

**BOROUGH OF DUNCANNON
COUNCIL MEETING MINUTES
October 20, 2015**

Members Present: President Duane Hammaker, Frank Eppley, Michael Bomberger, Kraig Nace (left meeting at 8:27PM), Fred Lauster, Roger Williams, Gerald Bell, and Mayor Jack Conrad

Members Absent: None

Others Present: Solicitor – Susan Smith, Borough Manager – Lynn Roche, Engineer – Ron Brown, Penn Township Police – Chief Pickles

Citizens Present: Stewart Peters, Kathy Smith, Mario Celi, Sean O'Shell, Victor Hart, Jason Williams

President Hammaker opened the meeting at 7:30PM on October 20, 2015 with a moment of silence followed by the Pledge of Allegiance to the American Flag.

Minutes: Williams/Bell - Motion to approve the September 15, 2015 minutes with corrections. - **PASSED**

Corrections: Page 1 – Stewart Peters, line three – should read, Cars are passing on the double yellow line as well. Page 2, Line 3 – filed should be field. Page 2, ACT One, Line 2 - Clarify R.O.W. as Right of Way. Page 3, line 3 – should read Pickles reported. Page 5, Fleet, Facilities, & IT, Line 2 change is to it, Line 3 – add water after OMNI for clarification. Line 6, change is to as. Clarks Ferry Tavern, Line 1 – change if to is.

RECOGNITION OF CITIZENS

Sean O'Shell – Mr. O'Shell said that the 'Keep Hawk Rock Beautiful' sign has been installed and it looks good. The DATC (Duncannon Appalachian Trail Community) would like to have a trash can and a recycling receptacle placed near the sign if possible. Mr. O'Shell asked if the brush pile at the recycling center would be cleared anytime in the near future. Ms. Roche stated that a chipper will be rented at the end of the month and the brush will be removed. Mr. O'Shell also provided a photo of the proposed crosswalks at the intersection of Market Street and Rt.274. He also reported that the DATC is applying for a Grant through the Perry County Community Foundation and asked if the borough would consider becoming the fiduciary agent for the grant monies. The DATC has done some rock work, including stairs on the trail to Hawk Rock. There is a possibility that a local Boy Scout may take on the safe pathway to Mutzabaughs for hikers as an Eagle Scout project.

Mario Celi – Mr. Celi suggested lighting for Noye Park. Mr. Williams stated that the Rec. Board is working on solar lighting for the area.

CORRESPONDENCE –

Duncannon Senior Citizens Center - Doug Boyer of the Duncannon Senior Citizens Center sent a letter asking if it would be possible for the center to set up a food stand/bake sale in the front room of the borough office on Election Day as a fund raiser for their building fund. Ms. Roche stated that this has been approved by the county.

Williams/Lauster – Motion to allow the Duncannon Senior Citizens Center fundraising group to sell concessions as a fundraiser from the front room of the borough office on November 3, 2015. - **PASSED**

PROPOSALS

Henkels & McCoy - Henkel's and McCoy submitted a rate schedule for 2016. They are only used on an 'as needed' basis. There is a slight increase from last year.

Bell/ Lauster - Motion to accept the Henkel's and McCoy rate schedule for 2016. – **PASSED**

REPORTS

Mayor's Report – Mayor Conrad presented a written report.

Police Report – The police department has lost two officers to full time positions. They are down to 8 part time officers. They hope to hire more part time officers in the near future. A new Aggressive Driver Grant will be beginning at the end of October.

Mr. Lauster asked if the officers carried Narcotic Antagonist in their vehicles. The Chief said they did not have it at this time. He also asked if the Police plan to place any type of speed trap on Market Street during the Marysville 11&15 closure. They plan to have officers in the area and plan to use the speed trailer.

Mr. Bomberger asked if there was any possibility of ticketing drivers not using the official detour during the Rts. 11&15 closure. This was done in Middlesex Township as they were building a traffic circle. Chief pickles stated that research would have to be done as that type of enforcement may cause the loss of liquid fuels monies.

