

SELINGROVE BOROUGH COUNCIL MEETING

MONDAY, DECEMBER 1, 2008 - 7:00 P.M.

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Solicitor R. Cravitz; Mgr. J. Bickhart; Mayor P. Carroll; Police Chief T. Garlock; Borough Treasurer Sheri Badman; Recording Secretary Dawne Long; Parks and Recreation Chairman Dick Norman; SARI Representative Brian Burke; Daily Item Reporter Tricia Pursell; Borough Residents Paul Grimes, Joseph and Margaret Siro; Clair Kerstetter; Mike McLeod

OTHERS ABSENT: Junior C/P Morgan Botdorf

CALL MEETING TO ORDER:

Pres. Handlan called the meeting to order at 7:03 P.M. Mgr. Bickhart called the roll.

REVIEW AND APPROVAL OF COUNCIL MINUTES FROM MEETING OF NOVEMBER 3, 2008, RECESSED MEETING OF NOVEMBER 5, 2008 AND SPECIAL MEETING OF NOVEMBER 17, 2008:

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

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

PERSONS TO BE HEARD:

Borough Police Chief, Thomas Garlock – Presentation of Police Report for September 2008 – Chief Garlock reported there were 135 crimes reported in September, with 55 of those being Part 1 crimes. This is higher than in September 2007. There were 480 calls for services in September 2008 as compared with 610 calls for service in the last month, which is significantly less, but there were some staffing issues involved with those numbers. Chief Garlock reported that Officer Wolfberg returned to duty on September 17. Several incidents occurred at the university; one has been resolved and one is under active investigation. Mgr. Bickhart asked if there is any significance to the increase in the number of assaults, and Chief Garlock noted that there is a trend in which assaults have been increasing over the past five years. In a community encompassing a university and 95% of the public school district, it is not unusual to see higher assault rates than those seen in neighboring communities. Mgr. Bickhart asked if an assault occurring on school district property would be included in the police report and Chief Garlock replied that all assaults occurring in the Borough that are reported to the police department are included. Pres. Handlan noted that these are only assaults reported to the Borough police department and it does not include any that were reported to the state police. C/P Mengel inquired about the ethnic intimidation cases and Chief Garlock stated that they should be resolved shortly.

DH&L Fire Company, Ken Stettler – No report

Selinsgrove Area Recreation Inc., Brian Burke – Brian reported that ground was broken on the construction project in mid November. The concrete around the pool has been removed in order to gain access to the piping. The gutter walls are also being worked on. The project will continue as long as weather permits, with a conclusion date of June 1. There will be a groundbreaking ceremony on Tuesday, December 9 at 11:45 A.M. Council members are encouraged to attend. Those who have contributed significantly to the financing of the project and those who have been part of the restructuring of the pool board have also been invited. Monroe Township is invited as they have consistently given money to the pool. The Degenstein Foundation, the Apple Foundation, and other private donors have

been invited to attend also. Victoria Kidd, who is on the pool board and works for the university, is coordinating public relations so that The Daily Item will be there for pictures. Mgr. Bickhart passed around a copy of the announcement that Brian provided to him which includes an attractive picture of the pool as taken by Bob Soper.

Brian reported that as of November 7 the total project cost would be around \$610,000 including an estimate of the bath house costs in Phase 2. Council approved \$464,000 for Phase 1 and the essentials. Funds pledged and received include those from the Degenstein Foundation and fundraising by the Selinsgrove Pool over the past five years. Monroe Township was requested to contribute \$9,500 in 2009 based on the allocation of members from the township, and they have pledged the full amount requested. The Selinsgrove Rotary Golf Tournament contributed \$5,000. All these funds, along with the matching grant from DCNR, brings the total pledged and received to date to \$501,500. The pool board has met with about a half dozen other private foundations and those meetings are going well. Bob Soper is heading up the fundraising. Brian stated an application was put in motion by Mgr. Bickhart and the Borough. Mgr. Bickhart explained that Selinsgrove Projects Inc. had made arrangements for DCED grants to apply for Legislative Initiative Funds, or what is commonly called "walking around money". Two applications were put together, one for the Selinsgrove Commons and one for the pool, to see if the legislators could be encouraged to help out. There was also an application made to the Snyder County Commissioners for consideration of funding in proportion to the number of non-Selinsgrove Borough users of the swimming pool. The commissioners can use their CDBG allocation toward handicapped accessibility items. There is a \$108,000 line item for the zero depth entry, which is an entirely handicapped feature of the pool. Brian Burke stated that he and Bob Soper will meet this week with Judy Spiegel and SPI to emphasize that SPI's legislative contacts on behalf of the unified Selinsgrove area are needed so that individuals do not represent any one project over another. C/P Anderson stated that the \$5,000 donation from the Selinsgrove Rotary Golf Tournament should be acknowledged as actually being a golf tournament put on by the Selinsgrove Area Youth Foundation. Brian stated that a full presentation and request for funding made to Penn Township fell on deaf ears, with nothing being given yet. He stated the pool board wants to be more aggressive and have residents within Penn Township who use the pool facilities go to a supervisors' meeting to support the pool. Brian reported that Shamokin Dam also has not agreed to contribute anything. He reminded Council that the pool's request is before them as they continue their budget deliberations for 2009.

