

SELINGSGROVE BOROUGH COUNCIL MEETING

Wednesday, July 24, 2019 – 7:00 P.M.

COUNCIL MEMBERS PRESENT: Pres. Marvin Rudnitsky, V/P Shane Hendricks (via phone), C/P Sara Lauver, C/P Bobbie Owens, and C/P Richard Mease

COUNCIL MEMBERS ABSENT: C/P Erik Viker and C/P Neff

OTHERS PRESENT: Mayor Jeff Reed; Borough Manager/Secretary Paul Williams; Borough Treasurer Sheri Badman; Solicitor Bob Cravitz

CALL MEETING TO ORDER: Pres. Rudnitsky called the meeting to order at 7:00 P.M. Mgr. Williams called roll and acknowledged a quorum, followed by a moment of silence and the Pledge of Allegiance.

EASTERN SNYDER COUNTY REGIONAL AUTHORITY:

Approve Resolution 2019-05:

C/P Hendricks gave a synopsis of the timeline of the approval of the resolution. At the ESCRA meeting on July 10, C/P Hendricks learned that the Act 537 Plan would be resubmitted once the resolution was adopted by Shamokin Dam and the Selingsgrove Borough. He was told that ESCRA needed to have the resolution this month. After that, C/P Hendricks contacted Mgr. Williams, Pres. Rudnitsky, and Solicitor Cravitz to suggest a special meeting to discuss the resolution. At the July 17 ESCRA meeting, their engineer pointed out 3 things. The first was that the Act 537 Plan would be submitted once the resolution was received from the Selingsgrove Borough. Second, the water quality management plan part 2 for the permit would be withdrawn and resubmitted along with the 537 Plan. The last item was the PennVest loan application deadline of October 31, 2019 would not be met. At the July Borough Council meeting, an August 10th deadline was mentioned. That deadline was believed to be for the resolution to be adopted by the Borough. This was not the case. The next application deadline for PennVest loan will be in February 5, 2020. Decision of approval would not be known until late April. This is pushing back the bidding process and therefore the construction.

Solicitor Cravitz noted that this was the first time he'd heard that the October deadline would not be met. He asked why. C/P Hendricks stated that it could not be met because ESCRA had to withdraw the Water Quality Report and resubmit it to the DEP with the amended Act 537 Plan with a request for a concurrent review before they could apply for the loan.

Pres. Rudnitsky questioned whether this new timeline would offer more opportunity for negotiations with ESCRA. C/P Hendricks stated that there has only been two meetings within the eight months that this matter has been on the table, so it may be too optimistic to say that there is definitely an opportunity.

C/P Owens asked whether C/P Hendricks got the feeling that there were 2 different messages being conveyed. She asked if he felt that the ESCRA Board was trying to push this through and rush it and the engineer was trying to make sure everything was in properly and ready to go. C/P Hendricks said that he thinks the engineer wants to make sure it's all ready to go. C/P Owens stated that this is a very big commitment to only have had 2 meetings in the 8 months that this has been on the table.

Solicitor Cravitz stated that there is no outstanding loan. ESCRA accomplished what they wanted to do with building the plan. This is the time that any one of the municipalities could pull out or they could all decide to dissolve. He added that neither of these scenarios are likely to occur. He also stated that with the solicitors getting down into the particulars with the points they came up with, it's a matter of selling it to the 4 municipalities and getting them to all agree.

Treasurer Badman asked what leverage the Borough would have to update the Rules and Regulations once the resolution is adopted. She stated that it didn't sound like there was any. Solicitor Cravitz pointed out that the resolution provided in May stated that ESCRA agreed to engage in a good faith effort to work with the stakeholders to revise the Rules and Regulations.

Pres. Rudnitsky pointed out that it's an agreement to agree, which is nothing.

