

RECESSED SELINGROVE BOROUGH COUNCIL MEETING

MONDAY, SEPTEMBER 16, 2013 - 7:00 P.M.

COUNCIL MEMBERS PRESENT: Pres. Brian Farrell, Vice Pres. Pete Carroll, C/P Dottie Anderson, C/P Tim Charles, C/P Shane Hendricks, and C/P Rich Mease

COUNCIL MEMBERS ABSENT: C/P Erik Viker

OTHERS PRESENT: Borough Manager/Secretary Paul Williams; Treasurer Sheri Badman; Solicitor Robert Cravitz; Recording Secretary Chele' Weaver; Mayor Sean Christine; Weis Markets Representatives Alex Ororbia, Counsel Jack O'Hara and Kevin Small and Borough Residents Joseph & Margaret Siro

OTHERS ABSENT: None

CALL MEETING TO ORDER:

Pres. Farrell called the meeting to order at 7:00 P.M. Borough Manager Williams called the roll to re-establish a quorum, followed by a moment of silence and the Pledge of Allegiance.

UNFINISHED BUSINESS FROM PRIOR MEETINGS:

Weis Markets - Project Update - Copy Provided - Alex Ororbia stated that he met with Mgr. Williams on Wednesday, September 11, 2013. They discussed land development plans, Highway Occupancy Permit (HOP) plans, traffic signal plans and other reports. At this meeting Weis Markets was asking Mgr. Williams for a couple of things that they needed in order to satisfactorily address comments from PennDOT in regard to the HOP and traffic signal permit plans.

Mr. Ororbia stated that prior to his meeting with Paul there was discussion about the possibility of Weis Markets proceeding at their own risk with construction at the site and some portions of the building - the foundation, retaining walls and construction under slab work. This was in anticipation of the fact that Weis Markets would not be able to meet all of the conditional approval conditions that was granted to Weis Markets by the Borough in April 2013 simply because the process with the HOP has taken longer than Weis Markets had expected.

Borough Council agreed to this and Weis Markets received a couple of letters - one (1) from the Borough Manager and one (1) from Solicitor Cravitz allowing Weis Markets to proceed at their own risk with some of the preliminary work. Mgr. Williams and Mr. Ororbia had discussed the fact (the letter was issued on September 5, 2013) that Weis Markets had to meet all conditions of approval by September 30, 2013. The arbitrary deadline was discussed with Mgr. Williams. Weis Markets cannot control the schedule and the process with PennDOT.

The preliminary site construction has begun. Mgr. William's letter stated that Central Keystone Council of Governments has allowed Weis Markets to proceed with some of their preliminary work in raising the building.

At the end of the meeting on Wednesday, September 11, 2013, Mgr. Williams and Mr. Ororbia agreed to bring Council up to speed as to where Weis Markets is in the process and to ask Council to please relieve Weis Markets of the "artificial" deadline of September 30, 2013 given the fact that they just received a letter from Mgr. Williams and signed Storm Water Facilities Application for the HOP to proceed.

To give Council a sense of the schedule - the work that Weis Markets has permission to do at this time will take at least eight (8) weeks at which time Weis Markets believes they will have all conditions met.

Pres. Farrell asked if Mr. Ororbias is asking Council to move the date ahead eight (8) weeks or just take away the date. Mr. Ororbias stated just take the date away. The timing for this deadline is already going to be missed. PennDOT moves at their own pace, it's usually no less than three (3) weeks to get an answer. He also stated that he will come to the next Council Meeting to give Council an update and he will discuss things with Mgr. Williams and keep him apprised of every single step of the process - that Weis Markets is receiving information from PennDOT, when they are having discussions, the Borough will be invited along so they can see first hand.

C/P Anderson asked if everything really is in place now except for PennDOT - the Sewer Authority and all the other things Council was talking about at their earlier meeting. Sol. Cravitz answered Penn Township Municipal Authority conditionally agreed to take sewage from the new store - the condition being that Selinsgrove proceeds with its sewer agreement. They are okay with this and they also have to give them plans and get final approval from their engineer for the pre-treatment plant. Sol. Cravitz stated he prepared an agreement which he gave to Mgr. Williams for the easements from the County and the Borough and this has been shipped to the County for consideration tomorrow and for Mgr. Williams to consider this week. The piece of the puzzle is now fitting in.

C/P Anderson asked about the Storm Water Management Study. Mgr. Williams stated in the April 4, 2013 conditional approval that was granted by Council has been confirmed by Mr. Ororbias by way of a letter. There were some 20 conditions and Mgr. Williams wanted to point out that #14 was stated as saying the Borough Engineer to receive a concise Record Plan set incorporating the comments, responses, exhibits and illustrations be provided by the applicant. This information was just received; the Land Development Plan, the most current HOP, the Traffic Signal Plan, Storm Water Management Report and the approved E&S Plan. There are a lot of checks that need to occur and yes Mgr. Williams understands that the Department which is PennDOT needs to basically review this submittal against the most recent comments that they issued.

