

SELINGSGROVE BOROUGH COUNCIL MEETING

MONDAY, April 1, 2013 - 7:00 P.M.

COUNCIL MEMBERS PRESENT: V/P Pete Carroll, C/P Dottie Anderson, C/P Tim Charles, C/P Shane Hendricks, C/P Rich Mease, and C/P Erik Viker

COUNCIL MEMBERS ABSENT: Pres. Brian Farrell

OTHERS PRESENT: Borough Manager Paul Williams; Solicitor Robert Cravitz; Mayor Sean Christine; Junior C/P Maggie Lemons; Borough Treasurer/Asst. Borough Manager Sheri Badman; Recording Secretary Chele' Weaver; Deputy Zoning Officer Janet Powers; SEDA-COG Glenda Ruch; Snyder County Commissioner Malcolm Derk; Borough Engineer John Coukart; WKOK Reporter Kyle Gaugler; DH&L Representatives Dawayne Betzer and Gary Griner; First Capital Engineering Representatives Joe Gurney and John Luciani; Weis Markets Representatives Alex Ororbias, R. Kevin Small and Jack O'Hara; Borough Residents Elaine Herrold, Earl Moyer, Ron Marshall, Alexander C. Moyer and Sara Lauver.

OTHERS ABSENT: None

CALL MEETING TO ORDER:

V/P Carroll called the meeting to order at 7:00 P.M. Mgr. Williams called the roll, followed by a moment of silence and the Pledge of Allegiance.

REVIEW AND APPROVAL OF COUNCIL MINUTES FROM MEETINGS OF MARCH 4, 2013 AND MARCH 20, 2013:

Motion made by C/P Viker to approve the minutes as presented. Motion seconded by C/P Hendricks.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

RECESS MEETING TO PUBLIC HEARING AT 7:04 P.M. – to hear public comment on the intentions of The Dauntless Hook and Ladder Company of Selingsgrove, PA, to purchase a new rescue pumper truck and to apply for a loan from Swineford National Bank to pay for such equipment.

Sol. Cravitz stated the Borough advertised the enactment of two (2) Resolutions – Resolution 2013-06 and 2013-07. This is in regards to Dauntless Hook and Ladder Company of Selingsgrove, Pennsylvania to enter into a contract in the amount of \$656,827.11 for the acquisition of a rescue pumper. Sol. Cravitz informed Council that the Borough was asked to approve this. Under the Internal Revenue Code section 150(e) and 147(f)(4)(B) the governing municipality has to approve the purchase so that when DH&L borrows money to pay for it, the lending device would be deemed to be a non-interest bearing obligation.

The first Resolution #2013-06 permits DH&L to buy a Pearce Velocity PUC 1500 GPM Rescue Pumper with Glick Fire Equipment which has a total sale price of \$656,827.11.

The second Resolution #2013-07 allows DH&L to apply to Swineford National Bank for a loan to pay for the pumper. The Borough has been in contact with Swineford Bank and DH&L in regard to the loan.

Sol. Cravitz stated this does not mean the Borough is obligated in regard to repayment. Because of the Internal Revenue Code, the Borough has to approve both the purchase and the proposed loan.

V/P Carroll held up a picture of the new pumper truck for Council and the public to view. This pumper truck will be replacing two (2) other trucks.

Mayor Christine asked if this loan is going through Swineford Bank or someone else. Chief Betzer stated that he has also been in contact with Tom Cressinger of Northumberland National Bank. The bank is very familiar with Pearce and how the performance bond works. DH&L will be putting up one (1) truck as collateral

Sol. Cravitz stated that if DH&L does change banks that they should let the Borough know because advertising will need to take place again.

V/P Carroll asked Chief Betzer how long it will take to have the truck delivered. Chief Betzer stated that if DH&L signs the contract in the middle of April 2013 they will have the fire truck in seven (7) months.

Mayor Christine asked if DH&L would default on the loan, is the collateral just the truck itself. Chief Betzer stated they would take the fire truck back. An 80% lien needs to be put against the fire truck and 20% other collateral. DH&L would like to use the ladder truck as collateral for the additional 20%.

Motion made by C/P Viker to adopt Resolutions 2013-06 and 2013-07. Motion seconded by C/P Hendricks.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

MEETING RECONVENED AT 7:12 P.M.

PERSONS TO BE HEARD:

DH&L Fire Company – Chief Betzer reported there were 24 incidents in March as follows: 5 automatic alarms, 1 brush/wildland fire, 5 standby assignments, 1 HazMat call, 1 miscellaneous fire, 2 medical assists, 3 MVA without extrication, 1 power line down, 4 structure fires, and 1 vehicle fire. The incidents occurred as follows: 1 in Adams Township, 1 in Chapman Township, 1 in Mifflinburg Borough, 6 in Monroe Township, 9 in Penn Township, 3 in Selinsgrove, 1 in Shamokin Dam Borough, 1 in the City of Sunbury and 1 in Union Township. March 2013 man hours total is 735.24.

Chief Betzer stated that the chicken barbeque held in March was sold out. They raised \$749.53.

Mayor Christine stated that DH&L was one of the Fire Companies that was involved with the Keller Marine fire. He would like to commend DH&L for their outstanding service.

Selinsgrove Area Recreation, Inc. – No Report

Selinsgrove Projects, Inc. – Minutes provided – Main St. Manager Tim Musser informed Council that the Gelnett Series is booked and there will be 11 bands performing. The week of the 4th of July there will be no concert.

