

SELINGROVE BOROUGH COUNCIL MEETING

MONDAY, MARCH 5, 2012 - 7:00 P.M.

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

COUNCIL MEMBERS ABSENT: C/P E. Viker

OTHERS PRESENT: Solicitor R. Cravitz; Mayor S. Christine; Borough Treasurer/Acting Manager Sheri Badman; Borough Engineer John Coukart (arrived at 8:00 P.M.); Borough Deputy Zoning & Permit Officer Janet Powers; Recording Transcriptionist Dawne Long; Daily Item Reporter Tricia Pursell; Radio Reporter Matt Farrand; Borough Residents Bob Bickhart, Bob & Linda Derr, Carol Handlan, Dee & Mike Moyer, Earl Moyer, Joseph & Margaret Siro, Vince Stoops, Andy & Sharon Womer, Justin Womer; DH&L Representative Gary Griner; SCCD Representative Brian Herber; SEDA-COG Representative Glenda Ruch

OTHERS ABSENT: Junior C/P Maggie Lemons

CALL MEETING TO ORDER:

Pres. Farrell called the meeting to order at 7:00 P.M. Acting Mgr. Badman called the roll, followed by a moment of silence and the Pledge of Allegiance.

REVIEW AND APPROVAL OF COUNCIL MINUTES FROM MEETING OF FEBRUARY 6, 2012:

C/P Anderson stated there is an editorial issue on or near the last page but she could not find it now.

Motion by C/P Anderson to approve the minutes with any editorial changes. Seconded by C/P Hendricks.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

RECESS MEETING TO FINAL PUBLIC HEARING – At 7:03 P.M. the meeting recessed for final approval of CDBG funding for FFY 2012. Glenda Ruch reported that the final allocation was received yesterday with an 11.1% reduction from 2011. The final total for 2012 will be \$92,325. This resulted in an additional \$1,059 being allocated to the Front and Second Streets Reconstruction, bringing that total to \$66,162. The Elevator Construction line item remains at \$9,763 and the Administrative line item is at \$16,400. Ms. Ruch supplied a resolution to submit an application to DCED to be signed by Pres. Farrell.

RECONVENE MEETING – Council reconvened at 7:07 P.M. Motion by C/P Hendricks to approve the final allocation figures and the resolution to submit the Borough's 2012 CDBG application to the PA DCED. Seconded by C/P Carroll.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

RECESS MEETING – The meeting recessed at 7:08 P.M. to discuss the FFY 2011 CDBG budget modification of \$1,319. These funds were originally approved for the Union/Snyder Area Agency on Aging Adult Daily Living Center improvements. However, due to budget constraints the Agency closed the Adult Daily Living Center on December 30, 2011. Therefore, the \$1,319 will be reallocated to the Front and Second Streets Improvement Project. This increases that line item from \$73,784 to \$75,103.

RECONVENE MEETING – Council reconvened at 7:09 P.M. Motion by C/P Carroll to approve the budget modification as presented. Seconded by C/P Hendricks.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

PERSONS TO BE HEARD:

DH&L Fire Company – Gary Griner reported there were 16 incidents in February as follows: 2 automatic alarms, 2 good intent service calls, 1 HAZMAT call, 1 miscellaneous fire, 1 medical assist, 2 vehicle accidents without extrication, 1 odor investigation, 4 structure fires, 1 tree down, and 1 vehicle fire. The incidents occurred as follows: 1 in Chapman Township, 1 in Monroe Township, 3 in Penn Township, 9 in Selinsgrove, 1 in Shamokin Dam, and 1 in Union Township. The dollar loss within the jurisdiction was \$0.00. February man hours total 110½.

Don Weirick has requested that Council let him know when they wish to attend a private open house at the fire company. Solicitor Cravitz stated that this does not have to be advertised since Council will not be having a meeting. After some discussion, it was decided that this would probably take place on a Monday evening, which is a training night at the fire station. Pres. Farrell stated Council members can let him know which Monday is best and he will email Mr. Weirick with the date.

Selinsgrove Projects, Inc. – Acting Mgr. Badman reported that SPI has three new members: Bruce Johnson, Joyce Hendricks, and Mike Savidge.

Sheri Badman needs to be appointed as project coordinator for the Commons project.

Motion by C/P Anderson to appoint Sheri Badman as project coordinator for the Commons project. Seconded by C/P Hendricks.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Sheri Badman needs to inquire with DCNR regarding contingency funds for the Commons project.

Motion by C/P Anderson to approve this action. Seconded by C/P Hendricks.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

The five-year Main Street Program would have ended as of June 2012. With all the changes, permission is being requested to extend this to June 30, 2014.

Motion by C/P Carroll to approve this extension. Seconded by C/P Anderson.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Bob Derr, “Hoopie” Bar Crawl – Mr. Derr stated that the annual Hoopie Bar Crawl for PA Cystic Fibrosis will be held on Saturday, May 17 this year. He explained that a “hoopie” is a townie. Friends of Selinsgrove native Sarah Rathfon, who died from cystic fibrosis, organized the bar crawl in 2001 in her memory. This will be the 12th year for the bar crawl. This year BJ’s has other entertainment planned so the bar crawl will begin with registration at the Moose, then proceed to Bots Café and the Selinsgrove Hotel for about an hour and a half each, and then back to the Moose from 11:00 P.M. to 1:00 A.M. This charity fundraiser encourages people to not do anything stupid and to have a designated driver. The Selinsgrove Police have been good about monitoring this over the years, and there have never been any problems. Mr. Derr stated he always checks with the police department the Monday following the bar crawl to see if anyone did anything stupid, and the answer has always been no. Mr. Derr stated that Council members are welcome to attend and participate if they wish.

UNFINISHED BUSINESS FROM PRIOR MEETINGS:

Review List of Council Issues – Acting Mgr. Badman reported that the grease trap ordinance inspections are about 90% completed. There are still some small churches remaining that are hard to get into for inspections.

