

**BOROUGH OF DUNCANNON
COUNCIL MEETING MINUTES
October 21, 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: Sandy Baker, Tim Auxt, Kathy and Tim Smith, Sean O'Shell, Lisa Landis, Christie Young, Gary Hilbish, Harry & Nancy Baker, Sean Sauro, Greg Rogalski, Paul Smith, Evina Allen, Kevin Bissonette, Byron Worner.

President Hammaker opened the meeting at 7:30PM on October 21, 2014 with a moment of silence followed by the Pledge of Allegiance to the American Flag.

Minutes: A Duncannon Record article was discussed as it contains quotes from Council member Nace. He is quoted as saying that he has information regarding the sewage back-up at the Audet/Auxt household. That information was not provided to the entire council.

Bomberger/Bell: Motion to table the September 16, 2014 minutes until more information is obtained concerning the sewage back-up at the Audet/Auxt household. – PASSED with a roll call vote. Yes votes: Eppley, Williams, Nace, Bomberger, Bell.

Page 1, Public hearing – add Insufficient Funds after ISF. Page 2, Sean O'Shell – add Appalachian Trail after AT. Nancy Gavin – 3^d line from the bottom, change 'He' to Ron Brown. Page 4 – Borough Manager's Report, In the motion change form to from. Solicitors Report – add Public Utility Commission after PUC. Page 4 – 216 Church St Motion to start the hearing process for the property at 216 Church Street Page 7- Add Pennsylvania Municipal Retirement System after PMRS

President Hammaker Opened the hearing for Ordinance #397 – Increasing the ISF (Insufficient Funds) charges from \$20 to an amount set by Resolution. Verbatim Minutes.

President Hammaker opened the hearing for Ordinance #398 – Regulating traffic and Parking in the Borough. Verbatim Minutes.

President Hammaker began the continuation of the hearing concerning the property at 215 N. High Street at 7:49PM. – Sandy Baker, read a letter aloud on behalf of her brother Harry. The letter stated that the Bakers plan to improve the safety of their property and that they plan to relocate. They ask 120 days to make arrangements.

Williams/Nace – Motion to grant the Bakers 120 days and then reassess the property at 215 N. High Street at the February Borough Council Meeting - PASSED

RECOGNITION OF CITIZENS

Gary Hilbish – Mr. Hilbish had brought a proposal for an ATV (all-terrain vehicle) club and a sample membership application to the council in August. He inquired on the status of those proposals. He lives near the watershed and walks the property and some of his findings are as follows...

The road past the reservoir is overgrown and impassable and could be a problem for emergency vehicles. He found a fire burning at the scout camp, and had to stop kids from throwing rocks into the well near his home. There are already ruts in the road from the heavy trucks, and the ATV use should not have much impact on the road. Mr. Hilbish feels the ATV Club would have a positive impact on the area. The group would plan clean-up days and ATV'S could be used for rescue.

Mayor Conrad asked the council to consider a trial run for members of the group. Mr. Hammaker explained that the Department of Environmental Protection regulations must be determined and met. He has reached out to the DEP and has yet to get a response with the necessary information. Because we have wells the regulations must be strictly followed. Solicitor Smith has serious problems with the application and regulations provided by Mr. Hilbish.

Kevin Bissonette – Mr. Bissonette voiced concern that ATV club would just get pushed aside and forgotten. He said the State Game Lands allow ATV riding and that they have a waiver that could be looked at and considered. Tim Smith questioned the stress on the wildlife that may be caused by the ATV riding in the area.

Sandy Baker - Ms. Baker would like to Codes Enforcement Officer to take action against the houses on Center Street that are in violation. She questioned action on the Market Street houses as well. She has also been charged for a dumpster that she did not request.