Brian reported that the pool board has been working with Sheri Badman on the accounting side. John Stokinger, the vice president of the pool board, is a branch manager at Susquehanna Bank. In order to eliminate monies going back and forth in a confusing way, Council had approved a joint account to be opened at that bank. Sheri stated the title of the account is "DCNR Pool Grant". Brian stated that any contributions received will be put directly into this account rather than the pool board receiving the money on their books and then depositing it into the Borough for payment of bills. The accountability of the accounting and tracking of all expenditures will be controlled through Sheri's internal work. Don Rowe is heading up the project side and will sign off on bills as the work is completed. The pool board has requested the first \$100,000 from the Degenstein Foundation, and that money will be deposited in the next week to 10 days. The first invoice is expected soon from the contractors for November services.

Brian stated that the pool board plans to finish with the private fundraising behind closed doors and then solicit the community in February and March. There was some information in the fall newsletter and a one-page summary will be put into the spring newsletter. Pres. Handlan asked if any feedback was received from the newsletter. Brian replied that there was some feedback but nothing dramatic. He stated the fundraising accomplishments have not been laid out yet to the community, but after they are hopefully tens of thousands will come in through individual contributors, a little at a time. Mayor Carroll asked what the pool usage was for Penn Township and Shamokin Dam. Brian did not have the actual figures, but said the ranking in order of usage is the Borough first, then Penn Township, Monroe Township and Shamokin Dam. Sheri had the actual figures and stated that usage in Penn Township was 29% and usage in Shamokin Dam was 5%. Monroe Township's usage was 5%.

Pres. Handlan asked Sheri to explain the DCNR account that was set up at Susquehanna Bank. Sheri explained that because of the FDIC insurance, Council had discussed this last month and decided to go

with a different bank for the pool grant because there would be an initial deposit of \$100,000 from the Degenstein Foundation. Pres. Handlan asked whose signatures are required for this account, and Sheri replied that two of three signatures will be required: Pres. Handlan's, Mgr. Bickhart's and Sheri's. Those are the only signatures on the account. Brian further explained that the pool board's only role is to receive money and deposit it into the account. As the Borough receives bills from the contractor, there will be joint accountability to verify that the work has been done. After the pool board has signed off that the work is done, Sheri will receive the bills for payment. Council commended Brian and the pool board for the work they have done, and Brian thanked Council for their support.

UNFINISHED BUSINESS FROM PRIOR MEETINGS:

Review List of Council Issues – Mgr. Bickhart reported nothing new during the month of November, although one item was removed from the list at the November meeting. C/P Inch asked if a meeting still needs to be scheduled with the school district regarding Weiser Run. Mgr. Bickhart stated the school district's buildings and grounds committee needs to meet, and he does not know when that will occur.

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 Anderson.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Police Department communications and computer equipment through Todd Snyder

Motion by C/P Inch to accept Proposal # 9254401 from T. Snyder in the amount of \$5,597.28 for computer and communications equipment for the police department.

C/P Anderson noted this is to fix the police department's communications and computer problems. Mgr. Bickhart stated that it is hoped that this will be the end of what has been a difficult year. Up to this point the Borough was relying on SEDA-COG to provide services to help get the Borough's system operating correctly. Based upon some recent experience it is now felt that another consultant needs to be found. Todd Snyder had given a proposal, which was accepted, to help with the wireless connections from the laptops in the patrol cars into the police department's computers. The proposal includes equipment, labor to install the equipment, and instruction for the police officers in the efficient use of the new equipment. Mgr. Bickhart stated that the Borough has spent too much this year on the equipment; however, there was no choice and he does not feel there is any choice in this regard either. He hopes that the contract will bring an end to the ongoing problems with the police department's computer systems, but there is no guarantee. C/P Anderson stated that funding is available in the 2008 budget. Pres. Handlan asked if there is any maintenance or a warranty that comes with the proposal. C/P Mengel also expressed concern about a warranty or guarantee of work. Chief Garlock stated that SEDA-COG did not guarantee their work either. C/P Viker stated that it would be safe to assume that the equipment will be warranted by the manufacturers. His understanding is that Todd Snyder has a good reputation within the community as a quality consultant and expert in his field. He stated while this is not a warranty, he hopes it is of some comfort. C/P Anderson noted that Todd Snyder routinely backs up his work. Mgr. Bickhart stated this would be the second contract in which the Borough uses Todd's services, and he has demonstrated his ability to set up the system as promised. Solicitor Cravitz asked if this equipment is covered by a state contract or if other telephonic bids were solicited. Mgr. Bickhart stated that he looked into procurement regulations. This would qualify as replacement of existing equipment and it is essentially an emergency so no other bids were received. Solicitor Cravitz advised documenting this in the file because the auditors will pick that up and say that two other bids should have been obtained. Since it is under \$10,000 it does not have to be advertised. Mgr. Bickhart stated he will put the documentation in the file. C/P Anderson asked Chief Garlock if he is happy with the proposal, and Chief

Garlock replied that he is not happy with the whole situation. He debated with Mgr. Bickhart as to whether this should be done, but if it is not done now then the police department will just be waiting for the equipment to fail. This has been characterized as a problem with the police department's computers, but Chief Garlock stated this will also be a problem for the Borough's computers because they were set up in a similar fashion. He stated he thought the Borough already had an issue the day after the police department had their issue. More dependable sources need to be found to take care of the problems.

