

**BOROUGH OF DUNCANNON  
COUNCIL MEETING MINUTES  
March 18, 2014**

- Members Present:** President Duane Hammaker, William Corsnitz, Michael Bomberger, Frank Eppley, Gerald Bell, Roger Williams, Kraig Nace and Mayor Jack Conrad
- Members Absent:** None
- Others Present:** Solicitor – Susan Smith, Borough Manager – Lynn Roche, Engineer – Gregory Rogalski, Pennoni Associates (Sat in for Ron Brown) and Chief Richard Pickles – Penn Township Police Department
- Citizens Present:** Sean Sauro – Perry County Times, Debbie Bomberger – 1130 N. Market Street, Duncannon, PA

President Hammaker opened the meeting at 7:30 pm on March 18th, 2014 with a moment of silence followed by the Pledge of Allegiance to the American Flag.

**Minutes:** Bell/Corsnitz: approve February 18th, 2014 minutes; as corrected – PASSED

**Recognition of Citizens:**

**Debbie Bomberger** – 1130 N. Market Street, Duncannon, PA – Ms. Bomberger handed out information on Sponsor's for the Duncannon American Patriot Flag Campaign for 2014. Ms. Bomberger said she is not asking Council to sponsor a Duncannon American Patriot Flag, but would like Council's help to get the word out that sponsors are needed.

**Correspondence**

**Aqua-Aerobic Systems, Inc. – Congratulations Letter**

President Hammaker said Aqua-Aerobic Systems, Inc. mailed a Congratulations Letter and a 2013 Plant Performance Award for the exceptional operation of the Duncannon Borough's SBR (Sequencing Batch Reactor) System.

**Duncannon Fire Company #1 – 2013 Annual Report**

President Hammaker said everyone should have received a copy of the Fire Company's 2013 Annual Report in their Council Packets.

**Discussion**

Mr. Nace asked if the President of the Duncannon Fire Company is still Mr. Rhoads. President Hammaker said from what he understands there has been no change with the President of the Duncannon Fire Company.

Mr. Corsnitz asked if the Duncannon Fire Company still provides audited financial statements in their Annual Report. President Hammaker said in the past Council has received financial information from the Duncannon Fire Company. Mr. Bomberger said he thinks last year Council received the Fire Company's Financial Statements after they filed their 990 Tax Form.

President Hammaker said the Duncannon Borough received the Duncannon Fire Company's Donation Receipt and Mail-Out Letter asking if the Borough would like to be a member of the Fire Department supporters. President Hammaker said he is assuming because of the contribution the Borough already gives to the Fire Department, they are not declining to be a supporter.

Mr. Nace asked if this is the document that is dated 2013. President Hammaker said, "Yes, Donation Receipt 2013, keep this portion for your records."

### **Mr. Webster Gray – 18 N. High Street, Apartment D – High Reads on Sewer and Water**

President Hammaker said Ms. Roche received a letter from Webster Gray, owner of 18 N. High Street, Apartment D. Mr. Gray is requesting an adjustment on his water/sewer bill due to a pipe that broke and caused massive water damage to the apartment. This was discovered on the evening of February 22<sup>nd</sup>, 2014. The total water usage from this event was estimated at 114,800 gallons from the Borough's records. President Hammaker said Mr. Gray is willing to pay the full water charge of \$631.11, but would like Council to consider giving him a one-time water credit of any amount. Mr. Gray would like Council to also consider giving him a reduction of his sewer related charge of \$973.34 down to the minimum sewer charge of \$44.00 for this bill.

President Hammaker said the Borough's Policy covers this type of incident, because the water did not go through the sewer and the owner did consume the water and is agreeing to pay the water bill. Mr. Gray would like relief on his sewer bill. Mr. Bomberger asked what Mr. Gray's average billing is. President Hammaker said Mr. Gray's Sewer Bill for February 2014 was \$49.60, January 2014 - \$132.06 and December 2013 - \$75.06.

**Corsnitz/Williams:** motion to reduce the sewer portion of Webster Gray's bill to an average of his previous three months of sewer due to the water issue from a pipe breaking - PASSED

### **Girl Scout Gold Award Recipient – Colleen Altares**

President Hammaker read a letter from the Girl Scouts in the Heart of Pennsylvania. He said the letter is to notify Borough Council of a Girl Scouts Gold Award recipient from Duncannon, Colleen Altares. Her project addressed the decreasing number of bees in her area and she created pollinator habitats. President Hammaker said in the past Council has recognized Gold Award Girl Scouts with a Certificate.

**Bomberger/Corsnitz:** motion to issue a Certificate recognizing Colleen Altares as a recipient of the Girl Scouts Gold Award – PASSED

Mayor Conrad asked Council if they considered having a key to the town made for a day for such recipients. President Hammaker said this would be a nice proclamation to come from the Mayor's Office.

### **Resolutions and Contracts**

#### **Resolution 2014-3 For Appointment of Mr. Harry Hamilton, Jr. for Temporary Tax Collector in absence of Ms. Barbara Hamilton.**

President Hammaker said at the last Council Meeting this Resolutions was sent back for more discussion. Ms. Roche reported she checked with Penn Township, New Buffalo and the County of Perry. She said there are Resolutions done at the individual townships, but there is no additional bonding done for Mr. Hamilton in Mrs. Hamilton's absence. Ms. Smith said she thinks Mr. Hamilton needs to be bonded; unless the bonding company tells the Borough that Mrs.

Hamilton's bond extends to Mr. Hamilton she thinks Mr. Hamilton has to be separately bonded. President Hammaker asked if Ms. Roche found who provides the bonding for Mrs. Hamilton. Ms. Roche said the County of Perry provides the bonding. President Hammaker asked if the County of Perry is willing to provide bonding for Mr. Hamilton under this Resolution. Ms. Roche said she doubts it, because Mrs. Hamilton covers three entities and two of the entities are not doing bonding, so if the Borough decides to do bonding the Borough would have to provide it.

### **Discussion**

Mr. Bomberger said Council needs to know if the other Municipalities aren't providing bonding for Mrs. Hamilton, does the County's bonding extend to Mr. Hamilton as well. Mr. Bomberger said if the County's bonding doesn't extend to Mr. Hamilton, then the Borough should stay away from it, because of the additional cost. Ms. Roche will follow-up with the County of Perry as well as the bonding company that is bonding Mrs. Hamilton to see if they extend the bonding to Mr. Hamilton.

