

SELINGROVE BOROUGH COUNCIL MEETING

MONDAY, JUNE 3, 2013 - 7:00 P.M.

COUNCIL MEMBERS PRESENT: Pres. Brian Farrell, V. Pres. Pete Carroll, C/P Dottie Anderson, C/P Rich Mease, C/P Tim Charles, and C/P Erik Viker

COUNCIL MEMBERS ABSENT: C/P Shane Hendricks

OTHERS PRESENT: Borough Manager Paul Williams; Solicitor Robert Cravitz; Mayor Sean Christine; Borough Treasurer Sheri Badman; Deputy Zoning Officer Janet Powers; Recording Secretary Chele' Weaver; Borough Engineer John Coukart; Parks and Recreation Rocky Baer; Main St. Manager Mary Bannon; Community Aid Debbie White; Grace Transitional Tammy Clinger & Catherine Flather; Civil Service Commission Dalton Savidge; DH&L Gary Griner; Rudy Gelnett Library Pam Ross & Rick Savidge; Planning Commission Earl Moyer; G&R Charles Construction Ross Charles; DB Construction Dave Bowersox; Daily Item Reporter Marcia Moore; Borough Residents Joseph Siro, Bill Hetherington, Marvin Rudnitsky, Jim Charles, Harry Derr, Herb Dressler, Brian Simcox, Jim Shipe, Sue Kintzer, Cindy Frymoyer, Tana Bingaman, Ali Stevens, Garrett Hollenbach, Maggie Barger, Bobbi Steining, Vincent Stoops, Joe Herb and Chris & Vern Gamble.

OTHERS ABSENT: Jr. Council Person Maggie Lemons

CALL MEETING TO ORDER:

Pres. Farrell 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 MEETING OF MAY 6, 2013:

C/P Anderson stated that on page eight (8) under New Junior Councilperson Jonah Markle the words "and herself" should be deleted. It was just Maggie Lemons who found the candidates.

Mgr. Williams stated that on page ten about ¾ of the way down the page – it is pertaining to a vote on Resolution 2013-13 the AYES should be four (4) not three (3).

Motion made by C/P Viker to approve the minutes as corrected. Motion seconded by C/P Charles.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

PERSONS TO BE HEARD:

DH&L Fire Company – Gary Griner reported there were 33 incidents in May as follows: six (6) automatic alarms, one (1) standby assignment, two (2) false alarms, six (6) good intent/service calls, four (4) medical assists, two (2) auto accidents without extrication, one (1) power line down, two (2) rescue calls, five (5) structure fires, one (1) tree down, two (2) water rescue/recoveries and one (1) fire/arson investigation. This is a total of 364.94 man hours. The incidents occurred as follows: one (1) in Lower Augusta Township, two (2) in Middlecreek Township, nine (9) in Monroe Township, eight (8) in Penn Township, eight (8) in Selingsrove Borough, one (1) in Shamokin Dam Borough, one (1) in Union Township, one (1) in Upper Augusta Township and two (2) in Washington Township.

Selingsrove Area Recreation, Inc. – No report provided.

Selingsrove Projects, Inc. – **Copy provided** – Main St. Manager Mary Bannon informed Council that Pat Owens has resigned as President because of health reasons. Elaine Herrold will be the new Acting President until elections in January 2014.

The re-dedication of the Governor Simon Snyder Monument went very well with over 350 people in attendance. Free hot dogs, soda and ice cream were provided by Bot's, Pepsi, Dawn's Luncheonette and Savidge Housing Corporation.

SPI is planning once again to hold their "Welcome to the Grove" event. It will be held on Wednesday night, August 21, 2013.

SPI is actively working on securing more façade grant applications for any downtown businesses or private residences. There is about \$30,000.00 left to be used by the spring of 2014.

Ms. Bannon also stated that at last months Borough Council meeting a representative from the high school spoke about opening the "Overtime" used sporting goods store. They decided to build their clientele first by opening within the high school and then when they have gotten enough recognition and interest they will move downtown.

The "Rudy Gelnett Summer Music Series" will begin on June 13, 2013 with Ann Kerstetter & the Cronies. The time is from 6:30 P.M. to 8:00 P.M. every Thursday night on the Common's unless it rains.

Parks & Recreation Commission – Rocky Baer – Copy provided – Mr. Baer informed Council that their last meeting was held on Tuesday, May 28, 2013. There is still one (1) position available on the Parks & Recreation Committee. The committee is actively looking for someone interested in filling the position.

The committee also heard from By Grace Transition House from Middleburg. They are in attendance and will be doing a presentation later. A brief overview is that they would like to use the Major Anthony Selin Park for a fundraiser/charity event on Saturday, August 24, 2013. Some setup would be required on Friday night August, 23, 2013. One of the things that the committee had concerns about was traffic. Susquehanna University has agreed to let them use their parking facilities on Sassasfras Street. They will be receiving some help from DH&L to direct traffic. There may also be some additional parking behind Phillips Industries.

The committee did have a concern with the foot bridge. Mr. Baer was at a soccer game recently and noticed it does have hand rail. With the hand rail being there he feels that the bridge should be okay for this event. Mr. Baer recommends that someone look at this bridge before the event.

The summer kids program will begin on June 17, 2013. There is one (1) PHEAA approval for Maya L. Fuller-Little. Two (2) others were submitted but were ineligible. The names of Courtney Wolfberg and Abraham Durant were recently submitted. They are waiting to see if they are eligible.

The committee is planning a work party at the dog park to create a smaller dog park that will be fenced off so the smaller dogs and the larger dogs are separated.

