

SELINGROVE BOROUGH COUNCIL MEETING

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

COUNCIL MEMBERS PRESENT: Pres. C. Handlan, 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: None

OTHERS PRESENT: Solicitor R. Cravitz; Mgr. J. Bickhart; Mayor S. Christine; Junior C/P Kathryn "Katie" Kirchner; Borough Treasurer Sheri Badman; Recording Transcriptionist Dawne Long; Daily Item Reporter Tricia Pursell; DH&L Representatives Dawayne Betzer and Gary Greiner; WKOK Reporter Matt Farrand; Borough Employee Janet Powers; Borough Landlords Brian Betz and Debbie Brouse; Borough Residents Bob & Linda Derr, Teighler Doak, Earl Moyer, Mike Moyer, Chris Reiland, Kim Riegel, Joseph & Margaret Siro; Engineer Bob Bickhart; Library Board Members Lynn Askew, Jim Black, Del Kennedy, Tut Woelfel; Liverpool Residents Jim & Darla Dunlap; Pastor William Burris; SEDA-COG Representative Glenda Ruch; SU Representatives Dave Henry and Sara Kirkland, and Steve Sproles from Derck & Edson

OTHERS ABSENT: None

ACKNOWLEDGEMENT OF APPOINTMENT TO FILL VACANCY ON COUNCIL

Verification of Appointment by Vacancy Board of Tim R. Charles, Sr. to fill the unexpired term of Margaret Siro, until December 31, 2011 – This was done and Mayor Sean Christine administered the oath of office to newly appointed Councilperson Tim Charles.

CALL MEETING TO ORDER:

Pres. Handlan called the meeting to order at 7:04 P.M. Mgr. Bickhart called the roll, followed by a moment of silence and the Pledge of Allegiance.

REVIEW AND APPROVAL OF COUNCIL MINUTES FROM REGULAR MEETING OF FEBRUARY 7, 2011 AND SELINGROVE VACANCY BOARD'S RECESSED MEETING OF FEBRUARY 11, 2011:

It was noted that the Vacancy Board Meeting minutes should be corrected to show they took place on Friday, February 11 at 4:00 P.M.

Motion by C/P Hendricks to approve the minutes as corrected. Seconded by C/P Anderson.

AYES: SEVEN (7)

NAYS: NONE

MOTION CARRIED

RECESS MEETING TO FINAL PUBLIC HEARING ON CDBG PROJECT FUNDING:

At 7:07 P.M. the meeting recessed and Glenda Ruch from SEDA-COG stated that there were no cuts identified for the federal CDBG grant program. However, although the exact amount is not yet known, a decrease in the Borough's 2011 allocation is still expected. At the state level, there may be some significant changes. There is a proposal to transition the CDBG program from DCED to the Pennsylvania Housing Finance Agency, of PHFA. If this should happen there may be some changes resulting in the reopening of PA Act 179, which is where the minimum allocations for municipalities are currently identified. Currently Boroughs must receive a minimum of \$50,000 per year. Selingsgrove gets more than that, but this could change if the Act is reopened. Glenda reported the tentative 2011 CDBG allocation is \$122,250 with \$91,910 for Front & Second Street Reconstruction, \$10,000 for the Elevator Construction, and \$20,340 for Administration. If the Borough's allocation comes in significantly less than \$122,250 then the Administration allocation may have to be decreased because there is an 18% cap for Administration. Glenda then reviewed Resolution 2011-03.

At 7:15 P.M. the Council meeting reconvened. Motion by C/P Carroll to adopt Resolution 2011-03. Seconded by C/P Anderson.

AYES: SEVEN (7)

NAYS: NONE

MOTION CARRIED

Budget Modification – Glenda reviewed the modification to move \$1,319 in funds from the 2007 sidewalks/curbs budget to the Union-Snyder Agency on Aging Adult Daily Living Center in Penn's Creek for safety improvements.

Minority Business Enterprise/Women's Business Enterprise – Glenda stated that in the mid 1990s the thresholds for these businesses were identified at .5%. DCED has recently revised this and the thresholds have increased to 5% MBE and 3% WBE and SEDA-COG has prepared an action plan. There is also a new action plan called a Section 3 Action Plan. This has always been incorporated as part of the federal CDBG program. The state had its plan approved through HUD. Section 3 ensures that direct employment and other economic opportunities that are generated by certain HUD financial assistance, such as CDBG, ESG and HOME, shall be directed to low and very low income persons. Glenda stated there is a \$200,000 threshold to grantees, meaning that if a grantee has an aggregate of \$200,000 or more open in a fiscal year the grantee is subject to Section 3 and has to hire someone to facilitate with the CDBG program in house. They would have to make an outreach to Section 3 residents to give them the opportunity to apply for that position. Another threshold identified is \$100,000 for a contractor or subcontractor. Glenda stated she does not foresee the grantee level of Section 3 being applicable to the Borough, which is pretty quick to get the funds expended and drawn down with the project year being closed out. However, if there is a contract let in excess of \$100,000 and the program years are open, then the contractor will have to supply documentation that he has done due diligence with regard to Section 3 business concerns. Glenda stated SEDA-COG is putting together Section 3 training for all the grantees. This information will be given to the Borough. Information is also being developed for contractors, who may potentially be scared away by Section 3 being included in a contract. The overall goal for Section 3 is 10% of the contracts. This is probably not achievable in a small, rural area. However, a good faith effort needs to be made and documentation showing that that has been done. Pres. Handlan asked when the training would be held and Glenda replied that it is in the works but she does not have a date yet. C/P Charles asked if this would apply when a lesser amount of CDBG money is included with a larger project that is more than \$100,000. Glenda replied no, stating that the elevator project is an example of this because only \$10,000 in CDBG money is being used on a multi-million-dollar project. Action on this item was tabled until the April Council meeting.

COMMITTEE / COMMISSION / BOARD REPORTS:

FINANCE & BUDGET COMMITTEE: C/P Anderson, Chair

Award of Contract for Concrete Curbing and Sidewalk Construction Work to be completed under the Borough's CDBG program – C/P Anderson noted that the low bidder for the concrete curbing and sidewalk work to be completed by the CDBG program is Shiltz Concrete. C/P Charles asked how many feet of curbing and sidewalk this entails. Mgr. Bickhart replied that this is not yet known. This is a program that was established a number of years ago whereby income-eligible residential property owners can apply to have their sidewalk or curbing replaced by the grant funds. \$20,000 per year is put into the program but the amount spent each year is less than that.

Motion by C/P Anderson to award the contract to Shiltz Concrete. Seconded by C/P Viker.

AYES: SEVEN (7)

NAYS: NONE

MOTION CARRIED

RECESS MEETING TO PUBLIC HEARING FOR CONDITIONAL USE REQUEST RELATED TO THE BUILDING PROJECT:

At 7:28 P.M. the meeting recessed. Mgr. Bickhart stated this is similar to other times in the past when Council has waived off-street parking requirements. In this case the request is to do this for the new building project housing the Borough offices, the Selinsgrove Community Library, and the Snyder County Libraries, Inc. offices because there is an inadequate number of parking spaces for the building as required by the ordinance. The Planning Commission has discussed this and requests that Council approve the conditional use request. Mgr. Bickhart supplied information quantifying the existing parking around the building as well as the proposed parking after the building project is finished. He also listed some additional parking considerations, such as changing the way existing parking places are used along the streets and in various lots in the vicinity of the Borough/Library building. It may be a good idea to refer this to the Public Safety Committee for a more detailed review since action does not have to be taken on this tonight. C/P Viker asked if the proposals could be summarized for people who do not have the benefit of the supplied information and this was done through the conversation. C/P Anderson stated the Planning Commission felt that in order to make parking work the Borough should go back to the plan that was done by the Penn State architectural students several years ago. Mr. Inch from next door attended the Planning Commission meeting to participate in the discussions. Some considerations include whether Chestnut Street should remain a one-way street and whether it is running in the right direction. The conclusion was that it is fine the way it is. Some additional signage may be needed. Conversations need to take place with the bank due to parking across the street that is not fully utilized any more. C/P Viker stated that it is interesting that the Borough is asking for a waiver from itself, but with the best of intentions in order to construct a lovely building that many people have been working hard on. He asked how many spaces the Borough is shy based on the ordinance. Mgr. Bickhart stated a better way to look at is to look at the change from what is available now to what will be available then. He then reviewed the information in the handout. Earl Moyer stated that the Planning Commission suggested moving the parking on Pine Street from the south side of the street to the north side of the street, which would result in a gain of 2 parking spaces because the alley opening will be closed. Mgr. Bickhart stated this is one of the eight numbered items on the supplied document. C/P Anderson stated the Planning Commission discussed renaming municipal lots to "free public parking". C/P Charles asked about the lot behind Mr. Inch's. Mgr. Bickhart stated the lot is half full of cars in storage. He stated he does not want to inconvenience residents who have nowhere else to park but a way needs to be found to discourage storage of cars for months on end. C/P Hendricks asked who is currently using the 9 perpendicular parking spaces along Union Alley, noting they are always full. He asked if these are tenants or employees for the businesses on Market Street. Mgr. Bickhart stated it is a little bit of both, noting that some of the cars will have snow on them all winter long because they do not move. The employees for Kind Café park there. C/P Hendricks stated he does not expect people to utilize the lot off Chestnut Street for Borough or library business. He asked if the bank still uses a night deposit box on the south side of Pine Street, stating that he is thinking about people pulling in to drop deposits off. Mgr. Bickhart stated he does not think the night deposit box is used because it is pretty much blocked by the mailbox. C/P Hendricks asked what areas are involved in the prohibition of long-term parking of more than overnight by residents of nearby apartments. Mgr. Bickhart stated the two areas where this is most common are just past Jerry Inch's property. C/P Hendricks as if this curtailment of parking would involve High Street and Mgr. Bickhart replied it would not. He was only considering this in parking lots and not on-street parking. C/P Anderson stated that the Public Safety Committee can look at the suggestions and eliminate those that are not feasible and perhaps come up with some others. C/P Viker stated this is a good example of balance because there are taxpaying citizens who live on High Street and want to park their cars near where they live. He stated that should be one of the last things the Borough would consider changing because about the same distance away is the police station parking lot that nobody uses. He stated the best thing to do is leave well enough alone on the street and encourage use of the parking spaces that are waiting to be used if the distance is not considerable. C/P Hendricks commented on the proposal to utilize two spaces for 15-minute business parking, noting that this would drop the number of parking spaces down from 10 to 8. He also asked on which property the proposed 20 parking spaces would be increased to 40 parking spaces. Mgr. Bickhart stated that is an old proposal to acquire easements on the whole area from behind Kleinbauer's to the insurance agency and reconfigure the parking in that whole space. C/P Anderson stated that is the Penn State plan that was mentioned earlier.

