

**BOROUGH OF DUNCANNON  
COUNCIL MEETING MINUTES  
November 17, 2015**

**Members Present:** President Duane Hammaker, Frank Eppley, Michael Bomberger, Kraig Nace, 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:** Jeffrey Kirkhoff, Stephanie Kirkhoff, Megan Cliber, Elizabeth Cliber, Susan Cliber, David Bauer, Amy Cliber, Debbie Bomberger, Sean O’Shell, Nancy Low, Kathy Smith, Kristie Smith, Cheryl Altares, Myron Roher, Bob Finnen, Derek Tietje, Dennis Hocker, Margaret Clugston, Roy Clugston, John Guarnera, Samantha Bise, Tyler Shultz, Byron Worner, David Ritter, Karl Conrad, Judith Hart, Stanley Mutzabaugh, Emily Vislocky, William Hobbie, Kim Conrad, Victor Hart, Margie Safko, Laura Tietje, Jen Wilson, Maria Neve, Jason Wilson, Edward Ream, Barbara Van Horn, Mario Celi, Christie Young, Darryl Croutharmel, Lisa Landis.

**Hearing for Ordinance 404, An Ordinance Authorizing an Intergovernmental Cooperative Agreement Between Duncannon Borough and Penn Township for a Recycling Program –**

President Hammaker opened the hearing at 7:00PM on November 17, 2015. The floor was opened to anyone wishing to make public comment on the proposed Ordinance 404. There was no public comment and the hearing was closed at 7:01PM.

President Hammaker opened the regularly scheduled Borough Council meeting at 7:30PM on November 17, 2015 with a moment of silence followed by the Pledge of Allegiance to the American Flag.

**2015 Timber Sale** – Dennis Meiser opened the sealed bids with the assistance of President Hammaker. Bids received are as follows:

Fairview Lumber, Ivan Petersham – \$130,500.00  
Spigelmyer Wood Products, Inc. – \$117,541.00  
King’s Sawmill Inc. – \$87,954.00  
Treeline Lumber Company – \$106,200.00  
White Oak Sawmill - \$128,700.00  
Z.B. Forest Products - \$140,321.76  
Peachey’s Sawmill LLC - \$114,550.00  
Valley View Lumber - \$121,210.00  
K.V. Sawmill – \$136,676.00

Lapp Lumber Company - \$75,025.00  
Big Mountain Lumber LLC - \$114,411.30  
Kish Lumber Company - \$113,226.00  
Belleville Lumber LLC - \$81,854.36  
Pinnacle Ridge Lumber - \$116,500.00  
Shady Hill Hardwood - \$125,800.00

Mr. Meiser stated that has worked with the top two bidders in the past. Both Z.B. Forest Products and K.V. Sawmill are approved bidders.

**Lauster/Bell** – Motion to accept the top bid of 140,321.76 from Z.B. Forest products. If they are unable to fulfill the contract an offer should be made to the second highest bidder, K.V. Sawmill. -

**PASSED**

Mr. Lauster asked when the timbering would begin. Mr. Meiser stated that they would settle later in the week and begin as soon as possible.

Mayor Conrad asked that we have a second moment of silence in honor of the victims of the Paris terrorist attacks and for the young victims of the fatal accident that occurred locally last week.

**Minutes: Bell/Williams** - Motion to approve the October 20, 2015 minutes with corrections. -

**PASSED**

**Corrections:** Page 4, line 10 – Should read, 'submitted *and* we are'. Page 8, next to last line – change placed to places.

### **RECOGNITION OF CITIZENS**

**Jeffrey Kirkhoff** – 327 Lincoln Street, Duncannon.

Mr. Kirkhoff read a letter and provided copies to each Council Member. His statements are as follows:  
*Duncannon Borough Council,*

*After careful consideration of the Recommendations from the Clarks Ferry Tavern Steering Committee we feel that the best option for the future of the tavern is for the Duncannon Borough Council to sign the property and Building over to the Historical Society of Perry County immediately.*

*The Clarks Ferry Tavern is not only the oldest building in Duncannon, but in the entirety of Perry County. The Clarks Ferry tavern Steering Committee incorporates the cooperative effort of experts in the field of historical restoration and community members alike. The committee has been meeting to research and discuss options for the future of the Tavern since 2013. Each of the Steering Committee scheduled meeting dates was announced at the Borough Council Meeting in advance. They provided their recommendations to you, the Duncannon Borough Council at your October meeting. As most of the current Council Members have been active since 2013, you should be prepared to make a decision on this issue.*