Mr. Baer informed Council that the Summer Concert Series at the Pump House Park will begin on Tuesday, June 11, 2013.

The Moose Playground had mulch laid down to the proper depth to meet safety requirements. The Borough's mulch pile was used for this. The pavilion at the playground is run down and the concrete has been damaged. The committee will take a further look at this.

The Rotary Field had several trees that were damaged by lightening last year. They have been replaced by the Shade Tree Commission. Movie night at the Rotary Field will be starting soon.

C/P Charles asked if on August 24, 2013 – the day of the fundraiser for By Grace – will AYSO be using the fields for a tournament? Representative Catherine Flather stated they looked into that and AYSO will be starting two (2) weeks after the event.

1. “By Grace Transitional Housing” request for use of facility for community event – Copy provided – Representative Catherine Flather introduced herself. She informed Council that they are building a transitional home for women in Middleburg. They have been given the second floor of a large building (they are paying rent) that is being renovated now. They expect to have approval from CKCOG within 30 days to start construction. They have raised enough money to hire an architect and an Engineer and many volunteers. They have done a lot of demolition and are now waiting to build.

They would like to do a fundraiser that would increase the cash flow. It will be called “Raise the Roof”. They have music that will be provided by a young man that is supervised by the Court system. He has many, many hours that he will have to do for community service. He stated he would like to spearhead the music. Many of the volunteers they have been using are through the drug and Court system. Tammy Clinger – Ms. Flather’s helper – has been doing car shows for the foster parent program of Snyder County. This will be year number eight (8) that she has been doing the car show. The foster parent program has decided that the car show is getting too big for them. Ms. Flather and Ms. Clinger have both taken over the car show from the foster parent program. They would like to place the car show across the foot bridge on the AYSO fields.

To pay for the Architect and Engineer they started a catering business. This catering business has been run for about eight (8) or nine (9) months. Ms. Flather informed Council that Kay’s Catering in Kreamer went out of business and Kay has been very helpful. She has been referring her customers to the group. They have raised about \$10,000.00 just in the catering alone and they hope to use this as an educational tool for the women that come to the shelter.

The shelter is designed for younger women with or without children who have become homeless. This will serve Snyder and Union Counties. They have been working with the Commissioner’s from the County, Judges, the District Attorney and a Probation Officer. The goal is to transition women who have found themselves without homes. They must complete a program. The shelter will help to transition these women back into their communities.

Ms. Flather stated that Grace Community Church in Middleburg has been gracious enough to let the shelter operate under their 501c3 and also their liability insurance. Ms. Flather informed Council that they have spoken with Mr. Grayston who owns the old Phillips Industries building and she has been given his verbal approval to use his spare parking lot. She told Mr. Grayston that she would like written approval and told him that they would also provide a copy of the complete insurance rider.

C/P Anderson asked Ms. Flather how many people they are expecting. Ms. Flather stated they would like to see more than 500. C/P Anderson asked what the car show experience has been to date. Ms. Flather stated the car show has had over 100 cars. They would like to advertise and get the community involved. They are trying to make the community aware of the shelter.

Ms. Flather stated they would like to set up sun shelters for kid’s activities. This is children and Christian oriented.

Pres. Farrell asked Ms. Flather when she needs her answer. Ms. Flather stated the sooner the better so they can start selling tickets. Pres. Farrell stated that Council would like to have some input from the public, Parks and Recreation Committee, Mgr. Williams, Treas. Badman, etc. Pres. Farrell doesn’t know if a decision can be made tonight. Council could certainly look at it and coordinate with the other committees, and get back with Ms. Flather. Ms. Flather stated she would really appreciate that.

Mgr. Williams stated that this is a large undertaking and he gives the women credit for trying to get this together. A few weeks ago the Borough had another event that was to take place and there were some challenges. The reason that event wasn’t successful was due to insurance. However, this seems to be covered with this event.

Mgr. Williams stated some of the highlights include a car show, monster trucks and race cars provided by Selinsgrove Speedway. Music will be provided throughout the day on a mobile stage. The hours of operation will be from 9:00 A.M. to 4:00 P.M. This event should be completed by the time the race starts at the Selinsgrove Speedway. Food concessions are covered along with concessions with games, etc. The stage will be used in Kidsgrove for a pageant. Permissions are needed from Kidsgrove (which they have received), Susquehanna University, owner of Phillips Industries and Selinsgrove Borough.

Mgr. Williams stated that the logistics were discussed with Parks and Recreation and they include traffic control provided by DH&L Fire Company Fire Police, first aid will be provided by the EMS of DH&L Ambulance League, parking, Port-A-Jons, trash collection, a generator will be needed for the music/stage area, security communications, clean up and emergency contacts.

Mgr. Williams stated this does need to go to Borough Council for their ultimate decision.

Ms. Flather stated the car show has been held for the past seven (7) years and they have had no problems with damaged grass. DZO Powers asked if the group had contacted AYSO. Ms. Flather was not aware that she needed to. She will certainly see that she does. Ms. Flather did state that they have talked with the property owner and she would like to know who the contact is for AYSO.

V/P Carroll asked if this event will be held rain or shine. Ms. Flather stated that it will.

Pres. Farrell stated he doesn't have a problem with giving conditional approval tonight. Mgr. Williams said, in coordination with AYSO and the Chief of Police.

C/P Charles asked if there will be access since Council will be awarding the contract for sidewalks on Sassafras Street this evening. Mgr. Williams stated there will be access.