Solicitor Cravitz stated that matters could be dealt with via mediation and arbitration rather than litigation. He also pointed out that in the end, ESCRA has to agree with whatever the municipalities come up with. They get to have a vote and say yes or no.

Pres. Rudnitsky asked Solicitor Cravitz why he thinks it's dragging out. Solicitor Cravitz said he didn't know. He could guess, but he doesn't really know.

Treasurer Badman asked whether this matter would have to come back to the municipalities for final approval. Solicitor Cravitz stated that this resolution just states that we agree that they meet the requirements of the Act 537 Study and that they are following all zoning and land development rules that are applicable to them. The matter of the finances with the PennVest loan will come back at a later date.

C/P Hendricks asked whether the Borough could withdraw support at any point up to the awarding of the loan or if approving this resolution puts the Borough on the hook with ESCRA for the next 20 years.

Pres. Rudnitsky stated that he would feel more secure if the solicitors and the municipalities would hold off until the agreement was fully negotiated and revised.

C/P Owens asked whether ESCRA had to be the one to organize and set the meetings. Solicitor Cravitz stated that the municipalities could dictate when the meetings would be.

C/P Hendricks stated that in emails between Mr. Fleming and the DEP, Mr. Fleming was told that the water quality management plan would be sent back due to the delay. This is why they have to resubmit the plan with the study and the deadline would be missed for the loan.

C/P Hendricks outlined the different items discussed by the solicitors. Items included who can be a representative for a municipality, dispute mediation, ESCRA billing customers quarterly based on flow, communication on a timely basis to the municipalities, and the regionalization of the system. C/P Hendricks expressed his concern with the regionalization due to the change in manpower. He is worried about how Roger would be able to run the street department with fewer employees.

Pres. Rudnitsky asked if the resolution should be adopted tonight. Solicitor Cravitz stated that based on what he is hearing, the Borough has no reason to rush. Treasurer Badman asked if the resolution could be withdrawn if there is no progress in 2 months. Solicitor Cravitz stated that a resolution can be rescinded.

Mgr. Williams stated that ESCRA was going to ask for an expedited review of the study, but that there were no guarantees.

C/P Hendricks stated that he thinks with the current make-up of the board, that this is the best chance to get the Service Agreement and the Rules and Regulations amended. C/P Mease stated that while that may be true, there hasn't been any movement yet.

Pres. Rudnitsky stated that he believes the next step is to resend the request and ask for a response.

C/P Lauver asked what the consequence would be if the resolution were not adopted at this meeting.

Mgr. Williams stated that he heard (but could not verify the truth in the statement) that the involvement with the DEP could result in them not allowing more EDU's due to the lack of update to the facility. C/P Owens asked where that came from. Mgr. Williams stated that he heard it from Scott Bailey.

C/P Hendricks asked whether the resolution could be made conditional such that negotiations would be concluded within 90 days of the adoption of the resolution. Solicitor Cravitz said that could be done but the timeline might not work.

Pres. Rudnitsky stated that he's worried that the municipalities aren't serious enough about the need for the revisions. The gap in time between the meetings makes it seem like they don't want to push the issue, and it needs to be pushed. He suggested drafting a service agreement and submitting it for response. Then if they don't comment, it's on them.

Motion by C/P Owens to direct the solicitor to draft a letter that contains the Borough's request for the terms and conditions of the Service Agreement and Rules and Regulations and that ESCRA and the other member municipalities respond in a timely manner set forth by the solicitor. Second by C/P Lauver.

Mgr. Williams suggested that Council review the letter before it is sent due to the specific nature of the letter. This letter would not be as general as the letter that was sent in January. Pres. Rudnitsky suggested that C/P Hendricks look at the letter.

AYES: FIVE (5)

NAYS: NONE

MOTION CARRIED

Adjournment:

Motion by C/P Mease to adjourn. Second by C/P Owens. Adjourned 8:15 P.M.

Respectfully submitted by
Lindsey Brouse, CFM
Recording Secretary