### **Resolution for Delegate and Alternate Delegate for Cumberland Perry Joint Task Force**

Ms. Roche said this Resolution was discussed at last month's Council Meeting and President Hammaker asked her to check on the Manager's Ordinance to see if a separate Resolution was needed. Ms. Roche said the only thing the Manager's Ordinance said was that a motion needed to be made. Mr. Bomberger said this is for the HATS (Harrisburg Area Transportation Study). Ms. Roche replied, "Yes." Mr. Bomberger asked who the Alternate Delegate should be. President Hammaker said Mr. Nace volunteered to be the Alternate Delegate. Mr. Nace replied, "Yes."

**Bomberger/Corsnitz:** motion to adopt **Resolution #2014-3** naming Lynn Roche as the Delegate and Kraig Nace as the Alternate Delegate to the Cumberland Perry Joint Task Force – PASSED

### **Resolution for Spring Clean-Up to be held on April 26th, 2014**

Ms. Roche said on March 7<sup>th</sup>, 2014 she received one bid back out of the three bids from Sylvester's Services Inc. Sylvester's price is \$150.00 per dump and for the trash portion. Sylvester's would bring a smaller dumpster for the electronics at \$150.00 per dump, so everything can be done on the same day. President Hammaker said this was resolving to spend \$2,500.00 on this project. Ms. Roche replied, "Yes." Mr. Bomberger asked if this is to not exceed \$2,500.00. President Hammaker said the Borough of Duncannon hereby allocates Municipal Resources not to exceed \$2,500.00 for the April 26<sup>th</sup>, 2014 Spring Clean-Up. Mr. Bell asked if a list would be published showing the allowable recyclables. Ms. Roche said there will be a list of accepted items in the upcoming newsletter.

**Williams/Bell:** motion to adopt **Resolution #2014-4** for Spring Clean-Up to be held on April 26<sup>th</sup>, 2014 with Municipal Resources not to exceed \$2,500.00. - PASSED

### **Resolution for PMRS for Police and Non-Uniformed Municipal Pensions**

Ms. Smith said that the Retirement Law does not mandate that a Pension Contract be adopted by Ordinance, nor does the Borough Code. PMRS has fought beyond this issue. The issue for Duncannon is that the Duncannon Pension Ordinance provides for the Borough to enter into the PMRS Retirement System which must be done by Ordinance. As far as the individual annual contracts; there is no law that says the Borough has to do this by Ordinance. Ms. Smith suggests that Council consider an Ordinance for the acceptance of the contract. Ms. Smith said she will prepare the Ordinance and then the Borough will advertise the Ordinance and hold a Public

Hearing. Ms. Smith said moving forward it does not make any sense to adopt the contracts every year; the contracts are a legitimate subject of a Resolution. Lengthy discussion held.

**Bell/Williams:** motion to allow Ms. Smith to address the 2013 PMRS Pending Contracts. - PASSED

## REPORTS

**Mayor's Report** – Written Report Submitted. Mayor Conrad noted that he made Bus Trip arrangements for Baltimore, Maryland. Mayor Conrad said 24-25 people would need to sign up for the Bus Trip in order for the Recreation Board to break even on cost.

Mayor Conrad reported that the nurse at Susquenita School District is interested in putting a Wellness Center in at Miller's News Stand.

Mayor Conrad said he met with the ATC (Appalachian Trail Community) and they are upset. Mayor Conrad asked if the Appalachian Trail Community is absolutely not allowed to use the section of Cumberland Street in front of the UniMart for their event. President Hammaker said his understanding is that the concern is the Borough will have alternate traffic patterns due to the Market Street Bridge Project. Mr. Williams said that if the Borough would turn traffic on High Street then vehicles would have to go the whole way down to Broad Street before they could go back down to Market Street. Mr. Williams said unless vehicles would turn down Plum Street, but that is a hard turn to make. Mr. Bomberger said from a Fire Protection perspective the Borough wanted to keep High Street open. Mr. Williams said he does not have a problem with the ATC using the section of Market Street South of the square and using the section of Cumberland Street from the square to the Railroad Station. Mr. Bomberger suggests using Apple Tree Alley from Cumberland for two blocks. Mr. Williams said that was mentioned to the ATC, but they never came back as that being one of their proposals. Lengthy discussion held.

A lengthy discussion was held regarding the invoice received from PP&L for the Borough's annual Pole Attachment Rental. Ms. Smith is going to look into the matter to find out which poles the Borough has attachments on.

**Police Report** – Chief Pickles reported the Police are in the middle of their Buckle-Up Program. Chief Pickles said he got a Locksmith to come into the Borough Office today to get the four filing cabinets, which hold Police documents, unlocked. The Locksmith also provided keys for each of the filing cabinets. Chief Pickles noted that propane is really high right now so the Borough might want to remind residents to check their grills and put their propane tanks in a safe place to avoid theft.

**Secretary's Report** – written report

**Treasurer's Report** – written report

**Bomberger/Corsnitz:** move to accept the Treasurer's Report subject to audit – PASSED

Mr. Bomberger said there is one item under Council Follow-Up on the Secretary/Treasurer's Report that needs to be addressed. The Police Association Account was supposed to be closed out by Mr. John Bruno who was the last President of that Association. When Mr. Bruno closed out the account; Orrstown Bank kept the account active for some reason which caused \$0.47 of

interest to accrue. When the Office Staff approached Mr. Bomberger about closing the account for good; Mr. Bomberger gave the go ahead. The Borough has the \$0.47 but doesn't know how to get a hold of Mr. Bruno or any other member of the Association. Mr. Bomberger said he certainly doesn't want it to hit the paper that the Borough took possession of \$0.47 that does not belong to the Borough. President Hammaker asked Ms. Smith what the Borough should do with the \$0.47 in the event that the Borough can't find anybody to take it. Ms. Smith said no one is going to ask the Borough to do anything with the money since it is such a small amount and she doesn't know what the Borough should do in this case. President Hammaker suggests putting the money in an envelope marked with \$.47, the fund that it came from and the account number and secure the envelope in the Borough Police File.