*We have considered the recommendations and done some research of our own on financing and funding of a project of this type. The facts lead us to this determination that the Tavern should be placed in the capable hands of the Historical Society of Perry County. The gifting of this Landmark to a Community partner is by far to best option.*

*It would be shameful to see all of the collaborative work of the steering committee be for naught. By their own admission, the council members elected to take office in January have not kept current and know very little about this project. As most of the current Council members have been in office since the inception of this project, it would be irresponsible to hold this very important decision over until this new council is seated. And, so, we implore this council to sign the Clarks Ferry Tavern over*

to the Historical Society of Perry County to preserve a historical landmark and ensure it has a future in Duncannon as storied as it's past.

Thank you,

The Letter was signed by the following borough residents: Susan Cliber, Stephanie Kirkhoff, Jeffrey Kirkhoff, Richard Cliber, Elizabeth Cliber, Kathy Bauer, Suzy Worner, Megan Cliber, Amy Cliber, Judy L. Auxt, Sarah Knipe, Jennifer Worner, Michelle Smith, Mary Anne Van Arsdale, Jan Van Arsdale, Derek Bauer, David Bauer, Roy Clugston, Margaret Clugston, and Byron Bauer.

**Sean O'Shell** – 22 Pine Tree Drive, Duncannon.

Mr. O'Shell stated that he appreciates the progress made on the pedestrian crosswalks at the intersection of Route 274 and Routes 11 & 15. He asked for the status of the proposed crosswalk across Route 274. Manager Roche said that crosswalk is not yet approved by all parties. Mr. O'Shell asked if the crosswalks that were painted were going to have hash-lines similar to the crosswalks on Market Street. Ms. Roche said she would consider that.

Mr. O'Shell also asked when the trashcan would be placed at the trail head near the Recycling center. A lid for the can has been ordered and it will be placed as soon as it is available. He also asked when the tree trimming and yard waste would be removed and a chipper made available. The manager hopes to have a chipper within the next two weeks.

Mr. O'Shell also made a statement concerning the Clarks Ferry Tavern building and property. The statement is as follows:

*I'd like to talk about something that happened 3 years ago which I think will be highly relevant to tonight's meeting. I believe everyone on council will remember the following quote:*

*"If the Borough of Duncannon would be the recipient of up to \$1.8 million Federal Funds for financing improvements to Apple Tree Alley to accommodate motor vehicles while providing a pathway for bicycles and pedestrians, shall Duncannon be authorized to incur debt of up to 360 thousand dollars (a match of 20% of the Federal and State funds) as a debt approved by the electors?"*

*That's how the referendum on the Apple Tree Alley Project appeared on the voter's ballot.*

*The Apple Tree Alley Project would have brought in a 1.8 Million Dollar grant to renovate and improve Apple Tree Alley, but the grant required a 20% matching fee which meant the borough needed to raise \$360,000.00 to receive the \$1.8 million. That's a return 180 times greater than the borough's initial investment. Opportunities that good don't come along every day. And yet, as great as that deal would have been, this council decided that the motion still had to be voted on and approved by the people of Duncannon.*

*But now, when giving away \$50,000.00 dollars of taxpayer money with little to no opportunity for economic or financial gain (let alone a return 180 times greater than your initial investment), this same council seems eager to rush through the motion of giving the Clark's Ferry Tavern to the Perry County Historical Society without any input from the residents of Duncannon. If this is such a great deal for Duncannon, it should undergo the same level of scrutiny as the Apple Tree Alley project since its costs are significantly higher and its rewards are substantially lower. If it's a good deal now, it will still be a good deal after the people have had time to weigh in on it.*

*To recap: Apple Tree Alley cost \$10,000.00, would bring in \$1.8 Million and required a referendum. Clark's Ferry Tavern cost \$50,000.00 and won't bring in any money, but that doesn't require a referendum. Something is not right here.*

*In a time when the council fiercely debates spending \$10,000.00 to demolish an unsafe, burnt-out eyesore of a building, they seem far too eager to simply give away 50 thousand dollars that could otherwise help rejuvenate Duncannon.*

*And finally, have any other non-profit groups been contacted about buying the Tavern of receiving it for free? Other people might be interested in acquiring a free historic building. In the past, the DATC had discussed converting the tavern into a museum commemorating the Appalachian Trail but we thought it was financially beyond our reach. Now that we know you are giving it away, we might be able to make that happen. What can we do to get on the list of potential recipients?*