Tim Auxt - Mr. Auxt thanked the council for the outside control measure put in place for outside contractors that come into the borough. He requested that the automatic notification system would be used in the future when invasive work was to be done. Mr. Brown informed council that he had heard back from the engineer of the contractor who indicated that they had erred by not informing the borough of their intent to go into the sewer lines. A cease and desist letter was sent to the developer stating that they are not to enter or access any of the borough facilities until such time as protocols are established. The engineer for Alpha Engineering, Mr. John Murphy admitted that they had not informed the borough beforehand. Mr. Murphy contacted Mr. Brown immediately after receiving the cease and desist letter.

Paul Smith – Mr. Smith would like to begin the process for setting a date for the 2015 Appalachian Trail festival for the third Saturday of June. Mr. Williams and the Rec. board will work with Mr. Smith to set this up. Mike Criley will work with the AT Club to clean up the area at the 'Stack'.

Evina Allen – Would like to have signs placed along Market Street to indicate that there are blind children in the area. Mr. Hammaker will look into the signs available and is not sure of what the process may be to have them installed. Rules and regulations must be determined and met. Mr. Eppley will take this on as a priority. Ms. Allen questioned whether she would be required to pay for

these signs. Mr. Nace likened these signs to Handicapped Parking signs and the Borough pays for those.

CORRESPONDENCE

Henkels and McCoy Fees – Mr. Nace requested the fees from last year for comparison.

Insurance Broker Letter – Mr. Nace received a letter from an insurance company and it will be considered along with other Mr. Bomberger has received.

REPORTS

Mayor's Report – Written report. Written report indicated a proposal for a pop-up park and asked for a budgeted \$400 from the Recreation fund for promotion.

Police Report – Officer Dory Thompson said that there will be officers on duty in town for the 2014 Halloween Parade. Mr. Nace asked if the borough has received incident report numbers from the Police Department. Mr. Nace did a comparison of coverage of Duncannon versus the coverage in Penn Township. While we pay 50% of the cost of the Police Department, we do not cover 50% of the area or population. Codes enforcement for Penn Township is covered by the Police Department while the Borough pays a separate Codes Enforcement Officer. Mr. Nace asks that these figures be considered when negotiations for the new contract are conducted.

Secretary/Treasurer's Report - Mr. Nace questioned the sales tax paid by the borough to the temporary agency, Keystone Staffing. He would like the bills to be scrutinized more closely to prevent this.

Bell/Bomberger: Motion to approve report as presented, subject to audit – **PASSED. Mr. Nace opposed.**

Borough Manager's Report – written report provided. The enrollment form was completed and approved for the Spot Auction for the phosphorus credits needed for the Sewer Plant. The auction through PENNVEST will be held on November 5th.

Hydrant flushing took place town wide from October 15 through the 17th. Code Red was issued town wide and flyers were passed out to all commercial businesses.

Mr. Roche attended a meeting on October 16th to prepare the punch list for the Market Street sewer project. In attendance were Frank Eppley, Matt Harlacker from Shiloh Paving, and Greg Rgalski from Pennoni Associates.

Mr. Roche met with Dutch Barrick on October 16th to discuss the settlement agreement for the property at 229 Market Street and what needs to be done to meet that agreement.

Pfautz Rentals tests came back negative after the water leak at 215 Church Street in the parking lot. Residents were notified to boil water by flyer and personal visit and that boil water was lifted as the tests were negative.

The Liquid Fuels allotment will be \$41,350.82 for 2015.

The owner of the property at 330 North High Street has submitted a timeline for clean-up of the property. The timeline has been provided.

Questions for the Manager – Mr. Nace asked about the progress of the bulbs for the street lights for the square. They are on back order and are at least 3 weeks out. Ms. Roche clarified that the lights on the square are on a sensor and that sensor would be checked as the lights are not coming on at dusk.

Ms. Roche will check the ISO rating for the Borough. This rating determines Fire Insurance costs. Mr. Nace asked about the No Parking sign on Clark Street and since it is not covered in the ordinance, asked that it be removed.

Mr. Nace asked if the Chamber of Commerce application had been sent. It is awaiting signatures and will be sent immediately.

Bills to Be Paid/Ratified – Mr. Nace requested that the sales tax be more closely scrutinized for next month.