Mgr. Bickhart stated that, because of the current haphazard parking arrangements, 20 cars can be parked there. With an organized parking plan, 40 cars could be parked there. C/P Viker asked who would pay to attractively pave and line this. Mgr. Bickhart replied this has always been a project for which grants are available through DCED. It was originally proposed and put on the back burner until the Main Street Manager program began because that is the program through which the money is more readily available. C/P Viker stated the project could now be put on the front burner because it will not cost the citizens anything. Mgr. Bickhart stated there are some businesses who would be willing, and some who could be required, to contribute financially to the project as well. He has asked the Main Street Manager to look into this with her contacts at DCED to find out what grant opportunities are available. Regarding traffic patterns, C/P Hendricks stated that he wants to be sure that the emergency apparatus can make the turn in order to access anything off the alley. Earl Moyer noted that the Borough should consider relocating the pole on Chestnut Street further back from the street, especially if truck traffic will be circulating there. Mgr. Bickhart stated this is also on the list because it was brought up at the Planning Commission meeting. C/P Viker stated that, considering the complexity of some of these issues, he would like to set up a Public Safety Committee meeting and publicize it so the public can attend to share their comments.

At 7:44 P.M. the Council meeting reconvened. Pres. Handlan asked the Public Safety Committee to look into this and bring a recommendation to the April Council meeting.

PERSONS TO BE HEARD:

DH&L Fire Company, Dawayne Betzer – Dawayne stated he will be taking over for Ken Stettler and will be attending Council meetings and providing reports. He reported there were 20 incidents in January as follows: 2 automatic alarms, 1 CO alarm, 1 motor vehicle accident with extrication, 1 good intent service call, 1 HAZMAT call, 1 miscellaneous fire, 11 motor vehicle accidents without extrication and 2 structure fires. The incidents occurred as follows: 1 in Freeburg, 1 in Herndon, 1 in Monroe Township, 6 in Penn Township, 5 in Selinsgrove, 1 in Shamokin Dam, 3 in Union Township and 1 in Washington Township. The dollar loss within the jurisdiction was \$0.00. January man hours total 172.3.

In February there were 21 incidents as follows: 3 automatic alarms, 2 brush fires, 1 CO alarm, 3 motor vehicle accidents with extrication, 1 good intent service call, 2 HAZMAT calls, 1 miscellaneous fire, 6 motor vehicle accidents without extrication, 1 rescue call and 1 tree down. The incidents occurred as follows: 1 in Chapman Township, 1 in Freeburg, 1 in Jackson Township, 5 in Monroe Township, 5 in Penn Township, 4 in Selinsgrove, 1 in Shamokin Dam, 2 in Union Township and 1 in Washington Township. The dollar loss within the jurisdiction was \$60,000 at the Little House of Antiques. February man hours total 254.75.

Dawayne reported that DH&L is actively pursuing replacement of the 1988 Hahn engine. They have applied for a FEMA grant of \$550,000 and have made it through the first rounds of the grant process. There are five manufacturers that are being considered. Dawayne passed around a preliminary design from Pierce for Council to look at. The 1988 Hahn is a four-man open cab with a 450-gallon pump and it holds 1,000 gallons of water. The Pierce design shows an enclosed six-man cab with a 1500-gallon-per-minute pump and it holds 1,000 gallons. The preliminary cost of the Pierce design is \$632,000. DH&L has not chosen a manufacturer yet but even if they do not get the grant they will still actively pursue replacing the engine. Pres. Handlan asked if the fire company has to match any of the grant. Dawayne stated they would be responsible for 5% of the \$550,000 grant. He stated the grants are averaging about \$15,000 to \$20,000 less than what people are applying for, so he is hoping to get close but whatever is offered will be accepted. C/P Viker asked if things can be taken away from the dream design in order to get something worthwhile or would there still be some significant money paid over and above the grant amount. Dawayne replied that even if DH&L does not get the full amount of the grant they applied for, they could put the engine together now. He stated that the rescue truck and tanker will be paid off this year, which is 1½ years sooner than expected. He stated the fire company is trying to cut costs wherever they can. Pres. Handlan asked if they would be selling any of the old equipment and Dawayne stated they will hold onto everything. The current engine could only be sold to someone who would refurbish it,

or it would have to go out of service as a collectible because it does not meet current standards due to the open cab.

Dawayne stated that C/P Carroll attended a fire company meeting last Monday to discuss the new library building. Dawayne stated he is not a Borough resident and he had no idea there was a building plan in the works. He has some concerns, as does Gary Greiner, one of DH&L's engineers, regarding the drawings on display at tonight's meeting. Roadway access has to be wide enough so that the engines can get in and out of the alley. There is a list of things that he would like to go over with EI Associates at a sit-down meeting before the project goes much farther than it already has. The biggest issues are the hydrant connections, sprinklers, and pressure in hydrants around the building. As an example, he stated there was poor preplanning at Susquehanna University because of what DH&L has to do to lay in to a hydrant and stand pipe behind a building. They were not involved in the building design and he wants to avoid that same situation here with the Borough/library building. Mgr. Bickhart will schedule a meeting between DH&L and EI Associates.

Pres. Handlan asked about the causes of the fires in the past few months, whether they were electrical or caused by wood stoves or fireplaces. Dawayne stated the Little House of Antiques was caused by a gas-fired furnace that malfunctioned. The woman moved a piece of furniture too close to the unit, which she thought was turned off. She left and the unit kicked on, catching the piece of furniture on fire and resulting in \$60,000 in damage. There was a fire at 3:00 a.m. today in Penn Township which was caused by a tree falling on a transformer. The cabin was a complete loss of about \$160,000. Mgr. Bickhart stated that there was an admirable response to the Little House of Antiques fire by the fire company. The piece of equipment that was there doing the fire fighting was the 1988 Hahn. The number of companies responding, the time of response, and the manpower available were excellent. Even though there was a substantial loss, the fire was under control very quickly because people knew just how to do that.

C/P Carroll stated that DH&L has a chicken barbecue fundraiser coming up. Barbecues and the Market Street Festival are the largest fundraisers for the fire company. Dawayne stated the chicken barbecue is scheduled for April 16 from 10:00 to 1:00 at the fire company. Halves are being sold ahead of time at \$4.50 each. He stated the company makes good money on chicken barbecues. They get a lot of donations, which helps cut down on the expenses. They usually make \$600 to \$700 on each.

RECESS TO PUBLIC HEARING ON CONDITIONAL USE REQUESTS OF PASTOR WILLIAM BURRIS:

At 7:57 P.M. the meeting recessed after Janet Powers noted that this was advertised as a public hearing. The issue, as noted on the agenda, is a waiver request from Pastor Burris pertaining to 3 required on-site parking spaces for the proposed use of a 598 square foot portion of the building located at 229 South Market Street for the permitted use of a thrift shop, as well as the related Conditional Use request pertaining to the proposed use of a 2,052 square foot portion of the same building for church services and related functions, which are conditional uses within the R-C Zone. Mgr. Bickhart stated this is the building that at one time was used as a candy warehouse. The larger part of the building was part of the warehouse and the smaller part was part of the offices. Pastor Burris mentioned a facility that his church has on Route 54. He stated it costs \$65,000 to house a prisoner in a federal prison in this area, but only \$750 to place men and women into Teen Challenge, which is a 12 to 13-month program. Last year the church put 10 people in and this year they have put in 4 people so far. They are working with a commissioner to drop 20 more prisoners that are drug and alcohol-related out of prisons. He stated these are not violent offenders, just people who have a problem for which they need help. He feels it is a waste of taxpayer money when only 15% of people are rehabilitated out of prison. He stated his organization is looking to save counties \$130 million this year. He stated he came through Teen Challenge in 1992 for alcohol. It changed his life and he has now pioneered three churches in Liberia in Africa and will be pioneering six more churches there in May. He is looking to pioneer three churches in this area. He stated it is his opinion that the streets are filled with drugs and there is a lot going on that is pretty rough. He stated to get rid of a cockroach in your house you get rid of the bread and food that is around. The way to get rid of a drug dealer is to clean the streets up. He stated the judges in the area make \$674 per day and magistrates make \$222 per day. They made \$33 million in arrests in the county last year yet the

state police and state employees could not be paid for four months. Pastor Burris said as a citizen of the area he is worried and he feels that the streets need to be cleaned up. This is his life and he is hard at it every day. He wants to make the communities better so that the kids do not become slaves to the magistrates and have problems throughout their lives. He thanked Council for their time. C/P Hendricks asked if the warehouse portion of the property is in the flood plain and Mgr. Bickhart replied it is not.

At 8:02 P.M. the Council meeting reconvened. Motion by C/P Viker to approve the parking waiver and the conditional use request. Seconded by C/P Carroll.

