

## SELINGROVE BOROUGH RECESSED COUNCIL MEETING

MONDAY, MARCH 21, 2011 - 7:00 P.M.

**COUNCIL MEMBERS PRESENT:** V. Pres. E. Viker, C/P D. Anderson, C/P P. Carroll, C/P T. Charles, C/P B. Farrell, and C/P S. Hendricks

**COUNCIL MEMBERS ABSENT:** Pres. C. Handlan

**OTHERS PRESENT:** Solicitor R. Cravitz; Mgr. J. Bickhart; Mayor S. Christine; Police Chief T. Garlock; SEDA-COG Representative Glenda Ruch; George Thompson

**OTHERS ABSENT:** None

### CALL MEETING TO ORDER:

V. Pres. Viker called the meeting to order at 7:00 P.M.

### UNFINISHED BUSINESS FROM PRIOR MEETINGS:

**Consider the adoption of a revised Minority and Women's Business Enterprise (MBE/WBE) Action Plan and a revised Section 3 of the Housing and Urban Development Act of 1968 Action Plan, both as required by the CDBG Program – Glenda Ruch, SEDA-COG –** Glenda reported that Selinsgrove Borough has an action plan for MBE/WBE which was initially adopted in the mid 1990s. The only difference in this new version is the threshold that must be achieved when a project is put out for competitive building. The threshold for MBE went from .5% to 5% and for WBE it went from .5% to 3%. This is for any contract in excess of \$25,000. This language has always been put into the contract documents. This is a goal that does not always have to be reached, but a good faith effort must be made and demonstrated when purchasing equipment or supplies or when hiring. Glenda reported that the Section 3 plan is somewhat trickier. This has been part of the CDBG program for many years and the language has been incorporated into contract documents. However, there was never a formal plan adopted by Selinsgrove Borough. Up until last year DCED did not even have a plan. They now have a Section 3 plan which has been approved by HUD and so they are requiring each municipality to adopt a plan as well. SEDA-COG's community development program will ensure the Borough's compliance with this plan. They are in the process of developing policies and training that will be offered to all grantees in order to alleviate concerns. Section 3 is essentially designed to ensure that direct employment and other economic opportunities generated by certain HUD financial assistance programs, such as the CDBG, ESG and HOME, are directed to low and very low income persons. The Section 3 initiative is very difficult to achieve because there is no existing list of low and very low income contractors. C/P Anderson asked how someone could be a low income contractor and still be a contractor. Glenda stated that is part of the problem in complying with this. She stated that Section 3 applies to the Borough any time the aggregate amount of open contract grants totals more than \$200,000 for covered activities. Covered activities are housing and other public construction activities that use Community Development assistance. Selinsgrove's annual allocation is \$100,000 plus, so in order to achieve the \$200,000 threshold the Borough would have to have at least two years open, and right now it does. Therefore, as a grantee, since the Borough has two years open and the aggregate amount is in excess of \$200,000 the Borough would have to comply with Section 3 through the expansion project because there is CDBG money going into the elevator. A Section 3 contractor could be hired after a low or very low income contractor is identified. Glenda stated there are forms that SEDA-COG has incorporated into the contract documents to help identify those contractors when they submit a bid. The Section 3 requirement also applies to the contractor or sub contractor when a contract is greater than \$100,000. Glenda stated the \$10,000 elevator project is not aggregate. If in whole if the Borough had \$100,000 committed to a project from CDBG then that would trigger the Section 3 requirement. The Borough does not have that right now because the \$100,000 threshold does not exist for the elevator project. There is only \$20,000 allocated in aggregate to the project. The Section 3 goals are 30% of new hires of the grantee or contractor, and 10% of the total project construction cost or 3% of the total dollar amount to hire professional service providers

to be paid from CDBG funds. These goals will not always be reached, but the contractors have to make a good faith effort. Glenda stated that SEDA-COG will serve as the Borough's compliance officer for both the MBE/WBE action plan and the Section 3 action plan. V. Pres. Viker clarified that there are no additional fees to SEDA-COG for their service and Glenda replied this is correct. C/P Charles asked whether, if the Borough's sidewalk and curbing project would be \$100,000 or more and the contractor would have to hire additional help, that would trigger the Section 3 requirements and the contractor would have to look for low to very low income people to hire. Glenda replied that is correct. C/P Charles clarified that the \$4,000,000 building project does not trigger this and Glenda replied that is correct. She stated it is only for contracts that utilize CDBG, HOME or ESG programs.