Bell/Williams: Motion to pay and ratify the bills including credit card expenses as presented – **PASSED – Mr. Nace opposed.**

Solicitors Report – The Pennsylvania Municipal Retirement System pension ordinance has been provided for review. PMRS added changes and a completely new ordinance has been drafted.

It was voted last month to initiate proceedings for the properties 109 Cumberland, 18-28 Market, and 216 Church Streets. Ms. Smith is working to finalize the filings and they will be filed before next meeting. Some legal issues had to be worked out, but they are almost complete.

The negotiated settlement with Dutch Barrick for his property on Market and Green Streets has been revisited and he is not in compliance with the settlement. If the issue is not resolved, it would be a contempt of court issue.

An executive session will be needed to discuss a Right to Know issue.

Ms. Smith is working on Lien issues and adding to the liens for newly accrued balances.

Mr. Nace questioned whether charges would be adjusted since the ordinance prepared for last month was not in accordance with the minutes. Ms. Smith will review those charges and come back with a proposal for an adjustment.

Mr. Nace questioned making motions during the public comment portion of the meeting. Ms. Smith reiterated that it is inappropriate to interfere with the public comment portion of the meeting with business.

Mr. Nace asked about progress on the Escrow account check from 2003/2004. There is no timeline as to when that may be competed.

Nace /Williams: Motion to direct the Borough Manager to coordinate with the Pennsylvania Boroughs Association to advertise a request for proposals for legal services for the borough.-

PASSED with a roll call vote - Yes votes: Epley, Williams, Nace, Bomberger, Bell.

Engineer's Report – Mr. Brown introduced Mr. Greg Rogalski. Mr. Rogalski was the project engineer for the sewer project for manholes 144-146. Mr. Rogalski informed the council that a punch list was prepared and it should be completed within the next week. The project could then be closed out. Pre-

project photos were provided for comparison to ensure the site was left as good or better than it was prior to the project. The photos are attached to the change order. A citizen was questioning the restoration of personal property, however the 2012 photos indicate the adverse conditions of her property were pre-existing the sewer project.

Mr. Brown met with Mr. Bell, Mr. Williams and a representative from the Penn Township Authority to discuss the change order. In attendance was the Contractor from Shiloh Paving and his foreman. They explained to the authority that one of the issues was that because the water line was pressurized during the entire process; it required careful and delicate work. Mr. Brown left the meeting feeling the Authority had a good understanding of why the project took additional time. The contractor is asking for 35 additional hours, equating to 4 days.

The authority will be meeting to discuss the change order and the sharing of the cost. Mr. Conrad feels that the borough should have been notified that a change of such a large amount was being made beforehand.

We did give the contractor incorrect information as to where the lines were located. Mr. Nace asked if there was a way to determine exactly where the lines are before the next portion of the project begins. The Authority is still planning to complete the Market Street Sewer project next year.

Pennoni was asked by Penn Township if the Sewer system could handle the additional 3EDU's to hook up the Beer Distributer. The Sewer plant can handle the additional but a pumping station would be required.

Pennoni will check the operating procedures at the Sewer plant and see how it may be run more efficiently. The major problem is phosphorus concentration and credits are being purchased to prevent fines being levied. At this time the credits are the cheapest way to handle the phosphorus concentration, but at some point the cost may spike and an overhaul of the plant may become the more cost effective option.

PESI - Written Report reflects a high unaccountable water rate. Two leaks are indicated.

Codes Enforcement – Mr. deChamplain Issued parking tickets, traffic citations and non-traffic citations. Letters were sent and most people responded by taking care of the issue. 8 major incidents were handled including one dog attack.

Mr. deChamplain attended two hearings at the District Justice where he was successful. He will look into the signs for the Blind Child warning. He suggests that signs and curb painting be done on Ann Street from the corners of Church Street. He is working to have nuisance vehicles removed from the borough. A letter was sent to MagDun Enterprises at 219 Center Street on behalf of the borough. A timeline had been provided by MagDun as to the clean-up process. Mr. Nace indicated that the letter to MagDun was written on outdated letterhead.