**Borough Manager's Report** – written report attached - Ms. Roche reported that she went around town to look at the Snow Emergency Routes to see what signs we had compared to what signs we should have posted according to the Borough Ordinance. Ms. Roche also spoke with the Borough Engineer regarding the upcoming Market Auction for Phosphorous Credits which is being held March 19<sup>th</sup>, 2014. At the advice of the Borough Engineer Ms. Roche is going to wait for the June and September Auctions to participate since the Borough is currently in compliance. Ms. Roche is still working with the County regarding the website issues she has been having. The Borough's website is now working and up to date. Ms. Roche requested that any Councilmen who have not completed their State Ethics Forms do so and turn them in to her by the next Council Meeting. Ms. Roche said that on March 3<sup>rd</sup>, 2014 the Borough received \$38,783.85 for Highway Aid and \$5,120.00 for the road turn back. On Friday as well as today Ms. Roche and Michael Criley met with Matt Miller who is the Foreman for Susquehanna Valley Construction. If everything goes well Susquehanna Valley Construction will be formally awarded the bid for the project at the beginning of April. They are hoping to start preliminary work for the project in the middle of April. Ms. Roche said she and the Susquehanna Valley Construction went out to look for possible sites for trailers today. Matt Miller is thinking of using the Municipal Lot. Ms. Roche is looking at hooking the trailers up to the electric at the Municipal Lot. The company is hoping to start the main Bridge Project between June 11<sup>th</sup> and June 15<sup>th</sup>, 2014. They hope to have the project done within sixty days but Susquehanna Valley Construction was given ninety days to complete the project. They are hoping not to impact either school year. Mr. Bomberger asked how much of the Municipal Lot would be used because that time of year there will be ball games. Ms. Roche said the company is going to stay as close to the Railroad Bank as possible. Ms. Roche told Mr. Eppley whenever he wants to go over street issues she can meet with him.

Ms. Roche stated that this morning when the employees arrived to work there were nine letters in the drop box addressed to each one of the Borough Employees. Ms. Roche said the letter was a little concerning. It came anonymous and goes on to say that "someone" is thankful for the work done during the snow season. Ms. Roche said each envelope had a \$50.00 gift card that is to be redeemed online. Ms. Roche said she wasn't sure what to do with the letters so she called President Hammaker. President Hammaker said since it was a Council Meeting night he instructed Ms. Roche to have the employees just hold them for the time being. Mayor Conrad asked if the Employee Manual is written to stay within the spectrum of the Ethics Laws or is it something the Borough came up with. Mr. Hammaker read that section of the Manual aloud to Council. Ms. Smith said the Ethics Law does not specifically prohibit gifts. However the Ethics Law expressly sets as prohibited behavior the using of the office, the solicitation of the office for the benefit of someone who is not entitled to it under the law. Ms. Smith said the penalties are criminal. President Hammaker asked if this is a matter that should be discussed as a Personnel matter in Executive Session. Ms. Smith said it is appropriate to take this matter into Executive Session. Mayor Conrad asked if the Borough could contact the credit card company and have the money returned to whoever purchased the gift cards. Ms. Smith said that cannot be done because you have to go online to activate the gift cards. Mr. Bomberger suggests doing the Engineer's Report before entering Executive Session so the Engineer doesn't have a longer wait.

Mr. Corsnitz asked if Ms. Roche changed the Tax Collector information on the Borough website. Ms. Roche said the information was updated.

### **Bills To Be Paid/Ratified**

**Bell/Williams:** motion to pay and ratify the bills including credit card expenses as presented – PASSED

**Engineer's Report** – Mr. Gregory Rogalski (Sitting in for Ron Brown) introduced himself to Council. Mr. Rogalski reported Pennoni Associates Inc. intends to do the I & I (Infiltration and Inflow Study) in the Spring. At Mr. Brown's request Pennoni has moved forward on the Water Distribution Long Range Plan. Pennoni is looking at some additional supply sources for the Borough based on DEP'S (Department of Environmental Protection) Inspection. Pennoni has submitted a set of plans for the Market Street Sewer Line Replacement Project, Manhole #144 to Manhole #146. This should go out to bid sometime in April. Pennoni will try to get the Sewer Project started as soon as school is out and have it finished before school is back in session.

Mr. Rogalski said the Butchershop Road Culvert Project has been put on hold due to some budgeting issues.

Mr. Rogalski said Pennoni has not heard anything more on the Stone Mill Estates Development in Penn Township.

Pennoni did receive the records for water improvements over the last few years.

Pennoni did do a Preliminary Review of the Head Works Lighting Upgrade in the Sewer Treatment Plant at the request of the Borough's insurance provider.

Mr. Rogalski reported Pennoni received a call from Susquehanna Valley Construction and wants to make the Borough aware that the Market Street Bridge Project is coming really soon.

Pennoni has completed the Chapter 94 Report and is just waiting for the Chairman of the Authority to sign the document.

Mr. Rogalski said he has been trying to express to Mr. Brown that he thinks they should have a sit down, on a committee level, to come up with a Reaction Plan for if and when flooding should occur in the future.

Mr. Bomberger asked if the Borough ever determined what "point of connection 7" is regarding Stone Mill Estates. President Hammaker and Mr. Williams both said this connection is at the end of Eisenhower Boulevard and Lincoln Streets. Mr. Bomberger asked where the lines run from that point; east or west. Mr. Williams said it runs down Cemetery Street to High Street, from High Street to Fritz Avenue and from Fritz Avenue it runs to Market Street. Mr. Williams said the meter will be before "point of connection 7". Mr. Williams said when the Sewer Authority gets new maps for Stone Mill Estates he will make sure that all of Council receives one.

Mr. Rogalski noted that Pennoni received a document from DEP regarding a violation with the Borough's Water System. Mr. Rogalski said Pennoni will work to try and get the issue resolved.

**PESI Operations Report** – Written report submitted.

**Codes Enforcement** – Mr. deChamplain said he has an issue that he will bring up under New Business. Mr. deChamplain reported that he sent a few citations out regarding vehicles, trash, and snow removal. Mr. deChamplain had an issue with a vehicle parked at the 900 block of Market Street. He sent a regular and certified letter on March 3<sup>rd</sup>, 2014 to the owner of the vehicle at the address the vehicle is registered under. The letter was returned March 17<sup>th</sup>, 2014. At that time Mr. deChamplain sent a letter to the owner of the property who happens to be the individuals mother. Mr. deChamplain also included a copy of the letter that was sent to the vehicle owner requesting the vehicle to be removed by March 31<sup>st</sup>, 2014.