There have been 76 bricks sold for the Snyder County Trust Clock so SPI has met their goal. They will be meeting with Cheri DeSiena to move forward with the chime restoration.

Mr. Musser informed Council that the Market Street Festival application will be online by the end of the week (4/5/13).

Parks & Recreation Commission – Rocky Baer – Minutes provided

Accept Resignation of Kenneth Miller – Copy provided - C/P Hendricks stated that Ken Miller who has served on Parks & Recreation for more than 30 years has resigned. He is still active with Selinsgrove Recreation, Inc. which is the owner of the Rotary Field on Broad Street. With regrets the Commission will accept his resignation.

C/P Hendricks informed Council that there is someone who is interested in filling the unexpired term of Ken Miller. The Parks & Recreation Board would like to meet with this individual. The Board will have a recommendation after their May 28, 2013 meeting.

Rocky Baer stated that at the recommendation of the Parks & Recreation Board they would like to have Ron Marshall appointed to fill the unexpired term of Richard Norman. The term will expire 12/31/17.

Appoint Ron Marshall to the un-expired term of 12/31/17 of Richard Norman - Ron Marshall who was in attendance approached Council. He informed Council that he is currently the Director of the Milton YMCA and prior to this he was the Director of Planning for Northumberland County and served on the Northumberland County Recreation Board for four (4) years. He is also a PIAA Certified Official in basketball and football. He is a volunteer coach for his son's baseball and football teams. He has two (2) children a son and a daughter. He has lived on Water Street for approximately four (4) years.

Motion made by C/P Viker to simultaneously accept the resignation of Ken Miller and accept the appointment of Ron Marshall to fill the unexpired term of Richard Norman. Motion seconded by C/P Anderson.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

COMMITTEE / COMMISSION / BOARD REPORTS:

FINANCE & BUDGET COMMITTEE: C/P Anderson, Chair

Payment and Ratification of Bills

Motion made by C/P Anderson to pay the bills. Motion seconded by C/P Hendricks.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Statewide Tax Recovery, Inc. - Exoneration Requests – Mgr. Williams stated there are two (2) exoneration requests as follows: Barbara Feldman for 2012 in the amount of \$5.50 (it should not have been reported as delinquent) it may have been a bookkeeping issue and Carol Erdman for 2012 in the amount of \$5.50 she is deceased.

Motion made by C/P Anderson for the exoneration of these people. Motion seconded by C/P Hendricks.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Award contract for CDBG Concrete Sidewalk & Curb Replacement Program – Copy provided – C/P Anderson stated that this describes and requests the rewarding of the concrete sidewalk and curb replacement program managed by Glenda Ruch of SEDA COG. The Finance Committee agrees with her recommendation that the contract be awarded to Shiltz Concrete as the lowest responsible bid.

Motion made by C/P Anderson to approve. Motion seconded by C/P Charles.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Gelnett Trust Requests

- a. **Council of the Arts, Summer Concert Series at the Gazebo, requesting \$1,500.00 – Copy provided** – C/P Anderson stated this request was received from Kay Spigelmyer. The committee is looking for monies from other resources in addition to this request. The Finance Committee is prepared to give Mrs. Spigelmyer \$1,500.00.

Motion made by C/P Anderson to award \$1,500.00. Motion seconded by C/P Viker.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

- b. Parks & Recreation, Soccer Field Restoration, requesting \$7,000.00 – Copy provided – C/P**
Anderson stated the Finance Committee would like to delay this before a recommendation is made. They have some questions that need answered.

Approve Non-Uniformed PMRS Defined Benefit Contract Checklist to amend pension plan – Copy provided – C/P Anderson stated that the State is changing the law regarding the Municipal Pension Funds. The Borough is mirroring what they did with the uniformed police form.

Motion made by C/P Anderson to approve. Motion seconded by C/P Charles.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Floor Scrubber – C/P Anderson informed Council that the Finance Committee has approved the purchase of the new floor scrubber. The old floor scrubber was over 20 years old. The expenditure is under \$2,500.00 (\$2,322.00) so the Finance Committee was able to authorize the purchase. This amount will be split three (3) ways between the general, water and sewer funds.

C/P Anderson stated in addition, Mgr. Williams and Treas. Badman had met and reviewed all of the Borough's insurance. The insurance premium will be increasing. The Finance Committee has a budget for a 2% increase. It will be coming out slightly higher than that. It will be split three (3) ways between the general, water and sewer funds.

C/P Anderson informed Council that no action is needed on these items.

C/P Anderson stated that the Finance Committee has reviewed the Snyder County Assessment and the Borough's quarterly report.

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

Isle of Que Boat Ramp:

- a. Approve Amendment #5 with the Fish & Boat Commission extending completion date to 12/31/13 – Copy provided – C/P** Hendricks stated this will push the completion date from 6/30/13 to 12/31/13.

Motion made by C/P Hendricks to adopt Amendment #5. Motion seconded by C/P Anderson.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

- b. Update from the Department of Environmental Review on submittals – Copy provided – C/P** Hendricks stated that there are two (2) things holding this up. One is Best Management Practices and the second is the Submerged Lands License Agreement.