Motion made by V/P Carroll to accept conditionally with approval by AYSO and the Chief of Police.
Motion seconded by C/P Viker.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

Debbie White – Community Aid – Copy provided – Ms. White informed Council that Community Aid is a faith based clothing collection and thrift store. Since 2009 Community Aid has given over two (2) million dollars to non-profit organizations and churches who have put clothing collection bins on their properties. This money is in the form of quarterly cash credits. They currently have two (2) stores one (1) in Hanover and one (1) in Mechanicsburg, PA. They have recently signed a lease for the old Value City building. They are opening the donation portion of this store in August 2013. The official store opening will be sometime in January 2014. They are excited to be in the community and expect to create 50 jobs.

V/P Carroll stated that previously questions had been brought up about the placement of these collection bins. DZO Powers stated there is no Ordinance regarding collection bins.

Ms. White did state that they currently have over 530 bins that are scattered throughout Harrisburg, Mechanicsburg and Central PA. V/P Carroll stated the concern can be when these bins fill up and create a mess. Ms. White stated this is a legitimate concern. Their Executive Director was a former Salvation Army Officer. He prides himself in doing pickups at least two (2) times a week.

Pres. Farrell asked how long the lease on the building is for. Ms. White stated for 10 years. Sol. Cravitz asked if the bins stay in the same place all the time. Ms. White answered yes.

COMMITTEE / COMMISSION / BOARD REPORTS:

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

Award contract for Boat Launch Project – Copy provided – Motion made by C/P Charles to accept the lowest pre-qualified bidder G&R Charles with a 150 day contract for \$63,000.00. Motion seconded by C/P Anderson.

Pres. Farrell opened the floor for questions or comments. C/P Viker stated that there is some confusion with the term pre-qualified. Sol. Cravitz stated he spoke with Borough Engineer John Coukart, all the documentation including the advertisement, calls for pre-qualification by PENNDOT as being one of the main stays for bidder qualification. This was advertised as needing PENNDOT pre-qualification. Unfortunately, DB Construction did not have the pre-qualification specification from PENNDOT, their bid cannot be accepted. If the Borough would erase that formality, the Borough in Sol. Cravitz's opinion, would need to re-bid the project because it was advertised as having to be pre-qualified to bid. The PA Fish & Boat Commission is also wondering how they could qualify a contractor without the PENNDOT pre-qualification. Given the history of this particular project, Sol. Cravitz believes the Borough can only accept bids from people who are pre-qualified by PENNDOT.

Borough resident Jim Charles asked to take the floor. He informed Council that he lives on the Isle of Que. He operates, with his wife, a business called Isle of Que River Guides. They have received some negative effects from the closure of the boat launch in the four (4) summer seasons that they have been open. For three (3) of these seasons the boat launch has been closed. It keeps his business from being able to accommodate seriously handicapped individuals. They used to be able to drive their vehicles down, put them in a wheelchair and get them into the boats for boat rides on the river.

Mr. Charles would like to address some of the history that raises questions in his mind. On November 6, 2006 there was a recommendation on modifications for the PENNDOT pre-qualification - only sub-contractors (not private contractors) would be subject to this. Six (6) months later on May 7, 2007 the Borough put the original boat launch project out for bid. Pre-qualification and bid bonds were not required for the project. About two (2) months after this on July 2, 2007 the Borough decided to modify the pre-qualification to include prime contractors. It did say, however, that this amendment was for street and alley projects not utility projects.

On July 2, 2007, at the same meeting, Sol. Cravitz made sure to make it clear that the whole purpose of the bidding process is so the residents of the Borough get the best job for the least amount of money.

Four (4) years later on November 7, 2011 the Borough awarded the contract for the Isle of Que Boat Launch repairs. The successful bidder was DB Construction – David Bowersox. There either was no pre-qualification or the Borough made the decision to waive the pre-qualification because DB Construction did not have the pre-qualification at this time. Six (6) months later on February 6, 2012 in the Borough Council meeting minutes Pres. Farrell, in reply to a question by Earl Moyer, stated that originally the work at the boat launch (the design had been incepted by the Fish & Boat Commission) was not done correctly according to the drawings and that the PA Fish & Boat Commission did not approve the work and withheld the original grade levels. The original contractor was G&R Charles. Three (3) months after this on May 17, 2012 (Mr. Charles pulled the Borough code and he is not sure what the proper wording is) Article 14 under contracts page 113 section 14-01 paragraph B reads – any pre-qualification standards shall be recently designed to **assist** Council in determining the ability of the bidder to successfully complete the contract. It didn't say that it is the only qualification but it is to **assist** Council.

Mr. Charles stated he looked up the salt shed that was bid in June of 2012. He didn't see where pre-qualification was required.

Mr. Charles stated that now he comes to the present – May 30, 2013 – invitation for bids for the Isle of Que Boat Launch repairs. Now the Borough (after two (2) previous bids) makes the requirement that the Dept. of Transportation sub-contractor pre-qualification is required when the original contract did not require it. The repair contract did not require it. The salt shed did not require it. He stated that possibly the inclusion could be construed as selective bidding. Whereby, lowest bidders now disqualify and he suggests that Pres. Farrell's comments concerning G&R Charles not doing the job right to begin with –

this is very difficult for Council to adopt them as going to do the repairs if their original work is called into question. That leaves Council with HRI's bid proposal of \$126,000.00 which is more than twice the amount of the low bid of DB Construction of \$56,800.00.

Mr. Charles believes Mr. Bowersox (when he spoke with him) said he believed he was submitting his bid as prime contractor not a sub-contractor and that he was bidding on a utility project not a street and alley project, which Mr. Bowersox believed did not require the sub-contractor pre-qualification.