COMMITTEE / COMMISSION / BOARD REPORTS:

FINANCE & BUDGET COMMITTEE: C/P Anderson, Chair

Payment and Ratification of Bills

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

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Statewide Tax Recovery, Inc. - Exoneration Requests – One request from Tiffany & Brandon Sechrist for \$5.50 each. They are non-residents.

Motion by C/P Anderson for exoneration of these people. Seconded by C/P Carroll.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Authorize PennDOT's "Application for County Aid" in the amount of \$4,390 – C/P Anderson reported that this relates to the 2012 street program.

Motion by C/P Anderson to authorize the application. Seconded by C/P Hendricks.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Award contract for 2012 Borough Cleanup – C/P Anderson reported that the spring cleanup this year is scheduled for April 16 and 17. The low bid is the same as last year, from Cocolamus Creek Disposal for two packer trucks with operator and roll-off at shed for drop-off of items, and from Jeff's Recycling for one roll-off for white goods with Freon and one roll-off for white goods without Freon.

Motion by C/P Anderson to award the contracts as noted. Seconded by C/P Hendricks.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Approve Gelnett Trust Application – A draft of the application and a draft of the newsletter article was provided. C/P Anderson noted that the newsletter article explains how the funds will be used. The application is based off of applications used by different foundations throughout the state. If a group that is not ordinarily funded by the Borough through tax money is requesting funds and meets the standards of what municipal monies may be used for, the group would fill out the 2-page form. This would allow Council to have a standard way to review requests. Groups that are ordinarily funded by the Borough can submit extra-ordinary requests by using the 2-page form. Expenditure decisions will be made twice a year, in June and in December. There are some groups waiting in the wings to request funding. According to the trustees, the Borough can anticipate approximately \$160,000 annually from the fund, which will be disbursed on a monthly basis to the Borough. In the 2012 budget, \$130,000 has already been expended. Originally it was believed that the Borough would receive a bulk check for interest earned in 2011. The first check that was received was for December's interest only, which allowed the amount of the trust to grow from \$4.9 million to \$5.1 million.

Motion by C/P Anderson to approve the application. Seconded by C/P Charles.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Pres. Farrell stated that copies of the application will be available in the Borough office. C/P Anderson stated they will also be available online at the Borough's website.

Change Order Log for Additions and Alterations to the Building Project – C/P Anderson supplied this for information only.

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

2012 Street Program – C/P Hendricks reported that the committee met last Thursday with Corby Bowersox, Sheri Badman and John Coukart. An email was sent to Council members and two spreadsheets were provided tonight. Discussion on this was put off until John Coukart arrives.

Recycling Hours – C/P Hendricks reported that the committee discussed a request from Mike Moyer to increase the number of hours that the recycling center is open. The committee decided to make no changes at this time. They compared the Borough hours with other recycling center hours within Snyder County. Spring Township is open every Wednesday with no weekend hours. Everyone else in the county is open once per month, either during the week or on a weekend. The Borough's hours are every Thursday and the first and third Saturday. The committee feels this is adequate to serve the public and in order to keep overtime to a minimum the committee is recommending no change at this time. Mike Moyer suggested using comp time rather overtime. C/P Hendricks stated he could meet with Corby to see how this would impact his manpower. C/P Charles stated one other issue discussed is the fact that the current lighting is not adequate for later hours from November through March. Mike Moyer stated one of the Borough employees was an electrical union worker. The Borough would just need the material, and they could probably get the poles from the telephone company. C/P Charles stated this could be looked into. C/P Anderson asked if there have been many requests for extended hours, or complaints from people that the times are not adequate. She was told no. C/P Carroll suggested having extended hours during the summer rather than the winter to avoid the lighting issue. He also stated he understands the university does not supply recycling center staff any more. Acting Mgr. Badman stated this is correct.

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

Report on Selinsgrove Municipal Building and Community Center Library Renovation and Expansion Project – An updated recovery schedule was supplied. Completion is estimated for the end of June. Meetings and updates continue every other week.

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

PERSONNEL MANAGEMENT COMMITTEE: C/P Charles, Chair

Update on Borough Manager's Position Advertising – C/P Charles reported that on February 26 and March 4 ads were placed in newspapers in Pittsburgh and Erie, as well as in the Philadelphia Inquirer, the Harrisburg Patriot, the Scranton Times, and the Sunbury Daily Item. An additional ad was placed in the Daily Item on Wednesday, February 29. An ad was also placed in the PA Boroughs Association magazine. Several of the newspapers included a 30-day advertisement on Monster.com, which netted a large response. As of today the Borough has received 18 applications. The committee will meet Wednesday at 7:00 P.M. in the Borough office at the bank to read through the applications. This will be considered an executive session and will not be open to the public.

PUBLIC SAFETY COMMITTEE: C/P Viker, Chair – Acting Mgr. Badman reported that C/P Viker will be setting up a meeting with PennDOT and Representative Keller regarding the red light situation.

ZONING HEARING BOARD: Cyril Runkle, Chair – No Report

CIVIL SERVICE COMMISSION: Dalton Savidge, Chair – No Report

PARKS AND RECREATION BOARD: Rocky Baer, Chair – C/P Hendricks reported that the next meeting will be Tuesday, March 27 at 7:00 P.M. in the pump house. Last year there was a Bark for Life in conjunction with the Relay for Life. That will be held again in April. Rabies shots will be provided. More information will be available at the next Council meeting. A Susquehanna University student is asking to

form a youth kickball league for handicapped youth. The Board is working with Susquehanna and Kidsgrove to try to make this event happen. It would run for about eight weeks on Saturdays in April and May as long as it does not conflict with soccer schedules. Vince Stoops encouraged people to get involved with Parks and Rec. C/P Carroll asked if there are enough bags available for the dog park, noting that last year they were running out quickly. C/P Hendricks stated some of Parks and Rec's funds were used to purchase more bags.