Motion by C/P Anderson to adopt the revised MBE/WBE action plan and the revised Section 3 action plan. Seconded by C/P Carroll.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

Mgr. Bickhart stated that when he first became Borough Manager he was skeptical of the contract fee that SEDA-COG charged the Borough. He discussed it very extensively with Bill Siegel and was convinced that SEDA-COG was worth that amount of money. Over the years, the regulations have only gotten worse and this is the last example of something that Mgr. Bickhart could never deal with. V. Pres. Viker stated the Borough could not hire the same level of expertise elsewhere for the same amount of money.

**Consider the adoption of the proposed Lease Agreement with SPI, pertaining to the Commons development, required by the DCNR Grant – This is similar to the lease/DCNR grant requirements with SARI, pertaining to the pool.**

Motion by C/P Anderson to adopt the proposed lease agreement. Seconded by C/P Carroll.

C/P Charles asked about the 25-year reference and Mgr. Bickhart replied the Borough is required to have control over the project for 25 years. The final grant has been received. Mgr. Bickhart stated Council was given a copy of the proposed lease agreement at the last Council meeting to review. V. Pres. Viker stated the similar lease has been working very well for the pool. C/P Charles asked if the Commons will end before the alley and if the alley will be used by the Borough and the Library in the building project. Mgr. Bickhart stated this is correct. For the Commons, SPI has the lot which right of way ended at the alley. V. Pres. Viker called for a vote on the motion.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

**COMMITTEE / COMMISSION / BOARD REPORTS:**

**FINANCE & BUDGET COMMITTEE: C/P Anderson, Chair – No Report**

**PUBLIC FACILITIES & SERVICES COMMITTEE: C/P Hendricks, Chair – No Report**

**BOROUGH ADMINISTRATION / PROPERTY AND EQUIPMENT: C/P Carroll, Chair**

**Consider the recommendation of the committee to retain Greenfield Terrace Co. as Resident Inspectors for the Selinsgrove Municipal Building and Community Center Library Project –**

Mgr. Bickhart reported that six entities submitted proposals. Tom Ross withdrew his proposal due to other commitments. Four of the six were interviewed by the committee. The working group, which is C/P Carroll's committee and representatives from the Library Board, are making the unanimous recommendation to retain Greenfield Terrace. In doing that, the project will get the expertise of Edward Krantz, who is the principal of the company, and the inspector of note will be Michael Ogozaly. Both of these men were present for the interview.

Motion by C/P Carroll to retain Greenfield Terrace as Resident Inspector/Clerk of the Works. Seconded by C/P Anderson.

C/P Farrell noted that the price is quite a bit lower than the others. C/P Anderson stated that the price did not dictate the decision. Even without taking the price into consideration this company emerged as the top choice. V. Pres. Viker stated that this is both good value for the dollar and good value in general. C/P Anderson stated that they were the only entity that said if they were hired they would like to be at the pre-bid meeting. They want to be involved right from the start. Mgr. Bickhart stated they submitted a substantial number of references, noting that they were the resident inspector/clerk of the works for the intermediate school project and Principal Terry Heintzelman gave them a very strong recommendation. C/P Anderson stated they will come to a Council meeting to meet everyone. C/P Charles stated they attended the school board meetings during the school project. He does not know if Council will need them to attend monthly meetings. C/P Hendricks noted that the cost quoted is \$5,600 per month. He asked what kind of hours this will cover. C/P Anderson stated this will be 40 hours per week. C/P Hendricks asked if someone from the firm will be here when the contractor is here and was told yes. C/P Carroll stated there was some concern about additional costs such as mileage, etc. but that is all included in the quoted price. V. Pres. Viker stated a large value in this contract is keeping as much of the building project as possible off of Mgr. Bickhart's desk so that he can remain focused on other things. Mgr. Bickhart stated they will also take endless numbers of digital photographs to document the project. V. Pres. Viker called for a vote on the motion.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