Mgr. Williams stated that he would like to credit Engineer John Coukart that as a result of him receiving this email from Phil Dunn from the Senator's Office, there was further movement on this by the end of the day on Thursday, March 28, 2013. The Borough has received the approved Submerged Lands License Agreement to be signed and executed by Pres. Farrell. Mgr. Williams understands that once this is remitted to the Commonwealth it will free up the release of General Permit 11 which is approved. Engineer Coukart stated there is some verbiage pertaining to the practices but it is almost complete.

Service Electric Cable Rate Adjustment Notice – Copy provided – C/P Hendricks stated this does impact monies coming into the Borough under franchise fees. C/P Anderson stated it's going up so it means the Borough will get a higher percentage.

Approve Preparation and Advertisement of Ordinance pertaining to the curbing, sidewalk and driveway assessments for the 2013 Street Program and the 2013 Utility Project – Copy provided

Motion made by C/P Hendricks to approve. Motion seconded by C/P Charles.

AYES: SIX (6) AYES: NONE MOTION CARRIED

Approve submission of Transportation Alternative Program (TAP) application for decorative street lighting – C/P Hendricks stated that the Borough was approached approximately three (3) weeks ago to meet with all stake holders in the County, the Borough, SPI, and the Chamber of Commerce to enhance the street lighting downtown. The Chamber of Commerce did have money left over from the last three (3) lighting projects. They are looking to expend those funds. PennDOT opened the TAP program on very short notice. The announcement was made on March 13, 2013 with the deadline for applications being April 12, 2013.

The Chamber of Commerce approached the Committee with a proposal to increase the street lighting downtown. At this time, the Committee would like to approve submission of the application in the amount of \$400,000.00 for the Street Lighting Enhancement Project.

Mgr. Williams stated that he would like to recognize County Commissioner Malcolm Derk who is attending the meeting tonight and stated the “Grant” is a reimbursable program that they do not refer to as a “Grant”. It is a reimbursable Federal Aid Program. If the Chamber of Commerce did not have \$67,000.00 sitting in their coffers, Council probably would not be here talking about this right now. The money that has been committed is to be used for design, engineering and other things that would be required. The “Grant” itself would cover 100% of construction as well as the inspection expenses.

Mgr. Williams would like to acknowledge and thank Commissioner Derk for bringing this to the Borough’s attention. Commissioner Derk is one (1) of two (2) Snyder County Representatives to SEDA COG, our Regional Planning Agency, who will review the applications. Commissioner Derk stated that 1.2 million dollars is the total TAP program funding allocation for our region at this time. As a Board member of the Rural Planning Organization that does prioritize highway and infrastructure spending, he stated that a portion of the funding is very limited. It is specifically setup for projects such as street lighting, sidewalks and Safe Routes to School.

Mgr. Williams stated that the Borough is working with Jeff Sheaffer from Stahl Sheaffer Engineering and a subcommittee of the Chamber of Commerce to make the application. He stated he has been involving the Borough’s Engineer as it relates to design extending the system. The magic is the power supply. Mgr. Williams stated he has a meeting with Mr. Sheaffer on Thursday, April 4, 2013. He will also be attending the Chamber of Commerce meeting at 7:30 a.m. on Tuesday, April 2, 2013 for an update.

Motion made by C/P Hendricks to approve. Motion seconded by C/P Charles.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

BOROUGH ADMINISTRATIN/PROPERTY & EQUIPMENT – C/P Carroll, Chair

Recess to Executive Session pertaining to Borough Building litigation at 7:38 P.M.

Meeting reconvened at 7:51 P.M. – Sol. Cravitz stated litigation was discussed with three (3) cases that are currently pending and a possible fourth. No action was taken.

COMMUNITY ACTIVITIES AND PUBLIC AFFAIRS: C/P Mease, Chair

Reminder – Landlord Meeting – Wednesday, April 24, 2013 at 6:30 P.M. in the Community Rooms

Off Campus Student Housing – C/P Mease stated that he and Mgr. Williams attended a meeting at Susquehanna University in regards to off campus student housing. The meeting went quite well and was very informative. Susquehanna laid out all the do's and don'ts for the students. There were 87 students present that won the lottery to stay off campus. It was very well done.

PERSONNEL MANAGEMENT COMMITTEE: C/P Charles, Chair – No Report

PUBLIC SAFETY COMMITTEE: C/P Viker, Chair – No Report

PLANNING COMMISSION: Earl Moyer, Chair

Recommendation from the Planning Commission on Weis Market Land Development Plan – Copy provided – Mgr. Williams informed Council that the Planning Commission met in a joint meeting on March 20, 2013. This joint meeting was with Borough Council and there was good representation. Not everyone could attend but there were six (6) or seven (7) Planning Commission members present. There were two (2) items that were on the agenda that night, one was a land development from Mike Savidge - no action was taken on this particular plan, pending the receipt of reviews from the County.