SHADE TREE COMMISSION: Joan Fasold, Chair

Adopt-a-Tree Program and Adopt-a-Tree Program for Donated/Granted Trees – Acting Mgr. Badman reported that these two adopt-a-tree programs are available for people to donate or grant a tree to the Borough. The first program is for trees in the public right-of-way and the second program is for trees on private property. C/P Anderson stated this all part of the Tree City USA program. Solicitor Cravitz stated the programs will allow people to get trees on their property at no cost to the Borough, with the property owners agreeing to maintain the trees. This will help put the “Grove” back into Selinsgrove.

Motion by C/P Hendricks to approve the two programs. Seconded by C/P Anderson.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

C/P Charles stated that he and Bo and Joan Fasold walked down Second Street last week and used up all of this year's tree orders and will have more orders for next year. The Fasolds were very pleased with the response from the property owners. These trees will all have to be placed in the right-of-way. C/P Carroll asked about the trees that were snapped off at the Lutheran church's cemetery. Acting Mgr. Badman reported these trees were on private property and not in the Borough's right-of-way.

POLICE CONTRACT NEGOTIATIONS COMMITTEE: D/P Anderson, Chair – No Report

BOROUGH ADMINISTRATIVE REPORTS:

MAYOR: Sean Christine

Presentation of Police Report for January 2012 – Mayor Christine reported no anomalies. Chief Garlock hopes to have three part-time officers in place by the summer. He is doing a background investigation and hopes to do an interview this week.

State of the Borough Address – Mayor Christine reported this is on the Borough website, with a link to the YouTube video. C/P Carroll noted that it is a two-part video. Mayor Christine stated that there have been about 600 hits on Part 1, and only about 140 hits on Part 2.

Our Town Selinsgrove on WVIA – Mayor Christine reported that this documentary will air on May 16. The first business meeting was held to find business sponsors in the Borough. There were two community meetings in the last two weeks. WVIA is looking for submissions of pictures, videos, and/or stories on anything of interest in the Borough or the nearby surrounding area. Pictures and videos are due by April 7. On April 14, WVIA will come back to Selinsgrove and conduct interviews of the people who submitted information or have stories to tell. On May 16 the premiere will be hosted at the WVIA station in Pittston. It will be a fundraiser for WVIA and people will be able to go there to see the premiere. If anyone has something to submit, they can contact Vince Stoops or send an email to ourtownselinsgrove@gmail.com. Some stories that will be included are Rudy Gelnett, the Selinsgrove Library and Borough building, the Commons, Susquehanna University, the fire company, and the speedway.

BOROUGH SOLICITOR: Robert Cravitz, Esq.

Authorize the advertisement of Ordinance No. 798 pertaining to the opening of a street named Gelnett Way – Solicitor Cravitz reported this is the alleyway between High Street and Union Alley which

the Borough will be building on the north side of the library. This would have to be advertised and, within 10 days of it being enacted, notices will have to be given to everyone that lives on or in close proximity to the area. People then have the right to petition Council if they do not like the name or want it to have a different name. The name will go into effect 30 days after that.

Motion by C/P Hendricks to authorize the advertisement of Ordinance No. 798. Seconded by C/P Carroll.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Further consider the advertising of Ordinance No. 797 pertaining the Chestnut Street, Pine Street, Gelnett Way direction of travel, no parking, etc. – Solicitor Cravitz reported that this is the ordinance that will enact all the street changes that will take place because of the new Library and Borough building. It sets forth that Chestnut Street from Market to High Street will become two ways. Union Alley will remain one way going north. Gelnett Way will be one way going east with angled parking and handicapped parking along on the south side. Vehicles traveling from Gelnett Way to Union Alley will have to turn north, or left. Truck traffic will be prohibited on Gelnett Way. Parking will move from the south side to the north side of Pine Street between Market and High Streets, which will result in a gain of two parking spaces. The ordinance also authorizes the placement of traffic control devices. Chief Garlock has indicated that he does not think it is necessary to restrict traffic onto Market Street from Chestnut Street. Originally traffic would have had to make a right turn; however, Chief Garlock stated it would be safe for this to remain an open intersection allowing traffic to go north, south, or east. C/P Carroll stated that he has shared his concern about this with Mayor Christine. He feels the sight line at this intersection is very poor and Council may have to revisit this particular issue in the future. Solicitor Cravitz stated this ordinance would not become effective until June 15. Janet Powers asked what types of trucks will be prohibited from using Gelnett Way. Solicitor Cravitz stated it will be those vehicles that are currently defined as trucks in the Borough ordinance.

Motion by C/P Charles to authorize the advertisement of Ordinance No. 797. Seconded by C/P Hendricks.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Authorize the advertisement of Ordinance No. 799 to vacate a portion of East Snyder Street for Shane & Christi Hendricks – Solicitor Cravitz reported this vacates a portion of East Snyder Street from Front Street to North River Alley. This has been done in the past in several places in the Borough and can proceed as long as there are no objections from the neighbors and the requesting parties pay for the advertisement and ordinance preparation.

Motion by C/P Carroll to authorize the advertisement of Ordinance No. 799. Seconded by C/P Mease.

**AYES: FIVE (5) NAYS: NONE ABSTENTION: ONE (1) – C/P Hendricks
MOTION CARRIED**

Assessment Appeal – Renee L. Magruder, 201 Magnolia Avenue – Solicitor Cravitz stated he has not seen the actual assessment appeal come to the county commissioners and the assessment board yet.

Assessment Appeal – Grayston Enterprise LLC – Solicitor Cravitz reported that the county has ordered the appraisal of this property, and it should be received this week. The hearing will be in the third quarter of this year.

Susquehanna Real Estate Investment / Ott Packaging – Acting Mgr. Badman supplied a notice of the real estate tax assessment change for this property.