Secretary/Treasurer's Report – Written Report.

Bomberger/Bell: Motion to approve Secretary/Treasurer's report, subject to audit – **PASSED**

Borough Manager's Report – A written report was provided. Ms. Roche reported that the website has been down since the last meeting. She has had the main page updated, but she cannot add documents to the site. The Reservoir has been cleaned, repaired, and inspected. Performance Construction did a great job and they were easy to work with. The reservoir can now be used at the full capacity of 12 feet. The water level now stands at 8 inches, it will be chlorinated to 50,000 parts per million and then two bacteria tests will be done. The reservoir can then be filled to the twelve foot

level and more testing will be done to make sure the water is below the one point Chlorine level. Once all testing is complete and results are satisfactory, the reservoir can be put back online. Ms. Roche is working to prepare a final cost to send to the insurance company of the responsible party for the accident on Market Street. The cleanup and repair required overnight work by the Borough crew and Henkel's and McCoy was called in. The timber sale is set for November, 2015. Mr. Nace asked what the current level of the reservoir was. Ms. Roche stated it stood at 8 inches for testing and would be filled after that was complete. He also asked if there was any information available regarding the possible vandalism at Noye Park. The Police feel that the incident may simply have been a combination of old equipment and someone heavier than recommended using it, accidentally causing damage.

Mr. Bomberger asked if the sidewalk in front of The Pub was our responsibility or theirs. The repair work needed is the responsibility of the property owner. Mr. Bomberger would also like the hole on Ann Street from repair work done earlier in the year filled and finished.

Mr. Nace asked if the road work in the 700 block of High Street was near completion. Ms. Roche reported that the tarring and chipping had been done earlier in the day.

Bills to Be Paid/Ratified –

Bell/Williams: Motion to pay and ratify the bills including credit card expenses as presented.

– PASSED

Solicitors Report – Solicitor Smith reported that she prepared a hearing notice for the Ordinance Authorizing an Intergovernmental Cooperative Agreement between Duncannon Borough and Penn Township for a Recycling Program. The notice was not properly advertised due to an error at the newspaper. She worked on the Police Services contract in accordance with the committee's direction and advised on the reservoir. She spoke to DEP about Storm Water Management and got the most recent copy of the NPDES (National Pollutant Discharge Elimination System) contract for the sewer plant from the Borough Manager. The contract does have a storm water management condition bearing in the permit. It does contemplate that the Borough would take all appropriate measures to manage storm water but does not mention the MS4 (Municipal Separate Storm Sewer System) program. She feels that the borough needs to look more closely at whether or not that condition is being met.

Solicitor Smith advised the open records officer of developments in the Right to Know law.

Copyrighted materials may not be copied for someone requesting records. They may look at the information, but it cannot be reproduced for them by the borough. Tax collectors must meet certain CLE (Continuing Legal Education) obligations and Solicitor Smith has asked Manager Roche to make sure the Borough tax collector has met these obligations. She received and looked over the Engineer's report for the property at 109 Cumberland Street. She is monitoring the progress of code enforcement at 18-28 N. Market Street. There has been a problem serving the citations to the property owners of record.

METRO has not provided paperwork needed. Solicitor Smith is working to get the paperwork so that it may be sent to the state. She is reviewing municipal liens and making sure the borough records are up to date. A second semi-annual report was filed in the Breslin 2 case as required. No decision has come out on the Duke Investments land use appeal.

A court decision has been made that will affect the Borough sign ordinance. The Supreme Court of the United States has sent down a decision that says that If your ordinance provision at all suggests that you must read the content of the sign in order to apply the regulation then that is a content based regulation and is subject to the highest scrutiny from the court under the first amendment of the

Constitution. In order to have that provision withstand the courts scrutiny you must demonstrate that you have real reason to have such a distinction. This decision forces municipalities to remove any provisions in such ordinances that look as if you are looking at the content of the sign. The Borough sign Ordinance will need to be reviewed.