**Update on recommendations pertaining to the location of a Veteran's Memorial and number of flag poles to be constructed** – Mgr. Bickhart stated that the committee has worked on this and it has gone through several versions. He supplied some handouts showing the proposed location of the memorial. After much discussion, the consensus was to build a brick wall in front of the flag poles on which the monument and information will be placed. The committee is also now recommending two flag poles rather than three. V. Pres. Viker asked how many flags there will be on the two flag poles, as it was originally discussed that the American flag, the Pennsylvania flag and the POW/MIA flag would be on three flag poles. He stated that the POW/MIA flag is a prominent part of the Veterans Memorial boat launch at Little Norway 2 and he wonders if it has now become a tradition that it should be a part of a series of flags. C/P Anderson stated the veterans want to fly the POW/MIA flag when they do the Memorial Day program. Mgr. Bickhart stated that this started with three flags to be flown all the time. He shared it with Mr. Aucker, who had no problem with just flying two flags or with relocating the monument. For the Memorial Day program, this works better for the veterans. Rather than using the stage in the Commons they can work off the high level with the flags behind them and the site where they place the wreath. C/P Charles stated the proposed location has better visibility because in the Commons people would have been looking at the back. It was noted that the three drawings provided by Mgr. Bickhart will not be happening. The plaques will be on a separate wall behind the 30-foot wall. C/P Charles stated it will be somewhere around the level of the center window in the Council chambers. Mgr. Bickhart stated it will be halfway up the bottom panel. V. Pres. Viker stated it is very elegant and C/P Anderson stated it is a good solution. Mgr. Bickhart stated no action is required by Council; he is just making sure that everyone is aware of the proposal and that everyone has a common opinion about what will be done.

**Preliminary recommendations pertaining to temporary location of Borough office** – Mgr. Bickhart supplied a printout of the hours and closed holidays if the Borough office relocates to the third floor of the bank for the duration of the construction. First National Bank is being generous in that they will try to calculate their utility costs and that is what they will charge the Borough for use of the space. The Borough will also ask the bank to collect the water and sewer bills again at the teller windows so that people do not have to go all the way to the third floor to pay their bills. The bank will also change access to the elevator so that anyone can have access to the third floor without needing a pass or a key. Because of banking hours, access to the Borough office will be shortened by a half hour Monday through Wednesday. There are two bank holidays that are not currently Borough holidays so the Borough will be closing for those holidays also. The evening meetings are proposed to be held at the Borough Pump House. There will be a sign at the current building location directing people to the temporary Borough office location as well as the temporary library location. The cost of the sign will be shared with the library. Mgr. Bickhart stated five locations were considered and this is by far the best arrangement.

Motion by C/P Carroll to adopt the recommendations pending the bank's approval of use of their third floor. Seconded by C/P Farrell.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

**COMMUNITY ACTIVITIES AND PUBLIC AFFAIRS: C/P Farrell, Chair – No Report**

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

**PUBLIC SAFETY COMMITTEE: C/P Viker, Chair**

**Consider the request of the Brew Fest committee pertaining to revision to the general approval given for the 2011 Brew Fest at the January 4 Council meeting –** It is requested that the venue be changed from the previous location to the 300 and 400 block of University Avenue and the adjoining property of Susquehanna University due to the Borough/Library and Commons building construction. It is proposed to close University Avenue from the west side of Broad Street to the east side of the extension of Susquehanna Avenue from approximately 8:00 A.M. to 8:00 P.M. on July 16, 2011. Parking will be prohibited on the west side of Broad Street between West Pine Street and University Avenue and on the south side of West Pine Street from Broad Street to Susquehanna Avenue. Mgr. Bickhart provided a map showing the proposed layout of the festival. He stated the university has reviewed this and has agreed to the proposal. V. Pres. Viker stated this looks like a good solution, but since Chief Garlock is at tonight's meeting he asked him for any input that he and/or Mayor Christine might have on this proposal. He noted that action does not have to be taken on this tonight. C/P Hendricks asked if some of these blocks are identified for sidewalks, curbs and resurfacing. Mgr. Bickhart stated yes, that the 2011 street project goes right through there, but the schedule will work around the festival. He stated it is doable with no problem. The start of the project can be delayed until just after Brew Fest. The project has not been bid yet. This will give the property owners, some of whom have some extensive curbing and sidewalk work to do, another month or month and a half to get the work done. They have been notified of the May 15 deadline but with Council's consent they will be notified that this will be delayed. C/P Hendricks stated this is fine as long as the construction project is finished before the end of August when SU returns. V. Pres. Viker stated this should be tabled until the next regularly scheduled Council meeting in order to give Mayor Christine and Chief Garlock some time to review and weigh in on this.