The second issue was a land development review for Weis Markets. There are representatives of Weis Markets present and John Coukart is representing the Borough Engineering firm. At the presentation and discussion the Planning Commission formulated a motion. This is an advisory recommendation for Council to consider. The list of 13 items which Mgr. Williams highlighted is as follows:

1. The applicant rectify the conflict on the Stormwater Management submission as to the site plan and the PennDOT plan submission in regard to stormwater discharge being put into the existing stormwater system and the proposed stormwater collection system on site, to the satisfaction of the Borough Engineer.
2. The applicant address the comments of the Traffic Planning and Design, Inc. reviews dated 1/14/13 and 3/20/13 to the satisfaction of Traffic Planning and Design, Inc. and the Borough Engineer.
3. Four (4) crosswalks be required at the signalized intersection for pedestrian traffic pending resolution of PennDOT requirements. This would be the intersection of Route 204 & 522.
4. The comments by Borough Engineer, John Coukart in letters of 1/10/13, 2/19/13 and 3/18/13 be addressed to the satisfaction of the Borough Engineer.
5. The comments of the Snyder County Soil Conservation District dated 2/25/13 be addressed to the satisfaction of the Borough Engineer.
6. The comments of the Snyder County Planning Commission dated 1/16/13 be addressed to the satisfaction of the Borough Engineer.
7. The applicant is to address any and all comments with regard to their PennDOT Highway Occupancy Permit (HOP) application to the complete satisfaction of the Borough Engineer.
8. Snyder County and Selinsgrove Borough easements be obtained by the applicant or a letter of commitment from those organizations that such easement will be forthcoming in a timely manner prior to construction of anything on the plan, to the satisfaction of the Borough Solicitor. This deals with the easement for the benefit of DH&L Fire Co. to be able to access Route 522.
9. The Broad Street stormwater impact from the proposed development be addressed to the satisfaction of the Borough Engineer.
10. The Bridge Street erosion issue be addressed to the satisfaction of the Borough Engineer.

11. The Penn Township Municipal Authority accept the proposal for the discharge of sewage from this proposed development into the Penn Township Municipal Authority sewer line in State Route 204 be established in writing and that Selinsgrove Borough and Penn Township Municipal Authority mutually agree to the disposal of the sewage subject to ESCRA's requirements and Penn Township Municipal Authority's requirement and the Selinsgrove Borough's requirement to have pretreatment done on the sewage, based on the discussion between all three entities and the applicant. If the Penn Township Municipal Authority does not accept the sewage, then the connection for this site will be either into Selinsgrove Borough manhole #152 in State Route 204 or manhole #1 in State Route 204. These are close to the intersection with Route 522.

12. Perimeter curbing as required by Borough ordinance shall be provided by the applicant to the satisfaction of the Borough Engineer.

13. The traffic signal permit plan be approved by PennDOT.

The above recommended conditions were incorporated into the Planning Commission motion made by Rocky Baer to approve the Weis Market Land Development plan. The motion was seconded by Mark Reinard and carried unanimously.

Sol. Cravitz stated that at this point the Borough has until April 5, 2013 to approve the entire plan (this is under Article 5 of the Borough's Ordinance) totally or entirely, approve it in part - subject to plan to modification or conditions or disapprove the plan. If the Borough does not have an answer for Weis Markets by Friday, April 5, 2013, the land development plan is deemed to be approved.

Mgr. Williams stated that Alex Ororbia, John Luciani and Joe Gurney are in attendance. The latter two representing First Capital Engineering. Also present tonight affiliated with Weis Markets are Jack O'Hara and R. Kevin Small.

V/P Carroll stated if anyone from Weis Markets would like to speak, please come forward and state your name.

Alex Ororbia, Project Engineer introduced himself and stated that he brought the plan along tonight to review. Mr. Ororbia also introduced Joe Gurney and John Luciani of First Capital Engineering.

Joe Gurney gave an overview of the proposed plan. He stated that last month his team spent quite a lot of time trying to answer questions and comments about the plan. It was discussed at the joint session and if there are any more questions tonight they would be happy to answer them. Several documents were provided to Council by the Weis Markets team.

V/P Carroll asked that Council take a few minutes to review materials handed out by Weis Markets.

C/P Anderson asked Weis Markets to go through one (1) by one (1) and address the 13 conditions related by the Planning Commission.

Weis Markets had a discussion among themselves for a length of time. V/P Carroll asked if they would like more time to review the conditions presented and informed them they could excuse themselves to the Borough break room. Weis Markets representatives excused themselves for more discussion and some privacy.

V/P Carroll informed those attending that Council will move forward on the agenda. The time was 8:26 P.M.

After some discussion in private the Weis Markets representatives came back into the Council Chamber. Mr. Alex Ororbia stated he would like to go through the list of items so that Weis Markets can get it down to something they feel is more correct. The corrections are as follows:

Item #1 - Weis Markets will accept as is. Item #2 – Weis Markets feels these items have been addressed. They would like this item removed. Item #3 – Weis Markets would like the wording “four” struck out and to say: Crosswalks as required at that intersection for pedestrian traffic pending resolution of PennDOT requirements. Item #4 – Weis Markets feels they have addressed this and would like it struck out. Item #5 – Weis Markets would like the wording to be: **To the satisfaction** of the Snyder County Soil Conservation District. Item #6 – Weis Markets feels this has been addressed and would like it struck out. Item #7 – Weis Markets will accept with a change to the wording to go: **To the complete satisfaction of PennDOT**. Item #8 – Weis Markets accepts as is. Item #9 – Weis Markets feels this has been addressed and would like it struck out. Item #10 – Weis Markets feels this has been addressed and would like it struck out. Item #11 – Weis Markets will accept as is. Item #12 – Weis Markets would like clarification of the second sentence. Item #13 – Weis Markets will accept as is.