Mr. Lauster asked if anything can be done about storm water running from Penn Township to the borough as it is contributing to our I & I (Inflow and Infiltration). Solicitor Smith said that unless they have made changes recently that have changed the flow of storm water, they are preempted from regulations.

Mr. Bomberger asked what the status was with the Duke Investments litigation. Solicitor Smith reported that all paperwork has been submitted and we are simply waiting for a decision.

Engineer's Report – Engineer Ron Brown elaborated on the MS4 discussion. He stated that the Borough is taking some steps that work toward compliance with the MS4 criteria. Street sweeping is considered an effort to cleanse storm water. The Market Street sewer project has helped to lower the I & I and that shows an effort to rectify those issues. The primary goal of the MS4 is to make sure that storm water discharge into the Commonwealth waterways is as clean as possible. One thing Municipalities can do is to instate a learning program within the community. Residents can be informed of what can and cannot be run into the drainage system. For example residents should not change car oil in the driveway and then wash excess oil into the drains. Solicitor Smith referenced an article in the local paper of a joint message from a group of municipalities that had a list of items that help educate residents in ways to keep water clean. This type of information can be shared on the Borough website or in the newsletter.

Engineer Brown reported that the Borough should not need to buy phosphorus credits this year as we are considerably under the maximum phosphorus allowed.

The Mandrel test at the Market Street sewer project will need to be re-done as an inspector was not present when it was done the first time.

The standpipe assessment report was received for the Prospect Street Standpipe. There are no structural problems. The exterior coating will need to be redone. Because there is lead in the existing coating, the entire structure will need to be encapsulated. They recommend that the interior be done at the same time. The interior of the structure shows some blistering of the epoxy, and some rusting along the seams. They recommend this be done as soon as possible. This would be a project to be completed when the grant monies are allocated.

The permits for the Butchershop Rd. culvert should be submitted later this month.

Mr. Lauster read from the report a section that states there are three inches of water on the floor of the well house due to a blocked floor drain. He suggested that the work crew or PESI unblock the drain and that may help cut down on rusting.

Mr. Bomberger asked if any I&I issues needed to be addressed in the 2016 budget. Engineer Brown said that there are still areas of terra cotta piping on High Street and Rt. 849 that could be considered for replacement.

PESI – Written Report. Water loss is reported at 21%.

Codes Enforcement – Mr. Hammaker asked the Police to check the 600 block of High Street for chickens. Livestock, including chickens are not permitted in the borough. Both Mr. Hammaker and Mr. Williams hear chickens in that area often.

Duncannon Fire Company – Chief Worner sent a request for an additional \$24,000 donation for the Duncannon Fire Department for 2016. The fire company would like to pay off its current loans so that they can purchase new equipment.

UNFINISHED BUSINESS

Utility Policy Manual – Still completing. Should be ready for next month's meeting.

18 – 28 North Market Street – A letter regarding the UCC violations was sent to the property owners of record. There has been no response and nothing has been done at the property. Solicitor Smith advised the borough manager to have the inspector return to the property to document the lack of action by the owner, re-inspect and affirm that the building remains in violation. Any and all avenues available to the borough should be taken to have the property owner rectify the situation and bring the property up to code.

Commerce Bank/Metro Bank check – Covered in Solicitors report.

109 Cumberland Street – The new owner of 109 Cumberland Street, Mr. Celi provided Council with a structural engineering report of his property. He was advised that his next course of action needs to be the acquisition of a floodplain elevation certificate. He must have this before he can plan his renovation proposal. The Manager will provide him with names of surveyors used by other certificate holders.