Statewide Tax Recovery – Solicitor Cravitz reported that Statewide Tax Recovery sent in a listing for all the per capita taxes since the 1970s that are deemed uncollectible. They are asking that they be exonerated from trying to collect these taxes, which total \$11,121.65. This does not mean that the

Borough is giving up on these taxes; they are just saying that Statewide does not have to try to collect them. If Council wishes, the Borough can make an effort to collect these taxes. Acting Mgr. Badman stated this includes from the 1970s through everything but the last five years. Statewide will still try to collect the taxes from the last five years. Some of these are for people who own property in the Borough. C/P Anderson asked what makes the taxes uncollectible. Solicitor Cravitz replied that it could be because people have moved or they are not available or are just not paying them. He stated some are beyond the statute of limitations. Pres. Farrell suggested that the Borough collect those that they can.

Motion by C/P Carroll to relieve Statewide Tax Recovery as noted. Seconded by C/P Charles.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Solicitor Cravitz will review the list to see which might be able to be collected by the Borough.

BOROUGH TREASURER: Sharon Badman

Review Treasurer's Report for February 2012 - Pres. Farrell asked if there were any questions on the Treasurer's report. Hearing none, he stated that it is on file for audit.

INTERIM BOROUGH MANAGER / SECRETARY: Acting Mgr. Badman

Non-Police Complaint Update – A written report was supplied.

Adopt PennDOT Agility Agreement and Resolution 2012-04 – Acting Mgr. Badman reported that this is a renewal from before. She stated there is a lot of money saved up which could be used for patching South Front Street this year.

Motion by C/P Charles to adopt Resolution 2012-04. Seconded by C/P Hendricks.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Review and comment on the March 2012 Newsletter – Acting Mgr. Badman asked that any changes or corrections be given to her. Information will be included about the Gelnett Trust and applications being available in the office or online.

Notice: PSAB 2012 Annual Conference, April 29 to May 5, Seven Springs Mountain Resort – Anyone interested in going should inform the Borough office.

Reminder – Statements of Financial Interest are to be completed and returned to the Borough office before May 1, 2012

Susquehanna University Student Cleanups – Acting Mgr. Badman reported that she has given this information to Chief Garlock. A cleanup was done recently with no problems being reported by the chief.

ZONING: Janet Powers, Deputy Zoning and Permit Officer

Update of PROPERTY TRANSFERS and ZONING PERMITS ISSUED, Janet Powers, Deputy Zoning and Permit Officer – A written report was supplied.

Update on Hazard Mitigation Grant Program and grant extension to March 9, 2012 – Janet reported she is still working on this. It is due March 9. She stated this has to go to bid as if it was a Borough project and the Borough would manage the funds. Janet stated the instructions that came with the grant are very lacking and she has spent a lot of time on the telephone getting clarification. She noted that this program will only be funded if there is money left over from the communities that are participating in the buyout program. If property owners want the grant funds, they cannot begin elevating their properties until the grant is completed. Pres. Farrell noted this will be money over and above the ICC monies. He

stated there are some properties that are being raised now in Penn Township by people who received their ICC monies. Janet stated it could be another six months before people could begin to elevate their properties in the Borough and the amount they receive could be quite small. Pres. Farrell agreed, stating this grant would kick in after insurance and ICC monies, and would only bring the total to 90% of the property value. Therefore, the grant could be for only 10% or 20% of the value of the structure. Janet stated people want to get back into their homes so they may not want to wait for the grant monies. Pres. Farrell stated there is no guarantee the money will even be available.

SELINGSGROVE MUNICIPAL AUTHORITY – Donald Bottiger, Chairman – No Report

EASTERN SNYDER COUNTY REGIONAL AUTHORITY – Carol Handlan and George Kinney – C/P Carroll recognized Carol Handlan, the Borough's new ESCRA representative, who is attending tonight's meeting. Ms. Handlan asked Acting Mgr. Badman if she receives copies of the minutes of ESCRA's meetings. Acting Mgr. Badman replied that she does. Ms. Handlan asked if she shares those with Council and was told she did not. Ms. Handlan urged that this be done so that Council can be aware of what is going on at ESCRA. C/P Carroll agreed with this.

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

PLANNING COMMISSION: Earl Moyer, Chair

Consider Recommendations for Justin Womer Land Development – Bob Bickhart reported that the Planning Commission has made a recommendation for conditional approval. There were concerns from the Borough Engineer, to which Mr. Bickhart responded insofar as the erosion and sediment control aspects. Mr. Bickhart also addressed some issues reported by the County Planning Commission. The project architect, Wolfe Associates, was to respond to the dry flood proofing questions. Last week Mr. Bickhart received a faxed copy of a response to his responses from Mr. Mark Freeze, of Coukart & Associates, indicating that he still required information on dry flood proofing issues. Mr. Bickhart stated he spoke with Mr. Freeze today and he still does not have the information he needs. In terms of the erosion and sediment control plan, Mr. Bickhart reiterated to Mr. Freeze that the Borough's subdivision and land development ordinance does not require preapproval of the plan by Snyder County Conservation District or DEP. Mr. Freeze thinks that DEP regulations do require preapproval of the plan so Mr. Bickhart contacted Brian Herber at the SCCD, who stated that projects of this size do not require preapproval of the erosion and sediment control plan by the Conservation District or DEP.

Brian Herber from SCCD explained that Chapter 102 rules and regulations apply to anything from 5,000 square feet to 1 acre. These properties need to have an erosion and sediment control plan, but it does not have to be preapproved by the Conservation District or DEP. The only thing that would change this would be if the SCCD were to get a complaint. Mr. Herber would then do an inspection and request a plan be submitted for review. Also, if he happened to be driving by the site and noticed something wrong according to the plan for the site, that would be an issue that could require approval. Solicitor Cravitz asked if Council can go forward with review of the plan without any further comment from SCCD. Mr. Herber replied that they can. He stated this would only change if the Borough would decide to take on the Memorandum of Understanding with the SCCD which could make the law stricter. Mr. Herber spoke with Dean Auchenbach, Water Program Specialist, at the central office of DEP today and Dean stated that if the municipality decides to make this stricter with all plans then properties from 5,000 square feet to 1 acre would need preapproval from the Conservation District prior to any building permits being issued. However, this is up to Council as to whether they wish to include this in the Memorandum of Understanding. Solicitor Cravitz stated that this would not affect Mr. Womer because he is grandfathered in. Mr. Herber stated this is correct.