## **Questions**

Mr. Bomberger asked if all the vehicles parked at the Municipal Lot are legal. Mr. deChamplain said he did check the vehicles and they are all current.

Mr. Nace asked about the sewer issue on Cumberland Street that was discussed at last month's Council Meeting. Mr. deChamplain said he has some "New Business" coming up on the same Cumberland Street address.

**Bomberger/Bell:** motion to enter Executive Session for personnel matters - PASSED

**Entered Executive Session at 2048 hrs.**

**Bell/Williams:** motion to enter Regular Session – PASSED

**Entered Regular Session at 2120 hrs.**

President Hammaker said Executive Session was to discuss personnel matters which included the receiving of gifts anonymously. The Borough Council has decided to meet with the Duncannon Borough Employees tomorrow morning to explain the Borough's Policies and the Ethics Policy associated with the employees excepting those gifts. President Hammaker said he would like Ms. Roche to provide a time to Mr. Bell and Mr. Bomberger who will be at the meeting representing the Personnel Committee at the meeting. Ms. Roche, Mr. Bell and Mr. Bomberger agreed to meet at 7:30 am. President Hammaker said the Personnel Committee will meet with all Borough Employees tomorrow at 7:30 am to discuss the acceptance of the anonymous gifts. President Hammaker said Council decided based on the fact that some of the Borough Employees do not wish to receive or accept the gifts, Council feels compelled to try to find the owner of the gifts. Since the gifts were anonymous Council will hand over whatever gifts the Borough Employees wish to return to the Police Department to see if they can find the original purchaser of the gifts, so that the funds can be returned to the good hearted party who was trying to say thank you. President Hammaker said Council will also explain to that party why that doesn't work under the Borough's Policies and Ethics Policy.

**Solicitor's Report** – Ms. Smith reported since the last Council meeting she was asked to look at the Borough Employee's gift issue briefly today. She looked at the PMRS Pension issue, RTK (Right to Know) requests, citations for 206 N. Market Street and 8 N. High Street. Ms. Smith said she was asked to look at the 109 Cumberland Street matter which is on the agenda, so she will save her comments for this matter.

Ms. Smith reported that a proposal was submitted at the last Council meeting to have Buddy Boy Winery participate at the Duncannon ATC (Appalachian Trail Community) Festival. The Borough has consistently indicated that the Duncannon ATC Festival is not a Borough function. The first question would be is the Borough changing their policy about

this; the second question would be is there a particular Borough Permit that would be necessary for Buddy Boy Winery that is different from the Special Events Permit that the Borough is offering to the ATC for the event. Ms. Smith said because Buddy Boy Winery is registered as a limited winery licensed by the LCB (Liquor Control Board), their license speaks to a particular site, when Buddy Boy Winery goes off site to distribute samples or sell wine this requires a permit from the LCB. The only Borough approval that relates to the LCB Permit would be that the Borough would indicate they have given agreement for the closure of public streets. Ms. Smith said the anticipation would be that Buddy Boy Winery would provide a lay out to the Borough of where they are proposing to operate. Ms. Smith said if the Borough authorizes anything with respect to Buddy Boy Winery it should only be upon Buddy Boy Winery submitting to the Borough a copy of the permit application that they've made to the LCB. Ms. Smith said there needs to be acknowledgement in terms of insurance coverage for the Borough. The Borough has received a policy statement from Buddy Boy Winery that their Insurance Carrier issued identifying the Borough as a named party on a \$1,000,000 .00 Liability Policy. Ms. Smith suggested there be an Indemnification Agreement to cover the Borough in case of Litigation. President Hammaker said the Public Park Rules for Cooper Field and Noye Park are very clear, "No Alcohol." He asked Ms. Smith if the event is held at one of these parks, does the Borough have to do something with the rules of these parks to allow this. Mayor Conrad said the event is not going to be held at either of the parks, because of their location. Ms. Smith said Council at this point cannot make a decision or act on Buddy Boy Winery's Request until they know where Buddy Boy Winery is going to be located in the Borough during the Duncannon ATC Festival.

Ms. Smith reported since the last Council Meeting she has worked on Municipal Liens and Satisfactions. At the last Council Meeting Council had some issues regarding parking and regulations for certain streets. Since that meeting Ms. Smith has attempted to consolidate all of those Ordinances, because they are not codified and change on a regular basis. The Borough has a number of Ordinances and Ms. Smith has around six more to look at to make sure she has incorporated the terms. There were around thirty Ordinances that dealt with streets and roads and many of them conflict or are incomplete. Ms. Smith said she will put together a collection of the current rules by any one of the Ordinances and put it before Mr. Eppley's Committee and they can decide whether they like the rules or not. Ultimately the consolidated Ordinance will come before Council for consideration.

Ms. Smith said 109 Cumberland Street is on the Agenda for later on, she will have to discuss the procedures under the Dilapidated and Blighted Property Ordinance.

Ms. Smith reported under the State Law for Storm Emergencies there is an expectation that the ability to declare storm emergency to close roads is based on an Ordinance which the Borough does not have. She drafted a Proposed Ordinance and will work with Ms. Roche on some of the proposals as to who is the responsible party under this document. The Proposed Ordinance will be put before Council for consideration and referral to public comment and hearing at next month's Council Meeting. Technically the Borough needs to have this Ordinance in order to close roads for a storm emergency.

Ms. Smith reported there were documents received from the PUC (Public Utility Commission) regarding a proposed rulemaking, specific to EGS (Electric Generation Suppliers) Companies dealing with automatic splice policies and procedures. She has determined that the Borough is not an EGS, but is an EDS (Electrical Distribution System) and is not sure why the Borough received the document. Ms. Smith checked with Ms. Roche as to whether or not Henkels & McCoy are inspecting the splices and replacing

them regularly and Ms. Roche said they are. The Borough is meeting all of the expectations of the PUC.

Ms. Smith reported the Utility Configuration Agreement has been finalized for Art Liddick. The plan was reviewed and as long as Council is okay with it the plan can go forward and Art Liddick can re-configure his system.