Byron Worner Chief of the Duncannon Fire Company asked that the Fire Company be added into the reports section of each council meeting, At this time they could give a monthly report and concerns could be addressed. Mr. Hammaker said this was not a problem and they would be added moving forward.

UNFINISHED BUSINESS

109 Cumberland Street, Richard Blumenstein – No action.

Delinquency/Terminations Policy – No action.

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

229 Market Street – Barrick settlement – Covered in Managers Report.

Ordinance #397 - Increasing the ISF (Insufficient Funds) charges from \$20 to an amount set by Resolution -

Nace/ Bell – Motion to adopt the ordinance to be numbered #397 as presented – PASSED

Resolution 2014-7 - Solicitor Smith suggest tracking the actual cost for at least one year. The borough is prohibited from making money on the fee and only actual cost can be charged.

Nace/Bell – Motion to adopt resolution 2014-7 adding the ordinance #397 at the bottom of the first page and adding an institution plus \$25.00 on the second page. The total then becomes \$60.00 with the bank charge applied. – PASSED, Mr. Bomberger Opposed.

Ordinance #398 – Regulating traffic and Parking in the Borough – Mr. Nace will check the time limited parking signs during break.

BREAK – 10:10 – 10:25

Ordinance #398 – Regulating traffic and Parking in the Borough – Mr. Nace reported that all signs on the square now state 8-6, all committee members are in favor of the change in the time limited parking change.

Proposed changes - Section 2.5 would be removed, concerning the bridge. Add to the reserved area of Section 3.5 would be changed to read any handicapped spaces designated by the Borough by resolution. Add to 3.2, Ann Street North 20 feet East of Church Street and Ann Street South 20 feet East of Church Street. Section 3.4 Change all time limited parking to 8:00AM to 6:00PM regardless of location.

Eppley/Williams – Motion to adopt Ordinance #398 with proposed changes - PASSED

Gift Cards – Mr. Nace handed out a letter pertaining to the Gift Card given to employees in March of 2014. His desire is for the matter to be put to rest once and for all. The letter includes a receipt for the gift cards, the note attached to the gift cards and references past Council Minutes. Mr. Nace did not realize at the time of purchase that it was a violation of the employee manual to give or receive gifts of more that \$25.

Mr. Hammaker questioned the NOT signature on the letter accompanying the gift cards. Mr. Nace said it was to clarify that the gifts were not from the personnel committee. He wanted it to be abundantly clear that they were not given as an action of the council.

Mr. Bomberger asked why Mr. Nace did not come admit to the gifting of the cards right away when he learned that it was a violation. Mr. Nace wished to remain anonymous. Mr. Hammaker said that the problem could have been rectified immediately if Mr. Nace had 'come clean' right away. All of the negativity could have been avoided as he believes it was a gesture in good faith. However it took a negative direction because of the secrecy. Transparency could have kept it from taking that direction.

Kathy Smith returned her Gift Card to Mr. Nace. She was unhappy with police involvement in the matter.

Williams/Eppley - Motion to allow the \$25 cards to be kept by the employees or they can return them. The \$50 cards will be returned to the purchaser – PASSED

A request for the return of the \$50 gift card will now be denied as per the motion.

COMMITTEE REPORTS

ADMINISTRATION, FINANCE & IT – An update on the signature cards for the bank is needed.

Bomberger/Bell – Motion to update the signature cards on all Borough accounts with the exception of the Recreation Checking Account. Signature Cards will reflect the signers as Lynn Roche, Kathryn Bauer, Duane Hammaker, and Michael Bomberger- **PASSED**

The Recreation board should think about who they would like on the signature cards for their account before it is updated. Mr. Bomberger suggested they designate a committee member as a signer. Mr. Hammaker suggested that it may be more convenient for them to choose to replace him on the signature card as he is not often available at Rec. events.

It is time for project to be logged into the budget and Mr. Bomberger will be meeting with Mr. Williams to work on the recreation portion.