Bob Bickhart stated that the county's comments were minor in nature and Mr. Freeze did not even bother to respond. He stated as far as he knows the only issue is the dry floodproofing and the information requested by Mr. Freeze, which the Borough Engineer does not yet have.

Borough Engineer John Coukart stated that a letter was sent out stating that the original code reference was replaced. This refers to Selinsgrove Code § 140-16, which says in essence that any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the zoning officer to the County Conservation District for review and comment prior to the issuance of a zoning permit. The recommendation of the Conservation District, if any, may be considered by the zoning officer for possible incorporation into the proposed plan provided that such recommendations are received within 30 days of forwarding to the County Conservation District. Mr. Coukart pointed out another area of concern in that there has been no soil erosion control efforts made on the Womer site. He stated there were some on Bob Bickhart's plan, which showed a soil fence to be placed along the front that borders the creek, but there is nothing on the site. Mr. Womer replied that there was no need for this because the area is all grass and there was no runoff to the creek.

John Coukart reported that regarding the floodproofing, his office has no confidence that the plan presented and the construction he saw is floodproof. He is concerned that the structure will leak. There is one detail that addresses some floodproofing at the doors. The detail that Mr. Wolfe drew up appears to be for metal doors using self-tapping metal screws into the door frame. However, the doors on the project site are wood framed. There are penetrations in the foundation walls that would allow water to seep into the structure. There is concern that the hydrostatic pressure under the floor slab will not be counteracted by the weight of the floor slab itself, which could result in rupturing of the floor slab. These are the issues that were pointed out to Mr. Wolfe to be addressed. Pres. Farrell asked for these problems with the building to be put in layman's terms. Mr. Coukart replied that the architect is required to demonstrate that the building will be dryproof and waterproof. The building is in the flood plain and the finished floor is at flood plain level. The code requires floodproof, dryproof equipment above that. Mr. Wolfe's design has a poured concrete wall. All the penetrations that Mr. Coukart saw in the wall, which include the sanitary sewer pipe, the water line and at least one other hole, have annual spaces around them that are not watertight. The area is just filled with gravel, which would allow the floodwater to get in below the finished floor slab. The hydrostatic pressure from the flood water would be acting on the bottom of the floor slab and leaking up into the structure. Pres. Farrell asked if this is a new kind of system and Mr. Coukart replied no, stating that this has been around for years. He stated a lot of this was developed in 1972 by the Army Corps of Engineers. There are several publications that can be used to base the design on to demonstrate that the structure is waterproof. Mr. Wolfe was provided with several pages of documentation.

Pres. Farrell asked who the engineer is on the project. Bob Bickhart replied that he is the site engineer but he does not deal with the structure, which is the architect's responsibility. Mr. Bickhart stated he came in after the design of the structure and Mr. Wolfe had the site plan ready. Mr. Bickhart only dealt with the land development issues. Mr. Bickhart pointed out that there are two types of dry floodproofing. The Borough accepts what is known as "essentially dry". There is also "completely dry", which is what Mr. Coukart is mentioning. Mr. Bickhart stated that the Borough ordinance refers to "essentially dry". That means that if water came up above the 100-year flood elevation and stayed there for a protracted period of time, some seepage could be expected into the interior of the structure, but that is acceptable under the regulations. Mr. Womer stated that there are five holes in the foundation which will be filled with hydraulic cement. John Coukart stated that "essentially dry" is acceptable in the Borough ordinance for residential structures. Any non-residential structure that is not elevated to at least 1½ feet above the 100-year flood elevation "shall be floodproofed in a completely and essentially dry manner in accordance with W1 or W2 space classification standards" which are contained in a publication from the Army Corps of Engineers dated June 1972 as amended March 1992. The document goes on to state that all plans for waterproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the building design and method of construction are in accordance with the above-referenced standard. Bob Bickhart stated that what Mr. Coukart just read said essentially dry. Mr. Coukart stated that it says completely or essentially dry. Mr. Womer stated that the doors are not the permanent doors. They are just there to secure the building site and will be replaced with steel doors. Mr. Coukart stated Mr. Wolfe's plan does not even identify what the doors are. When Mr. Coukart was there he saw wood-framed doors which do not correspond to the waterproofing requirements. Pres. Farrell asked if Mr. Coukart is saying that Wolfe and Associates must draw up another plan to

identify the floodproofing of the building. Mr. Coukart stated yes, it would be up to the architect to tell the Borough Engineer what methods will be used to floodproof the building.

Janet Powers stated, as relates to the the last part of the statement read by Mr. Coukart, that all plans and specifications for such floodproofing shall be accompanied by a statement from a certified engineer or professional architect which states that the building design and method of construction are in accordance with the above-referenced standards, and that she has not seen any such certification. Mr. Coukart stated there are other concerns, including sewer issues. Pres. Farrell stated that it sounds like there is a problem with the plan. He stated any time a structure is built in the Borough, whether it is residential or commercial, it must follow the floodplain law. He stated this is a floodplain issue that has to be straightened out with the building. He asked Mr. Womer if he has contacted Mr. Wolfe. Mr. Womer replied that he did not know anything about this but he will be on the phone to Mr. Wolfe tomorrow morning. Mr. Coukart stated he has been trying to get in touch with Mr. Wolfe because, although some additional plans were sent to his office after the planning meeting, the issues that need to be addressed were not addressed. Pres. Farrell stated it sounds like Mr. Wolfe will have to contact the Borough Engineer to satisfy his requirements. Mr. Womer stated he would like everyone to get together so they are all on the same page. Janet stated that the Borough needs a statement certified by a registered professional engineer. Mr. Womer stated his plan was certified. He stated that Keystone COG also approved the plan. He paid \$1,000 to them, they reviewed the plans, and they were passed months ago. Solicitor Cravitz stated that CK-COG deals with the building code but not flood plain issues. Pres. Farrell stated that any time someone builds in the floodplain there will be issues that have to be dealt with. He suggested that Mr. Womer have Mr. Wolfe call the Borough Engineer to discuss what needs to be done to move the project forward.