Mr. Ororbia stated that regarding Item #12, Weis Markets could not find records pertinent to perimeter curbing in the Borough Ordinance. These are PennDOT roads and Weis Markets has complied with the Ordinance.

Mgr. Williams stated as he was preparing for this meeting he realized that in the cover letter that was prepared and signed by Joe Gurney initially, that there were four (4) specific waivers requested. He did not have the information available for the Planning Commission meeting. One dealt with plan size, one dealt with plan scale and another one gave Weis Markets approval to proceed to the final plan because they met the criteria established. The other one (1) dealt with the location of sidewalks.

Mgr. Williams stated there is an internal sidewalk along the access way and the sidewalk does tend to connect pedestrians to the store. There is also a sidewalk along the side of Weis Markets. Mgr. Williams asked Engineer Coukart to assist with this because there are specifics about the PennDOT right of way. He asked if the sidewalk should be located at the edge of the PennDOT right of way.

Engineer Coukart stated that everyone is pretty much in agreement with the sidewalk as it is presented. The internal sidewalk is still not the best setup. As Mgr. Williams stated you are going to have cars encroaching over the curb onto the sidewalk. That is an internal sidewalk and Engineer Coukart does not feel this is a Borough issue. Engineer Coukart stated that the Borough’s Ordinance actually requires curbing. But, a waiver could be drawn up and in this case is probably a better scenario to leave things as they are without the curbing.

Mr. Luciani stated the requirements for the waiver can be added to the cover sheet.

Mr. Gurney stated that he feels that Weis Markets does not need the sidewalk waiver any longer since the plan has changed.

Mr. Gurney stated he had written up a waiver for curbing a while ago. This is a formal request for a waiver for curbing requirement. He proceeded to hand it out to Council

Engineer Coukart went over the list of recommendations again.

Motion made by C/P Anderson to give conditional approval to the plan for Weis Markets. The conditions are included on the Borough’s March 27, 2013 Memorandum – Item #1 – leaving as is, Item #2 – with the addition that Mgr. Williams and Engineer Coukart have a meeting with PennDOT asking for a review of the traffic study. Item #3 – deleting the word four (4). Item #5 – with the word Borough Engineer being substituted with Snyder County Soil Conservation. Deleting Item #6. Item #7 – deleting Borough Engineer and putting in PennDOT. Items #8, #9, #10 and #11 – leaving as is. Item #12 – deleted. Item #13 – leaving as is. Motion seconded by C/P Viker.

There was additional discussion and Engineer Coukart stated that what the Borough really needs is one (1) set of drawings that is conclusive and one (1) letter of comments.

C/P Viker stated that Council has a motion on the floor that is being reviewed and for clarification purposes he would like to ask C/P Anderson if this motion does or does not strike both recommendation number two and recommendation number four as the Weis Markets requested.

C/P Anderson stated that Item #4 should be substituted with Engineer Coukart's requests to have a final set of plans. C/P Viker said but this opens up the door to everything subject to Engineer Coukart's approval yet again. This is what Weis Markets is trying to get away from. C/P Anderson stated she is going to leave her motion the way it stands. C/P Viker stated so to make this clear your motion does not strike Item #2 and Item #4. C/P Anderson stated no it does not. C/P Viker stated he will then need to withdrawal his second. V/P Carroll asked if there is a second, there being none the motion died for lack of a second.

A motion was made by C/P Viker that Item #2 and Item #4 be struck out and the easement granted assuming PennDOT approves the emergency access plan as drawn. Motion seconded by C/P Mease.

Conditional Final Land Development Plan Approval – Weis Markets, Inc.

The Applicant is the legal owner of the 7.876 acre tract of land bounded by state-owned highways Bridge Street – State Route 1012, State Route 204 and State Route 522, Selinsgrove Borough, Snyder County, PA, which is further described as being Tax Parcel No. 15-01-001A, as more fully described in Deed Book 928, Page No. 674. The Weis Markets Final Land Development plan is prepared by First Capital Engineering, consisting of a cover sheet (LD CS) dated December 7, 2012, last revised January 25, 2013, fifteen (15) plan sheets (C-1 through C-14) dated December 7, 2012, last revised January 25, 2013, and four (4) post construction management plan sheets dated December 7, 2012. The proposed project includes the construction of a 66,740 square foot Weis Markets Store and a Weis Markets Gas-N-Go including an illuminated canopy over a 205 square foot kiosk and eight (8) gasoline dispensing positions upon property located in the C-1 General Commercial District. MOTION made by C/P Erik Viker seconded by C/P Mease:

1. The applicant will rectify the conflict on the Storm water Management submission and the PennDOT plan submission in regard to storm water discharge being put into the existing storm water system, and the proposed storm water collection system on site to the satisfaction of the Borough Engineer. §123-29. Storm water management.
2. The Advisory Recommendation No. 2 of the Selinsgrove Planning Commission was struck by Erik Viker in response to the claim by Weis Markets that professional traffic engineering comments of the Borough's traffic expert, Traffic Planning and Design, have been addressed by the letter dated February 8, 2013 from First Capital Engineering and will be further reviewed by the Pennsylvania Department of Transportation ("PennDOT").
3. Crosswalks as required at the intersection of State Routes 204 and 522 for pedestrian traffic are to be provided to satisfy PennDOT Engineering District 3-0 conditions of permitting. §140-89. Miscellaneous provisions.
4. Comments by Borough Engineer, John Coukart in letters of 1/10/13, 2/19/13, and 3/18/13 were satisfied by the response letters from First Capital Engineering dated 2/8/13, 3/15/13 and 3/20/13 except for outstanding items of Gasoline Spill and Leakage Response, Signage, Landscaping and Lighting, with attachments including Exhibits C-2, C-3, C-4, C-5, C-6, C-7, C-9, C-12 and C-14 illustrating compliance with comments are to be considered official revisions that shall be incorporated into the Record Plan. Specifically, the Applicant shall provide a curbed island that is planted with vegetative material, Green Beauty Boxwood, to separate the general parking area from the Weis Market Gas-N-Go east of the proposed underground storage tanks. The Applicant shall provide deciduous street trees, Red Sunset maple and Green Vase Zelkova and understory shrubbery, Green Beauty Boxwood and Bennett's Compact Holly along State Route 522 and substitution of Coral Bells Azalea in place of other vegetative materials as shown in accordance with the review and comments provided by the Selinsgrove Shade Tree Commission. The Applicant shall provide full cutoff LED lighting fixtures where indicated on

the plan. The base and post of free-standing lighting fixtures shall be incorporated as a part of the curbed island, landscaped area or abutting the cart corals as illustrated rather than a fixed object amidst the bituminous asphalt surface of the parking lot. §140.95. Permitted signs; §140-89. Miscellaneous provisions; §140-45. Landscaping.; §140-46. Screening and special design requirements; and §140-93. Design specification for off-street parking and loading and unloading regulations shall apply.

5. Comments of the Snyder County Conservation District dated 2/25/13, and subsequent reviews, are to be addressed to the satisfaction of the Snyder County Conservation District.

6. The Advisory Recommendation No. 6 of the Planning Commission regarding the comments from the Snyder County Planning Commission was struck by Erik Viker in response to claim by Weis Markets that advisory comments have been addressed by the letter dated February 8, 2013, from First Capital Engineering.

7. The applicant must satisfy all comments with regard to their PennDOT Highway Occupancy Permit application to the satisfaction of PennDOT Engineering District 3-0.

8. Written easements shall be obtained by the Applicant from Snyder County Commissioners and Selinsgrove Borough, together with easements or permission for joint use of easements from Dauntless Hook and Ladder Fire Company and D. H. & L. Ambulance League, if necessary, for ingress, egress and regress to and from the southeast corner of the project site from State Route 522 and that such easements shall be forthcoming in a timely manner prior to the start of construction of any improvements according to the approved Final Plan to the satisfaction of the Borough Solicitor. Applicant shall be responsible for the preparation and recording of all easements.

9. The Broad Street stormwater impact from the proposed development is addressed to the satisfaction of the Borough Engineer. According to §123-29. Storm water management.

10. The Bridge Street erosion issue is addressed to the satisfaction of the Borough Engineer. According to §123-22 Erosion and sedimentation control.

11. The Penn Township Municipal Authority accept the proposal for the discharge of sewage from this proposed development into the Penn Township Municipal Authority sewer line in State Route 204 be established in writing and that Selinsgrove Borough and Penn Township Municipal Authority mutually agree to the disposal of the sewage subject to ESCRA's requirement and Penn Township Municipal Authority's requirement and the Selinsgrove Borough's requirement for pretreatment of the sewage, based on the discussion between all three entities and the applicant. If the Penn Township Municipal Authority does not accept the sewage, the connection for this site will be either into Selinsgrove Borough manhole #152 in State Route 204 or manhole #1 in State Route 204. Applicant shall be responsible for obtaining any and all easements for the proposed sewer line laterals and connections and shall pay for the preparation and recording of all easements. According to §123-35. Sanitary sewer system.

12. The request for waiver of §123-32 Street Pavement, Curbs and Sidewalks to install curbing along the perimeter roads including State Routes 204, 522 and Bridge Street is granted except where shown on the Final Plan along the radii of proposed driveways in accordance with PennDOT standards and satisfaction of Highway Occupancy Permit requirements.

13. The Traffic Signal Permit plan, to be coordinated with the previously approved Safe Routes to School project, is approved by PennDOT Engineering District 3-0.

14. A concise Record Plan set incorporating the comments, responses, exhibits and illustrations be provided by the applicant be submitted to the Borough Engineer. According to §123-13. Final plan.

15. Waivers granted, in addition to perimeter curbing, include §123-7. General Provisions for Subdivision of Plans. D. Minor Subdivision whereby Applicant may proceed from Sketch Plan to Final Plan; Section §123-13. Final Plan. D., whereby Applicant may submit plans that are drawn on sheets

twenty four (24) inches by thirty (36) inches; and Section §123-13. Final Plan. E., whereby Applicant may submit plans that are drawn at a scale of 40 feet to the inch. Applicant withdrew request for waivers of §120-11. Placement and width of future sidewalk and §120-12. Placement and width of sidewalk partially laid, since they were no longer required.

16. Acknowledgement that the Applicant withdrew the request approved by Borough Council on June 4, 2012 to transfer six (6) EDUs from the current Weis Markets store to the proposed location that would have left two (2) EDUs remaining for the current Weis Market property for a use yet to be determined when the new store is open citing there are available EDUs since the lifting of the Moratorium of connections by the PA Department of Environmental Protection on January 29, 2013.

