

SPECIAL SELINGSGROVE BOROUGH COUNCIL MEETING

MONDAY, NOVEMBER 17, 2008 - 6:30 P.M.
(Originally Advertised to Begin at 7:00 P.M.)

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

NOTE: C/P D. Mengel arrived at 6:42 P.M.

COUNCIL MEMBERS ABSENT: C/P S. Hendricks

OTHERS PRESENT: Solicitor R. Cravitz; Mgr. J. Bickhart; Mayor P. Carroll; Police Chief T. Garlock; Borough Treasurer Sheri Badman; Borough Employees Corby Bowersox and Richard "Rick" Kline, Jr.

NOTE: Mayor P. Carroll arrived at 6:55 P.M.

OTHERS ABSENT: None

CALL MEETING TO ORDER:

Pres. Handlan called the meeting to order at 6:34 P.M. She noted that the meeting was advertised in the Daily Item and posted to the bulletin board on the Borough's web site. She thanked Sheri for taking care of that. Mgr. Bickhart called the roll. The traditional moment of silent reflection and pledge of allegiance were skipped.

UNFINISHED BUSINESS FROM PRIOR MEETINGS:

Review List of Council Issues – Pres. Handlan asked for an update on the Foreman issue regarding the Andretta property. Mgr. Bickhart reported that Corby called today to say there was equipment on the site. Corby stated there was a track skid loader and a single axle dump truck there. Mgr. Bickhart asked if the One Call has been received and Corby replied he does not have it. Mgr. Bickhart explained that the contractor had called him and said he needed to do a One Call before he could do any excavating, and he was going to do that last week. The Borough gets a copy of the One Calls but Mgr. Bickhart has not seen one. He stated he will check with them to see why they are not on site. Pres. Handlan stated she cannot stress enough how concerned she is over the delay in this. It has been more than a month since this was again brought to Council's attention at a meeting. Council agreed that if the property owner will not do the work then the Borough will do the work and put a lien on the property. Pres. Handlan stated this has to get done because she is concerned about another lawsuit, which the Borough just cannot afford. Mgr. Bickhart stated that unless the contractor will be there tomorrow, he will arrange for another contractor. Corby stated they were moving dirt today. Rick agreed that it looked like they were doing something. Mgr. Bickhart questioned how much they could be doing with a skid steer. He stated the contractor had said he would bring in a dozer. Pres. Handlan asked what a skid steer is and Mgr. Bickhart explained it is a little Bobcat one-man piece of equipment with a little scoop on the front that is totally incapable of moving the kind of material that needs to be moved at that location. Pres. Handlan stated that was an issue some weeks ago when the contractor came and had the wrong equipment. He was going to bring back the right equipment and it sounds as though he still does not have the right equipment. She stated she is also concerned about whether this can be moved to Corby so he can take care of it. Mgr. Bickhart stated he moved it to Jerry. He gave Jerry his instructions and Mgr. Bickhart has not been down to the site. Pres. Handlan stated that she would like Mgr. Bickhart to avoid going there at all costs, but he does have to have some input into this in order to have the grade taken down to whatever level it needs to go to. Mgr. Bickhart stated he does not have to be onsite because he gave the contractor his instructions on paper. Pres. Handlan stated she is happy that there is some movement. C/P Viker asked for clarification on who Jerry is. Mgr. Bickhart stated that Jerry Edmundson is a contractor from the Beaver Springs/Beavertown area that the owner of the property had contracted with to

do the work. By using that contractor the Borough avoids the problems of having a Borough contractor trespass on someone else's property, and also avoids the issues of payment. The Borough is not contracted with Jerry; he is being contracted by the owner under Mgr. Bickhart's direction to do what the Borough says is necessary. That is the best that can be hoped for to get this done, but it has been delayed over and over. It troubles Mgr. Bickhart that Jerry did not do what he said he was going to do and bring in a bigger piece of equipment. Pres. Handlan encouraged Mgr. Bickhart to keep after them to get this resolved. C/P Viker asked if the Borough has any administrative or legal authority to direct Jerry. Solicitor Cravitz stated that other than Jerry coming to the Borough and looking for direction, probably not. It appears that Mr. Andretta wants Jerry to do this correctly so he does not have to keep having him come back over and over again. Mgr. Bickhart stated that Jerry sought him out for direction as to what he was supposed to do. He stated that he does get the feeling that the Borough is being stalled. There has been a sequence of mistakes that seem to be honest mistakes, but if they are deliberate it is just a way of postponing the work. Pres. Handlan stated that Council has agreed to have the Borough contract the work if necessary, but it must get done. C/P Anderson asked if a deadline needs to be set. C/P Viker stated Council has drawn lines in the sand and they have been kicked over. He asked if the Borough should be directed to see that this occurs and Solicitor Cravitz stated that the owner has been directed to do it. However, the Borough is first under the gun because they are the issuing authority for the permits. Pres. Handlan agrees that the best case scenario is for Jerry to do the work, but she is concerned about the Borough facing another lawsuit because of the continuing delays. C/P Viker stated it seems the Borough does not have any real leverage to require that this get done because he does not see that the Borough can make the contractor do anything. Pres. Handlan agreed that Council cannot make the contractor do anything. Solicitor Cravitz stated that if it was the Borough's contractor they could make him do it. Mgr. Bickhart stated that he does not think Mr. Andretta would withhold consent for the Borough's contractor to do the work, but he is not sure. Solicitor Cravitz stated they have been given plenty of notice. If the Borough has to do it because of public nuisance they will. C/P Viker stated it is best not to do the work with taxpayer dollars. Solicitor Cravitz agreed that that is what Council has been trying to avoid all along. Pres. Handlan encouraged Mgr. Bickhart to stay on top of this to get it done.

COMMITTEE / COMMISSION / BOARD REPORTS:

FINANCE & BUDGET COMMITTEE: C/P Inch, Chairman

Recess to "Work Session" for deliberation of 2009 Budget – Council recessed at 6:42 P.M. and reconvened at 9:33 P.M.

PERSONNEL MANAGEMENT COMMITTEE: C/P Anderson, Chairperson

C/P Anderson stated that she and Mgr. Bickhart have been meeting on Fridays to work on position descriptions and they are making some headway on that. She will need to do a meeting in December with the Personnel Committee to share what has been developed.

NEW BUSINESS:

OTHERS – Mgr. Bickhart, at Council's suggestion, will share information on the sewer fund at the December meeting. The income and expense operations will be redone based upon what is seen, and Council can consider an ordinance at the December 1, 2008 meeting. C/P Herb asked if Council needs to make a motion to authorize Mgr. Bickhart to do this. Mgr. Bickhart did not feel this was necessary. He just needs Council's direction to gather the information. The text of the ordinance is very simple, as Council just needs to pick a number to raise it to. Council will then authorize Solicitor Cravitz to advertise it for adoption at a special meeting at the end of December, and it will become effective with the billing for the first quarter.

ADJOURNMENT: Meeting adjourned at 9:35 P.M.

Attachments: None