In Mr. Charles' opinion he believes that Borough Council could award the boat launch contract to the lowest bidder because the requirement for the PENNDOT pre-qualification sub-contractor was put into **assist** Council in determining the ability of the contractor. As a Borough resident Mr. Charles would certainly object to awarding a contract to HRI for twice the amount that the Borough already has a bid for.

Pres. Farrell stated he would like to clarify a few things. The Borough now knows that the statement that G&R Charles did the job wrong is not correct. The plan in question was never approved by the PA Fish & Boat Commission. This plan was prepared by the Borough's previous Borough Manager. G&R Charles did this job based on the plan and did it according to the plan. The previous Borough Manager then approved the job after G&R Charles completed the project. G&R Charles did nothing wrong.

Jim Charles asked if there are minutes that show that the Borough now believes it was the previous manager. Pres. Farrell stated that Council knows that the plan was never approved by the PA Fish & Boat Commission. Jim Charles said his statement is based on Council minutes and that Pres. Farrell stated that the drawings were approved and an inspection was done when the work was completed. However, the work was not done correctly to the drawings, so the PA Fish & Boat Commission did not approve the work. Pres. Farrell stated that this is not correct and the facts are that the PA Fish & Boat Commission looked at the project and said that it never should have been done because the plans were never approved. It should never have been built. Jim Charles asked when the Borough discovered this. Pres. Farrell stated he does not have exact dates, but these are the facts in the matter. The PA Fish & Boat Commission came out and looked at the project and told the Borough that they never approved the plans and that it is done wrong. G&R Charles did the project according to the plan that was handed to them by the past Borough Manager. Pres. Farrell wants to clarify that G&R Charles did nothing wrong.

Pres. Farrell informed Ross Charles he could take the floor. Mr. Charles informed Council that Selinsgrove tried to pull this on him before with pre-qualification. He did a box cover right by his house and he was low bid on one right below his house on Charles Avenue. They were not going to give him the job because he did not have pre-qualification. He had it right before the job was done. He was pre-qualified. When the Borough puts in their bid packet pre-qualification, you need to be pre-qualified. This is how it is everywhere else. So if the Borough is going to pull the pre-qualification, then the Borough is going to have to re-bid. If this is what the Borough wants that is fine. The Borough is going to cost Mr. Charles (he lives in Selinsgrove too) more money to re-bid this and have Mr. Coukart redesign it or you can give it to HRI for \$129,000.00 because he (G&R Charles Construction) is not going to deal with this.

Pres. Farrell stated he thinks that is what the issue is at this point. It has already been bid. The issue isn't who the Borough gives it to. If the Borough is going to take away the pre-qualification requirement the whole thing has to go back out for re-bid.

C/P Viker stated the accusation that is coming down the pike is that the Borough has waived pre-qualification in the past. Did the Borough waive the pre-qualification after the bid-opening?

Sol. Cravitz stated that since January of 2012 things have changed in the Borough of Selinsgrove. Now it is being done according to our Borough Engineer's recommendation and the Borough has been following the Borough code. As everyone can see the Twisty Freeze is not open yet because of making Mr. Womer go through and abide by the code in order to open.

The Borough now has a project that was closed down. The Fish & Boat Commission wasn't going to allow the Borough to open up the boat ramp. It is an attractive nuisance and it needs to be done over.

They have been willing to work with the Borough. Mr. Coukart went forward and drew up the plans. When this came out in February 2012 the Borough had correspondence from PA Fish & Boat that said they cannot approve the ramp.

C/P Viker asked what the legal ramifications are at this point of waiving the pre-qualification requirement. Sol. Cravitz stated that anyone who would be aggrieved because they did not bid the project could turn around and sue the Borough.

Borough resident Joe Herb stated it seemed to him that the pre-qualification was optional. The people who were designing the ramp worked with the PA Fish & Boat Commission. He hasn't heard anybody say that this was necessary. The idea of a pre-qualified project didn't exist until about a year ago. He would be much happier to see some discussion or some thought given to the idea of fundamental fairness in the way the project is being approached.

Engineer Coukart stated he would like to see a PENNDOT soil contractor pre-qualification required. Several projects that the Borough had acquired got very frustrating for the Borough to get the quality of work that the Borough wanted. Starting in 2001 or before, the Street Program was approved to require it along with the years 2002, 2003 Utility Programs and 2004's Street Program. This has always been, at least for the last ten years plus, a standard in the Borough's contract. Engineer Coukart stated that after Ross Charles's (G & R Charles Construction) incident the wording may have been changed to the effect that the contractors are required to have it at the time of bidding and throughout the length of the project.

Borough resident Jim Charles stated if this isn't a street or an alley project then based on the options he saw it's a Utility Project and he's assuming the salt shed bid was a utility project and doesn't require pre-qualification. Engineer Coukart stated that 2001 and 2002 were Street Programs and 2003 was a Utility Program for the Borough. There have been Utility Programs as well because it involved excavation, paving, etc. He would be hard pressed to consider this a Utility Project – it is more of a paving project – the Borough is constructing a road down to the waters edge and below.

Mgr. Williams stated he can't express in its entirety what the Borough has been through. When the Borough went back to the Fish & Boat Commission they raised the bar. They wanted to make sure that all the Borough's i's were dotted and t's were crossed. There were additional departments that were never involved before. The Borough had to acquire and apply for and satisfy General Permit #11. The Borough had to deal with DEP an outside agency. The Borough was told that they had to secure a submersible land license agreement. He is looking forward to being able to advance this project tonight. He is not an expert as far as knowing PENNDOT publication 408 and 409 but he understands from the Borough Engineer that these are very important for the contract. This is a street down to the waters edge and the Borough must get it correct. The Borough is hoping to get some additional funds to help implement the project.

