

**BOROUGH OF DUNCANNON  
COUNCIL MEETING MINUTES  
August 19, 2014**

**Members Present:** President Duane Hammaker, Frank Eppley, Roger Williams, Kraig Nace, Michael Bomberger, Gerald Bell, and Mayor Jack Conrad

**Members Absent:** Fred Lauster (informed Mr. Hammaker he would be absent due to illness)

**Others Present:** Solicitor – Susan Smith, Borough Manager – Lynn Roche, Engineer – Ron Brown, Tom deChamplain – Codes Enforcement, Officer Kurtz from the Penn Township Police Department

**Citizens Present:** Sean O'Shell, Kathy Smith, Sean Sauro, Gary Hilbish, Mike Grogan

President Hammaker opened the meeting at 7:30 pm on August 19, 2014 with a moment of silence followed by the Pledge of Allegiance to the American Flag.

**Minutes:** Bell/Eppley: Approve July 15, 2014 minutes; as corrected – PASSED

*Page 3, Solicitors Report, Line 2- Change Council to Counsel. Last Paragraph, Solicitors Report – Ms. Smith informed the council 'that' replacing 'the' and 'for information' replaced by 'if responsive'. Page 4, line 4, PC replaced with PESI.*

## **RECOGNITION OF CITIZENS**

**Bill Hobbie** - Not Present.

**Sean O'Shell** - Discussed a recent incident on the Appalachian Trail leading to Hawk Rock. A man defaced rocks and trees along the trail and left a table and chairs at Hawk Rock. The police have been notified. Mr. O'Shell was curious about the penalties for this type of offense. It is unclear if this may be National Parks jurisdiction. A photo of the accused is available on the Duncannon ATC website and he asks that anyone who may be able to identify him please contact the police or the Duncannon ATC.

Mr. O'Shell also addressed a dumpsite next to the Stack at the borough watershed. He would like to organize a group to accomplish the clean-up. The borough has permission to pass through private property to gain access with a vehicle and Mr. O'Shell can work with Ms. Roche and Michael Criley to move this project forward.

**Gary Hilbish** – Inquired about use of borough watershed property for ATV riders. He provided a proposed application, cost and a specific list of rules. He asks that council consider this proposal and he will return at a later date. Mr. Hammaker stated that it will be reviewed and that questions may arise.

## CORRESPONDENCE

**PPAC Audit Letter** – Purchase Power of Adjustment Charge statement through PUC for the 12 months ending January 2014. The filing from June 9<sup>th</sup> has been deemed an adequate filing. Mr. Hammaker stated that according to the letter we are on the right track and that the cost adjustment has been done correctly as of January 2014.

## REPORTS

**Mayor's Report** – Written Report attached.

**Police Report** – Officer Jeff Kurtz introduced himself to council as a new officer to the force.

### **Secretary/Treasurer's Report**

**Bomberger/ Williams:** Motion to approve report as presented, subject to audit - **PASSED**

**Borough Manager's Report** – written report attached. Insurance Services Office summaries provided to council. Certification training consists of book study and Ms. Roche is looking into training for the borough staff.

Ms. Roche stated that she has attended numerous meetings regarding the property at 216 Church Street. Efforts are being made to locate the property owner. The Fire Marshall has not yet made a determination on the cause of the fire.

Ms. Roche brought attention to the need of a more secure back door for the Borough Building. Hershocks Inc. gave a quote for replacement of the door for \$3,121.00.

The parts for the repair of the streetlights on the square are obsolete. Ms. Roche offered a flyer showing an LED lighting adaption option. This would allow for lighting without replacing the entire pole structure.

**Questions for the Borough Manager** - Mr. Nace asked if Ms. Roche could have someone look at the manhole on Ann Street. It looks as if the surrounding surface may be breaking up.

Mr. Bomberger suggested that the front door has some problems and should also be looked at by Hershocks.