Break – 8:52 – 9:03

215 High Street – A new letter was sent to the property owners on Friday, October 16, 2015. The borough has had no response from the owners. On Sunday, October 18, 2015, Mr. Eppley noticed that the soffit and fascia were becoming detached from the home. He called the borough crew in to secure the area as the property is on a two way street with a public sidewalk in front. It is also adjacent to an alley. The property is deteriorating rapidly and is a safety hazard for Borough residents. Solicitor Smith was asked if the borough has the authority to remove the soffit and fascia that is in danger of falling. She reported that as it is a safety hazard and a danger to residents, it can be removed. The property should be photographed and any safety concerns should be documented. Mr. Hammaker and Mr. Bomberger expressed concerns over having the borough crew remove the soffit piece. They would like to have the service contracted. A municipal lien will be placed on the property for the cost of the contracted service.

Williams/Bomberger – Motion to solicit quotes from local contractors for the removal of the soffit and fascia from the building at 215 High Street for the purpose of public safety and then take a phone poll of council for approval. - **PASSED**

630 High Street – Citations have been issued.

Susquehanna Greenway Signage Grant – A final package has been prepared and sent to the Susquehanna Greenway for consideration. We are waiting for a response and release of funds.

Old Sled Works Parking – Some of the survey pins have been found and marked. At least four have been found. The manager has had no additional complaints regarding the parking issue.

COMMITTEE REPORTS

ADMINISTRATION, FINANCE & IT – Mr. Bomberger reported that the General fund revenues are down. Realty transfer amounts have been very low this year. EIT (Earned Income Tax) is also down. He asked that Ms. Roche check with Capital Tax to make sure we have received all that we are entitled to.

FLEET, FACILITIES & UTILITIES – Mr. Lauster said that he has made comparisons of Duncannon Borough utility rates from 2009 and 2015. Our water rates have remained at \$25.00 per month while our sewer rates have actually decreased from \$41.00 in 2009 to \$31.00 in 2015. The sewer rates in New Buffalo are \$125.00 per month and Sunshine Hill charges \$60.00 per month. Our water rates are one of the lowest in communities of up to 4000 residents in Central Pennsylvania.

PARKS & RECREATION – Mr. Williams reported that the planning for the Halloween parade is progressing and the parade will be held on Saturday, October 24, 2015. A fall craft fair will also be held at the square throughout the evening. He asked that 4 large trash receptacles be placed at the Old Sled Works and 4 at the Square. He will need the electric turned on at the utility poles on the square for the event and 5 tables made available for the craft fair.

PERSONNEL – A performance evaluation was provided for Michael Criley. The personnel committee recommended a \$.40 wage increase per hour.

Bell/Bomberger – Motion to give Michael Criley a wage increase of \$.40 per hour. – **PASSED.** Mr. Hammaker stated that Michael is a very valuable employee and deserving of this raise.

PUBLIC SAFETY & STREETS – A new copy of the Police contract was made available. There were some minor changes. The Police will communicate with the Mayor instead of the borough council President. This contract is a two year contract. The cost for 2016 is \$169,160.00 and \$186,076.00 in 2017. Mr. Eppley also attended the Community Fire Association meeting. Mr. Brady from the Pennsylvania Department of Commerce and Economic Development spoke to the group about forming agreements with all of the municipalities that they serve. Municipalities would contractually commit a certain amount of money or to completing a specific project. The Fire Company would also like to know the level of service expected of them within the Borough. Is what they provide now enough? Would we like more or less coverage? The Fire Company is suggesting that the Borough commit to \$24,000.00 per year for fifteen years for the purchase of a 2 new trucks.

Solicitor Smith pointed out another change in the Police Contract. The contract must run its full two years, it is binding and if it is decided by either party at the end of the contract period to walk away from the contract there must be 90 days advance notice given.

Bell/Lauster – Motion to accept the Intermunicipal Agreement for the Provision of Police Services for the calendar years 2016 & 2017. – **PASSED** with a roll call vote. **YES VOTES:** Mr. Eppley, Mr. Williams, Mr. Lauster, Mr. Bell, Mr. Bomberger. **NO VOTES:** none.

