue without raising taxes. Mgr. Bickhart noted that the company has offered \$1,000 per month with a 10% escalation over a prolonged period of time. There is a very good agreement with the first cell phone company that came in and this new proposal will be compared to that in order to get an equivalent arrangement, including obligations to provide a bond for the removal of the facilities in the event they no longer use them. At this point, this is for Council's information and the Municipal Authority will entertain any suggestions that Council has. The property is technically owned by Selingsgrove Municipal Authority but they want to cooperate with the Borough as this moves forward. The Authority will be the ones to actually sign the agreement but they always ask Council for their opinion and concurrence on granting these things. C/P Viker asked how this proposal compares monetarily to the tenants that are presently there. Pres. Handlan stated that this new proposal is less, but Mgr. Bickhart stated it is not a lot less. After some discussion it was realized that the current company pays \$1,500 per month. C/P Inch stated that the proposal given is less than a 2% increase per year over 29 years, so he feels that the amount should be negotiated. Sheri suggested getting 3% per year and Mgr. Bickhart agreed, noting this is the annual inflation rate. C/P Hendricks stated that the technology will be out of date in five to seven years. He stated that some things that jumped out at him include in the third paragraph the reference to "an initial FAA website check" as well as "placement above the existing array". He asked how far above the existing array this would be and Mgr. Bickhart replied it would be 10 feet center to center. He stated they are referring to the FAA because they go through a process of determining whether it is an obstruction, and the company got a clearance stating that going 10 feet higher will not result in requiring an obstruction light to be placed on the water tank. He stated this is his big concern, and this information is in response to his telling the company to get the answer to the question before they come to the Borough. C/P Hendricks stated he could not find the specs when he looked through the information so he did not know what dimensions they were looking for. He asked if there is room for the expansion, and Mgr. Bickhart indicated there is. C/P Hendricks stated on the back page it refers to scheduling an initial site location visit. He asked if the company has even seen the site, and Mgr. Bickhart replied that they have. He stated they will come with equipment to get their antennas up above the tank at the right height to see what kind of signal strength they get. They have looked at the site in detail. C/P Hendricks asked if this infringes on anyone else's

service up there and Mgr. Bickhart stated that it does not. In the first agreement co-location was a provision that was included, so the existing facility cannot object to the co-location.

**EASTERN SNYDER COUNTY REGIONAL AUTHORITY – Bob Dagle and George Kinney, Chairmen**  
– No Report

**NORTH-EASTERN SNYDER COUNTY JOINT AUTHORITY – Bill Hetherington and John C. Bickhart**  
– No Report

## **NEW BUSINESS:**

### **COUNCIL MEMBERS**

C/P Mengel asked if there has been any movement at the Phillips Industries location. Mgr. Bickhart replied that he has received an indication that there is a firm now doing their due diligence in Selinsgrove. They hired a contractor to do a Phase I environment audit. He stated he has spoken to two companies and the last one was a recreational vehicle manufacturer who wanted to site a facility here.

Pres. Handlan had a brief update from the CK-COG meeting on Thursday evening. She will write up a brief summary. The presenter from the Department of Environmental Protection is sending his presentation to everyone who attended. The Borough is pretty much landlocked, but there are some sewage management regulations coming out that have an impact especially on areas that have septic tanks for new construction. They will be required to be pumped and transported somewhere. There is a question as to where this will be transported. There are restrictions now on the capping. DEP recognizes that there are issues, and they are saying the Borough would get credits for any existing housing not currently connected to the sewer that does connect to the sewer. Pres. Handlan asked if the Borough has many on-lot septic systems and Mgr. Bickhart replied there are none. Pres. Handlan stated there are currently 1.3 million on-lot septic systems in Pennsylvania but they will not be expected to fall under the new regulations, so they can choose not to take care of their septic tanks and if they leak into the ground so be it. They will not be covered under the new regulations.