**BOROUGH ADMINISTRATIVE REPORTS:**

**MAYOR: Sean Christine**

**Request of Police Chief for an Executive Session to discuss a Personnel Matter**

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

**Consider authorizing the Solicitor to prepare documents necessary for and pertaining to the Vacation of the Borough's interests in the southernmost 50 feet of North Union Alley; as required for the development of the Selinsgrove Commons and the interconnection with the Selinsgrove Municipal Building and Community Library Additions and Alterations Project –** Solicitor Cravitz stated this is required for the construction project.

Motion by C/P Charles to approve this authorization. Seconded by C/P Anderson.

C/P Hendricks asked if anyone talked to Jackie Reggia. Mgr. Bickhart stated no one has talked to her, but he has made sure she has the same access into her property that she has had. C/P Hendricks stated that the Safety Committee was going to meet later this week to discuss traffic flow, and he asked if it would be premature to go ahead and do the vacating now before the committee even talks about the traffic flow. Solicitor Cravitz stated there has to be 30 days notice for the vacating. Mgr. Bickhart stated he wanted to be sure this was out on the table. He stated he has not heard any objection to closing the alley. He had suspected there might be, and this proposal has been before the Planning Commission. V. Pres. Viker stated that it is common for citizens to come with questions when they hear the equipment

rolling in. He agreed with C/P Hendricks that the Borough needs to be doubly careful. C/P Anderson stated that Mr. Inch attended the Planning Commission meeting but no one else from the area did. C/P Carroll stated that in the past the Borough has sometimes not been very good about letting residents know what is going on. Even though things are publicized in the newsletter and elsewhere people still do not hear about it. V. Pres. Viker stated it would be good to have some person-to-person discussions. However, he does not see that this action cannot go forward tonight since it just involves preparation and advertising. C/P Carroll stated that when the Public Safety Committee meets they will most likely have a map from Mgr. Bickhart with indications of signage from EI Associates. He also mentioned a turn from High Street and curbing back halfway through to get her into her driveways and to come back out at stop signs. He stated that was a concern and EI was asked to be sure to include that on the drawing. C/P Hendricks stated there is a problem with people parking on her property to utilize the building. C/P Anderson stated there will be signage. C/P Carroll stated that from what he has seen it is no different than anywhere else. V. Pres. Viker stated there can be "no parking" signs. C/P Carroll stated that Mr. Inch was very instrumental in discussion during the meeting regarding signage for public parking by Mr. Inch's garage in the nine public spots as well as the lot and the lot at the police department. Mr. Inch was the one who said that people think "municipal parking" is for Borough employees so the signage should be changed to "free public parking". Mgr. Bickhart stated all the neighbors received notification from the Planning Commission. V. Pres. Viker called for a vote on the motion.

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

#### **NEW BUSINESS:**

#### **COUNCIL MEMBERS**

C/P Hendricks asked if the winter spring problem has been correct at the emergency access ramp on the Isle of Que. Mgr. Bickhart replied yes.

V. Pres. Viker expressed appreciation to Solicitor Cravitz for looking into conflict of interest issues that were raised at the last Council meeting, noting that there are several members of Council who are in some way affiliated with the university, which came to Council with zoning change requests. There was an area resident asking about conflict of interest issues, and it was quite clear that there was no conflict of interest. He stated someone also might raise an issue with Council members who own rental properties that are rented by university students and who may lose income if students are relocated to dormitories. People have a right to ask those questions and Council needs to be prepared to answer them.

Mgr. Bickhart stated that he does not like to clutter up Council agendas with stuff, but there is so much going on and it is helpful for him to clear up as many questions as he can as quickly as he can. He thanked Council for indulging him.

#### **EXECUTIVE SESSION - Council Meeting recessed to an Executive Session at 7:52 P.M. for discussion of Personnel Issues. Council meeting reconvened at 9:53 P.M.**

C. Pres. Viker noted no action was taken during the executive session on personnel matters related to the police department.