C/P Viker asked if there was a motion and C/P Inch replied that he had made a motion. C/P Anderson seconded the motion.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Committee recommendation for the Tentative Adoption of the 2009 Budget and Authorization for Solicitor to Advertise same – Motion by C/P Inch for the tentative adoption of the 2009 budget for the Borough of Selinsgrove in the amount of \$4,576,824 and also for authorization for Solicitor Cravitz to advertise such. Seconded by C/P Anderson.

AYES: FIVE (5) NAYS: TWO (2) – C/Ps Mengel and Viker MOTION CARRIED

Establish date(s) and time(s) for Continued/Special Meeting(s) to further consider 2009 Budget and/or to adopt Tax Levy Ordinance – Motion by C/P Inch to adopt a tax levy in order to raise the tax for this year to 14 mills and also to authorize Solicitor Cravitz to advertise such. Seconded by C/P Anderson.

AYES: FIVE (5) NAYS: TWO (2) – C/Ps Mengel and Viker MOTION CARRIED

The meeting for final adoption of the 2009 budget and tax ordinance will be held Tuesday, December 30, 2008 at 4:00 P.M. C/Ps Hendricks and Herb noted that they will not be present for that meeting. C/P Herb stated that the only day he will be available after Christmas is December 26. Solicitor Cravitz stated that as long as the rest can make the December 30 meeting, then five Council members will be present. Everyone else said they would attend. Mgr. Bickhart pointed out that there were two nay votes on the budget adoption in those five Councilpersons. C/P Herb stated that this is not a discretionary absence or else he would stay. It has to do with surgery of a family member. Solicitor Cravitz stated that with five Councilpersons there is a quorum and with three out of the five voting one way, majority rules.

Request approval to pay all bills received through end of 2008, to the extent that revenues are available for this purpose and following the review and approval of the Chairman of the Finance and Budget Committee – Motion by C/P Anderson to approve payment of all bills through the end of 2008 to the extent that revenues are available for this purpose and following the review and approval of the Chairman of the Finance and Budget Committee. Seconded by C/P Viker.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Review the enclosed "Sewer Operating Revenues and Expenditures" report that includes the adopted 2009 ESCRA Budget – C/P Inch reported that ESCRA has come up with a reduced increase this year, but beginning next year the increases will begin. The Finance Committee will meet to discuss this early next year and will make a recommendation to Council. C/P Viker asked if the assumption is that the Borough will be passing these increases on to the consumer. C/P Inch stated that is probably correct. Mgr. Bickhart pointed out that ESCRA chose to cut the proposed depreciation increase in half, but with clear notification to the Borough that next year they will put the other half in place, putting the amount at the \$510,000 depreciation level going forward. Sheri put together a Sewer Operating Revenues and Expenditure Summary that has been used for the past couple years to keep better track of the business of the sewer system so that Council can judge whether the expenses are covered by the operating revenues. This indicates that the Borough will continue to generate some surplus for future projects. Based on that, any suggestion by the Finance Committee or anyone else for a sewer rate increase was no longer necessary. The general consensus is that the Borough will continue to do what they have done

for the past couple years. Another look will be taken at this around the middle of next year to see where things stand. If possible, sewer rate ordinances should be adopted before the end of the year so that they are applicable in the first quarter.

Statewide Tax Recovery, Inc. - Exoneration Requests – None

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

Committee recommendation on 2009 Infrastructure Improvement Plan including streets, alleys, utilities and Weiser Run improvements – C/P Hendricks reported that the committee, Mgr. Bickhart, Treasurer Sheri Badman, and Engineer John Coukart met on November 12 with Bill Seigel and Mike Miller from SEDA-COG to come up with recommendations for next year. Mgr. Bickhart stated that the Front Street and Second Street CDBG program was intended to be bid right after the beginning of the year, so shortly after the beginning of the year bids will be received so that Council can make a final decision about what can and cannot be done. The engineer was asked to allow Council as much flexibility as possible in those bids to make decisions without jeopardizing the contract agreement. There will be add items on various parts of the contract so that those decisions can be made. The Borough knows what they would like to do but not what they can afford to do until the prices are received.