AYES: SEVEN (7)

NAYS: NONE

MOTION CARRIED

Mike Moyer regarding boat ramp issues – Mike asked who engineered the boat ramp and whether the Borough ever got reimbursed from the grant. Mgr. Bickhart replied that he did the engineering work and the Fish & Boat Commission is amending the grant to add an additional \$40,000 to allow the Borough to effect the changes that the Commission would like. That grant should be received any day with construction in the month of August. Mike asked about the subbase beneath the ramp and the crack in the concrete. Mgr. Bickhart stated that will all be dealt with. Debbie Brouse asked if Mgr. Bickhart was a Borough employee when he did the engineering work and Mgr. Bickhart stated he was. Ms. Brouse asked if Mgr. Bickhart was paid by the Borough to do the work and Mgr. Bickhart stated he was not. He stated he did it on his own time. Ms. Brouse asked why there are so many problems with the boat ramp and whether someone reviewed the engineering designs. Mgr. Bickhart stated he does not know that there are problems with the boat ramp and Ms. Brouse stated there were concerns expressed at previous meetings regarding a crack and the elevation of the ramp not being correct. Mgr. Bickhart stated there is an issue with the cross slope. Ms. Brouse asked if this will be rectified with Borough money and Mgr. Bickhart replied the issue will be rectified with money from the Fish & Boat Commission. He stated it was a 100% grant. Ms. Brouse asked if it would be possible to get a copy of the original engineering plans so that they could be reviewed. Mgr. Bickhart replied yes. Solicitor Cravitz stated that Ms. Brouse will have to file a Right to Know request with the Borough. The Borough then has five days to respond. Ms. Brouse stated she will do this.

Debbie Brouse, Borough rental property owner, regarding landlord fees – Ms. Brouse stated she feels she has a right to be at tonight's meeting because she owns rental properties in the Borough. She noted that two years ago the Borough was going to invoke a code office. The Borough sent out letters and landlords were charged a fee. She stated she would like to know where her money is today because there is no code office. She would also like to know if that money was commingled with other things or if the Borough can tell the landlords who paid those fees exactly where the money is. Mgr. Bickhart stated that Ms. Brouse is referring to the landlord licensing. The Borough collected funds and generated a list of rental properties; however, because of not having enough time to follow up, the program got put on the back burner. The \$15,000 in the Borough's budget for administrative services and the hiring of another person is directed toward bringing that program back online and back under control to create a good registry of all the residential rental properties in the Borough. Ms. Brouse asked if everyone responded and paid when the letters were sent out. Mgr. Bickhart replied that not everyone did. Ms. Brouse stated this is not fair to the ones who did pay, because they essentially funded the Borough's program. She feels that there should be a refund to everyone until the Borough is ready to get the program off the ground. Mgr. Bickhart stated that the registrations were done for all properties, whether they paid or not, so the Borough did have administrative costs. He agreed with Ms. Brouse that it is unfair that some paid and some did not. He suggested rectifying that when the program is brought back online. Ms. Brouse asked if the people who did not pay will be fined, or if she and those who did pay will get interest on their money. Mgr. Bickhart stated he does not see how the Borough could fine people for the Borough's inability to push the program forward. C/P Viker stated that Ms. Brouse is most welcome to attend the meeting and, to correct an inadvertent fallacy, he noted that there is no one who does not have a right to attend a public meeting. This is a group of community citizens gathering together to conduct the business that they share. He stated there are apparently some people who are not in compliance with a fee that was administered by the Borough and Ms. Brouse was asking if "you" are going to give money back. When she said this she was looking at Mgr. Bickhart. C/P Viker clarified that it is the Borough as an entity that is responsible and not Mgr. Bickhart. Ms. Brouse stated she is here asking her questions of the

Borough. C/P Viker stated that not everyone is in compliance with every ordinance. He stated people who speed are not in compliance and it is not fair to those who obey the traffic ordinances. Fortunately, there is a proposal in the works with the Personnel Committee to bring into play the part-time employee to do what needs to be done to make this back burner piece come to the front burner. Ms. Brouse asked if it is correct that the next time she gets a letter on something, if she feels that she does not want to comply with it, she does not have to. C/P Viker stated there would probably be consequences, and Ms. Brouse asked what the consequences are for the people who did not comply with the fee request. C/P Viker asked what the ordinance says and Mgr. Bickhart stated he does not know without looking into it. Pres. Handlan stated she did not know either as she does not know all the ordinances off the top of her head. Ms. Brouse stated this is important and someone should know. Solicitor Cravitz stated there is a provision for a possible fine but no jail time. If the property owner does not comply they can be prohibited from renting their property in the Borough. C/P Viker stated this reminds him of the very legitimate questions from citizens who want to know what Council will do about noisy motorcycles and his response is that the Borough could certainly hire enough police officers to ensure that no noisy motorcycles ever make it through town without getting a ticket, but the taxes would go up significantly. He stated that to strictly enforce every ordinance on the books would require a significant tax increase because the Borough would have to hire law enforcement and code enforcement people to make that happen, and he does not think anyone wants to live with that kind of tax rate. Ms. Brouse asked if the money was commingled with all of the Borough money, or if it had to stay in a separate account. Mgr. Bickhart stated it was put into the General Fund. Ms. Brouse asked if that is a provision of the law that it can be commingled with the General Fund and Solicitor Cravitz stated yes, because it is a general program. C/P Viker stated there is a record of the money that was received and who paid it.

Bob Derr regarding Hoopie Bar Crawl for PA Cystic Fibrosis – Mr. Derr stated that the annual Hoopie Bar Crawl will be held on Saturday, March 19. Proceeds benefit Pennsylvania Cystic Fibrosis. The event was named after a Selinsgrove resident, Sarah Rathfon, who died of the disease in 2000. Sarah's classmates got together to do something in her honor to benefit the disease that took her life. Last year was the biggest year yet, with over \$5,000 being raised. There was good police presence last year. The event uses designated drivers. Mr. Derr called the police department the Monday morning after the event and was told there were no problems associated with the event.

UNFINISHED BUSINESS FROM PRIOR MEETINGS:

Consider the appointment of an Alternative Representative to the Central Keystone Council of Governments – Margaret Siro had been appointed to this position at the January meeting but due to her resignation another person needs to be appointed. Pres. Handlan stated that she will nominate herself to do this for the remainder of 2011. Next year when Council reorganizes they can select someone else.

Motion by C/P Viker to appoint Pres. Carol Handlan to this position. Seconded by C/P Carroll.

C/P Charles stated that he took Margaret Siro's spot on Council and he assumed that he would be taking over any duties that she did. He stated that is fine with him. C/P Viker withdrew his motion and C/P Carroll withdrew his second and said he would make a motion to appoint C/P Charles. Pres. Handlan stated that up until this year she had been the Borough's representative to CK-COG, which is the only reason she said she would be the alternate. C/P Farrell stated it is only one meeting a year and Pres. Handlan stated it is not normally a big commitment.

Consider the appointment of a Council Member to replace Margaret Siro as member/Chairwoman of the Personnel Management Committee, and as a member of the Borough Administration / Property & Equipment, and of the Public Safety Committee – Pres. Handlan noted that C/P Charles will be taking Margaret Siro's place as chair of the Personnel Committee and as a member of the Borough Administration / Property & Equipment Committee and the Public Safety Committee. She stated she will meet with C/P Charles to go over some things relative to the Personnel Committee.

Consider the adoption of Ordinance No. 789, pertaining to the request by Susquehanna University to change the Zoning District for the Pine Meadows Property from R-3, Medium-High Density Residential to RSP, Residential Semi-Public – Solicitor Cravitz stated that this Ordinance, if adopted, is to be effective concurrent with the ownership of the property by Susquehanna University. The effective date of the ordinance would actually be the date the deed is recorded with the Recorder of Deeds of Snyder County. If that does not occur then the ordinance will be null and void and the land will remain in the current zone of R-3. C/P Hendricks stated that he has thought through this since the last meeting and he is concerned about the taxable real estate base in the Borough. This action would eliminate a sizeable chunk of that forever. He stated donation in lieu of taxes was discussed and the university has always made good on their promises. He is not worried about this for the next 5 or 10 years; however, he is concerned with what will happen 15 or 20 years in the future, especially if the business climate or investment situation changes. Solicitor Cravitz stated that when the university buys the property and uses it for educational purposes it will become non-taxable. The university has pledged to the Borough and to the school district that they would replace the amount of taxes coming into the coffers of both entities at the present level. They have not made any commitment to have that donation grow as taxes grow in the future. The Borough cannot require the university to make any sort of contribution in a quid pro quo capacity in order to pass the ordinance. Zoning changes are not for sale. Solicitor Cravitz noted that in the past several years the university has donated between \$25,000 and \$50,000 per year to the Borough. C/P Viker stated that he understands the need to enhance the community as much as possible. However, he stated that Council should provide the best government possible with the available tax base. If Council were to say no to this request and then a church organization would come along and want to use a property for something else and a deal is struck, the Borough would lose the tax base anyway. The law allows organizations such as universities, churches, and the Red Cross to function as tax exempt charitable organizations. With respect to concerns about the tax coffers, he feels that Council should not be concerned with keeping the tax coffers any bigger than they need to be to do the job government is supposed to be doing. Pres. Handlan stated this is not the first time this request has come before Council from the university. C/P Farrell voiced his concern with the properties being turned into dormitories. He was not aware originally that the university could put as many students in a dormitory unit as they wanted to, but if another investor bought it they would have to follow different rules. Pres. Handlan asked if he was referring to the ordinance which does not allow more than three non-related persons in one rental unit. C/P Farrell stated that is what he is referring to, and he added that losing the tax base is a concern for him as well. Pres. Handlan stated she does not know of any other individual interested in purchasing Pine Meadows so the tax base will be lost no matter what action Council takes tonight. C/P Viker stated that if a piece of property does not have a buyer then whoever owns it still has to pay the taxes. Therefore, the money would still be coming in unless the present owner declared bankruptcy. Steve Sproles from Derck & Edson, which has done a lot of planning on campus, stated he is very familiar with the property and the university's procedures. He stated Mike Coyne had addressed these concerns at the last Council meeting regarding the university's intention to make a contribution in lieu of taxes. Sara Kirkland stated that the university does not plan to put more than 300 students into the Pine Meadows property when it becomes dormitories. Mgr. Bickhart stated there are zoning ordinance limitations. Debbie Brouse stated the property has not been on the market for anyone else. She stated if the owner were to market this on the free market, there might be another investor willing to purchase it and then a lot of the people who live there would not be displaced and the Borough would still have the tax base. She stated this seems like a deal that was made to Susquehanna with no regard for the current residents. She asked if anyone cares about the residents. Solicitor Cravitz stated this agreement actually increases the present owner's bargaining power. He has a buyer in his pocket now, but another buyer could come forward and offer the owner more money. Ms. Brouse stated she looks at this as the university buying the zoning change from the Borough. C/P Viker stated that Borough government should not be in the business of trying to manipulate or meddle in private property arrangements between property holders in the community. If nobody's rights are being violated, the government should be in the business of making something work rather than preventing it from working because the government's responsibility is to protect people's rights. As frustrating as it might be, there is no buying or selling here. If a church were to come along and want to buy the property and turn it into a camp, the Borough would still lose the tax base. If someone wanted to buy it as apartments then the Borough would keep the tax base. However, this is all based on the free market, the American way, and government should not try to anticipate how people are privately going to manage their property. Council's job is to protect the rights of individuals

and that is what is happening here tonight. If the tax base goes down then Council will work smarter with the limited money available. Council cannot make a decision about zoning based on whether or not it will affect someone's personal income stream. That is not good government. C/P Anderson stated it is also not legal to make the decision with that consideration in mind.