Ms. Smith said the FERC/PPL Litigation (Federal Energy Regulatory Commission) (Pennsylvania Power and Light) will be discussed under New Business. This is the matter that municipal companies and utility providers like the Borough have joined together under AMP'S (American Municipal Power) Counsel to litigate and negotiate the settlement with PPL. There has been a hick-up in this settlement that Council approved a few months ago, it went to FERC and they said they did not like one of the terms. FERC didn't like the accounting for the reconfiguration of one of the generation sites for PPL. Ms. Smith said this issue has been resolved and when the time comes she will tell Council what the change in term is. There has been a decrease in the benefits to be distributed to the Borough participants through the settlement, which is a reduction of about 25% of this particular cost item.

Ms. Smith reported on the Sunrise PUC Litigation that named the Duncannon Borough as a specific served party with a complaint. There has been no action at the PUC on this.

Ms. Smith said she checked on the State ASKEET records for the Penn Township Municipal Authority funds and she did not see anything relating to what Council is looking for. She reopened her conversations with the Bank about how they processed this. Ms. Smith said there are funds of record that the Duncannon Borough and the Police Department have access to. The Duncannon Police Department has monies through Nationwide Mutual Insurance Company that is under \$100.00. The Duncannon Borough has Prudential Insurance Company monies over \$100.00. The Duncannon Police Department has two Progressive Northern Insurance comp monies that are under \$100.00 each. The Duncannon Presbyterian Church has something over \$100.00. Duncannon Emergency Medical Services has two claims under \$100.00 each for Pennsylvania Employees Benefit Trust Fund. The Duncannon Fundraisers have some money at PNC Bank or what was CCNB Bank under \$100.00. Penn Township has two claims under \$100.00 through Pennsylvania Power and Light. The Ambulance Association has one. The Penn Township Municipal Authority has two that are over \$100.00.

President Hammaker asked how the Borough would go about getting the monies. Ms. Smith said Council would waive Ms. Roche in her official capacity as the Borough Manager and Ms. Roche would approach the State and say that she represents the Duncannon Borough and show her official card stating this. Ms. Roche would tell the State she is there to seek the monies that are listed for the Duncannon Borough and the Duncannon Police Department.

Ms. Smith reported on the Beyer Litigation. She prepared for trial and settled and she has been preparing for the settlement administration.

**BREAK – 2142 hrs. to 2155 hrs.**

### **UNFINISHED BUSINESS**

#### **Delinquency/Terminations Policy**

President Hammaker asked if this is still in process. Ms. Smith replied, "Yes."

### **18 – 28 N. Market Street Properties**

Ms. Smith said this issue is still being worked on.

### **2009 Edition of the International Property Maintenance Code**

President Hammaker said he would like to make it a goal for Council to bring feed-back in under Public Safety and Streets by next month's Council Meeting.

## **COMMITTEE REPORTS**

### **ADMINISTRATION, FINANCE & IT**

Mr. Bomberger reported on the Treasurer's Report the Borough's electric bill charge from AMP Ohio was \$159,000.00. They usually run between \$70,000.00 and \$90,000.00, but during the real cold months the Borough had to buy half a meg of electricity off the open market. The Borough used 1.5 meg of electricity which is way over what the Borough would normally do. Money had to be moved out of capital reserve and into electric and that can probably be moved back again. Mr. Bomberger said electric hit a hard spot, because the Borough's bill is due to AMP Ohio before the Borough customers are billed. He said the money will all come back in this month, but it wasn't available when that bill was due. AMP Ohio gave the Borough an option to put a portion of that bill on delayed payment for either 90 days or 180 days and both of those options were 1.5% per month, which wasn't a good deal for the Borough either. Mr. Bomberger said the bill is paid and the Borough will cycle the money back in.

### **FLEET, FACILITIES & UTILITIES**

Mr. Corsnitz reported there is an issue at 5 Second Street. There has been a new house erected between the Smith property and the Wright property. The issue is there is a service pole sitting on the Wright property just off of the right of way that the Wright's were made to pay for some years ago under a previous Borough Manager. Mr. Corsnitz said the issue has now become that the service pole is not Borough property and the new construction has attached to that pole. The Wright's are willing to trade the pole back to the Borough if the Borough will stick a pipe through their driveway. There is a swale that causes the Wright's driveway to wash away consistently. Mr. Corsnitz said it looks like all of the parties are in agreement, but the Borough should have some agreements in place with the Wright's. The agreements would be that the Borough will do the work for the Wright's which then becomes theirs and the pole becomes the Borough's pole and the Borough would have rights to this pole as they do with any other pole. Mr. Corsnitz also thinks there needs to be an agreement between the Borough and the new construction that the new service line is their responsibility. The Borough's Policy although it's unwritten, the precedent has been in the Borough when someone builds and there is underground electric put in the Borough has provided the wire from the meter on the house to the service pole. President Hammaker said it's really no different than the Borough providing the overhead wiring. Mr. Corsnitz said the Borough's Ordinance says it is the Borough's responsibility from where the wire attaches to the overhead line, so the Borough would be responsible to get the wire to the top of the pole to that head and then it would be their responsibility. Mr. Nace asked how long ago the service pole was put in. Mr. Corsnitz said he thinks eighteen years ago. Mr. Nace said at that point the same male party was not in the home, so he doesn't know if that would have a bearing

on this matter. Mr. Bomberger said he thinks at that time it was Mr. Spease who put the pole in and he assumes this is who would have paid for the pole. Mr. Nace said does the Borough have any exposure later on with the person who put forth the money, who no longer benefits from this pole and then reward someone else. Lengthy discussion held.

President Hammaker asked Ms. Roche to get a quote from Henkels & McCoy to move the utility pole from the Wright property located at 5 Second Street and also to get permission from the Wright's to remove their pole.

Mr. Corsnitz reported there are two things to finish in the Hickory Street building, the concrete in the upper half of the building and the other section of the loft. He asked the Borough Work Crew to get a quote for the lumber to finish the loft and they got a quote from Juniata Lumber of just under \$2,100.00.

**Corsnitz/Bomberger:** motion to allow Ms. Roche to direct the Borough Work Crew to spend up to no more than \$2,500.00 to complete the Hickory Street Building loft – PASSED

### **Question**

Mr. Bomberger asked if the loft is to be done before the concrete work or after. Mr. Corsnitz replied, "After."