17. Execution by the Applicant of a Developer Construction Agreement and Post Construction Maintenance Agreements for any and all site improvements, including, but not limited to sewer laterals, sewer lines, mains and manholes, water lines, mains and related items, curbs, sidewalks, roadways, drainage and storm water management facilities and structures, lighting fixtures, traffic control devices, and any other structures, specified or otherwise indicated on the Final Plan and the attachments, drawings and exhibits thereto. Applicant shall also either fully construct all of the site improvements specified or otherwise indicated on the Final Plan and the attachments, drawings and exhibits thereto, or post security in the form of a bond, cash, pledge of certificates of deposit, performance, labor and materials bond, or other collateral acceptable to the Borough Council, in an amount as determined under and required by the applicable provisions of the Selinsgrove Borough Code, and as approved by the Borough Solicitor. According to §123-40. Procedure for installation of required improvements.

18. Applicant shall install all sidewalks specified on the Final Plan in accordance with Selinsgrove Borough Code with a width of at least five (5) feet. §123-32. Street pavement, curbs and sidewalks.

19. Applicant shall apply to PennDOT for the reduction of the maximum speed limit on Bridge Street to no more than 35 miles per hour and upon reduction of such limit shall pay for the installation, including signs, posts, breakaway devices, hardware and labor for installation of the applicable traffic control devices to implement such new speed limit. See Letter from Grove Miller.

20. Applicant shall have ten (10) days from the delivery of this written decision during which to accept such conditions in writing and serve the same at the Selinsgrove Borough Office at One North High Street, Selinsgrove, PA 17870. Should such written acceptance not be made then, the conditional approval is rescinded and the Final Plan for the proposed new Weis Markets Store shall be deemed disapproved with no further action being necessary by the Borough Council. In the event it accepts the conditional approval of the Final Plan, the Applicant shall have thirty (30) days following the date that it delivers to the Borough Office during which to resubmit a corrected Final Plan which completes or otherwise satisfies the conditions set forth above unless an extension of time is requested by the Applicant. See Municipalities Planning Code.

Incorporation of the recommendation by Borough Manager Paul Williams to restrict traffic to one way flow on the east side of the building due to location of the loading dock and turning template illustration of tractor trailer movements was not included in the Motion as Weis Market claimed there was adequate width for two way traffic. §140-89. Miscellaneous provisions.

Upon roll call vote called by Vice President Carroll the MOTION carried by a vote of 4 to 2; C/P Hendricks – aye, C/P Anderson – aye, C/P Carroll – nay, C/P Mease – aye, C/P Charles – nay, and C/P Viker – aye.

ZONING HEARING BOARD: Cyril Runkle, Chair – No Report

CIVIL SERVICE COMMISSION: Dalton Savidge, Chair – Mgr. Williams informed Council that he is moving along with the rules and regulations. He is hoping to have a final draft done with the assistance of Monica Kline at Sol. Cravitz's office. He will be scheduling an advertised meeting with the Civil Service

Commission in the month of April. He hopes to have a recommendation for Council at their May 6, 2013 meeting.

SHADE TREE COMMISSION: Joan Fasold, Chair – Mgr. Williams informed Council that the Commission has been recognized by the Snyder County Conservation District. Jeremy Smallwood attended the luncheon and was presented with a plaque.

The Shade Tree Commission also met recently. They have placed an order for trees to be planted the month of April 2013. There will be about 15 planted.

The Shade Tree Commission did receive a request from a property owner to “save the trees” up on Penn Street. Mgr. Williams stated that this particular homeowner has taken extraordinary measures to try and save the trees. This street will be having sidewalk/curbing replacement done this summer. C/P Viker stated that he feels other homeowners on Penn Street will be approached by the Commission and Borough Management about some trees that are right on the curb and are growing over the curb. Extraordinary measures will be necessary if the Borough wants to save about eight (8) oak trees. Mgr. Williams stated that something can be done with pruning and selective trimming at the roots.

BOROUGH ADMINISTRATIVE REPORTS:

MAYOR: Sean Christine

Presentation of Police Report for February 2013 – Copy provided – Mayor Christine stated there were no anomalies.

V/P Carroll stated that the new police car has been approved, purchased and is being used. Treas. Badman has not received the paperwork yet. Council has approved the selling of the other police car.

BOROUGH SOLICITOR: Robert Cravitz, Esq. – No Report

BOROUGH ENGINEER

Update on pending projects – Coukart & Associates, Inc. – Copy provided – Engineer Coukart stated the Utility Program will be adding a section on Pine Street to tie into Market Street on both the east side and the west side of Pine Street. There is also an alley on Water Street that will be included. They hope to have bids in by the next Council meeting on Monday, May 6, 2013.

The Street Program received the go ahead last month. The bulk of the field work has been done and they are working with CDBG. The project will be bid as two separate contracts. The first contract will utilize CDBG funds for the construction or replacement of handicap ramps along Penn Street as funds permit. The second contract will be for minor storm water improvements and resurfacing of Penn Street as funds permit.

Engineer Coukart stated there was a letter handed out from PennDOT to Council pertaining to the traffic signal at Mill and Market Streets. This letter is trying to explain what Coukart & Assoc. has been trying to deal with to get the approval from PennDOT. They have not been very timely. Engineer Coukart still intends on pushing the project for bid this year. He is also looking at adding a power supply to the project that would allow for ornamental street lighting. Engineer Coukart stated he talked with Shane Ulrich regarding the right of way. The Borough will be asking for a larger temporary right of way and then it will be shrunk down to a permanent right of way with a much smaller footprint. Engineer Coukart stated that Mgr. Williams and Sol. Cravitz are working on easements for the other property owners.