Mr. Bomberger said that while the \$24,000.00 amount the Fire Company is asking for is listed as a Capital Reserve contribution it is actually a Capital Expenditure on an ongoing basis.

INFRASTRUCTURE ASSESSMENT – No report.

CLARKS FERRY TAVERN – The Steering Committee for the tavern has been working on recommendations for Council for the future of the Clarks Ferry Tavern. The recommendations have been provided to Council. The committee was formed in 2013 and has put a lot of hard work and time into preparing these recommendations. Mr. Lauster provided a written copy of the Recommendation for the Clark's Ferry Tavern and Historic site as prepared by the Steering Committee.

The recommendations are written as follows:

The Clark's Ferry Tavern Steering Committee was formed in 2013 to explore options and make recommendations regarding possible uses for the Clark's Ferry Tavern in the borough of Duncannon, PA. To this end the committee has explored multiple options for the building's use. The list of potential options range from (A) demolition and sale of the building structure and associated lot, (B) adaptive reuse as a functioning civic hall or community center, (C) limited reuse as a historic house museum, library, and/or meeting place, (D) use of the site and structure as a historic park, playground, etc., (E) continued use of the site for archaeological purposes and a complete restoration of the structure to its 1790-1800 appearance.

The Committee believes that some combination of options B through E are the best and most viable uses of the building and furthermore recommends that the building and property be donated to the Historical Society of Perry County, which as the county's historic 501c3 non-profit, is uniquely positioned to direct programs to conserve, preserve, restore, and re-use the structure in the most appropriate manner.

The Clark's Ferry tavern, as it currently exists, is no longer a viable residential structure within the community due to years of neglect, reckless and harmful adaptation and the sheer size of the structure. However, it is the Committee's position that the Clark's Ferry tavern structure, as the oldest building in the borough of Duncannon and one of the oldest in Perry County, holds historic significance at the local, state, and national levels as an important component of the American transportation revolution. Inasmuch the borough would be remiss in not attempting to conserve for future generations such an important structure. There are few locations in Pennsylvania where this direct transportation lineage is more evident than at the Clark's Ferry Tavern.

Donation of the structure to the Historical Society of Perry County avails the borough the best opportunity to preserve its collective heritage, while also investing in the borough's future. In the long term, restoration of the site by the historical society and its adaptive reuse as a museum, library, community center/historic park, will yield positive and far reaching results for the community. In the short term, the site continues to yield prehistoric and historic data and serves as an important educational component through the archaeological program for adult volunteers and school groups that continue to conduct research.

In closing, the long term preservation of the Clark's Ferry Tavern can and should be embraced in the same spectrum as a community and economic development project for the benefit of both citizens and visitors to the borough. Research shows that heritage tourism is one of the biggest sources of revenue for businesses and local governments in the state. To this end, fostering a sense of civic pride through adaptive reuse and interpretation of the Clark's ferry Tavern as a house museum, library, meeting locale, and historic park/playground through restoration by the Historical Society of Perry County is deemed the most viable solution for continued long-term investment in the community.

Respectfully submitted,

The members of the Clark's Ferry Tavern Steering Committee

Mr. Lauster stated that the borough became interested in the tavern about 15 years ago when they began considering plans for Apple Tree Alley and about 10 years ago Mr. Lauster had the opportunity to go into the building with Brian Van Sweden of PHMC (Pennsylvania Historical and Museum Commission). In 1980 the Clark's Ferry tavern was authorized to become a historic site. The owner at that time planned to apply for the distinction but never followed through. At this time an application has been submitted and we are waiting for that to be considered. Once the Historical site designation comes through the property will be eligible for more funding and grants. It will be a great asset to the community and its heritage.

Mr. Bomberger asked for clarification of the property. The property is one lot, one deed. Local groups use the property, including the Bucktails reenactors and school groups working with the archaeological program.