Mr. Corsnitz said the Borough received three quotes for the concrete work. The low bid is for \$6,750.00 from Pro-Lawn of Newport; the second quote is from Brian Smith of Millerstown for \$12,991.00 and the third quote is from Phillip Hallmark of Duncannon for \$14,350.00. President Hammaker asked how many yards are there. Mr. Corsnitz said a total of forty to forty five yards. President Hammaker said Mr. Corsnitz needs to make sure the Borough gets what was specified. Mayor Conrad asked if all the companies are fully insured. Ms. Roche replied, "Yes."

**Corsnitz/Bomberger:** motion to award the Hickory Street Building concrete work to Pro-Lawn out of Newport in the amount of \$6,750.00 based on the fact that Council puts in writing exactly what the Borough is getting and watch as the work is being completed to make sure the Borough is getting what they are paying for – PASSED

### **Discussion**

President Hammaker said he believes Ms. Roche can get Certifications from the Batch Plant of what is being delivered to the Borough and he said to make sure the Certifications are delivered to the Borough that they are getting the 4,000 PSI (Pounds per Square Inch). Mr. Bomberger said he would like to see the tickets.

Mr. Corsnitz reported that he noticed on the list for the American Patriot Flag Campaign one of the flag poles that is not sponsored is located at Clark and Market Streets. Since the Borough owns the property where this flag pole sits, would it be inappropriate for the Borough to sponsor one of their flags. Mayor Conrad thinks Council should wait to see if someone else might want to sponsor it.

### **Questions**

Mr. Nace asked when electric bills are generated, are they based on estimation occasionally or a read every time. Ms. Roche replied, "Reads." Mr. Nace said so every month someone goes out and reads all the electric meters. Ms. Roche replied, "Yes." Mr. Nace said he thought at one point estimation was done years ago. President Hammaker said estimations were done for the water reads years ago before the Borough had remote reads on the water meters and if the meter reader couldn't get into the basement they would do an estimate and then when the reader could get into the basement they were correct. Mr. Corsnitz said they are also read monthly.

## **PARKS & RECREATION**

Mr. Williams reported the following are activities the Parks and Recreation Board are planning:

1. Egg coloring on April 12<sup>th</sup> from 4:00 pm to 6:00 pm for the ages of 2 to 10.
2. Car Show on July 13<sup>th</sup> at Cooper Field, time to be determined at a later date.
3. Open the playground up from June to August, two days a week in the mornings.
4. Oktoberfest is in the planning.
5. A Halloween Parade.
6. Two town-wide picnics, one to start off the summer and one at the end of the summer.
7. One or two movie nights at Cooper Field.
8. Bus Trip to Baltimore, Maryland.

Mr. Williams would like Council's blessing for the Parks and Recreation Board to have their own fundraisers to raise money to support at least 90% of the planned activities.

## **Questions**

Mr. Bell asked where the egg coloring is going to be held. Mr. Williams said in the back of the Borough Building.

Mr. Corsnitz asked if the Recreation Board has its own checking account. Mr. Bomberger replied, "Yes." Mr. Bomberger said it's managed like the Flag Campaign Account, it's a separate entity and there are no public funds in it so there are no mixtures of monies. He said this was started when the Recreation Board did bus trips before and was set-up a couple years ago.

President Hammaker asked Mr. Williams to clarify the term he used earlier, "Council's Blessing." Mr. Williams said he would like a motion and vote that Council is okay with the events the Recreation Board is planning. President Hammaker said it was discussed that for the playground program the insurance carrier will have to be talked to. Mr. Williams said the insurance carrier was already contacted and the Borough is fully insured. Mr. Williams said anyone who is involved with the children there is a background check done and this is already in the process. President Hammaker asked if the playground program is only for Borough children or open to all children. Mr. Williams said the playground program will be open to the children who show up. President Hammaker asked what will happen if Council commits to the programs and the fundraising doesn't come in, in other words Council will be spending money up front. Mr. Williams said the first four events and the bus trip are already taken care of funding wise, because they will generate their own money. President Hammaker said this is the egg coloring, car show (Mr. Williams interrupted and said the car show should generate its own money). President Hammaker asked about the funding for the playground program. Mr. Williams said the playground program is 90% free, because the girl who is putting this program on will be supplying the materials. President Hammaker said and Oktoberfest is the fourth event. Mr. Williams said he moved the bus trip up to number four of the planned events. Mayor Conrad said if the bus trip looks like it will lose money he can cancel it. President Hammaker said he just wanted to be clear, because the Recreation

Board is moving forward in a positive direction without a lot of money budgeted and he doesn't want Council to get into a position where their pickled, because the fundraising didn't happen or money didn't come in and they have to scramble to try to find money to back it up. Mr. Williams said if it would come to that point the Recreation Board would not proceed with the function.

**Williams/Bell:** motion for the Recreation Board to proceed with the following events; egg coloring, car show, playground program, Oktoberfest, Halloween Parade, two town-wide picnics, two movie nights, a bus trip and the ability to raise funds by having fundraisers – PASSED

### **Discussion**

Mr. Nace asked if it is correct that the playground program that his wife would be involved in is not a compensated position, but a volunteer position. President Hammaker replied, "Right."

Mayor Conrad said there will also be "National Night Out" to think about.

Mr. Bomberger responded to Mr. Nace's question regarding the playground program. He said if Council would have a playground program at the park again, it would be in the terms of a contract and the person working at the program would be a contractor to the Borough. The reason for this is because the Borough got burnt a couple years ago on their unemployment compensation insurance. Mr. Bomberger said a certain individual worked at the playground two weeks out of the year and when this individual put in for unemployment compensation from a different job that she worked nine months a year at the Borough got smoked on it, because she was at the Borough for two weeks. Mr. Nace said this should be based on an income over an eighteen month period. Mr. Bomberger said the two weeks fell into the eighteen month period. He said if the Recreation Board wants to go down the path of having paid help, the Borough will contract the individual for the service they will be providing, the amount they will be paid and the amount of time they will be working and then cut the check for the amount and be finished. Mr. Nace said his intention was to bring forth on the record, because Mr. Bomberger questioned earlier Mr. Nace's vote on Tonya Nace's appointment on the Recreation Board and Mr. Nace wanted to verify and clarify that Tonya Nace is not being compensated for this. Mr. Bomberger said he just wanted to clear up that it is a different mind-set as opposed to taking on a part-time employee for a specific period of time; it's advantageous to the Borough to contract this service.