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

Report on Selinsgrove Municipal Building and Community Center Library Renovation and Expansion Project Feasibility Study, meeting held on Wednesday, November 5 – C/P Mengel stated there was much discussion on the visitations that were made, and slides were presented. There was a lot of discussion as to what is needed in the building. The next meeting will be held Wednesday, December 3, 2008 at 6:30 P.M. in the Council meeting room, at which time the architect will have some concrete plans. Pres. Handlan stated the architect has had additional meetings with the library and C/P Mengel asked if they have had additional meetings with the Borough as well, noting that she feels the Borough is being slighted. Mgr. Bickhart stated the Borough's needs are easier to define at this point in time. In the next meeting the architect will have some floor plans to show where the spaces that the Borough said they would like to have can be located. The project has been growing and expanding, which is natural as both entities look at what they might like to have. After the next meeting, the project will begin to be compressed again because of financial decisions. The objective of the next meeting will be to determine what is liked and disliked in the floor plans, sizes of spaces and various accommodations, and what can be done concerning the bottom line. C/P Anderson stated that the plan for now is to renovate the current building and add on as needed. Pres. Handlan agreed, stating that to tear the building down and start over would cost over \$1 million more. Mgr. Bickhart stated that if the floor plans can create a feasible use of space that fits together correctly and has an acceptable number of disadvantages then the current building would be kept. However, if that somehow becomes compromised through what the architect can do on the floor plans in order to lay out the spaces that are needed with an addition of a certain size, then the demolition of the building would be reconsidered. The current economics suggest that the best plan is to use the current building and add to it. Pres. Handlan stated that she is still struggling with ownership of the building. She asked if it will be a dual ownership situation. C/P Mengel stated it may depend on who is paying what percentage of the financing of the project. Pres. Handlan stated that right now the Borough owns the building. C/P Viker stated that title should remain with the Borough. Pres. Handlan stated that if the library puts up \$2 or \$3 million they may feel differently. Mgr. Bickhart stated there needs to be a long-term lease agreement. He stated there will actually be three distinctive spaces: 1) the Borough's space; 2) the library's space; and 3) a common space. If this is done well the community space will be sizeable. C/P Viker asked if the common space would be a single room or a suite of rooms that may or may not include Council chambers. Pres. Handlan stated this is not known until the plans are viewed at the December 3 meeting. C/P Mengel stated she believes it will be Council chambers plus an additional common area. C/P Inch asked if there is a possibility the library may be able to come up with \$2 to \$3 million. Pres. Handlan stated that in understanding the costs of what has been put forth and the fact that the library will have the bulk of the building, they were intending to have to raise those kinds of funds. Mgr. Bickhart stated that concurrent with the architectural work on the feasibility study is the library working toward their

fundraising. At the end of the feasibility study, the costs will be known. The next step then will be to determine how it will be paid for and who will pay for it. Once the floor plans are laid out, the architect has been made aware that he needs to generate information on the cost of the building in at least the three components. There will be Borough space, library space, and also an entranceway, elevator bay, perhaps a common foyer, a meeting room that Council can meet in and perhaps some other rooms that can be jointly used for the kinds of functions for which the current Council chambers are now used. The current Council chambers are about the right size for the kinds of meetings that are now held, such as book clubs, SPI, etc. The future Council chambers will perhaps be slightly larger. C/P Herb stated the answers to these questions and issues will be determined through the feasibility study. He stated the costs of operating and maintaining the building will be determined, along with which share will belong to the Borough, which will belong to the library, and which will be jointly shared. He stated much of what is being discussed should be addressed on December 3. Mgr. Bickhart stated that the architect has been guided to generate the information for the unique situation of three different uses of the buildings. They are aware that the preference, unless it becomes cost prohibitive, is for separable mechanical systems, so that no matter what happens with the building there could be two different tenants, both with their own responsibility for mechanical systems. The architect understands that this is a unique, multi-purpose, multi-function building project. Pres. Handlan reminded Council that the next meeting is Wednesday, December 3 at 6:30 P.M. and tonight's meeting will be recessed to that meeting.

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

PERSONNEL MANAGEMENT COMMITTEE: C/P Anderson, Chairwoman

Report on preparation of Position Descriptions and Employee Evaluations – C/P Anderson reported that she and Mgr. Bickhart are continuing to work on position descriptions and they are making good progress. The committee will meet on Tuesday, December 9 at 4:30 P.M. With some help from Dave Henry at the university, the committee has the beginnings of the right instrument for evaluations of the public works staff. C/P Viker requested the position descriptions in electronic format prior to the meeting and Mgr. Bickhart stated he will get those out.

PUBLIC SAFETY COMMITTEE: C/P Herb, Chairman – C/P Herb stated that he wants to schedule a meeting with the committee, the fire company and the ambulance league, possibly on Wednesday, December 3 at 5:30 P.M. The committee will have another meeting before the end of the year to deal with routine issues and meet with Chief Garlock. Mgr. Bickhart stated that the act that was passed this year requires Borough Council to talk with emergency service providers.

PLANNING COMMISSION: Earl Moyer, Chairman – No Report

ZONING HEARING BOARD: Cyril Runkle, Chairman – No Report

CIVIL SERVICE COMMISSION: Dalton Savidge, Chairman

Appoint Tim Charles, Sr., 106 North Front Street, to complete the unexpired term of Dan Greak to 12/31/12 – Mgr. Bickhart reported that when asked, Tim said he would consider this appointment. Mgr. Bickhart sent a letter to Buzz Savidge to make him aware that this was a possibility and received a favorable response.