Borough resident Jim Charles stated that the Borough had a lease with the Fish & Boat Commission for over 20 years for the old boat launch. They never provided one (1) ounce of gravel, cut down one weed, never made one (1) improvement in over 20 years and the Borough is suddenly supposed to be excited that they are going to take care of this one? It is Mr. Charles' understanding that the pre-qualification is not a requirement of the Fish & Boat Commission. It is a requirement of the Borough.

C/P Viker asked if this is a matter of saving \$26,200.00 of public money or is this a matter of liking somebody's work better? This becomes a little bit of an issue. If it turns out that Council goes with the motion and the Borough gets sued we could get into a whole lot more than \$26,200.00. Pres. Farrell stated he doesn't feel it is either, it is a matter of how the Borough puts it out to bid.

Pres. Farrell stated we have the motions on the floor to award this bid to the lowest PENNDOT approved contractor which would be G&R Charles for \$63,000.00.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

Award contract for Handicap Ramp, Curb and Sidewalk Project – Copy provided – Motion made by C/P Charles to approve the contract for the lowest qualified bidder which is G&R Charles for \$99,551.48. Motion seconded by C/P Anderson.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

Pres. Farrell stated that before contractor Ross Charles leaves that the minutes from February 6, 2012 will be corrected. There are a few things that Jim Charles handed him - Pres. Farrell doesn't know why he or why Council hadn't caught this before – it says in the minutes that the previous Borough Manager did the first design – this is correct. Mr. Moyer asked if it was ever submitted to find out if it was correct. Pres. Farrell stated that it should have been approved by the Fish & Boat Commission before any construction had begun – which is correct. Pres. Farrell stated that the drawings were approved. **IT SHOULD SAY – WERE NOT APPROVED BY THE FISH & BOAT COMMISSION. An inspection was done when the work was completed, it states the work was not done correctly – IT SHOULD BE – THE DRAWINGS WERE NOT DONE CORRECTLY SO THE FISH & BOAT COMMISSION DID NOT APPROVE THE WORK.** Pres. Farrell stated the minutes will be redone and provided at the next Council meeting. Sol. Cravitz stated to have it noted on the current minutes - the Borough cannot go back and change past minutes after they were approved. The minutes will be brought up at the next Council meeting with the corrections and then they will be approved.

Contractor Ross Charles stated that he lives in Selinsgrove too and it cost him a lot of money to get pre-qualified. He feels as if he has been taken across. Former Borough Manager Bickhart and Mr. Bowersox spent days at the boat launch checking Mr. Charles' grades and he was within a ¼ of an inch of every grade on the boat launch from what former Borough Manager Bickhart had on his prints. This is a fact.

Award contract for 2013 Street Program – Copy provided – Motion made by C/P Charles to award the contract to the lowest bidder on the Base Bid, ADD ALT I, ADD ALT II AND ADD ALT III to HRI, Inc. for a total of \$246,277.80. Motion seconded by C/P Anderson.

Borough resident Vince Stoops asked if this project includes the repair of the sidewalk on the North side of Sassafras Street. If it does not, he would encourage Council not to approve the construction on the new sidewalk on the South side of Sassafras Street until the sidewalk on the North side is repaired. Mgr. Williams stated that this project became elevated – it became a higher priority. The whole idea is to make a continuous pedestrian network to Kidsgrove from the Borough. By providing a sidewalk the Borough would accomplish this. Not to say that the other side of the street does not need attention also. But by providing this segment of sidewalk which is on the Southern side of Sassafras Street the Borough is accomplishing its goal.

C/P Charles stated this only goes across the Borough's property. V/P Carroll stated the sidewalk on the North side would be the responsibility of Susquehanna University. He feels that the University should be notified of the crumbling sidewalk and overgrown grass. It needs attention and should be followed up.

Mayor Christine asked who would do the repaving on Sassafras Street. Treas. Badman replied PENNDOT. Mayor Christine stated so on that section of road there is no curb requirement. It's a double standard because everyone else in the Borough – the requirement for the sidewalk is based on the road. People are saying this is a stretch of land that because PENNDOT maintains it the Borough is not going to enforce the curbing and sidewalk. The standard should be applied universally. The Borough doesn't maintain the road – PENNDOT does, but when it is repaved he suggests that at that time the Borough enforce this standard.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

BOROUGH ENGINEER

Update on pending projects – Coukart & Associates, Inc. – Copy provided – Engineer Coukart stated he would like to confirm and go ahead with the traffic signal at Mill and Market Streets. PENNDOT

did approve the plans. The paperwork is going around for signatures tonight. It can then be put out for bid.

Motion made by C/P Anderson for Engineer Coukart to prepare the plans and contract documents for bidding assuming all the signatures are complete on the plan. Motion seconded by C/P Charles.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Update on pending projects – Larson Design Group – Copy provided

At 8:27 P.M. Pres. Farrell stated he would like to take a 10 minute break.

RECONVENE COUNCIL MEETING – At 8:37 P.M. the Council meeting reconvened.

BOROUGH SOLICITOR – Robert Cravitz, Esq.

Adopt Ordinance No. 808 repealing existing Chapter 13, Civil Service: Police Department, and enacting a new Chapter 13, Civil Service: Police Department – Copy provided – Sol. Cravitz stated this is the Ordinance that the Civil Service Commission totally scrapped and repealed existing Chapter 13, Civil Service: Police Department and enacted new Chapter 13, Civil Service: Police Department. This incorporated all the changes to bring it up to standards as they exist in 2013 and also corrects some grammatical problems.