**Bob Finnen** – 111 Cemetery Street, Duncannon.

Mr. Finnen stated that he was never in favor of the borough buying the Clarks Ferry Tavern in the first place. He is not in favor of the Borough maintaining complete ownership of the property. He would however like to see the building brought back to a point where it is a museum or something that we can all be proud of. He is leaning toward agreement that the property should be signed over to the Historical Society of Perry County. He feels that people need to understand that if the borough keeps the building, prevailing wage must be paid for all services. He is not in favor of taking any borough assets to continue to maintain and upgrade the building; he feels it can be done through an organization such as the Historical Society of Perry County or a similar group. He believes referendums are a good thing and the people should take a part in decision makings. He is in favor of a referendum to make a decision regarding the future of the Tavern.

**Derek Tietje** – 20 Eisenhower Boulevard, Duncannon.

Mr. Tietje is a Boy Scout in Duncannon and he is working toward completing requirements to earn the Eagle Scout rank. He asked for suggestions from Council and the community members alike for a project that will help him attain that goal. Mayor Conrad said that the Recreation board has a meeting next Tuesday and they may have some ideas for him. Mr. Williams will keep in contact with Mr. Tietje as the Recreation Board may have some community projects that he can take on.

**Dennis Hocker** – 20 Windy Hill Road, Duncannon.

Mr. Hocker is the President of the Historical Society of Perry County. He stated that is an honor for the Historical Society to be considered as a solution to the Tavern. He said he is available to answer questions that may arise. The Historical Society has already started a number of initiatives based on Council's decision at the last meeting to consider tuning the property over to the Historical Society.

**Roy Clugston** – 405 Lincoln Street, Duncannon.

Mr. Clugston is in favor of signing the Tavern over to the Historical Society of Perry County. He stated that they will be able to get grants to rebuild the Tavern. He stated that Duncannon was founded around that Tavern. It was here before the railroad, before the bridges, before anything else, the Tavern was there. He feels it must be saved for historical purposes. He asked if it was in the Floodplain as that would limit what could be done to the property by any owner. Mr. Hammaker stated that he believes it is in the floodplain.

**Margaret Clugston** – 405 Lincoln Street, Duncannon.

Mrs. Clugston came to get more information on the options for the tavern. She has worked on the digs at the Tavern property and was excited to hear that the property may be turned over to the Historical Society of Perry County. The archaeological digs have been a great experience for her and she said that seeing children find artifacts has been especially rewarding. She stated that it is amazing to see a child hold history in their hands and have it explained to them by an expert. It is different than reading about history in a book. She is interested to hear about the Mayor's option #5.

**John Guarnera** – 323 Market Street, Duncannon.

Mr. Guarnera stated that he agrees with Mr. Kirkhoff's statements but would like to add a few points. He commented that we elect Council members to be our representatives and to make good plans and decisions for the borough and the future of the borough on our behalf. Every issue cannot be taken back to the citizens. Mr. Guarnera stated, *"It is a sin and a shame that we didn't do Apple Tree Alley and I don't want to take a lot of time on it because it's gone and we don't have the opportunity to do it now. But, if we had simply had this group who was not here at that time, but those that were, to have made a decision that I thought was a better one, a decision to take advantage of doing a project like that we would have enhanced this borough significantly. I think the history that we are going to have with the Tavern is just a marvelous opportunity, something that is a great addition to a community that certainly has enough eyesore properties. Having some places that are standouts would be something great to see. The Borough can't do it, renting it #5 doesn't make sense to me either. I hope you will see the wisdom of approving the plan to give it to the Historical Society. Then we get that Tavern back in the condition that it sorely needs to be and to be something that we can be proud of. Thank you."*

**Victor Hart** – 42 Summer Lane, Mechanicsburg.

Mr. Hart stated that he is a retired history teacher from West Perry and became a member of the Historical Society through that connection. He has been in charge of the archaeology program at the Tavern for about two and a half years. He has also been doing historical research and architectural research on the tavern. He and Jason Wilson have authored an article about the Tavern entitled, "Clarks Ferry Tavern, Gateway to the Juniata" that will be published in the April Edition of the Pennsylvania History Magazine that Penn State publishes. The emphasis is not only the significance of the building in Duncannon and Perry County, but the importance to the State of Pennsylvania as a gate way for people going west. The Tavern has seen all manner of transportation, travelers walking, traveling by canoe, the Conestoga wagon, ferries, stage coaches, etc. The tavern has more than the usual small town significance and that is how he feels the restoration should develop centered around the transportation aspect. There are other many small town museums, but very few that have the status of the Clarks Ferry Tavern. He feels that once it is restored it could be the focus of a renaissance here in Duncannon. He made a comparison to the Historic Dill Tavern in Dillsburg which has been restored by the Northern York Historical Society. It was built around the same time as the Clarks Ferry Tavern. It is a center of Community life in Dillsburg. They have weddings and various community events. It serves as a museum and so much more. He commended council for buying the building in an effort to save it but agreed that the Borough does not have the money necessary for proper renovation of the Tavern. He stated the building is deteriorating and needs attention. The Historical Society of Perry County will be able to go inside with no liability only if they retain ownership of the property. As a non-profit they also have many funding options not available to a government entity. He feels the best action is for the Tavern to be turned over to the Historical Society of Perry County.