Mr. Nace also questioned the no parking sign on Clark Street. It was determined that the sign is not accounted for in the ordinances. Because it is not accounted for in the ordinances, it will most likely need to be taken down.

**Nace/Williams** – motion to replace the back doors as quoted by Hershocks and have them check the front door - PASSED

### **Bills to Be Paid/Ratified**

Three pages of bills to be ratified were presented as well as 2 pages of credit card expenses

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

**Solicitors Report** – Solicitor Smith stated that she has been working on inquiries into the property at 216 Church Street. 215 N. High Street was investigated and a report was provided by Land and Sea Services. 18-28 N. Market Street Properties had been determined to be dangerous and dilapidated, and a next step should be considered. She had spoken to the cities of Harrisburg, Philadelphia, and Pittsburgh about their procedures for dangerous and dilapidated structures. Unless the borough is willing to put out money, there is not much aggressive action to be taken on cleanup of the properties. Additional information from the property owner at 109 Cumberland Street should be forthcoming within the next 15 days.

Solicitor Smith received a sample skateboard ordinance from chief Pickles. She will provide a draft for review.

There are still RTK matters to be completed. Prepayment estimates must be completed within the first 5 days after the request is submitted. If you do not request prepayment, you must still produce the documents. However the requester can walk away if they deem the cost to high.

FERC settlement has gone nowhere.

Attorney Bailey has not withdrawn from the Breslin case though he has been disciplined and cannot practice by virtue of an order from the Supreme Court of PA and the U.S. Supreme Court. The three federal district courts have not yet concluded the process of discipline.

Ms. Smith is negotiating with PMRS (Pennsylvania Municipal Retirement System) and hopes to have a revision of the ordinance by next month.

She is working with the Penn Township municipal Authority with respect to the monies issues.

She is monitoring the Sunrise litigation, a brief is due at the end of the week but a request for extension is expected. Ms. Smith is working on the Clarks Ferry Tavern National Historic Register application. She has provided the streets ordinance revisions for review.

**Engineer's Report** – Mr. Brown stated that the Sanitary Sewer reconstruction project for Market Street between manholes 144-146 is completed except for the final paving. This paving was originally scheduled for spring of next year, however it is very rough and therefore they hope to move paving up to this fall. A deflection test will be done in 30 days and if it is good, final paving will be done soon thereafter.

Mr. Brown brought a certificate of payment for the Market Street Sewer Project for the Shiloh Paving & Excavating Company. This would be the first installment of payment on the completed project. The project had some unexpected interference with the waterline having shifted and the contractor had to shift his ditch as well to avoid it. That cost is part of the 'extra work' he is asking for. They also had to use extra aggregate to fill the extended ditch. The square yards of paving will also be more than anticipated due to the shift of the ditch. Due to the moisture in the ditch they also had to undercut and remove a large amount of silt and sand material that had to be replaced by more stable materials. Shiloh is in the process of determining an additional request for funds to cover the additional costs. The timeline of next year's sewer project is being considered with school, Sesquicentennial, and the Cove mountain project being taken into consideration.

**PESI** - Written Report attached

**Codes Enforcement** – Mr. deChamplain said that he investigated 15 reportable incidents and 10 minor incidents. Violations include: Tall grass and weeds, trees, trash, nuisance vehicles. Citations were issued where appropriate.

Street sweeping has been reinstated now that the Market Street sewer project has been completed. Mr. Nace asked Mr. deChamplain if he has had any complaints regarding 630 High Street. Mr. deChamplain replied that he has not.

Mr. Bomberger had a question for Mr. Brown regarding building permits and the processes. Ms. Smith stated that Pennoni should send reports of building permits issued and the status of building permits to the manager. The Manager should then be communicating the reports to the proper entities. Mr. Brown will see that the reports are sent from now on.