This had been discussed on another occasion and the Civil Service Commission reviewed it again. It was recommended that it be adopted. It has been advertised so it can receive a motion.

Motion made by C/P Viker to adopt. Motion seconded by C/P Anderson.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Civil Service Commission, Chairman Dalton Savidge stated that Section 13-3C states that Borough Council may appoint no more than three (3) members. The quorum has changed from two (2) members to three (3) members. If there is anything that ever comes up on short notice like a vacation or sickness the Commission will not have a problem with getting a quorum with the three (3) members. This is something that Council may want to consider and talk about. Mr. Savidge is not recommending it at this time but just pointing it out as an option for Council to consider.

Mr. Savidge pointed out that the age of the applicant previously needed to be 21. The age has been lowered to 18. Considering the training they must have the Commission is hoping they will be up there in years beyond 18.

Mr. Savidge believes that the Borough asked a fee for the application. This must have been done previously. There is a Section 13-17 about the Borough establishing a fee for the application. Section 13-27 the Borough Council is now responsible for appointing consultants. What this means is the previous way it was worded is – The Commission will appoint a physician and psychologist, etc. Most of the changes being done are the result of Act 43 – a new law for court cases that are coming along. As Sol. Cravitz stated we are pretty much up to date as of 2 ½ months ago. There could be five (5) court cases that make's five (5) sentences that are totally outdated. This is the Commission's job to get involved and make changes as appropriate.

C/P Charles would like to thank the Commission for the time they put in. Council has recognized the effort put into this – the Commission did a fantastic job.

Approve Sewage Transportation Agreement for Weis Market, Inc. Development with Penn Township Municipal Authority – Copy provided – Sol. Cravitz said that this issue is coming to Council this evening for information and discussion. It will be going to Penn Township Municipal Authority on

Monday, June 10, 2013. Penn Township Municipal Authority met with Weis Markets Representatives previously, they are working on a separate agreement with Weis Markets for their sewage transportation project. Selinsgrove Borough will be held harmless of any liability regarding the Weis Market Sewage Transportation.

The Borough will be getting the waste from the gasoline service station. It will be connected to the Borough's sewer line. This will be the one (1) EDU that the Borough receives from Weis Markets.

At the meeting of Tuesday, May 28, 2013 the County Commissioner's voted to grant an easement to Weis Markets to provide for the emergency access facility coming out of the former Career Link Center. The Borough would have to grant them a right-of-way to cross one (1) corner of the Borough's property which the Borough currently has leased to DH&L Ambulance League. The paperwork will be coming to Council sometime in June for enactment at the July 1, 2013 Council meeting.

C/P Anderson asked Sol. Cravitz if there is any update on the PENNDOT review. Sol. Cravitz stated that when he last saw their two (2) Engineers they were in the process of getting several issues addressed.

Sol. Cravitz stated that Weis Markets is looking forward to 2014 as an opening date.

C/P Charles asked if there are going to be two (2) water meters and no pro-rating. Sol. Cravitz replied, correct. One thing that they are concerned about is in Article IV Section 4.03. In the event that Weis Markets did not pay their sewage under normal circumstances the water service would be temporarily terminated until the sewage rent is paid current. In the event of the non payment of the sewage rent charged by PTMA by Weis, the Borough agrees, upon written notice of such non payment from PTMA, to temporarily terminate water service to the Weis Project until the sewage rent is paid current by Weis to PTMA. All water shut off charges of the Borough shall be charged to and paid by PTMA and PTMA shall seek reimbursement for such charges from Weis.

Authorize advertising of Ordinance No. 809 updating the violations and penalties of Chapter 70: Curfew – Copy provided – Sol. Cravitz stated this Ordinance was enacted in 1978. Since that time there has never been a misunderstanding with regard to the enforcement of this Ordinance. About a month ago there was a question about four (4) juveniles who were caught by the local police after hours, they were issued citations, they went before Magistrate Reed and one (1) of them made an argument that there is a provision in Section 70-5 that says the Borough would charge the parents when they have been given one (1) prior notice, they would then be faced with a citation. Magistrate Reed wrote back to Sol. Cravitz that the Borough should provide notice to the juvenile. He dismissed the charges against the juvenile. This makes it clear that (A.) Any police officer who finds a minor violating the provisions of this Chapter shall obtain information and notify the parents. (B.) Any minor who is convicted may be charged not more than \$300.00 and (C.) Any parent who is convicted of violating Section 70-3 shall be subject to a fine of not more than \$300.00. However, under (D.), Any parent who shall permit a minor to violate the provisions of this Chapter after having received one (1) notice of one (1) prior violation or who has himself or herself been convicted of violation Section 70-3 within the previous five (5) years shall be subject to a fine of not more than \$600.00. This is just a proposal and not written in stone. This would seem to address the concern of District Magistrate Reed.

C/P Anderson stated that she thinks the word guardian should be listed also not just the word parents.

Pres. Farrell stated he thinks this is ridiculous. Why can't it be \$100.00? A \$600.00 fine for the parent and \$300.00 fine for the child on the first offense is too much.

C/P Viker stated that the Borough has and does manage a Noise Ordinance. The Ordinance talks about trespassing, property damage, there is a policy about the Borough's parks and when they open and close. All this confusion could be resolved by simply repealing the Curfew Ordinance. Borough Council should not be in the business of parenting. Regardless of age, a citizen of this nation peacefully going about their business on a public street, regardless of hour of day, is harming no one and violating no one's rights. It is time for this curfew to go away.