Motion by C/P Mengel to appoint Tim Charles, Sr. to fill the unexpired term of Dan Greak until 12/31/12. Seconded by C/P Inch.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

PARKS AND RECREATION BOARD: Richard Norman, Chairman

Moose Playground – Dick reported the playground has three new pieces of equipment, a climbing wall, a tunnel, and a balance beam which were installed this fall. A check for \$520 was received from a

woman in New Jersey who wants to have a tree and a bench installed in memory of her father, Jack Longacre, who lived in the vicinity of the Moose playground and spent a lot of time there as a child. Dick has made arrangements for this to be done in the spring. The playground will also be re-mulched.

Ice Skating Rink – Dick reported that the ice rink is just about ready. An addition was made to the ramp going down into the ice so there will no longer be a step down onto the ice. Some more shelves were put up inside the building. The building was painted this summer in preparation for the mural of Little Norway, which will be painted in the spring. A few other things will be done yet this fall in preparation for winter.

Mini Playground – Dick reported that nothing has been done to this playground other than some minor touch-up. This playground is in pretty good shape.

Major Anthony Selin Park – Dick reported this park is in good shape; however, the roof is in bad shape. He hopes the budget will include money for the roof. No new equipment is planned for the park due to budget cuts. There is some dedicated money on reserve for specific things to be done next summer.

2008 Summer Playground Program – Dick reported the program went well. He had some information that he said he would leave in the office for Council to look at before their next meeting. He also left two letters from Christy and Corey, two of the girls who helped with the program. Several cards expressing appreciation for the program were received during the summer, and Dick read one of those cards.

Life Trail – Dick reported that the Life Trail was maintained this summer. There was some graffiti that the police department was looking into. Once they give the okay, Dick will have it erased. Another tree or two will be installed next year to eliminate some empty spots, and some stumps will hopefully be removed. He will work with Karl Maul on this. Karl had done some trimming this past spring.

Skateboard Park – Dick reported that this project is on hold until funding is received. Mgr. Bickhart stated that he just heard today that the DCNR grant application was denied. C/P Viker stated that maybe someone would step up and do the project as a private enterprise. Dick stated he has applied to the county for permission to make an entryway into the creek near the ice skating pond to allow fire truck, canoe and kayak access, and to do preliminary work to eventually install a parking lot.

Notice of Resignation – Dick informed Council that he is resigning as chairperson of the Parks and Recreation Board effective December 31. He stated that Shane Hendricks has been helping him quite a bit. There is another man who has been training to do some work at the parks; however, due to a change in plans someone else will have to be trained instead. Dick stated he will stay on the Board temporarily, if needed, in order to get things running in the spring. He stated he has enjoyed working with Council and the other people he has worked with. Dick stated he will not be helping with the ice skating rink this winter, but C/P Hendricks knows how things run and some other people do as well. C/P Viker relayed Council's extreme admiration for Dick's length of service and his leadership in working for the children and youth of the Borough. Dick stated that he has known for some time that he will have to step down, and he has been withdrawing slowly. He stated he had not even told C/P Hendricks yet. He noted that this work has been his life for the past 15 years, since he left stepped down as mayor. Pres. Handlan stated that Dick's shoes will be tough to fill. Dick recommends C/P Hendricks. Dick stated there are still some things that are planned that he would like to help with. C/P Herb stated that the Borough has been the beneficiary of Dick's wonderful service for the past 15 years. Council and the guests in attendance applauded Dick Norman's service to the Borough. Dick stated he hopes the budget will allow the summer program to continue next year. Mgr. Bickhart and C/P Anderson assured him that this program was not cut from the budget. Dick stated that Laurie Kershner will take over the summer playground program. She has a teaching certificate and taught at Agapeland for many years. Mgr. Bickhart asked if the Parks and Recreation Commission will meet and make a recommendation. Dick stated that they were supposed to meet last month, but they did not because the regular meeting date is the fourth Tuesday, which was the week of Thanksgiving and people had too much going on. He noted there have been two resignations from the commission so there are not too many people left. He hopes to get that all straightened out, so they can meet and recommend someone to take over his position. Mgr. Bickhart

stated that the commission was not fully staffed even before the two resignations. He would like to reach out to the community for volunteers to join the commission.

Annual report on Skateboard Ordinance – Dick reported that he is waiting on a report from Chief Garlock. He stated he has heard comments that there were occasional times when kids would be skating in places they were not supposed to be, such as on private property. C/P Anderson stated that during the early summer on Eighth Street some of the kids got a little rambunctious when school let out. Dick stated during the spring and early summer the kids were going down the middle of Market Street and other major streets, causing cars to stop or swerve around them. C/P Viker asked if Council regrets the new skateboard ordinance and the consensus was that there are no regrets.