Mr. Nace asked if Mr. Hart was a member of the Historical Society, he is a member. Mr. Nace inquired if a PA One Call was made prior to the 'Digs' held at the Tavern property. Mr. Hart said that to his knowledge there had not been a PA One Call made. Mr. Nace asked Mr. Hart what his relationship was to Mr. Hammaker's wife (Judith Hart). Mr. Hart explained that there was no relation. Mr. Hammaker asked the relevance of the question to which Mr. Nace replied that he was curious. Mr. Hammaker expressed that he felt it was an inappropriate question for Council.

**Maria Neve** – 308 Front Street, Marysville. Owner of Sorrento Pizzeria.

Ms. Neve stated that she has not yet personally decided the best course of action for the future of the tavern. She feels that a precedent has been set with the Apple Tree Alley referendum and that this decision should be made in a similar fashion. The citizens should have a voice in this decision just as they did with the Apple Tree Alley decision. She feels all avenues should be explored.

**Edward Ream** – 1004 Lincoln Street, Duncannon. President of the Duncannon EMS.

Mr. Ream presented a letter to Council on behalf of the Duncannon EMS (Emergency Medical Services). The letter states:

*Respected Members of Council:*

*As you prepare the 2016 borough budget, we hereby request an allocation to emergency medical services of \$10,000.00, payable in any installment plan that is appropriate for your cash flow situation. A \$5,000 allocation paid in the first quarter of the year and a second \$5,000.00 allocation paid in the third quarter of the year would be ideal for our agency, based on cash flow in conjunction with Wheatfield Township's annual contribution (\$22,700 in 2014 and 2015) and the annual subscription program. As you are aware, Duncannon E.M.S. Inc. provides coverage to the entire Duncannon Borough and averages approximately 200 emergency call dispatches into the borough each year. Currently, the only contribution received from Duncannon Borough is a portion of the volunteer worker's compensation insurance paid by Penn Township.*

*We welcome you to designate these funds as you see appropriate to any of the following major annual expenses or to a category not noted below. We are working diligently to control expenses, improve cash flow, and keep our doors open but changes to healthcare and funding thereof have impacted our organization and those like ours tremendously.*

- *Employee Worker's Compensation Insurance (Projected at \$16,000 for 2015)*
- *Vehicle Fuel (Projected at \$16,000 for 2015)*
- *Vehicle Maintenance (Projected at \$45,000 for 2015)*
- *Electric Utility (Projected at \$13,000 for 2015)*
- *EMS Equipment/Supplies (projected at \$10,000 for 2015)*
- *Medical Oxygen (Projected at \$6,000 for 2015)*
- *Payroll (Projected at \$225,000 for 2015)*
- *Accounting Services Projected at \$9,000 for 2015)*
- *Mortgage on Building/Grounds (Projected at \$16,000 for 2015)*
- *Payment on 2008 Ambulance Loan (Projected at \$13,000 for 2015)*
- *Create a Capital Reserve Fund (We currently have no capital reserve fund or account)*

*Thank you for your consideration of this request and, as always, please do not hesitate to contact me or Chief Kraig Nace for information detailing our recurring billing challenges, cash flow, and the cost to keep this vital service to your community in operation.*

*Sincerely, Edward R. Ream, President Duncannon Emergency Medical Services, Inc.*

**Barbara Van Horn** – Ms. Van Horn asked how many properties were currently owned by the Historical Society of Perry County. Mr. Hocker stated that the Historical Society has 10 properties under their care at this time. The properties are all over Perry County from New Germantown to Millerstown. She asked if the Historical Society was responsible for maintain those properties to which Mr. Hocker replied, "Absolutely." The funds to accomplish Historical Society work is raised through grants, fundraising, and donation. Ms. Van Horn had concerns regarding the number of properties the Historical Society already owns and their ability to maintain them. She was happy when

Duncannon purchased the Tavern and hopes that they can retain ownership, while advertising for partnerships to make it a special place for Duncannon.