Engineer Coukart stated he had a conversation with DEP this morning (4/1/13) regarding the Isle of Que Boat Launch and they are approving the Submerged Land License Agreement. This is necessary for the GP-11 Permit. During the most recent conversation regarding the GP-11 Permit with DEP from Sunbury, they stated they would like to see additional notes on the plans. Engineer Coukart will be putting in

concrete barriers just to retain the sediment that will be stirred up in the river. There are no design changes, just a bit of verbiage that should be added to the plan.

Engineer Coukart's comment letter was given to Council in regard to the preliminary Land Development Plan of Michael Savidge.

The Justin Womer Land Development Plan has a discrepancy in the required off-street parking. Mr. Womer appears to be about two (2) parking spaces short. Engineer Coukart had a conversation with Central Keystone COG to see how to address this. It does not comply with the plan. There were 22 parking spaces on the original plan with two (2) handicap parking spaces. He provided one (1) handicap parking space and there is supposed to be a five (5) foot striped area alongside that parking space for vans. One (1) of the handicap spots is a parallel parking spot. The stall is right inside the parking lot and if a wheelchair is attempting to be brought out of car/van they are right in the line of traffic to come off of Market Street. These issues were discussed with the Codes Department and they ran their numbers and came up with 22 parking spaces. Engineer Coukart stated he heard that Mr. Womer approached some people and said that he came up with his own numbers. DZO Powers stated he wanted to make the stalls parallel instead of angled parking. She informed Mr. Womer that he would need to bring in the plan and show the Borough how he intends to do this. He never presented a revised plan. V/P Carroll reminded Council that it has been one (1) year in March that Mr. Womer wanted Council to approve things that weren't taken care of the proper way originally.

Engineer Coukart stated the Selinsgrove Commons received confirmation that Engineer Coukart's project completion statement to DCNR was accepted.

Update on pending projects – Larson Design Group – Copy provided – Mgr. Williams stated the final inspection on the SCADA system will be performed on Tuesday, April 2, 2013 by representatives from the Borough, Martz and Larson Design Group.

The Wastewater Sample Collection and Analysis Programs official record keeping should start on Thursday, April 18, 2013.

Mgr. Williams stated he did prepare a letter under the recommendation of Engineer Coukart to request PennDOT District 3-0 to re-review the traffic impact study for Weis Markets. He asked if Council would like the letter sent. Council replied with an affirmative verbal consensus.

BOROUGH TREASURER: Sharon Badman

Approve Treasurer's Report for Month of March 2013 – Copy provided

Motion made by C/P Viker to accept as presented. Motion seconded by C/P Hendricks.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

BOROUGH MANAGER / SECRETARY: Paul A. Williams

Manager's Monthly Activity Report – Copy provided – Mgr. Williams informed Council that on March 6, 2013 the last meeting was held on the Veterans Memorial. It is ordered and will cost in the area of \$6,000.00. The goal is to have it in place for the Memorial Day ceremony.

March 27, 2013 was Mgr. Williams return trip to the SEDA COG and he is pleased to report that with only two (2) NAY votes the Board did grant permission for the SEDA COG to put on an educational forum as it relates to the Cable Franchise Renewal Agreement. This will be a new service that they are providing. They will be setting up about five (5) informational sessions in their 11 County region and it will be co-sponsored by the PA State Association of Boroughs.

Notice: PSAB 2013 Annual Conference, May 5 to May 8, at the Hershey Lodge

Notice: Statements of Financial Interest are to be completed and returned to the Borough Office before May 1, 2013

ZONING: Janet Powers, Deputy Zoning and Permit Officer

Update of ZONING, SIGN & DEMOLITION PERMITS ISSUED & REAL ESTATE TRANSFERS – Copy provided

SELINGROVE MUNICIPAL AUTHORITY – Donald Bottiger, Chairman – No Report

EASTERN SNYDER COUNTY REGIONAL AUTHORITY – Carol Handlan and George Kinney, Chairpersons – Monthly Minutes provided – Mgr. Williams informed Council that they may want to review the first page – second paragraph concerning matters of EDU's. On page two (2) under New Business number one (1) – four (4) EDU's have been allocated to the land development of Michael Savidge on Sand Hill Road.

NORTH-EASTERN SNYDER COUNTY JOINT AUTHORITY – Bill Hetherington and Dianne Mengel – No Report

NEW BUSINESS:

COUNCIL MEMBERS – Jr. C/P Maggie Lemons informed Council that she has three (3) candidates for Junior Councilperson – two (2) boys and one (1) girl and they are two (2) Sophomores and one (1) Freshman. Jr. C/P Lemons will be sending all their essays to C/P Anderson. The three (3) candidates would like to be on Borough Council to replace Jr. C/P Lemons.

C/P Anderson asked to have Savor Selingsgrove taken off the Borough's website calendar. This event is not being held this year.

ADJOURNMENT:

Motion made by C/P Viker to adjourn. Motion seconded by C/P Charles.

Meeting adjourned at 10:10 P.M.

Attachments: None

Respectfully submitted by

Chele' Weaver
Recording Secretary