Solicitor Cravitz stated that since the plan was submitted, Council has to act on it. He stated Council can do a conditional approval. If Council takes no action, the plan is deemed to be approved. The plan went to the Planning Commission and they are recommending conditional approval. Solicitor Cravitz feels that Council should follow the same recommendation. C/P Carroll stated it would have to meet with the Borough Engineer's approval, and the engineer right now is saying that the plan is not correct and more work needs to be done. It was hoped that everyone would be on the same page for tonight's meeting, but that has not happened. Mr. Coukart will work with Mr. Wolfe and come back with a new plan at the next Council meeting. C/P Anderson stated Council should approve the Womer land development plan conditioned on a favorable review by the Borough Engineer in regards to the floodproofing details. That way the plan can be worked out and work can move forward before the next Council meeting. C/P Carroll stated the approval tonight was to be based on the plan being taken care of before tonight's meeting, but that was not done. The conditions have not been met. Mr. Womer asked if he has to stop work on his project for another month. C/P Carroll stated that Mr. Womer received a letter from Solicitor Cravitz so he knows that any work done is at his own risk. The letter places work on hold until this is resolved. C/P Carroll asked if C/P Anderson's recommendation can be followed, with Council approving it based on the engineer's approval. Solicitor Cravitz stated that Council would not be approving the plan tonight, but they are running into a deadline so action must be taken. Council has two choices tonight. They can deny the land development plan, which would result in Mr. Womer having to start over due to his timeframe, or they can approve it conditionally until Mr. Womer meets the criteria in the Borough ordinance as interpreted by the Borough Engineer. If Mr. Womer does not meet the criteria, he is still on conditional approval until he does. If he never meets the conditions then the plan is denied. It was reiterated that the issues include the holes in the foundation, the doors, and the plan for raw sewage. Mr. Coukart stated there is a list of issues in the letter. Pres. Farrell asked if Mr. Coukart thinks it is possible to address these issues on this building. Mr. Coukart replied he does think it is possible. However, he is concerned that if there is infiltration through or under the foundation that the floor slab will not be able to resist the upward hydraulic force. It is up to the architect to demonstrate that it will withstand it by calculating the load of the internal components of the structure against the upward force.

Motion by C/P Anderson to conditionally approve the land development plan based on final approval from the Borough Engineer. Seconded by C/P Hendricks.

AYES: FIVE (5)

NAYS: ONE (1) – C/P Carroll

MOTION CARRIED

Bob Bickhart asked if there is anything in the issues about erosion and sediment control or has that been taken care of. He stated that something was read tonight that indicated this had to be addressed before the issuance of a zoning permit. However, it sounds like a moot issue because a zoning permit was issued. Solicitor Cravitz stated that is a good interpretation, unless Council was to revoke the zoning permit, which he does not think they are prepared to do. However, if Brian Herber drives by and sees any problems, then Mr. Womer will have to deal with him. Mr. Herber recommended that best practices should be followed wherever possible for at least minimum erosion control. This should avoid his receiving a report or complaint about the site.

Brian Herber, Snyder County Conservation District, Erosion and Sedimentation plan –

C/P Hendricks asked if the Borough needs to review its ordinance as it relates to the 5,000 square feet to 1 acre designation. Solicitor Cravitz stated that this is the Memorandum of Understanding. Brian Herber handed out copies of Chapter 102, which is the regulation that the MOU is based on, along with an application form that is given to the public when they request information on erosion and sediment control for small projects that involve single lot residential projects consisting of between 5,000 square feet and 1 acre. He supplied some information on things that changed in November 2010. Some of this is from DEP. Information can be found online or in a public library. By having an MOU with the Borough, the SCCD would continually supply the Borough with information regarding regulations in exchange for the Borough making sure that they are looking for an adequacy letter from the SCCD before the Borough issues zoning permits. Mr. Herber stated he is speaking in particular about Chapter 102.43, which is the very last paragraph in Chapter 102, in which a municipality can be held liable if they do not ensure that they have an adequate letter from SCCD before issuing a zoning permit related to erosion and sediment control for sites exceeding 25 acres or more and for individual and general NPDS, or National Pollutant Discharge Elimination System, permits. C/P Carroll stated this is another layer the Borough has to look into beyond what is presently on the books. Mr. Herber stated the requirement for lots of 5,000 square feet to 1 acre has always been the same. However, the NPDS threshold changed in 2010. Prior to 2010 if you had 5 total acres of earth disturbance or a flood service discharge between 1 and 5 acres you had to have an NPDS permit. Since 11/19/2010, anyone that has over 1 acre of total earth disturbance needs to have an NPDS permit. C/P Anderson stated the chances of having something 1 acre or more within the Borough are not that high. Mr. Herber stated there are many municipalities within Snyder County that have sites that could exceed 1 acre. Pres. Farrell stated this would apply to the old Ott Packaging site. Mr. Herber stated that when that demolition was done they got an NPDS permit right away. He spoke to DEP about this and even though it was just a demolition project with minimal soil disturbance other than fill soil being brought in to cover what was demolished, it was decided to go forward with the permit so that when someone buys that land they can transfer the permit to the new owner. When the property is developed, a new erosion and sediment control plan will have to be submitted to SCCD but it will not be quite like starting from scratch without a permit at all. Mr. Herber stated that at this point the Borough has the opportunity to ensure that SCCD is doing an adequate letter for all properties between 5,000 square feet and 1 acre by putting a Memorandum of Understanding into the Borough ordinance. Dean at the central office of DEP said it is a possibility for the Borough to do that. It does not make laws any stricter. It just bends Chapter 102 to make it work for the Borough so that people have an adequacy letter from SCCD, which would eliminate some of the issues such as those being addressed tonight regarding the Womer property. Mr. Herber asked if the Borough issues the building permit or if the COG does. Pres. Farrell replied that the COG issues the building permits; the Borough issues the zoning permits. Mr. Herber stated he has sent a letter to the COG asking them to have an MOU with SCCD also. Pres. Farrell stated the Council can look over the information that Mr. Herber supplied and get in touch with him if they have any questions. Mr. Herber stated he has supplied the most recently updated information. He stated if anyone comes into the Borough to discuss NPDS they can be referred to him. He also supplied a fee schedule, which is updated every two or three years. The present fee schedule went into effect August 2, 2011. Solicitor Cravitz suggested referring this matter to the Planning Commission. Pres. Farrell thanked Mr. Herber for his time in attending tonight's meeting.