V/P Carroll stated that the police need some ammunition in which to address this. C/P Mease stated that he feels that the police don't enforce the curfew law anyway.

Motion made by C/P Viker to repeal Ordinance 809 Chapter 70 in its entirety. Motion seconded by C/P Mease.

Pres. Farrell stated that anyone under 18 – what are the hours? Sol. Cravitz stated that according to Ordinance 70-2 – unlawful conduct of minors: From September 1 to June 15, between the hours of 10:30 P.M. and 6:30 A.M. of the following day, official Borough time, except that on Fridays and Saturdays the hours shall be from 1:00 A.M. to 6:00 A.M. From June 15 to September 1, between the hours of 11:30 P.M. and 6:30 A.M. of the following day, official Borough time, except that on Fridays and Saturdays the hours shall be from 1:00 A.M. to 6:00 A.M.; provided, however, that the provisions of this section shall not apply to any minor accompanied by a parent or to a minor upon an errand or other legitimate business directed by such minor's parent or to any minor who is engaged in gainful, lawful employment during the curfew hours. The Borough is talking about very precise time frames.

Borough resident Marvin Rudnitsky asked to take the floor. He is the father of three (3) daughters and six (6) grandchildren. He lived in Philadelphia and was very glad that there were curfews. Some people can be very intimidated by juveniles because the juveniles mind is simply not mature. The legal history of the United States indicates we have not given them equal rights. The Supreme Court states over and over again that minors do not have the same rights as adults – because they are being protected. He stated that he told his own children to be back at a certain time – he knows his girls went out at night without telling him – but lets be sure, they know it is against the law and if they are out and are seen they may be picked up by the police and brought home. He feels this is a good thing. We are protecting kids that otherwise may not have been out on the street because of this rule.

Mgr. Williams stated he wishes Chief Garlock were here. He may say words to the effect that the curfew ordinance is a useful tool. Mgr. Williams did state that he respects what C/P Viker is saying. You are however, providing an opportunity that perhaps a minor might make the wrong decision. Remember that the police officer has discretion to give the child a ride home. The police officer can have the contact with the parent to find out what is going on. Mgr. Williams would not suggest taking away this tool that the Police Department uses now.

C/P Charles stated the number of incidences is very minute number over a period of a year. This Ordinance is not being abused. If the State can tell a 17 year old that they can't drive after a certain time and have only one (1) person under 18 years old in the car that's none family then he believes the Borough can tell someone that they have to be in at a certain time. This is State law and these kids are responsible young drivers – but the State is telling them they can't be on the road between this time and this time – Selinsgrove certainly should be able to tell kids under 18 years old that they can't be out till 3:00 A.M. just hanging with their buddies and walking around. It will lead to trouble.

AYES: TWO (2)

NAYS: C/P Charles, C/P Anderson, C/P Farrell, C/P Carroll

MOTION DENIED

C/P Anderson asked that Council defer this matter back to Sol. Cravitz and give Mgr. Williams the chance to have a conversation with Chief Garlock.

Motion made by C/P Anderson to table the matter till the next meeting. Motion seconded C/P Viker.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

SELINGROVE PROJECTS INC. – Vincent Stoops – SPI as a Board has recently begun to re-examine the by-laws of the organization for Selinsgrove Projects. It was found that the Borough is entitled to

appoint a member of Borough government to be their representative on the SPI Board - currently this seat is unfilled.

Mr. Stoops is encouraging a member of Council to be appointed tonight to represent the Borough of Selinsgrove government at the next SPI meeting. Mayor Christine volunteered till the end of his term and this will be December of 2013.

Motion made by C/P Viker to authorize Mayor Christine as the official Borough government representative to the SPI Board. Motion seconded by C/P Mease.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Mgr. Williams made a recommendation that he would like Council to consider. Since there are still some members of the public present it may be a good idea to go into Executive Session after the Finance and Budget Committee. Looking at the rest of the agenda Mgr. Williams doesn't feel that anything else requires an action. It is basically reports. The main purpose of the meeting is to pay bills and we are not there yet.

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 Mease.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Statewide Tax Recovery, Inc. - Exoneration Requests – Mgr. Williams stated there are two (2) – one (1) is Charles A. Witmer – deceased – this is for the years of 2012 for \$5.50, 2009 for \$5.50, 2010 for \$5.50 and 2011 for \$5.50 and Dorothy A. Hewitt – deceased – this is for the years of 2009 for \$5.50, 2011 for \$5.50 and 2012 for \$5.50.

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

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Gelnett Fund Requests – Copies provided

C/P Anderson stated for the year 2013 the total expenditures are \$276,010.00 out of Community Acquisitions & Improvements. Out of the Gelnett monies the Committee budgeted \$175,610.00. This represents using both what the Committee anticipated receiving in interest and what the Committee had left from last year. The Finance Committee has become increasingly concerned that the time had come for them to be looking ahead regarding the Gelnett funds and perhaps over the next three (3) years garnering about \$50,000.00 a year and preserving it so the Committee has a year covered. In other words, if the Stock Market would tank for some reason the Committee would have \$70,000.00 when the Committee is used to spending \$150,000.00. The Committee would like to have some money in reserve. If everything happens that the Committee anticipates they would end up with a balance of \$32,000.00.

The AYSO – Field Resurfacing & Safety Improvements request for \$7,000.00 is still open. The Committee is not prepared to grant this request they still do not have answers to some of their concerns. The Committee is considering preserving up to \$17,000.00 in the year 2013 so the planning for the Decorative Street Lighting design can proceed. The Committee has received the TAP Grant from the State and they need to move ahead with the lighting design. It may well be that in 2013 the Committee will be able to get the money from General Fund and not have to use Gelnett funds.

