

**BOROUGH OF DUNCANNON
COUNCIL MEETING MINUTES
September 16, 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 Dory Thompson from the Penn Township Police Department

Citizens Present: Joe A Burget Jr., Tim Auxt, Tricia Moench, Kathy Smith, Clarissa Pyle, Lisa Shearer, Heather Audet, Sean O'Shell, Lisa Landis, Christie Young, LeaAnne Clugston, Gary Hilbish, Nancy Gavin, Harry & Nancy Baker, Sean Sauro

President Hammaker opened the hearing for 215 High Street at 7:00PM – Verbatim Minutes.

President Hammaker opened the meeting at 7:33PM on September 16, 2014 with a moment of silence followed by the Pledge of Allegiance to the American Flag.

PUBLIC HEARING- Ordinance #313 – Increasing the ISF(Insufficient Funds) charges from \$20.00 to \$35.00– Verbatim Minutes.

Minutes: Bell/Eppley: Approve August 19, 2014 minutes; as corrected – PASSED

Page 2, Questions for the Borough Manager, line 2 – should read, "It looks as if the". Page 3, Mid page – PMRS=Pennsylvania Municipal Retirement System. Page4, 18-28 N Market section, line 7-Change "Act 90 offers and" to an. Page 5, Parks and Recreation, NNO=National Night Out. Last line in Public Safety and Streets, remove the word would.

RECOGNITION OF CITIZENS

Tim Auxt, Heather Audet – On September 3rd, 2014, Mr. Auxt and Ms. Audet came home to find sewage backed up throughout their home. Back-up was blown out of toilets and sinks and tracked throughout the house by family pets. They were told by the contractors, the engineering firm, and Penn Township that they had been given permission to work on the lines by the borough manager and various council members. Ms. Audet reported that black water was coming from the spigots in her home today as well. Mr. Hammaker said that no one came before the board to get the necessary permissions to do invasive work in the sewer lines. He contacted Engineer Brown and Penn Township and they had not given permissions either. Naztech was the company responsible for the flushing and televising, Alpha Consulting was the engineering firm, and Fishing Creek Valley Associates the developer. Ms. Roche had given permission for Naztech to use water at some future point in time. Pennoni was also contacted about a future project still in the planning stages. None of these companies had come back with specific information, nor did they seek the proper permissions from the Borough Council to proceed with any project. Alpha Consulting has worked in the borough

before and knows proper procedures. Mr. Auxt and Ms. Audet were offered professional cleaning services by Alpha Consulting and they refused it. They were also given a gift certificate as an apology. Ms. Smith explained that the responsibility lies with Nastech, Fishing Creek, and Alpha. The Sewer Authority plans to take action and council will discuss further actions as well. It was explained that the market street sewer work that was done today should have had no effect on the water lines. The work done was surface work on curbs and sidewalks. Any darkness or sediment in the water should be reported as a separate issue.

Sean O'Shell – Mr. O'Shell came to report that the vandalism on the AT (Appalachian Trail) on the way to and at Hawk rock has been removed. Various clubs and AT groups came to Duncannon to be of assistance. The cleanup method was experimental, but worked well and the cleanup was a success. Mr. O'Shell would like to create signage in cooperation with the Borough to deter future vandalism. Lynn will search past minutes to find the AT transfer information to determine the status of the Duncannon portion and will contact Mr. O'Shell within 10 days.

Gary Hilbish – Mr. Hilbish asked for an update on the status of his ATV Club application proposal. Mr. Hammaker read him a letter from Dennis R. Meiser the consulting forester for Duncannon. Mr. Meiser is strongly opposed to the idea to allow an ATV club to operate in the watershed area. A copy of the letter will be provided to Mr. Hilbish. Information is still forthcoming from the DEP.