Margaret Siro asked how the Womer project could have gotten as far as it did. Solicitor Cravitz stated that a zoning permit and a building permit were issued prior to the process of the planning. He stated it was like putting the cart before the horse.

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

2012 Street Program – C/P Hendricks supplied two spreadsheets labeled “2012 Street Program Only Estimates Max” and “2012 Street Program Only Estimates”. The Borough’s past practice has been that when a street program was done in an area where curbing and sidewalks do not currently exist, their installation in that area was required. The assessable costs on the max side total \$235,577. The committee looked at different scenarios, such as whether to keep with past practice of requiring curbing and sidewalks in conjunction with the street program or whether to modify the past practice in some way. This will be a policy shift if a change is made. Acting Mgr. Badman stated the figures are estimated based on last year’s actual costs. C/P Anderson stated hopefully the figures are high. C/P Hendricks stated there is approximately \$40,000 in CDBG money available for low to moderate income households. He stated that the breakdown between the two different spreadsheets shows the bulk of the work on Water Street with the remainder on Sassafras Street and Walnut Street. Acting Mgr. Badman stated these sections do presently have curbing but do not have sidewalks. C/P Hendricks stated he does not believe there is sidewalks on Water Street from south of Walnut Street to Sassafras Street. C/P Carroll stated there is a little bit of sidewalk there. He stated he and Pres. Farrell visited the area to see what needs to be done. It was noted that C/Ps Mease and Charles also visited the area. C/P Anderson stated that this was discussed during the Finance Committee meeting today. The committee feels that a \$235,000 expenditure in one year is way too much for people. However, because of the Borough’s past practice there are people in the community who have paid a lot of money to install sidewalks where there were no sidewalks before when streets were done. C/P Anderson feels it would be pretty risky to change past practice. However, the Finance Committee came up with a way to moderate the pain by doing the streets and giving people until the end of 2015 to comply with the sidewalk installation. Acting Mgr. Badman stated this is only for the sections that do not currently have sidewalks. Existing sidewalks would have to be redone now. C/P Hendricks noted that the Borough owns along South Front Street south of Bough Street so the curbing and sidewalk installation costs will be borne by the Borough. He stated that the situation is the same on Industrial Park Road where the Borough will have to pay for sidewalk and curbing installation when those streets are done.

Glenda Ruch from SEDA-COG asked if Council is aware of the details of the Borough’s ongoing sidewalk replacement program. She stated there is over \$40,000 set aside for sidewalk replacement for income-eligible owner occupants. She was out today to view the area and she feels it is sketchy at best. She would recommend steering clear of the section that is just vacant property. On the other side of the street where sidewalks would be installed at the back of the properties, the owner occupants who are income eligible could be assisted with installing or replacing sidewalks over the three-year period until 2015. Acting Mgr. Badman stated that everyone affected by the project this year will be told of this option. C/P Anderson stated over three years there should be more CDBG funds available to help people out. C/P Carroll asked if the figures change a lot for the Borough based on number of people in the household. Ms. Ruch stated the revisions to the HUD Section 8 income figures come out in February or March each year. She stated this year’s figures came out early, in December 2011. She stated the income limits will likely go up over time. Pres. Farrell asked what Ms. Ruch meant by staying away from the empty lots. Ms. Ruch stated that the Borough has to be careful regarding who benefits from the work to be done. She stated that it seemed that the sole purpose for sidewalks along the empty lots was for people to have a path to walk to the access ramp or the skate park. When recreation is benefited, it benefits citizens throughout the Borough and not just low to moderate income residents. The entire Borough would have to be surveyed to qualify for CDBG funds to be used in this area. C/P Carroll stated one consideration is whether there needs to be sidewalks on both sides of the street. Pres. Farrell stated this is the same thing that the Borough had when they paved Front Street and sidewalks were not installed along the river side of the street. Several people stated that the Borough set a precedent on that project. Pres. Farrell stated the Borough did not install sidewalks along the cemetery on Mill Street either. If Council chooses to not install sidewalks along the empty lots it will not be the first time this has been done in the Borough. There is a path being considered along Front Street that will most likely consist of the roadway being widened. C/P Charles stated the bike path is not feasible. C/P Hendricks stated a 6-foot physical barrier would be required between the walking and bike path. C/P Carroll stated he thought curbing was not required as long as there was 5 feet of grassy area before the sidewalk. John

Coukart stated it was 6 feet and the area is not wide enough. He stated there could also be a physical barrier such as curbing. C/P Hendricks stated curbing saves the shoulder of the road. Several people mentioned the rolled curbing that was done along Front Street as an option to save the edge of the road where there is no sidewalk.