Mr. Hammaker stated that the Historical Society of Perry County has a large group of people ready and excited to put time and hard work into the restoration of the Tavern. They have already formed a non-profit group entitled, 'Friends of the Clark's Ferry Tavern' and have over \$7000.00 set aside for restoration purposes. An additional single donation of \$2000.00 was given during the Duncannon Sesquicentennial earmarked specifically for tavern restoration and preservation bringing the total to around \$10,000 for them to start with. The Historical Society has worked on projects like this before, they know how to go about getting insurance and as a non-profit have more avenues to pursue for funding.

Mayor Conrad expressed concerns because he had ideas for the property. He found that the ground beside the Tavern could be sub-divided and is working on \$70,000.00 worth of things that could compliment the Tavern. He feels this needs more consideration and should not be voted on at this meeting. The Mayor also stated that he saw some kids digging at the site mid-week and he wanted to make sure that was approved.

Mr. Bomberger asked Mayor Conrad what he was proposing for the sub-division of the lot at the Tavern.

Mayor Conrad had hopes that the land at the Tavern could possibly be used for a pavilion with information, a seating area with a roof over it, a place to post things, a place for walkers and/or hikers to take a break, a possible bus stop for the residents of Susquehanna Apartments, and a place to set up celebrations and craft fairs.

Mr. Hammaker stated that in meetings with the representatives from the Historical Society of Perry County almost all of the same ideas were presented. The Historical Society would like to work with and within the community as a partner to make the Tavern Area an asset to the town of Duncannon. Mayor Conrad would like more information and time for consideration. He has two grant applications for funding that could be used at the Tavern.

Mr. Bomberger asked that a clause be added to any transfer that has the property revert back to the borough in the event that the Historical Society decides they no longer want it. Any attempt at sub-division of the property by the Historical Society would cause the property to revert back to the borough.

Mr. Williams stated that he would also like more time to digest the information. Mr. Hammaker asked if he felt it would be appropriate to have the paperwork drawn up as there was no intention to vote for the transfer at this meeting. Mr. Williams agreed that it would be appropriate.

Mr. Bomberger asked if we held an elevation certificate for the Clark's Ferry Tavern. He stated that there were flood elevation marks places at a few places in the Borough by a surveyor and he believes one should be at the Tavern.

Lauster/Bell – Motion to direct the Borough Solicitor to prepare the paperwork for the transfer of the Clark's Ferry Tavern and property to the Historical Society of Perry County with the condition that ownership of the building and land will revert back to the Borough of Duncannon in the event that the Historical Society of Perry County decides to divest of the property for any reason. – **PASSED** with a roll call vote. **YES VOTES** – Mr. Eppley, Mr. Williams, Mr. Bomberger, Mr. Lauster, & Mr. Bell. **NO VOTES** – None.

Mr. Hammaker discharged the steering committee for the Clarks Ferry Tavern and thanked all participants.

NEW BUSINESS

Performance Construction – A verbal polling of the Council was done on October 6, 2015 granting permission for the Borough Manager to hire Performance Construction to do repair work at the Duncannon Reservoir. The cost of repairs totaled \$26,900.00. That vote needs ratification.

Lauster/Bomberger – Motion to ratify the verbal vote from October 6, 2015 to hire Performance Construction to make repairs at the Duncannon Reservoir - **PASSED**

Crosswalks - Mr. Bomberger stated that motions were made and passed regarding the painting of crosswalks at the intersection of Market Street and Rt. 274. Therefore they should be painted as soon as possible.

Citizen Action – Terry Brackbill had a water leak and is asking for relief on the sewer portion of the bill.

Williams/Eppley– Motion to charge only the base sewer rate for the month in question. –

FAILED (did not meet the criteria for the ordinance). **YES VOTES** – Mr. Williams. **NO VOTES** – Mr. Eppley, Mr. Bomberger, Mr. Lauster, & Mr. Bell.

Adjournment – **Bell/Williams** – Motion to adjourn at 10:10PM on September 15, 2015. - **PASSED**

Respectfully Submitted,
Kathy Bauer
Duncannon Borough Secretary