Pres. Handlan stated that the Borough and Monroe Township were the two largest producers of new development that provided a lot of business to CK-COG over the last few months. Monroe Marketplace, the university and the school district have some staggering stats compared to zero in some of the other municipalities where just a few permits were taken out. Even though the Borough is landlocked there is a lot of growth going on. Pres. Handlan reminded CK-COG that this is true but the growth is all tax exempt.

Pres. Handlan reported that Irene's is closing at the beginning of November. If anyone has any gift certificates they should use them. C/P Inch asked if they ever got their liquor license and Pres. Handlan stated that they did get that. C/P Viker asked if that will become available to another entity and Pres. Handlan stated it is not transferable because it was an economic development liquor license. Even after Council approved the application it took almost a year for the license to come through. Mgr. Bickhart stated there are no liquor licenses available in the county.

### **MAYOR**

Mayor Carroll reported that an antique dealer moved into Shane Ulrich's old storefront. He asked if this is a local woman. Mgr. Bickhart replied that this is Cindy Price, who has the antique shop in Port Trevorton off the main road in town. She and Darla Dunlap, who owns the building in Selinsgrove, are working together to try this for a couple of months. Darla is insisting that the quality of the merchandise stay high. Mgr. Bickhart stated that from what is there now this does seem to be the case. He stated if someone visits the store in Port Trevorton they will see that that is not the case at that location. C/P Viker stated this is a big step up from the tattoo parlor.

### **OTHERS**

**Paul Grimes** – Mr. Grimes stated that even with all his griping, Selinsgrove is a nice place to live. Pres. Handlan stated that Council agrees with what Mr. Grimes brought to their attention. Mgr. Bickhart stated Council can always use a fresh perspective. C/P Viker stated that Council wishes more people would come and participate in the process. Mgr. Bickhart stated that if Mr. Grimes has any interest in volunteering there are some places that could use some people with some insight, such as the Planning Commission, the Zoning Hearing Board, and Civil Service. Pres. Handlan also suggested Selinsgrove Projects Inc. She stated she is glad Mr. Grimes came to Selinsgrove; the Borough needs more families.

**Margaret Siro on Antique Store** – Margaret asked about the quality of the items at the antique store and whose standards they have to live up to. She asked if there is something in the lease regarding this. Mgr. Bickhart replied it is between the owner and her tenant. He stated he has no say in that. He was just reporting that the items are of a good quality. C/P Viker stated it is not a tacky joint. Mgr. Bickhart stated the owner made quite a point of telling him that, so she felt it was important that he know that.