Acting Mgr. Badman stated that Council needs to make a decision so that Borough Engineer John Coukart can get the project together. He needs to know quantities. Acting Mgr. Badman needs to know who goes into the ordinance to be assessed. C/P Charles stated he attended the Finance Committee meeting and likes the idea of stretching the work out over three years. He stated they also discussed doing one side of the road only. Pres. Farrell stated that the decision on the 2012 street program will affect other projects within the Borough in the future. If a decision is made to install curbing and sidewalks on both sides of the road now then both sides of the road will have to be done on Front Street also because a precedent will be set. C/P Charles stated the precedent was already set on the Isle of Que to only put sidewalk on one side of the road. He stated the idea was to put a walking area rather than sidewalk on South Front Street but there was an issue about the space between the road and the walking area which would push the walking area quite a distance into the grassy area. C/P Anderson stated Council is not making a decision on South Front Street tonight. She stated Council is talking about the 2012 Street Program now. C/P Hendricks stated he is just speaking philosophically, noting that as he looks through the lists he sees that a number of homeowners will be hit with \$8,000 to \$14,000 in assessments. C/P Anderson stated that is why the Finance Committee is recommending stretching it out over three years. This allows the Borough to be consistent with past practice while giving the people more time to be in compliance. Pres. Farrell stated that this means that any time a road project is done the citizens should be given a little extra time. C/P Anderson stated that the reason the Finance Committee came up with that recommendation is because the figure is so high. She does not remember it ever having been this high for the property owners before. Acting Mgr. Badman stated there have never been this many property owners affected by a street project. C/P Charles asked what the Borough budgeted this year. Acting Mgr. Badman replied \$90,000. C/P Charles stated that the Borough has to come up with \$235,000 if they go with the maximum. C/P Carroll stated eligible homeowners can use the \$40,000 mentioned earlier. C/P Charles stated that takes the \$235,000 down to \$195,000 and even with deducting what was budgeted another \$100,000 is needed to go with the plan as is. He stated he does not know where the Borough will come up with the money. Mayor Christine stated that all these property owners were subject to the original ordinance. Therefore, people that installed sidewalks within the past ten years or more were not given an extension. C/P Carroll stated the people were given a deadline and if they did not do the work then the Borough did it and billed the homeowners for it. If they did not pay, a lien could be placed on their property. If the Borough does move forward with the Front Street project, those homeowners can come to the Council to ask for three years because the people on Water Street were given three years. C/P Charles stated that South Front Street will not cost people money for sidewalks because the Borough owns the land. Pres. Farrell re-explained his position that if the Borough sets a precedent for sidewalks on both sides of Water Street they will have to carry that over to both sides of South Front Street. He stated that even though the ordinance called for sidewalks on both sides of the section of Front Street that has already been done, the Borough did not put sidewalks on the river side of the street. C/P Hendricks stated that Council discussed this and decided the Borough was not going to take people's riverbank. Reconstruction projects such as Front and Second Streets were done with block grant money for free. Pres. Farrell stated rather than doing a walkway along South Front Street it may be that the roadway moves over and sidewalks are installed on both sides. Then the sidewalk becomes the walkway and no barrier is needed because there will be a curb there. In response to Mayor Christine's earlier comment, Acting Mgr. Badman found that the ordinance referred to was adopted in 1990. C/P Anderson stated that people have been paying for their sidewalks for a long time. Mayor Christine expressed reservations about now allowing people to stretch out their compliance over three years. C/P Charles stated the Borough cannot afford the project. C/P Anderson stated the Borough will not do the entire project. She stated, for the sake of moving this discussion along, that she would recommend directing John Coukart to go with the spreadsheet entitled "2012 Street Program Only Estimates", not the maximum spreadsheet, and cost it out to see how much more needs to be cut back in the project. Glenda Ruch stated that CDBG funds cannot be part of a public works project. John Coukart stated that Acting Mgr. Badman will have to let him know who is eligible for CDBG funds. He asked if the construction will avoid the area where no sidewalks currently exist and if existing sidewalks go on the

construction plan to be replaced. He was told this is correct. He asked if the grass strip between the sidewalk and curb will be kept as part of the standard wherever feasible. C/P Anderson replied that this is correct.

Motion by C/P Charles to direct the Borough Engineer to develop plans for the 2012 Street Program Only Estimates spreadsheet. Seconded by C/P Hendricks.

AYES: FIVE (5) NAYS: NONE ABSTENTIONS: ONE (1) – Pres. Farrell
MOTION CARRIED

Pres. Farrell abstained because he owns property in the area being discussed.

BOROUGH ENGINEER: J. A. Coukart & Associates

Update on pending projects – A written report was supplied.

Boat Ramp – John Coukart stated that he will be meeting with Scott Bollinger from the Fish and Boat Commission to try to move forward on this. Acting Mgr. Badman stated the Borough is being given the grant extension to move forward. Pres. Farrell asked what work needs to be done. Mr. Coukart replied that almost all the concrete that is there has to come out, with the possible exception of a little bit at the top and at the bottom.

Traffic Light at Mill and Market Streets – John Coukart stated he now has all the documentation on this after meeting with Corby Bowersox last week.

Street Program – Acting Mgr. Badman stated the ordinance for the assessment will be adopted in April for completion at the end of May. The bid packages will be out to be awarded in May. The start date will correspond with the assessments.

Larson Design Group – C/P Hendricks reported that the reservoir cover and the telemetry information are being prepared for the April Council meeting.

NEW BUSINESS: None

BREAK – At 9:09 P.M. Council took a short break.

EXECUTIVE SESSION – Council Meeting recessed to an Executive Session at 9:22 P.M. for discussion of Litigation Issues. Council meeting reconvened at 9:59 P.M. with no action taken.

ADJOURNMENT:

Motion by C/P Anderson to adjourn the meeting. Seconded by C/P Hendricks.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Meeting adjourned at 9:59 P.M.

Attachments: None

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