Nancy Gavin – Ms. Gavin of 928 Market Street voiced concern over damage done to personal property by Shiloh Paving Company while completing the sewer project. She wanted to know if a list had been compiled of those with damage. Engineer Brown said that he had been notified at the Sewer Authority meeting that damage had been done but did not have a list. Ms. Gavin had sent an e-mail to the manager in July stating problems. Specific damages need to be reported by home owners. Ms. Gavin said that her curb and driveway had been broken apart, and the entire front of her house had been muddied. Shiloh also left behind trash, debris, and rocks. She said Shiloh employees were constantly in violation of OSHA regulations and their work was shoddy. Engineer Brown plans to walk the length of the project and gave Nancy the option to join him and also meet with Shiloh. Nancy would like to be present when Shiloh completes the work on her property.

NEW BUSINESS

Joe Burget, Christ Lutheran Project-Eagle Scout Project - Mr. Burget submitted a plan for the work to be done on the Christ Lutheran Parking lot. Mr. Burget has volunteered his time create this plan to help in the completion of Jimmy Nelson's Eagle Scout project. The lot is a gravel lot at this time and rain causes ruts and washout. Jimmy will provide the work for the curbs and sidewalks and the borough will finish the inlets on each side. Mr. Bomberger was concerned with the maintaining the storm sewer on both sides of the street. The materials for the storm sewer can be purchased from Highway Aid, however this project is not something the borough crew will have time to complete before spring. Mr. Nelson would like to begin work on the Church Street and High Street portions and leave the Plum Street section until after the inlets are completed by the borough. The subject of runoff was discussed. The plan presented by Mr. Burget was previously approved by the Planning Commission.

William/Nace: Motion to approve the plan presented by Mr. Burget for the completion of Jimmy Nelson's Eagle Scout project - PASSED

CORRESPONDENCE

Wounded Warrior Project – Mr. Jim Chambers sent a letter outlining his project, “A year on the Appalachian Trail for America’s Heroes. He is garnering support from the towns along the AT. Information will be published in the fall/winter Duncannon Borough Newsletter.

Perry County Chamber of Commerce Membership – Mr. Nace recommended that council consider joining the Perry County Chamber of Commerce. He explained the many benefits of membership.

Nace/Williams: Motion to join the Perry County Chamber of Commerce at the cost of \$200.00 - PASSED

Renewal of Recycling Contract with Sylvester’s for 2014-2015 – No changes in the new contract.

Bomberger/Williams: Motion to renew the recycling contract with Sylvester’s for 2014-2015 – PASSED

Shiloh’s Excavating and Paving request for additional expenses – Mr. Brown presented the request from Shiloh Paving for an additional \$76,568.32 to cover extra expenses not covered in the original estimate. The Sewer Authority has requested a meeting with Shiloh to discuss these expenses. Mr. Brown explained the additional costs, most were due to the fact that the water line was not where it was expected to be, causing Shiloh to make the trench much larger than anticipated. Mr. Brown feels the costs are justified. Mr. Bomberger explained that he saw Shiloh using heavy equipment at times to save employees from having to do hand work. This is why some of the offshoots are so wide. This practice incurs unnecessary cost. Mr. Hammaker questioned the vehicle hours. Each piece of equipment is billed for the same number of hours as the number of hours for the operator. Are we being billed just to have them on site? Mr. Brown would like to set up a meeting with Shiloh to discuss this Contract Change Order and negotiate.

Sunshine Hills Water System Upgrade – Pennoni Associates Memo – Penn Township Authority has a project to replace the water lines on Sunshine Hill and as a result they are anticipating one additional EDU of flow to the sewer plant from the proposed filter backwash. Pennoni evaluated and came to the conclusion that the plant can handle the additional EDU. This correspondence is part of the planning process. Solicitor Smith expressed concern with DEP enforcement orders already in action with Sunshine Hills and advised council not to act until the results of that order are clear. She has concerns with contaminants entering the sewage system.

MMO report for PMRS reporting for 2015 – Standard correspondence to be considered each year.