**Mario Celi** – 109 Cumberland Street, Duncannon.

Mr. Celi stated that there should be a plan for the Tavern. He saw another building torn down on High Street and feels as though history is being taken away.

**Lisa Landis** – 12 Eisenhower Boulevard, Duncannon.

Ms. Landis stated that she does not have an opinion one way or another on the Clarks Ferry Tavern issue. She takes issue with the communication from the Tavern Steering Committee. She listed the communications regarding the tavern at past Borough Council meetings. She listed announced meeting times of the Steering committee and reports given. She feels that there was a lack of communication and as a community the citizens deserve the right to all information available regarding the Tavern before any decisions are made.

**Darryl Croutharmel** – 1 South Market Street, Duncannon.

Mr. Croutharmel sent an open Records request to the borough office on November 2, 2015. The Right to Know request was for the most recent affidavit of residency from each Council Member. Ms. Roche responded and several council members do not have a current affidavit of residency. These affidavits are required to be on file for six years after you are last sworn in as a council member. Mr. Croutharmel stated that the most recent council members were sworn in January of 2014 which is less than 6 years ago. Two councilmen do not have an affidavit on file and some were not notarized or the notarization appeared to him to be invalid.

**Jack Conrad** –

Mr. Conrad was a councilman for 10 years before he became the Mayor of Duncannon. He explained that he cares a great deal about the Clarks Ferry Tavern and was actually the first person to call for a price on the tavern when it first came up for sale. The original price was \$129,000.00 and it was not a price that the borough considered paying. They watched the property for years and it came up for sheriff's sale and was removed repeatedly. After a period of time and many resident complaints the borough began to maintain the property for safety reasons. The property had been vandalized and left to deteriorate. Mr. Conrad called the realty company and they said they would accept \$50,000.00 for the property. A polling vote was taken and the Tavern was purchased. He never intended for this property to be given away. He had hoped to find someone to buy it that would want to restore it or find a partner willing to take on the project. He had planned for the lot next to the Tavern to stay with the Borough even in the event that the building was sold. He stated that he has made it clear to Council over that last few years that he had plans for the lot adjoining the Tavern. He has had meetings with the Appalachian Trail National Association regarding 2 possible \$35,000.00 grants that may come available. He was shocked when the recommendation was made to have the Solicitor prepare paperwork for the Transfer of the Tavern to the Historical Society of Perry County because he had made plans for the property.

Mr. Kirkhoff asked the mayor to clarify these plans for everyone as grant monies are very specifically allocated. The mayor said the plans are for the lot only. Mr. Kirkhoff asked for clarification and specifics for everyone assembled, Mr. Conrad told Mr. Kirkhoff to 'Shut up' and he would explain. Mr. Hammaker asked if Mr. Conrad was speaking as a citizen or the Mayor. Mr. Conrad said he was speaking as a citizen and Mr. Hammaker informed him that his allotted three minutes were up. Mr. Conrad stated that he would now be speaking as the Mayor. Mr. Hammaker was unsure how to

proceed as Mr. Conrad went from speaking as a citizen to speaking as the Mayor. He explained that he wanted to make his points clear while the citizens were present. Mr. Conrad said that when the Apple tree Alley issue was being decided that a vote was necessary. The decision was made by referendum. Because the monetary totals were around \$360,000.00 the issue had to go to referendum even though actual money spent would have been approximately \$10,000.00. Ms. Megan Cliber asked Mr. Conrad if he feels that the Apple Tree Alley project would have been a great asset to the town, why he would want to put another important decision in the hands of people who are uninformed and do not have all of the details. Mr. Conrad presented a list of five options that he has considered viable for the future of the Tavern. He stated that we have elected four new council members to take office in January and he feels they should have the right to vote on this issue.

Kathy Smith addressed the mayor and stated that she has been at every meeting of the Borough Council for the last year and six months. She said that the newly elected council members knew they would be on the ballot and that they would be on Council at the start of the New Year. Ms. Smith said that she has seen a couple of them at one meeting and another at two meetings, and the fourth at no meetings. She feels that they have no idea how the Borough works, and should be at the meetings learning the procedures. Ms. Smith is in favor of the donation of the Tavern to the Historical Society of Perry County and feels taking the decision out of the hands of the Council that has done the research would be wrong. She feels the \$50,000.00 property donation is an investment in the future of Duncannon and it should be put into the hands of people who know what they are doing when it comes to restoration.