Questions - Mr. Nace voiced concern over the lack of signed, original copies of resolutions. Solicitor Smith said that they can be identified in the minutes where they were adopted. She also recommends that the resolutions be bound in a book that they would have to be ripped out of to be removed, or kept in a locked binder.

Mr. Nace asked on behalf of the infrastructure assessment committee if the statement of Revenues and Expenditures contains all of the expense accounts. Mr. Nace questioned the release of a Social Security number. Solicitor Smith said that came out of her office and that the appropriate actions were taken immediately to rectify the issue. Mr. Nace would like a cost estimate of what it would cost to allow our customers to pay online. He also questioned confrontational behavior of the Solicitor on behalf of the borough.

FLEET, FACILITIES & UTILITIES – The committee will be meeting with Engineer Brown to plan the upcoming water project. Mr. Bomberger would like for council to evaluate what the Water account's expense might be on the sewer project.

PARKS & RECREATION - The plans for the Halloween parade are progressing. There are over 70 participants signed up. 2 banners need to be hung, one at each end of town. The parade is completely funded by donation. All food and activities will be free. Mr. Williams asked that the power to the poles be turned on for the parade night.

PERSONNEL – A new employee had been approved for the billing clerk position, however the position was not accepted. The new deadline for application is October 24.

The performance evaluation for Mike Criley was excellent

Bell/Nace – Motion to give Mike Criley a raise of 2% - PASSED

Bell/Bomberger – Motion to give Lynn Roche a 2% increase in salary – PASSED with a roll call vote

Yes votes: Eppley, Bomberger, Bell. No Votes: Nace, Williams.

PUBLIC SAFETY & STREETS – Mr. Eppley commented on the excellent work on Susan Street. The Highland Street project is satisfactory except for the two large pieces of concrete that need removed. A meeting should be scheduled to discuss the Property Maintenance Code.

INFRASTRUCTURE ASSESSMENT – Mr. Nace said the committee plans to meet on Tuesday, October 28th. He has been compiling a list of challenges to the website to move forward on. He would like updates on some of the budgeted items on the boards around the room. He and Lynn attended the Harrisburg area transportation study taskforce meeting. Two lanes will remain open on Routes 11 & 15 south of Duncannon Borough during the 2015 rock project.

SPECIAL SESQUICENTENNIAL COMMITTEE - A grant for \$10,000 was awarded to the committee by the Susquehanna Greenway for signage. The next meeting will be on Nov 13, 2014.

NEW BUSINESS

Ordinance #399 – Pensions -

Nace/Williams – Motion to advertise a scheduled public hearing for the discussion of Ordinance #399, Repealing Ordinance #362 as codified at chapter 38 Pensions of the Code of the Borough of Duncannon and enacting a new ordinance to be codified at chapter 38 Pensions – **PASSED**

Ordinance #400 – Peddling and Soliciting –

Nace/Bell – Motion to advertise a scheduled public hearing for Ordinance #400, Amending the code of the Borough of Duncannon, Chapter 155 Peddling and Soliciting – **PASSED**

Ambulance in the Borough – Mr. Bomberger asked if having the ambulance in the borough was a positive during the bridge closure. Mr. Nace does not have factual data but can say that he feels it was definitely a help to the EMS.

Citizen Action – A handicapped parking space is requested in front of the property at 18 N. High Street. This will be placed on the list to be considered with the others for resolution.

CLARKS FERRY TAVERN

Mr. Hammaker stated that there will be a meeting of the Tavern Committee on January 22, 2015. The meeting will be held in the borough building at 7:00PM.

EXECUTIVE SESSION

Nace/Williams: Motion to enter Executive Session to discuss possible Right to Know Litigation - **PASSED**

REGULAR SESSION

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

Bomberger/Eppley: Motion to engage the Solicitor to file the appropriate appeal to the RTK litigation– **PASSED**, Mr. Nace opposed.

Adjournment –

Williams/Bell: Motion to adjourn at 11:55PM, October 21, 2014 - **PASSED**

Respectfully Submitted,
Kathy Bauer
Duncannon Borough Secretary

APPROVED