Motion by C/P Anderson to approve Ordinance No. 789. Seconded by C/P Viker.

C/P Carroll stated that Solicitor Cravitz will make sure that Council acts properly for the Borough. He stated the university has promised to make contributions in lieu of taxes but at some point in the future they may decide not to do that. However, that is not something that Council can influence them on. He stated Council cannot sell zoning changes. Ms. Brouse stated it does not seem like a prudent decision to change zoning for an organization. She stated it seems like the university is running the Council. C/P Viker asked how it would be imprudent, noting this involves the rights of property owners to do what they choose to do with their property. C/P Carroll stated it is part of Council's job to consider each request and proceed with the solicitor's guidance to be sure they are acting legally. He stated Council appreciates the university's contributions which enable the Borough to avoid raising taxes for the citizens. He stated it may look like the university is buying something from the Borough but they are not. C/P Viker stated he does not think it looks like that. He stated Pastor Burris earlier requested a similar change to the use of a property. When a property owner wants to do something with his property and no one's rights are being violated, then the government should say yes. The government is not in the business of making money; they are in the business of managing what is available to do a good job for the citizens. C/P Anderson stated she would like Solicitor Cravitz to speak to zoning, because the discussion has been mixing two things. Pres. Handlan agreed, stating the sale of the property is not contingent on the rezoning. She stated the university can still purchase Pine Meadows regardless of what action Council takes tonight. C/P Farrell asked what the university could do with the property without the rezoning. Solicitor Cravitz stated they could rent the apartments under the rules of the ordinance already in place. C/P Farrell stated they would then be limited to three students per apartment. C/P Charles stated the university could agree to pay the equivalent of taxes and any tax increases that come in the future. He stated Council cannot insist on it but the university could agree to it in order to alleviate a lot of concerns. He stated it is not fair to ask the taxpayers 15 or 20 years from now to pick up the difference. Pres. Handlan stated entities are tax exempt for a reason and they cannot be forced to pay in lieu of taxes. The university has voluntarily stepped up and increased their donations to the Borough when they did not have to do so. She stated when she first came on Council the university contributed \$10,000 or \$12,000 per year. They are now giving \$50,000 per year and are offering to pay in lieu of taxes in addition to that on the Pine Meadows property. C/P Charles stated the money is peanuts to the university, but people on fixed incomes will not be able to come up with the money to make up the difference if things change with the university in the future. He stated he honestly does not care who buys the Pine Meadows property, noting he can see some positive aspects to the university's buying it; however, he does not think it is fair to ask the taxpayers to pick up the difference. He stated it would be a small thing for the university to see that people are upset and to agree to future payments. Pres. Handlan stated the Borough is at almost 60% tax exempt status. She asked how people feel about those other entities. C/P Charles stated if they wanted to buy property he would ask the same of them. C/P Anderson stated Council is approving a zoning change and C/P Charles stated that zoning change has an impact on the Borough. Pres. Handlan stated it is not Council's role to be concerned with that. C/P Farrell stated the \$50,000 donation for the university is nice, but that only pays for one police officer in exchange for everything the Borough has to deal with from the university. Pres. Handlan said the university does not have to give anything, and she noted the school district does not give the Borough anything. C/P Farrell asked why the university is asking for rezoning if they could buy the property anyway and rent apartments to students just as the downtown landlords do. Solicitor Cravitz stated he assumes it is so the university can turn the apartments into dormitories. C/P Viker reminded Council that, with all due respect, there is an option to simply not trust the university to pay the money in the future. Council should function knowing that they have no promise of contributions in the future, and he will make his vote based on not trusting the university to continue to make payments 30 years in the future. If Council has to change how they do business as a government then that is what they will have to do. Like it or not, and he does not like it, the federal nonprofit tax exempt laws are huge and overreaching. As a result the Borough is stuck with that. They do not get to weigh in on whether they like federal tax

exemption status. 501(c)3 status is an IRS thing, not a Borough code and not even a municipality piece. Council cannot function with unlimited trust as if the university will be good neighbors forever. They are good neighbors now but Council needs to make their decision tonight based on what is available by law. He stated that is why he was so adamant about a no- tax-increase budget this year. Money is tight for everybody and no matter who is on Council, Council should always consider doing the best they can with the least amount. There could be an enormous change in the economy in the future and the tax rate may go down just as much as with the university buying this property. Council cannot vote based on what future tax coffers may look like. That is not good government. Solicitor Cravitz made a correction to this statement, noting that the federal government has nothing to do with the tax exemption laws. He stated it is local Pennsylvania tax assessment law. If an entity can prove they use a property for a charitable purpose, the Snyder County Board of Assessment will make the determination. If they deem it to be exempt it will be exempt. C/P Viker stated the university is a 501(c)3 organization. Solicitor Cravitz stated he does not know if the university is, but the official name is the Susquehanna University of the Lutheran Church. Mayor Christine stated that if Council takes no action on the zoning change it would be the same as government not getting involved in private affairs. C/P Viker stated that he feels that if people want to do something with their property and it does not violate anyone's rights then Council should say yes, not no. C/P Anderson asked Solicitor Cravitz to speak to zoning, noting that Council has agreed to other such requests. Solicitor Cravitz stated the same thing was done when the university bought the Catholic Church property. C/P Anderson stated Council does not have any legal base for saying no to the request for rezoning. Solicitor Cravitz stated Council has the discretion to say no but the university cannot compel Council either way. C/P Viker stated that to say no, Council would need to see somebody's rights being violated. He stated if someone asked the Borough for a permit to have a new kitchen put on their house even if they have a functional kitchen and don't really need a new kitchen, the Borough should still ask how they can help the property owner rather than denying their request. He stated he would love to see a higher tax base, but that is not good government. Good government is staying out of the way so people can do what they want with their property. Pres. Handlan noted there is a very long agenda tonight and an executive session yet so this needs to move along. She wants to give everyone a chance to speak. Mike Moyer asked if other universities donate to their municipalities, such as Bucknell to Lewisburg. Steve Sproles stated that he represents other institutions and many of them do not choose to make contributions. He stated that the amount from Susquehanna has increased over the years. He stated there was a security concern mentioned earlier and one added advantage to this change is that the campus has its own security which will be policing this property. There should be no additional tax burden to Borough services because the university security will handle this just as they do anything else that occurs on their property. Mr. Sproles stated that it is in the university's best interests for the Borough to prosper. The university is very much a part of the community. Everyone who comes to the campus drives through downtown Selinsgrove. While this is not the commitment that people may be looking for, it may help put it in perspective to understand that the Borough's prosperity benefits the university, and vice versa. Mike Moyer asked if Mr. Sproles knew a dollar amount that other universities contributed to municipalities and Mr. Sproles stated he did not have that information. Pres. Handlan stated that a study was done on that five or six years ago, but it would be old data now. She stated there was a wide spectrum but no contributions like Selinsgrove sees from Susquehanna. Sara Kirkland stated that the university makes other contributions in addition to the \$50,000. The university has funded half of the cost of the Main Street Manager program. They added to the tax roles when they bought St. Pius Church and leased it to Geisinger. They agreed to pay \$30,000 per year in lieu of taxes for that property. Pres. Handlan stated that the university also donates to DH&L Fire Company. Margaret Siro stated she lives at 705 University Avenue and she feels her area will be impacted by the number of students who will be living in Pine Meadows. She asked how good the campus security is. Sara Kirkland replied that the head of the public safety program was the former chief of police at the University of Pennsylvania. There have been significant advances in the professionalism of the campus security force. Mrs. Siro stated she has seen a number of students nearly run over while crossing University Avenue near her home, and she has not seen any security presence there. She is concerned about 300 students being in residence there. Pres. Handlan pointed out that there are 300 residents in Pine Meadows now, and Mrs. Siro acknowledged that and stated that they are very well behaved. Debbie Brouse asked how many Council members are affiliated with Susquehanna University or have some connection. Solicitor Cravitz asked her if she was stating there is a conflict of interest and Ms. Brouse stated she is wondering whether someone who has a conflict should abstain from voting. Pres. Handlan stated each elected official has to

make his or her own decision on that issue. C/P Viker stated that as a tenured professor at the university, Ms. Brouse should attend some of the faculty meetings to see how often he disagrees with what goes on over there. He stated that a yes or no question is often a fallacy as there is often not enough information to thoroughly answer the question. He stated that if Ms. Brouse is asking if anyone on Council would prosper or benefit in any way by allowing this to go through, which is implied by a conflict of interest, then the answer is no. Pres. Handlan called for a vote on the motion to pass Ordinance No. 789.