Mr. Conrad continued with his options for the future of the tavern. Mr. Hammaker reiterated that his allotted time was over and asked the Solicitor for advice regarding parliamentary procedure. Solicitor Smith said that the public comment portion of the meeting is specifically for public comment and is not the time for an official to make comments. Mr. Conrad did not feel he was given his allotted amount of time as other spoke during his comments as well. He stated to Mr. Hammaker, "In other words you just don't want me to explain the list that I made." Mr. Hammaker replied, "I have no problem with you explaining but we are not having productive conversation when we get into arguments back and forth with the audience." Mr. Bomberger stated that Mr. Conrad has a time to speak during the Mayor's report and that would be a more appropriate time to speak. Solicitor Smith reiterated that the Mayor has his own time for speaking during the Mayor's report and also at any discussion on this matter later in the agenda.

**William Hobbie** – 72 Towpath Road, Duncannon.

Mr. Hobbie stated, "That just as a rush to judgement is considered not prudent, I would think a rush to give away an asset to one person should not be considered prudent." He is all for restoring the property to the benefit of Duncannon.

**Jason Wilson** – 6036 Waggoners Gap Road, Landisburg.

Mr. Wilson served on the Clarks Ferry Tavern Steering Committee. The Committee was tasked with determining the best scenario for the future of the Clarks Ferry Tavern. They chose what they felt was the best scenario for both the Tavern and the Borough of Duncannon. As a preservationist, he can't imagine that anyone would want to destroy a building that is over 200 years old. He feels that today, tomorrow and even 6 months down the road the options presented by the steering committee will still prove to be the best for Duncannon and the future of the Tavern. Due diligence was done and he feels the result was a good solid recommendation for Borough Council to consider.

**Mario Celi** – Mario stated that there is no information regarding the Tavern on Google. There is little information to be found regarding Duncannon as a whole. He said Duncannon is a beautiful area and it should be promoted as such. He said the Clarks Ferry Tavern is in a great location and has the Potential to be an institutional building. It has historical significance for the town.

### CORRESPONDENCE –

**Perry County Chamber of Commerce** – A membership renewal application was sent for 2016. The cost of renewal is \$200.00.

**Williams/Nace** – Motion to renew the Borough Membership with the Perry County Chamber of Commerce for 2016 – **PASSED**

Mr. Bomberger asked if the 2015 membership had been used. Mr. Williams stated that the Recreation Board uses it often. It was used for the DATC festival, the Sesquicentennial, and various other events.

### PROPOSALS - None

### REPORTS

**Mayor's Report** – Mayor Conrad presented a written report as well as his proposed options for the Clarks Ferry Tavern. He stated that the problem with transferring the Tavern is that there is no plan in place for the restoration. He again reiterated that we elected the new council who will be taking office in January and he feels they should have a voice in this.

He listed his options as follows:

- *Do nothing for now.*
- *Deed Tavern and all land over to the Historical Society with reverter.*
- *Explore special lease options*
- *Try to sell, Mayor Conrad added that we have never had it appraised or tried to sell it. He thought it would be interesting to find out what the property is worth.*
- *Community Development plan with commitment verification*
  - a - \$1000 per year for 25 years which will be forgiven if progress is on schedule set by agreement.*
  - b – Borough gets control of the lot use but will agree to work with Perry Historians on it.*
  - c – Special sections for displays for the Buck tails, Boy Scouts, Fire Company, ATC and historians including basement storage and 2 weeks use for each group annually.*

He feels that the final option is the best option. He is comfortable with the people in the Historical Society right now however is concerned that thirty years from now that may not be the case. A community project of this type could help bring business to Duncannon.

Mr. Kirkhoff asked Mayor Conrad if he felt the Tavern was an asset or a liability. Mayor Conrad said it had not been appraised and therefore he did not know. Mr. Kirkhoff explained that he was in that line of work and that there is no monetary value in the building. Mayor Conrad said he felt the land was an asset. Mr. Kirkhoff felt that the fact that Mayor Conrad was more interested in the value of the land was troubling as the Historical value of the building and the preservation of it is what will bring future value to Duncannon. Mr. Kirkhoff asked what specific plans Mayor Conrad had for the land adjoining the Tavern. Mayor Conrad said he had hoped to place a bus stop there, a community signboard for information sharing, and a pavilion among other ideas. Mr. Kirkhoff asked if it would be possible for those same things to be implemented if the Historical Society owned the property. Mayor Conrad did

not know. Mayor Conrad stated that we own it now and he does not want to have to ask if he can do something. Mayor Conrad said he is being asked to sign a blind agreement, that there are no conditions for the reversionary clause. He feels the Historical Society should have a plan for restoration that they must adhere to before they are given ownership of the property. Mr. Hammaker pointed out that the agreement prepared for the transfer has blanks spaces for the terms and conditions that the Council will specify if they move forward with the transfer.