Bomberger/Bell: Motion to accept the MMO(Minimum Municipal Obligation) for uniformed and non-uniformed officers report for PMRS(Pennsylvania Municipal Retirement System) - PASSED

BREAK – 10:08PM- 10:23 PM

REPORTS

Mayor’s Report – None

Police Report – Officer Dory Thompson introduced herself to council as a new officer to the force. Officer Thompson said that there will be officers on duty in town for the 2014 Halloween Parade.

Secretary/Treasurer's Report

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

Borough Manager's Report – written report attached.

Ms. Roche announced that Perry County commissioners awarded a \$242,719 Community Block Grant to Duncannon at their Sept. 15 meeting. Amy Davis of SETA-COG will be meeting with Ms. Roche and Mr. Brown to discuss plans.

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. Ms. Roche requested a motion to purchase a combination cobra and shoebox lights, 8 in total to relight the square.

Bell/Nace: Motion to purchase the lights needed from the Electric account – **PASSED**

The draining and cleaning of the standpipe was put on hold until after bridge completion, but should be addressed before the bid expires.

Bomberger/Williams: Motion to approve the draining and cleaning of the standpipe by Utility Service Company, Inc. at the cost of \$2850.00 - **PASSED**

Bills to Be Paid/Ratified

Two pages of bills to be ratified were presented as well as 1 page of credit card expenses

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

Solicitors Report – Solicitor Smith has been working on property issues with the Borough Manager as well as a response to the RTK (Right to Know) appeal.

The Sunrise challenge to PUC (Public Utilities Commission) has been withdrawn. The PPL matter has final settlement and there will be financial benefits for the borough as a result.

Ms. Smith worked on the streets ordinance with Mr. Eppley.

She is still tracing the money trail with Penn Township.

Ms. Smith discussed proposed federal legislation regarding a change to what is considered navigable waters in the U.S. The legislation has much opposition. Pennsylvania Law is already much more aggressive on this issue.

There is a state proposal that if you use outside inspection services, you would be required to use two separate inspectors for each job. This would be more costly for anyone using these types of service.

Mr. Nace requested that Ms. Smith review and update the borough peddler's license as it was written in 1970 and is out of date.

Nace/Williams: Motion to have the solicitor review and update the peddler's license from 1970 - **PASSED**

Engineer's Report – Engineer Brown presented a Certificate of Payment for Shiloh Paving for the Market Street sewer project. Both sewer authorities have agreed that this payment should be made. This does not affect the finishing work of the change order.

Bomberger/Bell – Motion to pay the Certificate of Payment for \$33,165.33 to Shiloh Paving - PASSED

Nace/Williams – Motion to have Engineer Brown draft a letter to Fishing Creek Valley Associates stating the displeasure of the Duncannon Borough Council with their recent actions – PASSED

Mr. Brown suggested drafting a permit for any outside contractor who may need permission to work within the borough water or sewer lines.

PESI - Written Report attached.

Codes Enforcement – Mr. deChamplain said that he investigated various reportable incidents and 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.

UNFINISHED BUSINESS

109 Cumberland Street, Richard Blumenstein - Mr. Blumenstein failed to report back with his plan of action for the property at 109 Cumberland Street. The next step would be to collect fines and penalties through the Court of Common Pleas.

Bell/Nace – Motion to begin the process of collecting fines and penalties for the property at 109 Cumberland Street through the Court of Common Pleas – PASSED with a roll call vote. Yes votes: Mr. Eppley, Mr. Williams, Mr. Nace, Mr. Bell. No votes: Mr. Bomberger.

18- 20 Market Street –

Bell/Eppley - Motion to begin the process of collecting fines and penalties for the property at 18-20 Market Street through the Court of Common Pleas – PASSED with a roll call vote. Yes votes: Mr. Eppley, Mr. Williams, Mr. Nace, Mr. Bell. No votes: Mr. Bomberger.

22 - 28 N Market Street Properties

Bell/ Nace- – Motion to begin the process of collecting fines and penalties for the property at 22-28 Market Street through the Court of Common Pleas – PASSED with a roll call vote. Yes votes: Mr. Eppley, Mr. Williams, Mr. Nace, Mr. Bell. No votes: Mr. Bomberger.