AYES: FOUR (4) – C/Ps Anderson, Carroll, Handlan & Viker
NAYS: THREE (3) – C/Ps Charles, Farrell & Hendricks
MOTION CARRIED

Consider the request by Susquehanna University for a Conditional Use Approval to utilize the Pine Meadows Property for Dormitories – Pres. Handlan stated that this request, if approved, is to be conditioned upon and/or effective concurrent with the ownership of the property by Susquehanna University. C/P Farrell asked if the university would have to follow the ordinance rule of no more than three unrelated persons in an apartment if this change goes through. Mgr. Bickhart stated that dormitories are looked at differently in terms of limitations. C/P Farrell asked how many students will be in each unit. Steve Sproles stated that the intent is to put four students in the three-bedroom apartments. There are 148 parking spaces currently onsite. With one space for two beds that puts the total number of students at just under 300. C/P Farrell asked again about the rental ordinance and Mgr. Bickhart stated there could be five people living in a one-bedroom apartment in town as long as they are related. C/P Farrell stated there could be a four-bedroom house but only three unrelated people could live there. Mgr. Bickhart reiterated that rental properties are limited to no more than three unrelated people. It is a completely separate provision in the zoning ordinance that applies across the Borough. Mayor Christine stated these would be considered dormitories if the change is approved tonight. He stated someone in the Borough mentioned to him that dormitories are required to have grease traps. Mgr. Bickhart stated that is not correct. The definition for grease trap requirements is clear and it does not apply to dormitories any more than it applies to a residential home or an apartment building. Dave Henry stated that if the university decides to put four students in a three-bedroom unit that is not all inclusive as there are only 15 three-bedroom units out of the 100 units in Pine Meadows. C/P Viker noted that 85 of the units would have fewer students. C/P Farrell stated that some dormitories have two students per bedroom so there could be four students in a two-bedroom apartment. Mr. Henry stated that is not the intention and it does not meet the university's housing standard. Brian Betz asked about the parking issue, noting that with 300 potential students there may be problems when 300 potential cars come into play if there is only space for 148 cars. Mr. Sproles explained that there are parking permits issued for students, faculty and staff through the public safety office. They are told to park in designated areas so there is control over the situation. There is adequate parking campus-wide as shown by studies that the university has done. Underclassmen are usually required to park further away. Any unauthorized parking in grass areas or other areas is handled through the public safety department, and they do tow when necessary. Chris Reiland stated there is only one entrance out of the Pine Meadows property. He stated his concern with the number of cars that would be coming in and out of the facility. Mgr. Bickhart stated there is no driveway capacity limitation in any Borough ordinance. If it was a new development then the subdivision land development may address this, but he does not think it would. C/P Carroll stated that he also was approached by someone who told him that dormitories were part of the grease trap guidelines. He asked if this is correct. Pres. Handlan stated she does not remember that being in the regulations at all. C/P Viker stated it only applies to commercial kitchens, not residential.

Motion by C/P Hendricks to approve the conditional use request. Seconded by C/P Anderson.

AYES: FIVE (5) – C/Ps Anderson, Carroll, Handlan, Hendricks & Viker
NAYS: TWO (2) – C/Ps Charles & Farrell
MOTION CARRIED

NOTE: At 8:55 P.M. a 5-minute break was taken. Junior C/P Katie Kirchner left at 9:00 P.M. Council was back in session at 9:01 P.M.

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

Report on Selinsgrove Municipal Building and Community Center Library Renovation and Expansion Project

Mark Barnhart and Andy Blayton from EI Associates were present at the meeting. Mr. Barnhart stated that they have been working with the Library committee and the Borough to develop renovation plans for the current building. He stated that the study on this project was begun three years ago. At this point, the project is ready to be released for bid on March 14. Final checks are being done with Mgr. Bickhart and Pam Ross. There is a lot of interest on the project from bidders. There is a pre-bid conference with the contractors scheduled for March 24. March 31 is the deadline to receive bids. Notice will be given to the contractors to proceed with construction in April and construction will begin in the spring of this year. Construction should be finished about one year later in spring 2012. Mr. Barnhart displayed some project renderings on paper and showed a video. C/P Hendricks stated that on the first floor plan, in the area that Council voted on last month as a large storage room under Council chambers, a pump room is being shown. Mgr. Bickhart stated the sprinkler system requires a distribution pump. C/P Hendricks stated that the storage room was to be used for possible expansion, but now space is being taken out of the area. He asked if the pump room could perhaps be moved to the other side of the wall into the mechanical room. C/P Viker agreed, stating that room was sold to him as a big open space for future use and he would rather not see it chopped up. Mgr. Bickhart stated as of last month the pump room did not exist because it had not yet been determined if a booster pump was needed on the sprinkler system. Mr. Barnhart agreed that the pump room could be moved elsewhere. Margaret Siro stated she was surprised that the fire chief did not know anything about the building project. C/Ps Anderson and Viker stated that he is a brand new fire chief. Mrs. Siro stated the previous fire chief should have known about it. C/P Viker stated the chief wants to meet to work out some very subtle issues to ensure access. He stated he did not hear that there was any sort of wall moving involved. Mr. Barnhart stated as far as the fire pump and sprinkler systems, they are required by code and are already designed. In response to Mrs. Siro's question, Mgr. Bickhart stated that the fire department was not notified of the project. C/P Carroll accepted blame for this, stating that he did not remember that the fire company should be part of this process. Now things are down to the 11th hour, and he had missed a few meetings at the fire company, so when he went this time he asked them if they had seen the articles in the paper and they had not. C/P Carroll stated that he spoke with Jim Marks the next day, who got in touch with Mgr. Bickhart regarding the hookups and sprinkler systems. These are things that were discussed in the Wednesday morning meetings. Everything was put into an email to the fire company, and they just mentioned tonight since they were here that they want to get together with the architect. However, most of the issues have already been cleared up by Mgr. Bickhart with Jim Marks. Mrs. Siro stated that, having been a member of Borough Council, she knows how daunting it can be to be put on a committee that you have no background in and how much you rely on people who have the information. She asked if the Borough Manager should not have followed through with this rather than C/P Carroll. Mr. Barnhart stated he will meet with the fire chief on this. C/P Farrell asked if the fence in the drawing will actually be along the Commons area. Mr. Barnhart stated there will be a fence along there. Mgr. Bickhart stated the fence will not be raised up, but will be on the sidewalk level. C/P Carroll stated he thought it was one brick high along the sidewalk and is definitely not a wall. Mgr. Bickhart stated the original fence concept was an attempt to try to tie it in with the fence and brick piers along University Avenue. The fence has been proposed for the Commons from the first with the idea being that the building project will pick up a little bit of it too. Tut Woelfel thanked EI Associates for all the work they put into this to get everyone happy and where they wanted to be. He stated he has only been on the Library Board for 1½ years and he cannot imagine that the architects did not go home sometimes and pull their hair out. Mr. Barnhart said there was a very good committee to work with, and everyone had a lot of input for the project. He states that he feels everyone's ideas were incorporated. C/P Farrell stated this will be a nice focal point for the downtown and added his thanks to everyone who worked on it. C/P Viker stated that there is a difference between consensus and compromise. With compromise no one is really happy and with consensus everyone is mostly happy, and he feels that is where this project is. Pres. Handlan stated this has come a long way in the last few years. Tut Woelfel commended the library and the Borough on their ability to work together. Mr. Barnhart stated that the bidding climate is very aggressive right now and this is the right time to get this out to bid. With the grant, everything seems to be falling into place for the library right now. There is a full set of construction drawings available to anyone who wants to see them. C/P Anderson asked if there will be a meeting on Wednesday and was told yes. Del Kennedy thanked

Mgr. Bickhart for his work with the library, stating he was very valuable through this entire process. She stated everyone at the library is very excited about this project, which has been discussed for decades. Everyone in Selinsgrove will really benefit from this project. Pres. Handlan stated that Del Kennedy is the president of the Snyder County Library Board. C/P Viker asked what action needs to be taken tonight and Pres. Handlan stated no action is needed on this. Mgr. Bickhart stated this was just an opportunity to bring the Council members who have not been participating up to some level of understanding of where the project is. Things are down to the wire and if all goes well, around May 1 the Borough will be signing a pretty big contract. Mr. Barnhart stated that those people on the committee and those who have access to the web site can see the video and drawings there.

Regarding the lease agreement and the proposed construction agreement with Snyder County Libraries, Inc., Solicitor Cravitz stated that he circulated these to the library's Attorney Wayne on December 10, 2010. The lease is for a 99-year period, and the Borough did enact an ordinance at the December 6 meeting permitting the Borough to go forward with the lease. Attorney Wayne was going to go over the agreements with the Library Board. The construction agreement provides for how the project will work while the lease agreement states that the library will occupy the building and designates which parts they will occupy. The construction agreement will determine who pays for what in the building. It will deal with separate areas, common areas, and the different systems to be used together, such as parking areas, heating, fire suppression, architect costs, cost of the clerk of the works, etc. All these things will be based upon the percentage of square footage that is strictly devoted to each entity's use. This should be fine tuned at the Wednesday meeting. Solicitor Cravitz stated that he discussed with Attorney Wayne that there has been an ongoing understanding over the years that the library and the Borough are in this together but there is nothing that says that either entity cannot back out at this point. The documents will tie the entities formally together because everything has been done on faith up until now. That makes lawyers nervous because people see things differently. There may be a third document stating that the Borough and the library commit to sharing the space. Tut Woelfel asked if the December document sent to Attorney Wayne was the final draft of the lease. Solicitor Cravitz replied that it was as close to final as he could get it. He stated the construction agreement was most recently revised in February. C/P Charles stated that in one document he saw that the Borough pays the fire insurance and then in another document the library pays it. He asked if the Borough just pays the fire insurance during construction and then during the lease period the library pays it. Solicitor Cravitz stated his understanding is that both entities will be out when construction is underway so it makes sense for the Borough, who will be operating and running the construction, to provide the insurance. Pres. Handlan asked if there is a timeline to finish these documents. Solicitor Cravitz stated the construction contract should be done before May when the Borough will have to submit the loan documents to DCED for 21 days and the soonest they can get there is after the April Council meeting. He stated if they take the full 21 days the loan will not be in place before the Borough signs the contract. C/P Anderson asked if Council could approve it tonight and Solicitor Cravitz stated that the ordinance has to be advertised. It is already prepared. Once Council enacts it, there has to be an advertisement that it was enacted and then once proof of publication comes in, the whole packet is put together and sent to DCED for their approval. They have 21 days to do that. C/P Viker asked what needs to be done tonight. Solicitor Cravitz stated Council will pass some resolutions tonight authorizing the drafting and advertisement of the ordinance, and the borrowing of and placing of the loan with the bank. As soon as Council gets the documents and is satisfied with them, they will be sent on their way. He stated things are on the fast track now. C/P Hendricks asked how the utilities are zoned, referring to the proposed lease agreement, Page 2, Paragraph 7. C/P Carroll stated it is his understanding that it will be one geothermal system and the library will be billed based on their percentage of space within the building. Mgr. Bickhart stated that there will be run time recorders on the motors that run the geothermal systems. Therefore, the Borough will know exactly how much time the library uses. C/P Viker stated the library will be billed monthly or quarterly, or whatever is decided, for the utilities that are shared. The Borough maintains responsibility of ownership and operation, and bills the library as a tenant. Mgr. Bickhart stated that is one item that is not currently in the agreement that he wants to write it so that it can be discussed on Wednesday. He wants to be sure the library and Borough agree on the language to split up the costs. Tut Woelfel stated that it is his understanding that the Borough will pay everything and it will be have to be determined how much the library will reimburse the Borough. Mgr. Bickhart stated as many utilities as can be split will be split. The geothermal system cannot be split so the electricity will be from the Borough's side. The Borough will