Pres. Farrell stated so at this time Weis Markets would still only be able to move earth and prepare what Council had originally talked about. Mgr. Williams stated that the Borough does have a pending Development Agreement that the Borough did not execute yet. This was just circulated at the regular meeting of Council at the beginning of September 2013. The Borough does have the benefit of the Letter of Credit and Mgr. Williams has received copies of Insurance Certificates from Weis Markets two (2) site developers. There is another agreement for the Storm Water Management Facilities that will be shared with their Counsel's fairly soon.

C/P Anderson stated so as long as Council is assured that everybody's got everybody else's attention and things are proceeding the only thing that Council needs to change is the deadline listed in the letter as by September 30, 2013. Mgr. Williams replied yes.

Motion made by C/P Anderson to extend the deadline to Wednesday, November 27, 2013. Motion seconded by C/P Hendricks.

AYES: SIX (6)

NAYS: NONE

MOTION CARRIED

Palmer Construction - Settlement Agreement - Mgr. Williams stated that Palmer signed first and the Borough was the second signer on the Settlement Agreement. Palmer is working on the conditions of this agreement. Palmer has submitted to EI Associates a submission called Closeout Documents. Jim Martin and his associates did a review and it was not complete and accepted. The Borough remitted a cover letter back to Palmer on Friday, September 13, 2013 advising them about the deficiencies. When the deficiencies are submitted and EI Associates has two (2) business days - in the next round when it is received and if acceptable triggers their payment.

Accept Resignation of Carol Handlan as Selinsgrove Borough Representative on ESCRA Board - Copy Provided

Motion made by C/P Anderson to accept Carol's resignation with regret. Motion seconded by C/P Charles.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

PennDOT Reconstruction of Market Street - Copy Provided - Treas. Badman received a call from PennDOT in regard to their reconstruction of Market Street, they asked if the Borough would be willing to share in the costs of the handicap ramps, at the estimated cost of \$192,000.00.

Pres. Farrell stated if the Borough decides not to help, PennDOT has to install the ramps anyway. Treas. Badman said that is correct. PennDOT installs the ramps on Market Street and the Borough does the installation on the side streets. Treas. Badman stated the Borough doesn't have funds budgeted for Market Street. She was told it would have no bearing at all on the Borough's Liquid Fuels Fund. PennDOT likes to ask the municipalities if they would like to contribute and 99.99% of the time they do not.

Motion made by C/P Hendricks to not participate in the cost sharing of the ADA curb ramps in conjunction with PennDOT's Market Street project. Motion seconded by C/P Anderson.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

Revision to Street Closing Permit - Wesley United Methodist Church - Treas. Badman stated that Wesley Church had been approved to have West Spruce St. between Rhoads Ave. and Magnolia Ave. closed between 4:30 p.m. and 11:00 p.m. on four (4) dates this fall for 5th Quarter after the home football games. Wesley would like to have the time changed from 3:30 p.m. - 11:00 p.m. They have found that people begin to park on this section of West Spruce St. immediately at the end of the school day in anticipation of the High School football game.

Motion made by V/P Carroll to approve. Motion seconded by C/P Mease.

AYES: SIX (6) NAYS: NONE MOTION CARRIED

NEW BUSINESS:

MAYOR – Mayor Christine informed Council that this Saturday, September 21, 2013 is the 16th Anniversary of Kidsgrove. They are dedicating the new NEOS system. Mayor Christine extended an invitation to Council to attend. The program starts at 11:00 a.m.

OTHERS – Borough resident Margaret Siro asked about the Library/Borough Building and how the water leak problem on the Library side is coming along. Mgr. Williams stated that on Friday, September 13, 2013 the Borough received from El Associates specifications for how they would like the Borough to proceed with the repairs. Mgr. Williams has been in touch with the Contractor. They should be out sometime this week to discuss waterproofing in accordance with the specifications. He is hoping to be re-mobilized by the end of the week to continue the mitigation.

Mrs. Siro asked if this is affecting the Library, the Borough Building or the foundation. Mgr. Williams stated it is affecting the Library on the lower floor in the teen area. What the Borough is doing in anticipation of rain fall is setting a sump pump in the exterior excavation. So far this has worked.

EXECUTIVE SESSION - Council Meeting recessed to an Executive Session at 7:29 P.M. for discussion of Pending Litigation. Council meeting reconvened at 8:15 P.M. - No action taken.

C/P Hendricks asked Mgr. Williams what was happening on North Strawberry Alley between Spruce St. and Snyder St. - it looks like some sewer work is being done. Mgr. Williams replied yes and that all he could tell C/P Hendricks is that some utility work is being done to the sanitary sewer. There is an easement that comes out beside Tax Collector Michael Bolig's mother's house on Water Street. The work is going to extend into the easement/right of way area to provide some relief for storm water as well. It is part of this year's utility project.

ADJOURNMENT:

Meeting adjourned at 8:18 P.M.

Attachments: None

Respectfully submitted by

Chele' Weaver
Recording Secretary