SHADE TREE COMMISSION: Karl Maul, Chairman – No Report

BOROUGH ADMINISTRATIVE REPORTS:

MAYOR: Pete Carroll

White Christmas – Pres. Handlan reported that she has gotten many compliments on the downtown decorations. She extended kudos to Mayor Carroll and Joe Kleinbauer for co-chairing the White Christmas committee. She stated they have done a fabulous job. Mayor Carroll stated that there was an issue with the two lights in front of the Inn, which has been resolved. He stated that Mgr. Bickhart has worked to save some money by operating the lights independently. The lights at the Commons and the floodlights on the sleigh are all on timers. Sheri turns the lights on and off every night on the tree near her house. For next year some boxes may be moved around and timers added. The tree at Sheri's will be stripped and new lights installed. Bill Bird has taken on that assignment this year. C/P Anderson stated that if there is a complete list of who helped out with everything, it would be a good idea to use some of the Borough notepapers to send thank you notes to these people. She stated that it was not all residents of Selinsgrove who helped with White Christmas this year, noting that this was a good lesson on why there needs to be a community room in the Borough building, as everyone got together to sort things out and have lunch. Mayor Carroll said there were at least 75 people who helped. Mary Markle helped with decorations of the buildings and some Selinsgrove High School seniors helped decorate the light poles under the direction of Joe McDonald. C/P Herb stated that the fact that people who are not residents of the Borough helped with this is a reminder that the community goes beyond just the town itself. Mayor Carroll stated that one of the fuses on the light poles was blown and Corby Bowersox stepped up to have it fixed so everything was lit by the evening of the decorating day. At the beginning of the process, about 50% of the people wanted things to be done the way they were in the past, but after the decorating was done that dropped to about 30%. Hopefully the numbers are going toward 100% of the people being happy with what was done this year.

Late Shoppers Night – Mayor Carroll reminded everyone that Tuesday, December 2 is Late Shoppers Night from 6:00 P.M. to 11:00 P.M. Main Street Manager Jessica Newell will be under a tarp if the weather is decent, or inside the bank if it is not, and there will be hot chestnuts and hot cider. There will be singers from the high school, horse-drawn rides between downtown and the university, luminaries will be lit with glow sticks, and stores and restaurants will be open late. The university is also holding their Candlelight Service.

Other Activities – Mayor Carroll reported he attended ribbon cuttings and other activities throughout the month. ~~A copy of his activities for November is attached to these minutes.~~ (edited by Borough Secretary after adoption)

BOROUGH SOLICITOR: Robert Cravitz, Esq.

Adoption of Ordinance # 773, pertaining to a change in Water Rate Schedule – Solicitor Cravitz reported that this ordinance will make the rates more uniform by taking away lower rates for people who use more water. For the first 6,000 gallons the rate will be \$3.90 per 1,000 gallons, and for everything over 6,000 gallons the rate will be \$2.70 per 1,000 gallons. This affects the minimum meter charges,

which are based on meter sizes. The minimum quarterly charges are as follows: 5/8" to 3/4" – 6,000 gallons at \$23.40; 1" to 1-1/4" – 21,000 gallons at \$63.90; 1-1/2" – 50,000 gallons at \$142.20; 2" – 87,000 gallons at \$242.10; 3" – 197,000 gallons at \$539.10; 4" – 345,000 gallons at \$938.70; 6" – 757,000 gallons at \$2,051.10; and 8" – 1,250,000 gallons at \$3,382.20. If they go above the minimums they will be charged accordingly. This will all take effect January 1, 2009. Mgr. Bickhart sent out a letter about these changes. C/P Herb asked if there was any response to that letter and Mgr. Bickhart replied that there was not this time, but there were some responses the last time when a letter was sent notifying people of the succession of changes.

Motion by C/P Herb to adopt Ordinance # 773. Seconded by C/P Inch.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

C/P Herb reminded Council that in adopting this ordinance they have confirmed their commitment to remove any remaining inequities in the schedule next year.