monitor the pumps that run to convey the heat or cooling to the library side and the electric charge will be split. Right now that is the only ongoing-cost utility that will be split. Language for this can be discussed on Wednesday. Everyone seems to know what they want to say; it is just a matter of putting it in writing. Tut Woelfel asked if the library will be getting a final draft of the lease after the Wednesday meeting. Mgr. Bickhart stated that certain provisions of the lease will continue to change as details continue to be identified. However, changes will be made based upon things that are discussed in the working group, so it will not be a surprise to anyone. They will just be things that have not been thought of yet regarding how to share costs. Mgr. Bickhart stated the library has 95% of the arrangement between the two parties, However, little tweaks will continue to be made to the agreements regarding cost sharing. It would be like deciding who will shovel the snow and who has the right to do what when to some of the parts of the building that are still shared. Mgr. Bickhart and Pam Ross identified the whole issue of capital improvements and repairs, but it has not been addressed yet and this needs to be done. C/P Hendricks asked about the 99-year lease term, and asked whether the initial term is 30 years, then 29, then two 20-year terms. Solicitor Cravitz replied this is correct and C/P Hendricks stated it is not necessarily a 99-year lease. It could be extended to 99 years but the discussion only involves the first 30 years. Solicitor Cravitz replied that it is set up to be 99 years in total. C/P Hendricks asked why it is not just a 99-year lease and Solicitor Cravitz replied that if that was done a transfer tax would have to be paid and a payment would have to be made to the Commonwealth of Pennsylvania of 1%. He stated the library may be exempt from this. He did not explore that with Attorney Wayne, but they both agreed they do not want to test the waters on that issue. Pres. Handlan requested that Council look at the documents tonight and pass any comments to Solicitor Cravitz or Mgr. Bickhart for discussion at Wednesday's meeting.

Regarding the hiring of a resident inspector/clerk of the works, Mgr. Bickhart stated the working group identified this as an interest area some time ago. They put together a job description and put an advertisement in the paper. Six responses were received. Mgr. Bickhart stated he would like to get this person onboard as soon as possible, maybe even before it goes to bid. However, he is not sure that Council is prepared to do anything with this until the committee has a chance to review it and make comments. C/P Anderson stated some reference checks need to be done. Pres. Handlan stated this also has to be shared with the library board. Therefore, at the moment this is informational only. Mgr. Bickhart and Pam Ross decided that because there are so many details they will continue to hold the Wednesday at 9:00 A.M. meetings until the project goes to bid. C/P Anderson stated that this item is already in the budget.

Regarding the Veterans' Memorial and/or relocation of plaques from the existing memorial/planter, C/P Carroll stated that this was referred back to Solicitor Cravitz for case law on the 10 Commandments issue because they are written on one side of the plaque. Pres. Handlan noted on the drawings where the plaque is moving from and to. C/P Carroll stated it will be near the present alleyway on a short wall. He noted there was also a question as to whether to put in two or three flagpoles. The opinion seems to be going to two poles, as the Pennsylvania flag is usually flown under the American flag on the same pole, and the POW/MIA flag is on a separate pole. Mgr. Bickhart stated a granite tombstone-like monument had been proposed that would be 6 feet wide and 4 feet high but no one could figure out where to put it that it would look good and fit with everything else there. He came up with the idea of mounting the plaque on the short wall with the center portion raised a bit. He is waiting to hear back from the VFW and the American Legion. C/P Viker stated it is not much different than how it is now with the plaques mounted on brick. Pres. Handlan stated she will leave this to the committee to come up with a final decision. She stated it is nice that the Borough is accommodating the veterans. C/P Anderson stated it is also appropriate.

Regarding the lease agreement with SPI pertaining to the Commons which is required by the DCNR grant, and which is similar to the lease/DCNR grant requirements with SARI pertaining to the pool, Mgr. Bickhart stated that SPI would have to agree to this as well. The Borough would apply to DCNR for the grant and would turn the money over to SPI to use for the Commons project. C/P Charles asked if there is any significance to the 25 years and Mgr. Bickhart replied it is a requirement of the grant. He stated the Borough must guarantee the maintenance of the Commons for 25 years. C/P Charles asked if Council needs to take any action on this tonight and Pres. Handlan replied they do not. She asked that any comments be passed along to Solicitor Cravitz and Mgr. Bickhart.

C/P Carroll thanked the library people for coming to tonight's meeting. Rick Savidge stated that everything is on track. He, Mgr. Bickhart and Pam Ross had met to discuss small issues which need to be put in writing and signed by both entities. He thanked Council for working with the library to make this a smooth process from the beginning. C/P Anderson asked if someone could share where the library is on its fundraising. Rick replied that the library is doing very well. They have close to \$1 million committed and they also have a grant for \$1.25 million. They are still in the silent phase and are not yet actively soliciting donations. C/P Viker stated he is thrilled that the library is as far along as they are and he is looking forward to making this project happen.

UNFINISHED BUSINESS FROM PRIOR MEETINGS:

Review List of Council Issues – Mgr. Bickhart stated the grease trap spreadsheet has not been updated yet. However, he wanted Council to know that Brad Simcox did complete the first annual inspections of the grease traps. C/P Viker referenced a letter in the Snyder County Times that questioned whether grease trap enforcement in the Borough was happening fairly. He stated the impression he got was that the person who wrote the letter did not understand the process but wrote the letter anyway. He asked if there is any sense that the situation is not being managed the way it should be managed. Pres. Handlan stated it is being managed the way that Council had established that it be managed. C/P Viker stated that was his understanding also. Pres. Handlan stated she did not see the letter C/P Viker is referencing. Margaret Siro stated that the letter referenced Susquehanna University. C/P Viker stated it was written by the person who owns Dawn's Luncheonette. C/P Anderson stated it was actually an article, and C/P Viker stated it read like it was an editorial piece and not a piece of journalism. Mgr. Bickhart stated that all the places on the university that fall under the definition of needing grease traps have grease traps and they have had grease traps well before the Borough's ordinance. The question regarded dormitories and they do not need grease traps. C/P Anderson agreed, stating they are not in the ordinance, and C/P Viker clarified that they are not commercial kitchens. Mrs. Siro asked about fraternity houses and C/P Viker stated they are not commercial kitchens. Pres. Handlan stated they are residential houses. Mrs. Siro asked if there was a response to the article in the paper. Mgr. Bickhart stated he responded quite extensively but not much of it got written. Pres. Handlan asked when this was in the paper and was told it was last Saturday. C/P Anderson gave her a copy of the article that she had brought along to the meeting, noting that this is poor journalism which raises a rumor to the point of a newspaper article. C/P Viker stated that is why he thought it was a letter because it read like someone mouthing off. Mrs. Siro stated that she thought the article raised a legitimate concern. C/P Viker stated that the ordinance does not require grease traps for non-commercial kitchens and the concern was about kitchens that are not commercial kitchens so there is no concern.

C/P Anderson asked about the further action pending completion of split sampling by ESCRA and whether there has been any progress on this. Mgr. Bickhart replied there has not.

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 Viker.

AYES: SEVEN (7)

NAYS: NONE

MOTION CARRIED

Statewide Tax Recovery, Inc. - Exoneration Requests – None

Recommendation on a Request for Proposals pertaining to the establishment of a line of credit in the amount of \$4,000,000 for financing during construction – C/P Anderson stated that a letter was sent to 14 different banks asking for proposals. Six proposals were received back. The committee is recommending going with Juniata Valley Bank for a construction loan of up to a \$4 million with a term of

18 to 36 months. This needs to be authorized tonight and Council also needs to authorize Solicitor Cravitz to prepare and advertise the required ordinance. This will move the process along so that the loan can be approved by the state. Solicitor Cravitz explained that Council will be adopting two resolutions. The first resolution is to authorize the borrowing of \$4 million for the renovation and remodeling of the building, and the second resolution is to place that loan with Juniata Valley Bank by private sale. Even though it was bid, it is deemed to be a private sale since it was not done at an open auction. C/P Anderson stated the loan is at 2.21% interest with no fees. C/P Charles asked if the interest payments are shared equally between the library and the Borough. Solicitor Cravitz replied that the Borough is making this loan. It is the Borough's so the Borough will be paying it but the library will be reimbursing the Borough. C/P Anderson stated the rates are so favorable because the Borough is doing the borrowing as a municipal entity.

Motion by C/P Anderson to adopt both resolutions. Seconded by C/P Hendricks.

C/P Viker asked if the people of Selinsgrove can afford this and C/P Anderson stated they can. Solicitor Cravitz stated that if the library board goes out of business, all their assets and debts default to the Borough. Pres. Handlan explained that this is a line of credit. The Borough is not borrowing \$4 million all at once. C/P Anderson stated interest is only paid on what the Borough uses as they use it. Pres. Handlan called for a vote on the motion.

AYES: SEVEN (7)

NAYS: NONE

MOTION CARRIED

C/P Viker noted that he voted aye with reservations. C/P Anderson stated she does not think anyone needs to have any reservations. This is a lovely interest rate and the Borough knows they have the resources. The Borough could pay its share of the project right away and not even have to engage in long-term borrowing. C/P Viker stated this is good financial management and he thanked the library board for their patience. Pres. Handlan thanked C/P Anderson, her committee, Mgr. Bickhart and Treasurer Badman for their work and research on this. C/P Anderson stated that Treasurer Badman did a lot of work on this, and the Borough already has a commitment letter from the bank.