There was a request from SPI for urns and plants to be placed along Market Street. C/P Anderson stated she loves this concept. It would be four (4) planters this year at the corners of Pine & Market Streets.

The request asked the Committee to providing \$3,214.00 with the Façade Grant match providing \$3,214.00. Whoever, it does not qualify for the Façade Grant. SPI did not have a logical plan of maintenance for the urns, but requested \$1,500 for a watering devise and \$10.00 an hour for employee to water and maintain the flowers.

C/P Anderson stated that the only thing that Council should agree to would be to allow the \$17,000.00 of Gelnett monies to be used for the design of the street lighting with the understanding that this may be paid out of the General Fund rather than Gelnett funds.

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

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Selinsgrove Pool – Security System - \$5,880.00 – C/P Anderson stated this amount is within the amount that the pool has already been awarded.

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

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Selinsgrove Pool – Summer 2013 Passes - \$5,000.00 – C/P Anderson stated the pool has come back with discounted rates for the pool passes – they will not be free. There will be 34 family passes at \$100.00/each – the going rate is \$245.00. There will be 20 single passes at \$50.00/each and 24 senior passes at \$25.00/each.

C/P Anderson feels that the pool should try this to see if it helps them sell more passes. DZO Powers asked what municipalities can participate in this. C/P Anderson stated only people from Selinsgrove Borough. Borough resident Vince Stoops asked where they can be picked up. C/P Anderson stated the pool office beginning July 1, 2013.

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

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Borough Crew Truck – C/P Anderson informed Council that the Borough Crew has purchased their new truck. The old truck is now for sale. The Blue Book value is \$3,400.00. The Committee is agreeing and C/P Anderson is hoping that Council will agree to keep the truck through the summer because the Borough is hiring a part-time person that will be doing some supervision work and they will need to use this truck. It can then be put up for sale sometime in August. C/P Anderson was hoping the fire company would want to purchase it for work at the race track. She stated she just wanted Council to be made aware of this and it is why the truck is still sitting around.

Emergency Sewer Repair – C/P Anderson stated there is a sewer blockage between Emma’s Food for Life and Sherry Bolig’s property across Market Street. It should cost between \$7,000.00 and \$8,000.00. The money is available in the four (4) funds. Mgr. Williams stated the blockage is in the old Stay Sweet Cupcakery building. The Borough tried to use a camera to video the blockage but there is an offset in the pipe. It had to be physically opened by Roto Rooter three (3) times. This is the Borough’s responsibility because it is out past the curb.

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

AYES: SIX (6) NAYS: NONE MOTION CARRIED

BOROUGH TREASURER: Sharon Badman

Approve Treasurer’s Report for Month of May 2013 – Copy provided

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

AYES: SIX (6) NAYS: NONE MOTION CARRIED

BOROUGH MANAGER / SECRETARY – Paul A. Williams

Adopt Resolution 2013-14 acknowledging Maggie Lemon’s term of service – Copy provided

Motion made by C/P Anderson to adopt Resolution 2013-14. Motion seconded by C/P Charles.

Manager’s Monthly Activity Report – Copy provided

Summertime at the Gazebo 2013 – Copy provided

AYES: SIX (6) NAYS: NONE MOTION CARRIED

EXECUTIVE SESSION - Council Meeting recessed to an Executive Session at 9:40 P.M. for pending litigation. Council meeting reconvened at 10:25 P.M. – No action taken.

A motion was made by C/P Anderson to authorize Mgr. Williams and Sol. Cravitz to pursue negotiations with Palmer using the services of Bob Finio. Motion seconded by C/P Charles.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Motion made by C/P Anderson to pay EI Associates \$7,200.00. Motion seconded by V/P Carroll.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

V/P Carroll mentioned that he would like to extend the yellow curb markings on Borough streets for sight line purposes. This would require ordinance changes and must be advertised.

BOROUGH ADMINISTRATION/PROPERTY & EQUIPMENT – Pete Carroll, Chairman – No Report

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

Mgr. Williams had a discussion with C/P Mease as it relates to use of the Community Rooms. The Library has been asking about some summer programs and the offer that has been made to them is that they would pay 50% of the fee that the Borough has adopted for use of the rooms. They are using some space at Career Link for the first program that started. The Library is not happy with the resolution.

C/P Viker stated to be very careful about changing or discounting any set rates for any rooms. Just because the Borough shares the building with the Library doesn’t mean they should get a discount. C/P Viker suggested taking no action on this and just keep the policies what they are.

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

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

PLANNING COMMISSION: Earl Moyer, Chair – No Report

ZONING HEARING BOARD: Cyril Runkle, Chair – No Report

CIVIL SERVICE COMMISSION: Dalton Savidge, Chair

Police Officer “Job Advertisement” published Sunday, June 2, 2013 – Copy provided

SHADE TREE COMMISSION: Joan Fasold, Chair – No Report

BOROUGH ADMINISTRATIVE REPORTS:

MAYOR: Sean Christine

Presentation of Police Report for April 2013 – Copy provided

ZONING: Janet Powers, Deputy Zoning and Permit Officer

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

SELINGSGROVE MUNICIPAL AUTHORITY – Donald Bottiger, Chairman – No Report

EASTERN SNYDER COUNTY REGIONAL AUTHORITY – Carol Handlan and George Kinney, Chairmen

Monthly Minutes – Copy provided

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

ADJOURNMENT:

Motion made by C/P Viker to adjourn meeting at 10:32 P.M.

Attachments: None

Respectfully submitted by

Chele' Weaver
Recording Secretary