Update on Susquehanna University's \$5M Redevelopment Assistance Capital Grant, Consider "Cooperation Agreement" proposed and Consider adoption of Resolution pertaining to executing Grant documents – Solicitor Cravitz reported that this falls under the Capital Facilities Debt Enabling Act, which was set up to enable different municipalities to access state money for capital improvements. Basically the agreement states that Susquehanna University would like to obtain the \$5 million grant, but they are not a qualified grantee so they would like to facilitate the grant through Selinsgrove Borough. The cooperation agreement states that the Borough agrees to be the front person for the grant and to apply to the state for the grant. The university would pay any costs incurred by the Borough as well as any reasonable costs, expenses and legal fees for the preparation of the grant application. They would also pay for any auditing or accounting, and any and all other expenses incurred by the Borough. Solicitor Cravitz stated that he spoke to the lead attorney for this at the university, who stated they are not sure how this will fit in with DCED. The attorney stated that when they receive the grant application and the agreement for the grant they will better understand the role of the Borough. Solicitor Cravitz asked what, other than the agreement, is to stop the Borough from getting the \$5 million and doing whatever they want with it. This is why the resolution was drawn up stating that the Borough will cooperate with the university. The university will do the project and the state will recognize the connection between the Borough and the university; however, there is nothing in writing from the state verifying this. The university's attorney stated that that will come in later documentation; however, at this point the state has not given its blessing on this arrangement. Council can go ahead and make the grant application based on the cooperation agreement and the resolution. If the state later does not recognize the sub-grantee arrangement then the Borough can refuse to go forward with the grant. C/P Viker summarized that there is no significant legal risk to the Borough. Solicitor Cravitz stated that the Borough can require other assurances from the university before making a final decision on this. C/P Inch stated that he understands that the money will be used in connection with the new science building, but he wondered if there was anything more specific, such as to pay down the debt or do an addition. Solicitor Cravitz stated that the Capital Facilities Debt Enabling Act deals specifically with bricks and mortar for education buildings and other capital improvements for municipalities. C/P Herb asked if there should be any concern that the wording states "reasonable expenses", noting that that might allow for the possibility that the Borough might not be reimbursed if the university deems any expenses to not be reasonable. Solicitor Cravitz stated that if the university would refuse to pay any of the fees then the Borough's response would be to withdraw the grant application. This agreement and resolution should have a zero economical impact on the Borough. C/P Anderson stated that the expenses would include things such as Solicitor Cravitz's hours and newspaper advertising fees. C/P Herb asked Solicitor Cravitz if he saw any reason why Council should be concerned about exposing the Borough to litigation over expenses or something of that nature, and Solicitor Cravitz replied that he did not. C/P Viker stated that this is the university's project and his impression is that the university will work very hard to keep the Borough happy. Mgr. Bickhart stated that as the grantee the Borough holds the purse strings. Solicitor Cravitz further stated that this is a reimbursement program so the university will spend the money and then submit the proper paperwork to get the money. If the university's documentation is not sufficient then the Borough will not receive the money to pass along to the university. C/P Herb asked if this is similar to the

arrangement with the swimming pool. Solicitor Cravitz stated that it is similar, but this arrangement is less direct. Mayor Carroll stated that this will take up some of Sheri's time when the funds come through. C/P Viker asked if it is Solicitor Cravitz's opinion that taking this action poses no risk to the residents of Selinsgrove, and Solicitor Cravitz stated that there is no risk because the Borough can always say no to the grant. Mayor Carroll asked if this is the \$4 million that Governor Rendell announced when he came to the area, with another \$1 million added later, and Solicitor Cravitz replied that that is what this is. Mgr. Bickhart stated that it is the \$4 million that Governor Rendell announced, plus another \$1 million that is expected to come from some other state sources that will be added to the pot through the application process. The other \$1 million does not currently exist. C/P Hendricks asked if there is anything in Paragraph 5b of the cooperation agreement that Council should be concerned with as far as indemnification. Solicitor Cravitz stated that Paragraph 5a is the same on the university's part. This is a reciprocal indemnification. He stated he cannot foresee anything that the Borough could do that would harm the university.

Motion by C/P Herb to adopt the Cooperation Agreement and the Resolution, and to authorize Mgr. Bickhart and Pres. Handlan to execute the documents. Seconded by C/P Viker.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Adopt Resolution # 2008-10, pertaining to waiving 100% of the employee contributions to the PMRS Pension Plans for 2009 for the Borough's Non-Uniformed Employees – Solicitor Cravitz reported that these are done periodically. He read from the Resolution, and asked Sheri if she is okay with this and who will make the contribution. Sheri stated that this is fine, and the contribution will come from State Aid.

Motion by C/P Anderson to adopt Resolution # 2008-10. Seconded by C/P Hendricks.

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Mgr. Bickhart noted for the record that, following Borough policy and the terms of the employment contract with the Selinsgrove Borough Police Officers, there will be no waiver of the employee contributions to the PMRS Pension Plans for 2009 for the Borough's uniformed employees. State Aid does not have sufficient funds to pay the police department's portion, nor is there money left over from the Borough's side to pay this. Therefore, the police department will pay their full 5% in 2009.

BOROUGH ENGINEER: J. A. Coukart & Associates

Update on pending projects – Mgr. Bickhart noted that the University Avenue improvements will be reviewed by the Planning Commission and come before Council at a later date.

BOROUGH TREASURER: Sharon Badman

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

BOROUGH MANAGER / SECRETARY / ZONING OFFICER: Mgr. Bickhart

Non-Police Complaint Update – Mgr. Bickhart noted that he did not log any additional complaints in the month of November. He will update this list for the next meeting.

Update of PROPERTY TRANSFERS and BUILDING PERMITS ISSUED, Janet Powers, Deputy Zoning and Permit Officer – Information only. Mgr. Bickhart noted there has been some interest in the former Sporoco building at the south end of High Street, and in the Phillips Industries building.

Review and approve Council Meeting dates for 2009 – Mgr. Bickhart stated that these need to be advertised. Any odd dates are noted in bold. Labor Day bumps the September meeting to the next day,

which in 2009 is the second Tuesday. The second meeting in November is the one that is set up for the discussion of the 2010 budget. This is typically held the third Monday in November, with the Finance Committee meeting the second Monday to get the paperwork done and out to Council in time for the meeting. Mgr. Bickhart stated that the budget process is done late in the year. In years past Council has had to make decisions and changes on budget issues right up to the end of December so they did not want to make a decision in November. This year, if there are not enough votes to adopt a budget at the December 30, 2008 meeting, there is not much wiggle room. Mgr. Bickhart recalled one year when someone had to be asked to vote in favor of adopting the budget for the good of the community even though they were philosophically opposed to the budget.