Recommendations pertaining to the Operating Revenues and Expenditures Reports for the Water, Sewer and Recycling Funds – C/P Anderson reported that the committee reviewed these funds. They would like to leave the water rates alone, but the committee is recommending that the sewer rate be raised 13%, which amounts to \$1 per 1,000 gallons of sewage for the taxpayer. She stated these rates have not been raised since 2006, per Treasurer Badman. This allows the Borough to keep the capital reserve growing. The Borough is not losing money, but if ESCRA would suddenly require more from the Borough this will help to carry that through. These rates will not go into effect until October 1. Treasurer Badman stated they would be reflected in the January 2012 billing. C/P Anderson stated if Council passes this it will require an ordinance and advertisement of the ordinance. She stated she had to be argued into taking it to this level because she was considering a 10% rise in rates, which would be 80 cents per 1,000 gallons. However, she stated she believes this is the prudent thing to do.

Motion by C/P Anderson to raise the sewer rate as noted.

C/P Hendricks stated that a couple quarters ago the Borough dropped the minimum usage from 6,000 to 3,000 gallons. The Borough also lowered the water rates. For the low volume users, even with this \$1 per 1,000 gallon increase in sewer rates, this will be a wash. C/P Farrell stated that the sewer rates have not changed since 2006. C/P Hendricks stated it keeps the Borough's capital goals where they want them to be. C/P Charles asked if this is being raised to pay for the Borough's portion of the construction loan and C/P Anderson replied no. C/P Charles stated he thought at one point the payment of construction was to come from 1/3 water, 1/3 sewer and 1/3 taxes. C/P Anderson stated that is still the case. C/P Charles asked if this is strictly for ESCRA or to build up the funds and whether there will be another vote later. Solicitor Cravitz stated there will not be another vote until the ordinance is advertised. C/P Charles asked if there will be another rise in rates in a year or two and C/P Anderson replied she does not anticipate that happening. She stated that the management for the water and sewer system is done out of the Borough building, which accounts for the split into thirds as C/P Charles noted. C/P Viker

asked when the next opportunity would be for Borough Council to make rate changes if they do not do it tonight. He stated he is wondering about doing it closer to the anticipated increase. Mgr. Bickhart stated it could be done in any quarter as needed. He stated the additional revenue from the effective change in the fourth quarter of 2011 will be seen in the first quarter of 2012.

Motion seconded by C/P Hendricks.

AYES: SIX (6)

NAYS: ONE (1) – C/P Viker

MOTION CARRIED

Recommendations pertaining to the Borough's Capital Accumulation Plan – C/P Anderson stated that the committee recommends the Borough continue just as they are.

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

Recommendations pertaining to Sewage Permit issues in general and specifically related to Ethnogenesis Foods and Chesapeake Gardens – C/P Hendricks stated that the committee looked at two options. One option was for the sewer customers to work directly with ESCRA and avoid the Borough being the middle man. That would ensure that any data or paperwork needed by ESCRA would be handled strictly between the customer and ESCRA. The second option was for the Borough to act as the permitting authority since the customers are Borough customers. The Borough would still be required to adhere to all of ESCRA's rules and regulations. After much consideration the committee came up with a recommendation for the second option.

Motion by C/P Hendricks that the Borough act as the permitting authority for industrial permits. Seconded by C/P Viker.

AYES: SEVEN (7)

NAYS: NONE

MOTION CARRIED

Pres. Handlan asked who will notify ESCRA of this decision. Mgr. Bickhart stated that he will.

C/P Hendricks stated that since Council has now adopted this policy, the Borough will now go ahead and submit the paperwork for Ethnogenesis Foods and Chesapeake Gardens to ESCRA by the end of the week. He stated the committee also talked about the lab data. There are still only three testing points between ESCRA and the two split samples that were sent to the independent labs. It is his understanding that the Borough will not receive any more test data from ESCRA. C/P Anderson asked if the difference is still so great between the samples. C/P Hendricks stated it is 200%. C/P Viker stated it sounds like ESCRA has gotten awfully quiet about this. Pres. Handlan asked for clarification so that she understands this correctly. She asked whether ESCRA will now step out of the picture and the Borough will assume permitting of Ethnogenesis and Chesapeake. C/P Hendricks stated the Borough has asked ESCRA for delineation of duties, which they have not received. Therefore, the Borough is taking the step to state it will be the permitting authority and it will provide ESCRA with the paperwork. Pres. Handlan stated her concern involves identifying who needs an industrial permit, noting that there were specific criteria. C/P Hendricks stated that is covered in the ordinance, and Solicitor Cravitz agreed. Pres. Handlan asked who will do the testing from now on, the Borough, ESCRA or both. She wondered if ESCRA would accept tests from someone else. Solicitor Cravitz stated that the customers self test. Mgr. Bickhart stated it would be verified by the Borough through some testing to keep the industry honest. C/P Hendricks stated quarterly testing was discussed. C/P Carroll stated he feels this will back up what the Borough is doing, and as they move through more issues their testing will show they have done their due diligence in order to keep the rates that the Borough feels are mismatching with ESCRA's. C/P Hendricks stated the committee discussed the grease traps and wanted to make sure the inspections were in process, and tonight it was reported that they are done. There is no update on the grant application for the traffic signal at Mill Street. The emergency ramp will be covered later with the engineer's report. C/P Hendricks requested a brief executive session following tonight's meeting in reference to litigation.

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

PERSONNEL MANAGEMENT COMMITTEE: C/P Charles, Chair – C/P Viker stated the last time the committee met there was talk of taking action on the part-time position, which also came up earlier in tonight's conversation. He asked if the committee should get to work on that. A budget decision was made to move personnel resources from one department to another. He urged Council to take whatever action is needed to get this process going. Pres. Handlan asked that the committee meet shortly, noting that she has some things she needs to discuss with C/P Charles. She cannot meet with the committee, but she can meet with him beforehand. A report can be made at the next Council meeting.

PUBLIC SAFETY COMMITTEE: C/P Viker, Chair

Establish Committee meeting to discuss traffic circulation and parking regulation issues related to the new Building project – C/P Viker stated the committee will meet and report back in April.

PLANNING COMMISSION: Earl Moyer, Chair

Review and consider Final Plan approval for Land Development Plan for Scott Shaffer – Engineer Bob Bickhart noted that Scott Shaffer owns the property where the Selinsgrove Inn is located on the former Rhoads Mills property. On that same property is the old Moose building where the Tae Kwon Do studio was for a while. It is a two-story brick structure. Scott Shaffer has a tenant for the first floor and he is proposing to renovate the building and put on a one-story addition in the rear, north side. He will put on a two-story enclosed stairwell on the east end of the building and a driveway offshooting from the existing driveway with parking spaces. The proposed use is a professional office with customer service. The County Planning Commission has reviewed this and had no comments. The Borough Engineer reviewed it with the comment that there should be approval of a soil erosion and sediment control plan from Snyder County Conservation District. This requirement does not appear in the ordinance nor is it part of state regulations. C/P Anderson stated that in the Planning Commission discussion, it was concluded that this came about because the property backs into Weiser Run and there is an awareness of concern about Weiser Run. Bob Bickhart stated the building is not in any flood plain designated by the Borough nor is it in any federal 100-year, 1% annual chance of flood, flood plain. He stated there is an erosion and sediment control plan, which has been submitted for use during construction. C/P Viker stated that there is no ordinance governing this additional step, which would be more government than is necessary. Mr. Bickhart said it would add another \$440 to the project. C/P Viker stated the property owner should be allowed to do what he wants to do with his property. Mr. Bickhart stated the property owner is required to have a plan but he does not see any requirement at the Borough level or from state regulations to have this. C/P Viker asked when construction would occur and when occupancy would take place. Mr. Bickhart stated he understands Mr. Shaffer wants to get moving ASAP if he can afford it. There are a lot of bricks to repoint in the building. C/P Anderson stated the Planning Commission is recommending approval of this. C/P Carroll stated there was a concern about the Borough Engineer's recommendation and Mr. Bickhart eased those concerns.

Motion by C/P Viker to approve the final plan. Seconded by C/P Anderson.

C/P Charles stated that the plan proposes removal of the sidewalk and dirt fill to be put in. He asked if Council should be requiring them to replace the sidewalk. The street has curbing and there is sidewalk there now but it is at least 3 inches lower than the existing sidewalk that comes across. He stated Council is making people put sidewalk in so they should require Mr. Shaffer to put new sidewalk in on this property also. Otherwise in the future the Borough will come back and require sidewalks to be put in. C/P Carroll stated he thought the building was right on the curb and C/P Charles stated there is sidewalk there. Mr. Bickhart stated there are all kinds of sidewalks and steps and landings near the street. The front of the building is the street line for all intents and purposes. C/P Viker asked if there is sidewalk there that is already compliant with what the Borough expects. Mr. Bickhart stated the westernmost steps and landing will be kept as an emergency exit. The other steps and concrete are proposed to be removed and the area planted. C/P Anderson stated they want to direct people into the other entrance. Mr. Bickhart stated there is only about a 2 to 3-foot sidewalk. They will keep the concrete around the landing for an emergency exit, and he thinks that is at the curb level. C/P Charles stated there is brand

new sidewalk down to the building, and then there is sidewalk that sits about 3 inches deeper. Mr. Bickhart stated that where the landing is, he believes the sidewalk is at the curb height. C/P Charles stated that he also noticed that the brick on the front of the building is separated. You can look back through and see the double brick wall. He stated that if there is existing sidewalk the Borough should require sidewalk because there is curbing there. There are people all round the Borough putting sidewalk in on streets that go nowhere with no houses, and he feels sidewalks should be required here also. Mgr. Bickhart stated there is no question that this is consistent with Council's policy that every property along a curbed street is required to have a sidewalk. He stated that Council has made adjustments where people cannot install a full 4-foot-wide sidewalk. They have modified the width or changed the location. Pres. Handlan asked if this is on the list of sidewalks to be replaced. C/P Viker stated there are physical encroachments into the sidewalk pathway and those structures are part of the building. C/P Carroll asked Solicitor Cravitz if approval should be contingent on the sidewalks being replaced. He asked Mgr. Bickhart if the width of the sidewalk can be modified due to space issues. Mgr. Bickhart replied that Council has allowed modification in the past where there are immovable objects.