Mr. Bomberger asked how many of the Clarks Ferry steering committee meetings the Mayor had attended. Mayor Conrad stated that he had not attended any steering committee meetings. Mr. Bomberger stated that he feels it is very disingenuous of the Mayor to begin running his own program regarding the Tavern now after the time for input with the Steering Committee has passed. Mayor Conrad asked who was on the steering committee and how the members were selected. Mr. Hammaker stated that he, along with Mr. Lauster and Mr. Bell were the appointed Council Representatives. All other members were on a volunteer basis. Experts were solicited for their input. Mayor Conrad asked if the steering committee voted on the recommendations presented to council. Mr. Hammaker stated that the steering committee was a round table discussion and they did not vote but made recommendations by consensus.

**Police Report** – The police department has hired three additional officers. The vehicles have been outfitted with printers and scanners. The computer system has been updated and they are in the process of testing it with the state system. Hopefully the 'Mobile Offices' will be up and running within a month. Chief Pickles reported that there is one week left in the aggressive driver grant.

Mr. Nace asked if any of the aggressive driver grant was taking place in the borough. The Chief stated that it must be done on state highways and therefore it could not be used in the Borough. Mr. Nace also asked if the use of car cameras would be implemented any time in the near future. Chief Pickles said there is legislation to require cameras in police cars being considered and therefore they plan to wait to buy equipment. When the regulations are set forth they will purchase the proper equipment so that they will be compliant. He also stated that once those regulations are mandated grant money should become available for the purchase of the equipment. Mr. Nace asked if the Police department had taken delivery of a new vehicle. Chief Pickles said that they did not. The vehicle is at the Ford dealership and it should be ready in one to two weeks.

Mr. Lauster stated that Speed enforcing radar is not legal in Pennsylvania but it may be in the near future.

Chief Pickles said the working relationship with the Borough manager in codes Enforcement has been going well.

**Secretary/Treasurer's Report** – Written Report.

The final payment was received from the Susquehanna Greenway for the signage Grant. The Borough received the maximum amount of \$10,000.00

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

**Borough Manager's Report** – A written report was provided. Ms. Roche reported the parts for the dry hydrant have been received and installation has begun. The level in the reservoir is dropping at

about three inches per day. The water level is being tracked daily by PESI. Hydrants cannot be flushed until the source of the leak is determined.

Mr. Lauster asked why PESI is tracking the leak as we should have a guarantee with Performance Construction on the work that they recently completed. Ms. Roche explained that until the leak is found we cannot enact the guarantee. As the water level now stands it is most likely below the area where Performance construction did their work and therefore they would not be responsible. Performance Construction filled and repaired visible cracks that were found when the reservoir was being cleaned. They did not seal the entire structure.

### **Bills to Be Paid/Ratified –**

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

**Solicitors Report –** Solicitor Smith reported that she worked with staff on RTK (Right to Know) requests. She received communication regarding a purchase power agreement, and also worked on liens that need to be filed as well issues with a lien property that had utilities turned off and then restored. The Argument was held on the E.B. Duke appeal from the zoning hearing board decision. The case had been briefed earlier and after brief argument it was determined that the zoning hearing board decision would stand. Staff was advised on the proper steps to take in documenting what is permitted on the property. The borough had consistently taken the position that they did not object to two residential units and that should be documented in the records. Solicitor Smith prepared documents in regard to the Clarks Ferry Tavern as directed by council at the last meeting. METRO bank has finally provided confirmation of the escheated funds, this is the final piece of information the treasury office has asked for before the return of those funds.

Solicitor Smith provided updates on new law or changes in the law. Last year the Tax collectors law required that the tax Collector have six continuing education units per year. Approximately two months ago they sent a letter stating that everyone must be in compliance, and one month ago they sent a new letter stating that the requirements had changed to two continuing education credits per year. It should be confirmed that the acting Tax collector is in compliance.

In 2010, during the recession the legislature gave relief to the development industry. The fiscal code in 2010 included language that extended all permits and approvals that a municipality would issue for a period of time through July 2, 2013. There was confusion about the meaning of this statement.