Mr. Williams said the Recreation Board was asked by parents who take their children to Cooper Field about restroom facilities. They said when they are at the park and their child needs to use the potty, they have to take the child home because the restrooms are locked at the park. Mr. Williams said the restrooms have to be locked due to vandalism. The Recreation Board checked with five companies on getting portable restrooms for the park. Mr. Williams said he would like Council's help with the fee for the portable restrooms. Associated Products out of Mechanicsburg had a very good price of \$99.00 a month for a handicapped unit. Mr. Williams said the Recreation Board is looking at having the portable restroom at the park from May to the end of September. Mr. Bomberger asked how often the portable restroom is serviced. Mr. Williams said once a week. Mr. Corsnitz asked if Associated Products has a way of keeping the portable restroom from being tipped.

Mr. Williams said he was contacted by Floyd Wise who asked if he could borrow six to eight barricades for the Sled Fest that is April 26, 2014. Mr. Wise guaranteed Mr. Williams that the barricades would be used in the Sled Work's parking lot. Mr. Williams told Mr. Wise that he would bring the matter up at the Council Meeting so Mr. Wise did not have to attend the meeting. Mr. Wise would need the barricades for set up of the Car Show which will be done on April 25, 2014.

Ms. Roche said that she does not see a problem with lending the barricades to Mr. Wise as long as they are not being used by the Borough.

**Williams/Nace:** motion to allow Floyd Wise to borrow between six and eight barricades from the Borough pending that the barricades are not being used by the Borough at the time of the Car Show. - PASSED

## **PERSONNEL**

Mr. Bell has nothing to report at this time.

## **PUBLIC SAFETY & STREETS**

Mr. Eppley reported that Ms. Smith is working on a consolidated Ordinance for the Snow Emergency Route. Mr. Eppley said he and the rest of his committee will then go through the Ordinance and take out what is no longer needed and add what needs to be included.

Mr. Eppley said he did not schedule a Police Meeting but will go back and check on how often the meetings are to be held.

**Eppley/Bomberger:** motion to pay Penn Township Police Department \$41,848.50 for April, May, and June's Contracted Police Services. – PASSED

Mr. Eppley asked when the signs will be placed on Ann Street for No Parking during the Market Street Bridge Project. President Hammaker doesn't see an issue with handling this matter at tonight's meeting. President Hammaker said that Asbury Church and the Presbyterian Church have agreed to allow residents to park in their parking lots during construction with the exemption of Sunday's. Mr. Bomberger and Mr. Eppley said that Council is only going to have no parking on one side of Ann Street. Mr. Bomberger said the reasoning for this was to give enough room on Ann Street in case of an emergency and the Fire Company needed to get through. Ms. Smith said that if the signs are "temporary" then no Ordinance is needed. Mayor Conrad asked if we could notify the residents on Ann Street by mail of the change in parking. Mr. Eppley said the idea was to post the no parking signs a month before the restriction takes place. President Hammaker said that the first batch of signs that go out should read "there will be no parking on this street during the Market Street Bridge Construction Closure which is anticipated to be June 1<sup>st</sup> through September". President Hammaker said then when it is time to put up the "no parking" signs the signs can just read "no parking on this side of the street". Ms. Roche said that this process makes sense to her.

**Eppley/Bell:** motion to prepare Ann Street for one sided parking. – PASSED

Mr. Eppley asked if the Borough would need a road study if Penn Township and the Borough agree to post Butchershop Road with a sign that reads "Bridge Posted for 10,000 pounds ahead". Mr. Rogalski said the signs can be placed but in order to enforce the weight limit a survey would have to be done to come to a weight limit.

## **INFRASTRUCTURE ASSESSMENT**

Mr. Nace reported that the committee met on February 25, 2014. Mr. Nace said that the status of bills paid needs to be updated in order to keep track on the RICH Plan scorecard. Mr. Nace said that the Comprehensive Plan also needs to be brought current. President Hammaker said that

Council will give Ms. Roche some time to look for the Comprehensive Plan. Mr. Nace said that the website content has a world of potential to make things available to our community. Mr. Nace said that the UCC (Uniform Construction Code) and Floodplain Management were briefly discussed at the February meeting. Mr. Nace asked Mr. Bomberger about the digital copy of the Codification Book. Mr. Bomberger said that the Borough paid for a digital copy but General Code keeps it and would provide the Borough with a link to the material for viewing online. Mr. Bomberger said the whole idea was to put the link on the Borough Website so that residents can look at the Ordinances.

Ms. Smith said she wanted to go back to the Comprehensive Plan. Ms. Smith said that the Comprehensive Plan will not give Mr. Nace a Capital Improvements Plan because it is a Policy Document on Land Use. President Hammaker said he has all the information for bringing the numbers up to date and should have everything ready by the next meeting to update the figures.

### **SPECIAL SESQUICENTENNIAL COMMITTEE**

President Hammaker reported the next meeting will be April 24<sup>th</sup>, 2014 at the Duncannon Borough Building at 7:00 pm.