**Break** – 8:49PM – 9:05PM

## **UNFINISHED BUSINESS**

### **Delinquency/Terminations Policy**

No Action

**18-28 N Market Street Properties** – These properties were determined to be Dangerous and Dilapidated under our ordinance. They have been vacated, but no work has been done to improve the properties. At the point in time the property owners are in violation of the council determination under that ordinance. Mr. Bomberger would like them to be considered separate entities as 18-20 is owned by Kirk Nace and 22-28 by EK Ventures. The Redevelopment Authority is concentrating their monies on residential owner occupied properties. The borough could exercise powers of eminent domain; however this may not be financially possible. Act 90 offers an option that is very aggressive. Act 90 gives the borough the option of doing restoration work and then liening the property for work done. Other assets of the property owner can be liened as well, whether within the borough or not. Considerable monies will be spent to accomplish this, it is an expensive process. The determination of Dangerous and Dilapidation was in September of 2012, leaving almost two years of inactivity. Mr. Hammaker asked for an idea of legal costs if we were to consider property rehabilitation and pursuing the owner's assets.

Kathy Smith asked if the liens had been updated to current status so that all monies owed to the borough are covered.

**2009 Edition of the International Property Maintenance Code** – Still in review.

Solicitor Smith Commented on an ordinance in effect in Philadelphia called the Doors and Windows ordinance. This ordinance states that all properties must have doors and windows and is strictly enforced. This cuts down the blight appearance as wood coverings are not acceptable. The city of Harrisburg has a policy that all utilities are shut off in the event of a flood and they are not restored until a re-entry team goes into every flood impacted building to determine that it is safe. This is primarily an electrical inspection, but while inside of a property they can document the condition of the building. This is a policy that could be implemented in the Borough.

## **COMMITTEE REPORTS**

**ADMINISTRATION, FINANCE & IT** – There will be a report ready for review in next month's packet. An issue with Tax has been taken care of.

**FLEET, FACILITIES & UTILITIES** – No meeting.

**PARKS & RECREATION** - Mr. Williams reported that the tentative date for the Halloween parade is Saturday, October 25<sup>th</sup> at 6:30 PM. Mr. Williams is looking for permission to close the square from 4-10PM and Market Street from the Old Sled Works to Wheeler field from 5:00PM to parade end. He inquired if a peddler's license would be necessary for anyone selling balloons along the parade route. A license is necessary and the cost is \$25 for one day. Mr. Williams also thanked everyone for helping to make National Night Out a success.

**Williams/Nace** – Motion to close Market Street from Maple Street to Walnut Street from 4:00PM – 10:00PM and Market from Rachel to the Square, 5:00PM until parade end on October 25, 2014 - PASSED

**PERSONNEL** – No report

### **PUBLIC SAFETY & STREETS**

Mr. Eppley said the committee continues to work through the street ordinances and has a meeting planned for Wednesday, August 21, 2014. Mr. deChamplain requested that he be included in future meetings. Mr. Eppley would like to extend the yellow line on the corner of Ann and Church Streets. That change can be covered in the updated ordinances under parking regulations.

Mr. Eppley requested that a new Whacker be purchased for the work crew. They have not had one for at least a year and a half. The approximate cost is \$2000.00. Mr. Bomberger suggested that the purchase be budgeted from the Water account as they would be the primary users and other funds rent the equipment. This would help to track usage.

**Williams/Eppley** – Motion to purchase a whacker from the water account, cost not exceed \$2500.00 –PASSED. Mr. Bomberger opposed

Mr. Nace expressed appreciation for work done on the streets.

**INFRASTRUCTURE ASSESSMENT** - Mr. Nace reported there was no meeting last month but there is one upcoming.

### **SPECIAL SESQUICENTENNIAL COMMITTEE**

President Hammaker reported that things are going well and that an oval sticker with the LOGO by Scottie Brown will soon be available for purchase. A grant application has been prepared and sent to the Susquehanna Greenway Partnership on behalf of the borough for signage in correlation with the Sesquicentennial Celebration. The Sesquicentennial Facebook page is sharing an old photo per day and it has been very well received.