216 Church Street Property –

Bell/Nace – Motion to start the hearing process for the property at 216 Church Street – PASSED.

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

COMMITTEE REPORTS

ADMINISTRATION, FINANCE & IT – The 2013 Audit has been prepared for review.

Bomberger/Williams – Motion to accept the 2013 Audit as presented - PASSED

FLEET, FACILITIES & UTILITIES –

Bomberger/Nace – Motion to purchase the 10 foot Decanter Float and Seal Assembly from Sewer from Aqua-Aerobic Systems, Inc. Prepared Proposal #35967- PASSED

PARKS & RECREATION - The plans for the Halloween parade are progressing. Sponsors have been obtained and the parade will be a community funded event.

PERSONNEL – Pamela Winters submitted a letter of resignation to be considered in executive session.

PUBLIC SAFETY & STREETS – A meeting was held with the Penn Township Police Department. The department now has 11 officers on staff. This year's budget will be OK until the end of the year, but expect an increase for next year.

Eppley/Bomberger: Motion to pay the quarterly payment to the Penn Township Police Department as due - PASSED

INFRASTRUCTURE ASSESSMENT – Waiting on Resolution Information

SPECIAL SESQUICENTENNIAL COMMITTEE - A meeting will be held on September 18, 2014. The meeting will be held at the Borough building at 7:00. Anyone with photos of Duncannon and/or past events that they are willing to share, please bring them to be scanned.

NEW BUSINESS

AT Signage – Mr. O'Shell will make a draft for the sign requested to be considered at a later date.

215 N. High Street – Hearing and discussion continued for 30 days.

Planning Commission Appointment – Samantha Bissonnette has expressed interest in joining the planning commission.

Nace/Bell – motion to appoint Samantha Bissonnette to the Planning Commission - PASSED

CLARKS FERRY TAVERN

Mr. Hammaker stated that there will be a meeting of the Tavern Committee on September 25, 2014. The meeting will be held in the borough building at 7:00PM.

CITIZEN ACTION

Dutch Barrick – Mr. Barrick is asking for a reduction in his sewer bill. The bill is extremely high due to a leak at 229 North Market Street. Council discussed the fact that Mr. Barrick has not complied with a past court order and therefore the request will not be considered. A letter will be sent to Mr. Barrick requesting that he comply with the past court order.

Nace/Bell: Motion to table the citizen action request of Mr. Dutch Barrick until a later date - PASSED

Jeff Cotton – Mr. Cotton of 309 High Street has requested a reduction be made to his sewer bill due to a hot water heater leak.

Nace/Bell: Motion to apply the sewer correction policy to Mr. Cotton's bill if it meets requirements – PASSED

EXECUTIVE SESSION

Bell/Eppley: Motion to enter Executive Session to discuss potential litigation and one personnel matter. PASSED, Mr. Bomberger opposed

REGULAR SESSION

Nace/Bell: Motion to re-enter regular session – PASSED

Bomberger/Bell: Motion to move forward on the PMRS(Pennsylvania Municipal Retirement System) litigation and have Solicitor Smith prepare an ordinance to cover the contract year issue – PASSED

Nace/Bell: Motion to accept the resignation of Pam Winters – PASSED

Letter to Editor – Mr. Hammaker brought up a recent letter to the editor published in the Duncannon Record indicating that a Right to Know request was made by a council member for information regarding the Penn Township police department. The letter was submitted by a Mr. Fickle. Mr. Hammaker asked that the record show this was not a request or an action of the Borough council. Mr. Nace commented that he had made the RTK request when he was the Mayor and before he became a council member.

Adjournment –

Eppley/Bell: Motion to adjourn at 12:55AM, September 17, 2014 - PASSED

Respectfully Submitted,
Kathy Bauer
Duncannon Borough Secretary