C/P Viker stated that despite his longstanding concern about requiring people to have sidewalks on their property, it is the law and he amended his motion to allow this to happen provided that the sidewalks are consistent with what the zoning officer requires. C/P Anderson accepted this as a friendly amendment and her second stands. Pres. Handlan verified that everyone understands that the motion is to approve the final plan with the sidewalks being replaced. C/P Farrell stated it was not brought up so he assumes there are no parking space issues with the property. Mr. Bickhart stated that right now there is no intended use for the second floor. The proposed use is for the first floor and the addition. However, he has structured the driveway so that there could be additional parking stalls on the other side for future use of the second floor. C/P Farrell asked if the existing driveway and parking will be used and Mr. Bickhart showed it on the drawing. C/P Carroll stated that there are markings for a handicapped space also. C/P Charles stated there is ample room for parking there. Pres. Handlan called for a vote on the motion.

AYES: SEVEN (7)

NAYS: NONE

MOTION CARRIED

ZONING HEARING BOARD: Cyril Runkle, Chair – No Report

CIVIL SERVICE COMMISSION: Dalton Savidge, Chair – No Report

PARKS AND RECREATION BOARD: Shane Hendricks, Chair – Report provided by C/P Hendricks. He noted that this is the slow time, transitioning from winter to summer ops. Next meeting is March 22. He stated the skating rink operated for eight weeks with a lot of use. The dog park is heavily used and extra bags had to be ordered.

SHADE TREE COMMISSION: _____, Chair – No Report

BOROUGH ADMINISTRATIVE REPORTS:

MAYOR: Sean Christine

Presentation of Police Report for January 2011 – Mayor Christine reported no anomalies. He reported that he has a new day job. He will now be managing FNB Bank in Selinsgrove.

Continued discussion on Police Department Evaluation – This will take place during an Executive Session at the end of tonight's meeting.

BOROUGH SOLICITOR: Robert Cravitz, Esq.

Consider the adoption of Ordinance No. 990 pertaining to the mandated curb and sidewalk improvement associates with the 2011 Street Improvement Project on University Avenue from Market Street to Pine Street, which is called "The Point" – Solicitor Cravitz reported that advertisement has been done. People have until May 15 to put their own curbs and sidewalks in. If they

fail to do so the Borough will do it and bill them. If they do not pay within 30 days the property will be assessed and a lien placed against it. There is a list of properties with what is required of them, such as curbs, sidewalks, removal of trees, etc. Many of the properties belong to Susquehanna University. C/P Anderson asked if the tree removals require a comment from the Shade Tree Commission. Mgr. Bickhart stated they have already been notified. The plans are to remove one tree and steel plate the others that are pushing into the curbing in three locations. C/P Charles asked if the Post Office can be compelled to comply and Solicitor Cravitz replied that it is a local municipality improvement. Treasurer Badman stated they will probably not pay the bill. C/P Charles asked if the curbing will be done there and Mgr. Bickhart stated it will be made a little bit better. The Borough will spend its money to fix it up, including a piece of sidewalk. The Borough will try to recover the money but probably will not succeed.

Motion by C/P Anderson to adopt the ordinance. Seconded by C/P Carroll.

AYES: SEVEN (7)

NAYS: NONE

MOTION CARRIED

Update on the Pennsylvania Human Relations Commission Complaint filed by Michael Moyer –
This will take place during the Executive Session at the end of tonight's meeting.

Update on Robert Grayston's Appeal to the Court of Common Pleas of the real estate assessment decision of Snyder County, pertaining to property at 600 South High Street – Solicitor Cravitz reported the appeal has been withdrawn.

BOROUGH ENGINEER: J. A. Coukart & Associates

Update on pending projects – Mgr. Bickhart stated he does not have any details regarding the winter spring at the emergency access ramp; however, he believes that during the excavation a spring was uncovered and the contractor needs to deal with the softness that that water creates. C/P Viker asked if it is seepage or if it is actually running. C/P Hendricks stated he stopped down last week when shale was being hauled and the give was visible and quite substantial. He stated he thought it just needed compaction; he did not realize it was a spring. He stated there is no water, just softness. Mgr. Bickhart stated this is an area where there is a lot of water between sand and clay and it comes to the surface. C/P Farrell said he thought there was an old landfill there. C/P Hendricks stated he noticed it at Third Street where it transitions from macadam to dirt for the ramp. Mgr. Bickhart stated it is typically an area that has to be over excavated so that subbase can be put in to take the place of a less solid bearing material. C/P Charles asked if this is being done to a higher degree than what it would have been had it just been an emergency roadway because the route will be used as the detour during the bridge reconstruction. Mgr. Bickhart stated that is part of the inspection because parts of it are inside the limited access highway, which is PennDOT's jurisdiction. C/P Viker asked if it is being built as well as any other piece of road would be built. Mgr. Bickhart stated at least as good if not better. C/P Charles stated he felt a road to be used constantly for three months would have to be better than a road only used for emergency access. Mgr. Bickhart stated that the engineer said his design is adequate to withstand the loads that will be imposed for those three months. C/P Anderson asked if a motion is needed to approve the time extension. Pres. Handlan asked how the contractor can be made to submit the changes. Solicitor Cravitz stated that if he does not the penalty goes into effect so it is to his advantage to submit the change request. C/P Anderson asked if the contractor's letter to the engineer is sufficient and Pres. Handlan stated the contractor has to submit a change request. C/P Viker stated that he is looking at a letter dated February 17 from the contractor asking for an extension. C/P Anderson asked if this is sufficient and Solicitor Cravitz stated the contractor needs to submit a change order. Mgr. Bickhart verified that it takes a change order to extend the contract time. C/P Anderson asked if the Borough Engineer needs Council's permission to ask the contractor for a change order. Mgr. Bickhart stated he does not need permission to ask for it but he needs permission to grant the contractor an extension of time. The Borough has a contract with G&R Charles to complete the project within a certain number of days. The only group that can change that is Council, who can extend the length of time in the contract in order to complete the project.

Motion by C/P Anderson to grant an extension of the contract time. Seconded by C/P Viker.

Pres. Handlan asked if Coukart can grant the extension through May 27, noting that the motion needs to be more specific. C/P Anderson asked if Council should hear from Coukart on a date. C/P Viker stated that he assumed his second was for a motion to grant the extension that was asked for in the letter dated February 17, which was to May 27, 2011. Treasurer Badman stated that paving material is not available until after April 15. C/P Hendricks stated that it was always known that there would need to be an extension for paving. C/P Carroll stated that contractors know this, and he stated Council has been in this situation before with the same problem of granting an extension. C/P Anderson stated that given the winter and the snow she is not surprised they need an extension. She said it makes sense that they need one. Pres. Handlan asked what Council should tell the engineer and C/P Anderson said the extension is to the end of May.

Before calling for a vote on the motion, it was clarified that the motion was for an extension to May 27.

AYES: SEVEN (7)

NAYS: NONE

MOTION CARRIED

BOROUGH TREASURER: Sharon Badman

Review Treasurer's Report for February 2011 - Pres. Handlan asked if there were any questions on the Treasurer's report. Hearing none, she stated that it is on file for audit.

BOROUGH MANAGER / SECRETARY / ZONING OFFICER: Mgr. Bickhart

Non-Police Complaint Update – Mgr. Bickhart reported that most things did not apply to the Borough or they have been dealt with as noted. The North Water Street property involves a tenant moving out who has a dispute with the landlord. Some of the complaints are legitimate. The properties on Orange Street were sent notices of violation giving them 7 days to get back to Mgr. Bickhart. One owner did respond and there should be some improvement. The flag at the "Point" is at the Daughters of the American Revolution monument. This comes up occasionally, but is not the Borough's responsibility. It is noteworthy that UGI sent the Borough a notice that there was a problem with some equipment.

Update of PROPERTY TRANSFERS and BUILDING PERMITS ISSUED, Janet Powers, Deputy Zoning and Permit Officer – Information only – attached to Planning Commission report

Notice concerning 2011 Transportation Enhancement Program application with a submission deadline of 4/8/11 – Mgr. Bickhart reported this is the program that the Borough used through SPI and the Chamber for the streetlights. He has made SPI and the Chamber aware of this opportunity in case they have a project they want to push forward. C/P Hendricks asked if this could be used for the widening of Front Street from Bough Street south. Mgr. Bickhart stated that it is possible, but he does not know if it would score very high. C/P Viker asked if it could be used for the Governor Snyder monument and Mgr. Bickhart stated that one is difficult because of the easement issues and it being on church property. C/P Charles asked about major rehabilitation of off-road trails along the bypass and the creek. Mgr. Bickhart stated there are always ideas, plans and wishes, but right now it needs someone to push it forward and get the application together. C/P Charles stated he understands the Borough is responsible for the engineering. Mgr. Bickhart stated the Borough would design it and the grant would build it. He stated the Borough got about a half million dollars worth of street lamps for around \$30,000.

Save the Date – Reminder of PSAB's 100th Anniversary Conference & Celebration to be held April 10-13.

Reminder – The State Ethics Commission's Statements of Financial Interest are due in the Borough office by 5/1/11.

SELINGROVE MUNICIPAL AUTHORITY – Donald Bottiger, Chairman – No Report

EASTERN SNYDER COUNTY REGIONAL AUTHORITY – Bob Dagle and George Kinney, Chairmen
– Report made under Public Facilities & Services Committee

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

NEW BUSINESS: Any new business was tabled until after the executive session, if there is time then.

EXECUTIVE SESSION - Council Meeting recessed to an Executive Session at 10:44 P.M. for discussion of Personnel and Litigation Issues. Council meeting reconvened at 12:05 A.M. on March 8, 2011 with no action being taken.

RECESS:

Meeting recessed at 12:05 A.M. on Tuesday, March 8, 2011 until Monday, March 21, 2011 at 7:00 P.M.

Attachments: None

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