## NEW BUSINESS

**NSF Fee** – Solicitor Smith has drafted a proposal to change the NSF fee. The borough charges \$20.00 for a returned check; however the bank charges the borough \$35.00. Ms. Roche will work out the details of the actual cost of a NSF check to prepare a resolution to the ordinance. This may include the bank fee, postage, time. Etc.

**Nace/Bell** – motion to set a public hearing with the understanding that the ordinance will refer to a resolution for the fees and not a fixed amount - PASSED

**216 Church Street** – This house burned on Saturday, August 2, 2014. A fire Marshall has been there but a conclusion has not been reached. The street has been blocked and roped off from the public. The owners on record are Alex and Theresa Painter and they have not been located. Ms. Painter's most recent address is in Harrisburg, but she is no longer residing there. We already have a lien on the property. Options include leaving it blocked off as it is, take action to push the wall into the site so that it cannot collapse out, or seek an administrative search warrant to clean up the property at borough expense. The only way to recover that cost is to lien the property for this new amount. The mortgage of the property already exceeds the value.

**Williams/Nace** – motion to notify the State Police Fire Marshall of our intent to move forward with the administrative search warrant for the purpose of demolition. Upon receipt of the warrant we will proceed with the demolition using the BWB bid of \$6900.00. FAILED with a roll call vote: No votes – Mr. Eppley, Mr. Bomberger, and Mr. Bell. Yes votes – Mr. Williams, Mr. Nace.

**Bomberger/Williams** – motion to engage the Fire Marshall to see if the investigation is complete and then proceed with the administrative search warrant not to exceed one year with the purpose of demolition if and to the extent deemed necessary . PASSED with a roll call vote: Yes votes – Mr. Eppley, Mr. Williams, Mr. Nace, Mr. Bomberger, and Mr. Bell. Zero No votes.

**215 High Street -** Discussion to determine whether or not to begin Dangerous or Dilapidated proceedings under ordinance 258 codified as 90. Land and Sea report provided. A second report has been provided with photographs by Mr. deChamplain the codes enforcement officer. The report stated that it was of the 'first observations' of the property, it was changed to reflect that it was the 'most recent' observations. The conditions of the building have deteriorated since the Land and Sea report due to recent storm events.

**Bomberger/Nace** – motion to schedule and properly advertise a public hearing regarding 215 High Street under the Dangerous or Dilapidated ordinance for 7:00PM on September 16, 2014. – PASSED with a roll call vote. Yes votes: Mr. Eppley, Mr. Williams, Mr. Nace, Mr. Bomberger, Mr. Bell. Zero No votes.

Solicitor Smith would like the owner/owners confirmed to ensure proper notification. Spouses are to be notified separately.

**Certificate of Payment- Shiloh Paving** –

**Bomberger/Bell** – motion to pay Certificate #1 to Shiloh Paving for the sum of \$113,497.51 – PASSED

Solicitor Smith requested that the check clearly identify the certificate # and the date.

## CLARKS FERRY TAVERN

**Work Day** – Mr. Hammaker commended the Scouts for their hard work and a job well done at the Tavern and said that they discovered two additional fireplaces and wide wood planking in the walls while doing Demo work.

### CITIZEN ACTION

**Cassandra Barrick - Ms.** Barrick had a broken hot water heater causing her sewer bill to be much higher than her normal average. She has asked council to adjust the bill as the water did not enter the sewer system.

**Nace/Williams** – motion to change policy for sewer correction minimum from \$500 to \$200.  
PASSED

**Nace/Bell** – motion to apply the updated sewer correction policy to the bill of Cassandra Barrick -  
PASSED

**Bell/Eppley:** Motion to adjourn at 11:00 PM. – PASSED

Respectfully Submitted,  
Kathy Bauer  
Duncannon Borough Secretary