Motion by C/P Viker to approve the list of dates for publication. Seconded by C/P Inch

AYES: SEVEN (7) NAYS: NONE MOTION CARRIED

Reminder concerning PSAB Borough Officials Training and Update, various dates and locations in January and February of 2009 – Anyone interested contact the Borough office.

Reminder concerning 2009 PSAB 98th Annual Conference, March 22-25, 2009, Hershey Lodge and Convention Center – Anyone interested contact the Borough office.

ESCRA Vote – Mgr. Bickhart stated that Shamokin Dam Borough joined Selinsgrove in asking ESCRA to consider not imposing the full amount of the depreciation in their budget. It was a 6-1 vote in favor of having the depreciation in this year's budget.

SELINGSGROVE MUNICIPAL AUTHORITY – Donald Bottiger, Chairman – No Report

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

Update on 2009 ESCRA Budget – Mgr. Bickhart pointed out the last sentence in the letter from ESCRA, which states that "such capital requirements will make the past three years' rate increases seem miniscule". As Council makes plans going forward they need to take into account the fact that ESCRA will again be making some major capital investments. The treatment plant was just upgraded and there are some additional, expensive upgrades that now need to be done. ESCRA will be looking at additional indebtedness, and the Borough participates in this. C/P Inch stated that ESCRA has done a good job of keeping the Borough informed about these issues. C/P Viker stated that he appreciates that ESCRA took the Borough's concerns into account and reduced the depreciation for their 2009 budget.

ESCRA joining consortium to follow and if necessary oppose EPA's proposed additional effluent limitations – Mgr. Bickhart supplied copies of a press release on this subject.

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

NEW BUSINESS:

COUNCIL MEMBERS

Foreman/Andretta Issue – Pres. Handlan asked for an update on the Foreman/Andretta issue. Mgr. Bickhart reported that the contactor has made some substantial changes. He has looked at it and noted some additional things that need to be taken care of. Pres. Handlan stated that she is concerned about another lawsuit and she would like to have a firm completion date. C/P Viker stated that it seems that no one really knows what completion means, and it is feels as though Council is in a relay race without knowing where the finish line is. Solicitor Cravitz stated that the site must be restored to how it was before the permit was issued. C/P Viker asked has final judgment and Solicitor Cravitz stated that Judge Knight issued a judgment to that effect. Mgr. Bickhart stated that at this point he is the only person who could identify what the site looked like before. C/P Viker asked for a percentage of completion and

Mgr. Bickhart replied it is about 85 to 90% complete. Pres. Handlan stated that it has been two months since the Foremans and Attorney Joel Wiest came to Council about this. She is concerned about a lawsuit and wonders why no one else seems to share that concern. C/P Viker stated that his concern is that the parameters of completion feel spongy. C/P Hendricks stated that he drives by every day to see what is going on, and he noted that a fair amount of fill has been removed. Grass cannot be planted until spring. Solicitor Cravitz stated that the 85 to 90% completion includes removal of a building and foundation which are now completely gone. What remains now involves degrees of slope and restoration to grass. He does not think that a judge would penalize anyone after the significant amount of work that has been done. Pres. Handlan asked Mgr. Bickhart to stay on top of the situation.

New Officer Update – C/P Mengel asked who will stay on top of hiring a new police officer.

Pres. Handlan stated she was surprised no one asked that question while Chief Garlock was present and C/P Mengel stated she was going to but was not sure if she should say something in front of the gentleman who was present at that time. She stated this is why she did not vote in favor of the budget, noting that taxes would not have to be raised if money was not in the budget for the police officer. The Borough has not needed the police officer for eight months and she questions why he is needed now. C/P Viker stated that the report last month was that progress is underway on the background check using out-of-state contacts. C/P Mengel stated that if that is the case there should have been some report tonight. Mgr. Bickhart stated that the last indication he had was that Chief Garlock needed to review his information with Solicitor Cravitz, who had been on vacation. Mgr. Bickhart thought that when Solicitor Cravitz returned the chief would contact him to review this. Solicitor Cravitz replied that he has not heard from Chief Garlock. C/P Viker noted that Council meets again Wednesday, December 3 primarily for library business, but he asked if there is any reason Council could not have a report then. Mgr. Bickhart replied that Chief Garlock works for Council. Pres. Handlan asked Mgr. Bickhart to contact Chief Garlock to ask if Council can have an update on Wednesday. He can present it personally or provide the information to Mgr. Bickhart to present on his behalf. Solicitor Cravitz stated that he will be around for the next three days, but then he has things scheduled out of the area on Friday.

At 8:48 P.M. the meeting was **RECESSED** until December 3, 2008 at 6:30 P.M.

Attachments: ~~Mayor Carroll's activities for November~~ None
(edited by Borough Secretary after adoption)