Motion by C/P Anderson to direct Chief Garlock to cooperate fully with Mr. Agliotta, the consultant, in addressing the survey to be developed for the evaluation, and to request Solicitor Cravitz to compose a letter to go out to the officers making it clear that any complaints from officers must follow the grievance procedures as spelled out in the union contract. Seconded by C/P Carroll.

C/P Charles asked who will convey this information to Chief Garlock. C/P Anderson stated Solicitor Cravitz could do that. V. Pres. Viker stated it may be better for the second part of the motion to come from Chief Garlock and Mayor Christine rather than from Borough Council to ensure that the foot patrolmen know that Council has the utmost trust in the Chief to manage the operations of the police department. C/P Anderson stated that is fine with her and C/P Carroll stated he is okay with it as long as Solicitor Cravitz feels it is appropriate for them to do that. He questioned whether that would put a wedge

back in again. Solicitor Cravitz stated he can send a joint letter with language from Chief Garlock and Mayor Christine telling the officers what they must do as directed by Council. C/P Charles asked if it should state that Council agrees it should be chain of command. V. Pres. Viker stated that Council cannot direct the Mayor. He is suggesting that if Mayor Christine is comfortable working with Chief Garlock to write a joint memo to the department with the same content as the second half of the motion, that C/P Anderson would consider amending her motion to keep Solicitor Cravitz out of it. Mayor Christine stated he can commit on the record that he will request that Chief Garlock and he work together to develop a memorandum to officers that instructs the officers to issue complaints following the guidance of the union contract.

C/P Anderson amended her motion as noted and C/P Carroll agreed. V. Pres. Viker asked for clarification of the amendment, to which C/P Anderson replied that Solicitor Cravitz will advise Chief Garlock that Borough Council is affirming that he must cooperate with the consultants in resolving the morale issues and that includes development of an evaluative questionnaire. V. Pres. Viker proposed a friendly amendment that Council affirms that the Mayor of Selinsgrove is working with Council's agreement and appreciation, or with their blessing, as Council's agent in administering this plan. C/P Anderson stated she would not add anything more to what she said. C/P Hendricks asked if the wording is the chief "must" or the chief "is expected". C/P Anderson replied that the chief is expected. V. Pres. Viker asked if Council should in some way tell the Chief officially that the Mayor's actions are with the approval of Council. C/P Anderson stated she thinks Council said that pretty loud and clear tonight. C/P Farrell stated he thinks Council needs to say it in a motion. He stated Council has given the Mayor the power in the past to do this. V. Pres. Viker asked for clarification from C/P Anderson that she does not want to amend her motion to say that the Mayor is acting in concert with Borough Council. C/P Anderson stated she does not have any problem with that. Mayor Christine asked if a time constraint could be put on that as far as issuing the survey. V. Pres. Viker stated that the plan is anything that the consultant says is needed. C/P Farrell stated the consultant should figure that out. C/P Anderson stated Council can look forward to an update when they meet in two weeks. V. Pres. Viker asked if the motion could contain the wording that this should be completed by the next Borough Council meeting and C/P Anderson stated she does not think that is realistic. She stated it should be completed as soon as possible. C/P Hendricks suggested 30 days, stating that two weeks is not enough, especially since the letter has yet to be composed. V. Pres. Viker asked if everyone is confident they understand the language of what they are voting on, and called for a vote on the motion.

*Editorial Note: Borough Secretary's restatement of the motion and amendments as taken from the underlined portions of the minutes above: "To direct Chief Garlock **that he** is expected to cooperate fully with Mr. Agliotta, the consultant, in addressing the survey to be developed for the evaluation; and to request Chief Garlock and Mayor Christine, acting in concert with Borough Council, to compose a letter to go out to the officers as soon as possible, making it clear that any complaints from officers must follow the grievance procedures as spelled out in the union contract."*

**AYES: SIX (6)**

**NAYS: NONE**

**MOTION CARRIED**

#### **ADJOURNMENT:**

Meeting adjourned at 10:01 P.M.

Attachments: None

Respectfully submitted by  
Dawne R. Long, Independent Transcriptionist  
Recording Transcriptionist