**Personnel Matters, including fulltime police officer** – There was some discussion about the need for the scheduled executive session because Chief Garlock has withdrawn his request for overtime. Pres. Handlan asked where things stand with hiring a fulltime police officer. She stated it has been almost a year. Council promised the citizens of the Borough that there would be another police officer, and this is taking too long. She stated if the candidates are not suitable it should be thrown out and re-advertised because a police officer needs to be hired. Mgr. Bickhart stated there is no throwing it out. Solicitor Cravitz stated Council has been given the list so they need to make a decision from that list. Pres. Handlan stated if there is overtime, there is a budget for that. This is all the extra work coming out of the drug enforcement. C/P Viker stated he would be interested in more information about the hiring as well, and if that requires an executive session that is fine. C/P Mengel agreed, stating an executive session is needed to hear something about the situation. Pres. Handlan stated no one individual is being discussed right now. Mgr. Bickhart stated the person that Council needs to talk to is not present tonight. He stated that Chief Garlock is continuing to try to investigate the background of an officer whose experience comes from states a long way away from here. Pres. Handlan stated that no money that was budgeted has been used so some of those funds could be used to hire someone to do a thorough investigation of what Chief Garlock needs. He knows what he needs and he can provide that information to an investigative firm who does those background checks if that is what is needed to get this finished. C/P Inch questioned whether Pres. Handlan wants to take the decision out of Chief Garlock's hands. Pres. Handlan stated that is not her intention. She stated that Chief Garlock needs information that is taking a long time to get for obvious reason. Chief Garlock has other jobs and other responsibilities, but Council has a duty to the citizens. They stated they would hire a police officer and they need to do that. She stated she has a newspaper article with Chief Garlock talking to the Daily Item reporter about how the Borough needs another officer. She stated Council knows this and budgeted for it. She asked how many months it takes to do a background check. C/P Inch stated Council originally figured the person would begin working in March. Pres. Handlan stated she wants to give Chief Garlock the help he needs to get this done. C/P Inch asked if Chief Garlock wants the help and Pres. Handlan said it does not matter. Mgr. Bickhart stated Chief Garlock has not asked for the help and if Council is saying they are authorizing him to exceed his budget in the area of hiring an investigator to conduct this and get it done, Mgr. Bickhart can relay that information. He stated that Chief Garlock on his own would not even think about doing it that way. He has actually mentioned that if he could fly out there for a couple days he could finish this investigation, or if he could hire someone from out there, but Chief Garlock is very protective of his budget. However, if Council is authorizing him to exceed his budget to a certain degree maybe that will help. C/P Viker stated that the Civil Service Commission complicates this process for all the right reasons, but he stated he is imagining a scenario where the investigation determines that Candidate #1 is not viable. If that were to be the case, does Council then go to Candidate #2? Mgr. Bickhart replied that that is what would happen. C/P Viker stated that a decision can be made if this investigation is finished. He stated that in his previous career he worked in social services and he could get an interstate law enforcement background check done in a matter of weeks, not months. He stated he is confused as to why law enforcement, with all respect to Chief Garlock, cannot get this done. He stated he is interested in more details as to why this is taking so long and if it requires an executive session to do that, he requested that Council go to an executive session. Mgr. Bickhart stated he has nothing to share in an executive session that he cannot share in a public session as to explaining what

Chief Garlock is doing. Pres. Handlan stated that Chief Garlock, at the last meeting with Council, acknowledged that he wants to fill the position more than anyone else. Pres. Handlan stated that she wants to give Chief Garlock the help he needs to get that done. She does not question what he is trying to accomplish. It is just taking way too long. She wants him to have what he needs to get this done. C/P Viker stated if a private investigator is needed one should be hired. Pres. Handlan stated that Council budgeted for the police officer so there must be unexpended money in the budget to cover this. She stated it is important to get the right person to do the background check to make sure the right person is hired. Chief Garlock knows better than anyone else who he needs on the force. Solicitor Cravitz asked if Chief Garlock could be available on Wednesday, October 8. Council could meet with him 15 minutes early to discuss this. Pres. Handlan asked if anyone else could come in earlier. She also stated that she feels comfortable in having Mgr. Bickhart share with Chief Garlock what was said here. She asked if anyone has an objection to getting Chief Garlock the help he needs to get this done. C/P Viker stated that "the help he needs" sounds too vague. He stated Council needs to know what the dollar amount is and what is going to happen. Pres. Handlan stated she does not know how much of the investigative background Chief Garlock has already accomplished. C/P Viker asked what Chief Garlock is looking for, and what is he trying to find. He stated that is the gaping hole in this issue. C/P Mengel stated she would prefer to say this in an executive session, but noted that there was an insinuation at the last meeting that there was a problem. C/P Viker stated that he was the one who pushed on that issue. C/P Mengel asked if there is a problem or not. She had more to say but did not want to say it outside of an executive session. C/P Inch asked if this was a problem with the potential candidate and C/P Viker stated that it is correct that there was some concern. Pres. Handlan asked if Council could go into an executive session and Mgr. Bickhart replied that they could.

**EXECUTIVE SESSION – Council Meeting recessed to an Executive Session at 9:40 P.M. for discussion of Personnel Issues. Council meeting will reconvene October 8, 2008 at 7:00 P.M.**

Attachments: None