### **NEW BUSINESS**

#### **KEN HILBISH – 624 NORTH LINCOLN STREET – ELECTRIC RATE FOR WHOLE HOUSE**

President Hammaker said he was cornered in the Borough Office by Ken Hilbish who was asking about the All Electric Home Rate. President Hammaker started looking at the Tariff paperwork that he had. Mr. Hilbish has since filled out a Citizen Complaint Form asking for the status of his electric for the All Electric Home Rate. President Hammaker said that he found in the Duncannon Borough's Tariff that an All Electric Home Rate has a declining rate per kilowatt. Mr. Hilbish told President Hammaker that he had this rate previously, then went to a wood burner. Dan Rapp then told Mr. Hilbish he could no longer be on the All Electric Home Rate due to using a wood burner. Since then Mr. Hilbish has removed his wood burner and is now using a heat pump so he would like to be put back on the All Electric Home Rate. President Hammaker said he is struggling with finding the most up to date information. President Hammaker said that he is assuming that the Borough has homes that are all electric. Mr. Bomberger said, "Absolutely". President Hammaker feels that since Mr. Hilbish has gone back to an All Electric Home then he should be eligible for an All Electric Rate. Ms. Smith asked if Mr. Hilbish's wood burning system was a supplement to his All Electric Home. President Hammaker said Mr. Hilbish basically stopped using electric heat and started using a wood burner. Mr. Williams said Mr. Hilbish should have just kept the electric heat as primary and the wood burner as back up and then he would not have had to change his status. Mayor Conrad feels that the Borough needs to look at the electric rates. Ms. Smith said that the Borough can change their electric rates at anytime for Borough Residents but cannot for the Penn Township Residents that are provided electric from the Borough. President Hammaker said that he assigned Mr. Hilbish's Whole House Electric issue to Ms. Roche. President Hammaker said that at this point this is just a matter that can be handled administratively. Ms. Roche is to place Mr. Hilbish's residence back on the Whole House Electric Rate.

#### **109 CUMBERLAND STREET – OWNER IS RICHARD BLUMENSTEIN**

---

Approved – March 18th, 2014

Mr. deChamplain said that on February 27, 2014 he received information from Paul Liddick regarding unsafe conditions at 109 Cumberland Street. Mr. deChamplain went to the address and found that the building was in poor shape. At that point Mr. deChamplain took photographs of the property. Mr. deChamplain said sections of siding are missing, the fire escape was blocked with trash, and there is no rain spouting on the building. Mr. deChamplain suggests getting administrative warrants to inspect the interior of the building. Mr. Nace asked if the building is inhabited and Mr. deChamplain said "yes, which concerns me". Ms. Smith said that the Borough needs to offer to the judge grounds for an interior inspection. The Ordinance requires that if it is reported to a Borough Official that a building is dangerous or dilapidated then Borough Council shall have an examination made of the building. If after the examination is conducted there is reason to believe the building is dangerous or dilapidated then the individual who performed the examination would give a written report to Council. At that point Council would set a hearing for the property owner to be able to dispute the particular finding. Ms. Smith said the exterior of the building may be sufficient to fall within the Ordinance. Mr. deChamplain said that the piece of roofing that came off during the high winds landed on the sidewalk. Mr. deChamplain said that on the rear of the building the foundation is rotting. On the street front of the property the main roof is starting to detach from the building. President Hammaker said that he recommends using Land and Sea to inspect the interior and exterior of the building.

**Williams/Bell:** motion to have an internal and external investigation of 109 Cumberland Street to be completed by Land and Sea pending an administrative warrant. – PASSED

### **215 NORTH HIGH STREET – OWNER THERESA PAINTER**

President Hammaker said that the window lentils on the second floor and the bricks above them are collapsing. The roof has a hole in it above the second floor window. The trellis window above the main entrance is collapsing. Mr. Bell said that Glace was involved in notifying the Borough of these issues.

**Bell/Eppley:** motion to acquire an administrative warrant for 215 N. High Street and have Land and Sea complete the interior and exterior inspection. – PASSED

### **ROLLER FROM DUNCANNON LIONS CLUB**

Ms. Roche said she was approached by Dave Keen last week about the Duncannon Lions Club obtained for free. The Lions Club does not use the roller much and has offered to allow the Borough to use the roller. However if something would be broken on the roller the Borough would be responsible to make the repairs. Mr. Bomberger said that he prefers the Borough rent a roller.

### **PP & L/FERC SETTLEMENT**

Ms. Smith said the Borough now has the finalization of the settlement terms for the PP & L/PERC Litigation. As part of the settlement term there was an adjustment to the Municipal Providers Benefits relating to the PP & L Transformer. The outcome is that there is a drop from a \$116,000.00 credit to the Municipal bodies that the Borough would have shared with the other Municipalities as part of the settlement return to only \$25,000.00. Basically the Borough's total value comes to about 25%. Ms. Smith counsels that the Borough accepts the modified settlement. FERC also needs to know when the Borough would be available to sign off on the Final Settlement.

**Williams/Bomberger:** motion to accept the terms of the FERC Settlement. – PASSED

**Williams/Bell:** motion to authorize the President of Council or the Borough Manager to be signatory on the final document. – PASSED

Mayor Conrad reported that he received the Mayor's of Association Membership and thanked Ms. Roche for taking care of that matter for him. Mayor Conrad also announced that there is now a new resident in Duncannon; Mr. Nace welcomed a baby girl with his wife Tonya.

President Hammaker said he went through the electrical inspection process with Pennoni. President Hammaker said he heard from a few residents and electricians that the electrical inspection fee is high; \$25.00 building permit and \$100.00 inspection fee. President Hammaker said that he agrees that the fees are a little steep. He thinks Council needs to take a look at the fees. President Hammaker said that he also feels that the Borough needs to have better information on how the process works for the citizens because the paperwork and the application don't necessarily link up with the way it really is.

President Hammaker said that the Borough joined the Humane Society in January. President Hammaker said that the residents at 410 Prospect Avenue collected three kittens and one mother cat. The animals were taken to the Humane Society and the cost was \$540.00. President Hammaker said the Humane Society will bill the Duncannon Borough and then the Borough will submit the bill to President Hammaker. He does not know that this program is going to benefit the Duncannon Borough because of the high fees. Mr. Bomberger said the alternative is not having a place to take the animals. Mr. Nace asked what the terms are for the Humane Society Contract. President Hammaker said it is for one year. President Hammaker said that he suggests the Borough not issue any vouchers to residents without first receiving payment from the resident.

Mr. Corsnitz advises Council that he and his wife have purchased a house that is in Silver Springs Township. Mr. Corsnitz then gives Council Members his resignation that is effective March 31, 2014. He said he is not leaving the Borough unhappy; he loves it here. However he has parents that are getting older and the property that he purchased has an apartment. The goal is to move his parents in with him so he can take care of them.

### **Clarks Ferry Tavern**

President Hammaker reported that on April 6, 2014 at 3 pm at the Presbyterian Church the Archaeological group will be presenting the Clarks Ferry presentation. Ms. Smith will also be presenting on the historical marker.

**Bell/Williams:** motion to adjourn at 2353 hrs. – PASSED

Respectfully Submitted,  
Lisa Shearer  
Duncannon Borough Secretary