Without clarification the time period was then extended to July 2, 2016. As interpretation of the law was confusing, this year additional legislation was enacted an amendment that appears to state that all permit approvals were suspended through July 2, 2016 and thereafter you would have the life of your permit. This law is no longer part of the fiscal code, but a stand-alone act called the Permit Development Extension Act. Expectations of the law are still confusing and clarification is needed. Outstanding permits should be determined and documented.

Solicitor Smith updated council on the Supreme Court decision on sign regulations. The Supreme Court took the stance that the first amendment take priority over all things regulatory when it comes to the content of signage. Duncannon simplified the ordinance regarding signs a few years ago and it is in compliance with this Supreme Court decision.

Mr. Bomberger asked Solicitor Smith if there was any retroactivity on the residency affidavit requirement for Council Members. Solicitor Smith stated that as some members of council had been members of council before that law took effect therefore it does not apply. Those members of council are exempt to that requirement.

**Engineer's Report** – Engineer Ron Brown reported that a certified letter was sent to President Hammaker pertaining to the Act 65 permit for the Butchershop Road culvert. This letter was a request asking if the project conforms with the land development and zoning of the borough. If the project conforms, no action is needed. A plan for the project will be prepared and estimated and then can be budgeted for the fiscal year the borough deems appropriate.

New requirements have been set forth by DEP (Department of Environmental Protection) regarding monitoring of wastewater treatment plants. PESI will be doing online training to keep up to date.

The Market Street sewer project has been completed and the JOAC has cancelled the December meeting due to lack of agenda. Engineer Brown reported that the flows at the wastewater treatment plant have gone down. The phosphorus levels were up in September, however we are still under the maximum allowable to keep us in compliance. As the I & I (inflow and infiltration) goes down, the concentration of phosphorus goes up. It will continue to be monitored.

He stated that no water is being pumped into the reservoir from well #5 at this time. The water levels are being monitored to find the leak in the reservoir. Well #5 will need to be back online soon.

The JOAC meeting is canceled for the month of November due to lack of agenda.

**PESI** – Written Report. Water loss is not recordable with the reservoir levels dropping. The manager will ask PESI for more information on the phosphorus levels.

**Duncannon Fire Company** – Chief Worner reported that the 2016 raffle calendars are now available. Chief Worner asked if the hydrants could be used by the fire company. Mr. Hammaker said that there are 360,000 gallons of water in the standpipe and that goes throughout the hydrant system. Hydrants can be used for fire protection. The next meeting for the fire protection committee is scheduled for December 1, 2015 at 7:00 at the fire house in town. Mr. Bomberger asked for clarification on the \$24,000.00 requested last month. Chief Worner stated that it would be an annual commitment from the borough. The fire company has a capital reserve account to be used only for apparatus purchases and this is where those funds would go.

### **UNFINISHED BUSINESS**

**Utility Policy Manual** – Still completing. Mr. Lauster said some office procedures differ from what is stated in the manual. Policies should be gone over with the office staff so that they are consistent. Mr. Lauster stated that many documents require a notary seal and it would be a good idea to have someone on staff that could notarize documents. The Borough has had a notary on staff in the past. The Borough can pay for the Notary training, however if the employee leaves, the notary seal is theirs. Mr. Bomberger stated that in the past the borough paid for the training and then notarizations for borough residents were done for free in the office.

**18 – 28 North Market Street** – The property has UCC violations and they have been posted, but there have been problems serving the notices to the property owner. Chief Pickles said that he served citations to the property owner earlier in the day. Solicitor Smith stated that those did not include the UCC violations and they will be provided to the Police Department so that they may be served.

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

**109 Cumberland Street** - Manager Roche stated that she has still not received the elevation certificate from Mr. Celi. Mr. Celi stated that the best price he found for obtaining the elevation certificate was approximately \$700.00. Ms. Roche said that was a fair price. Mr. Celi does not want to spend that money if he does not have to. Solicitor Smith explained that the elevation certificate is a federal requirement and must be obtained before he can apply for permits. If these requirements are not enforced by the borough, every resident in the borough can lose flood insurance. Mr. Bomberger reiterated that Mr. Celi had been given an extension and that the elevation certificate and plan for the property were to be presented at this meeting. Mr. Hammaker explained to Mr. Celi that there is no way around the Elevation Certificate requirement.

**215 High Street** – Emergency Demolition on the property has been completed. A lien for the amount of the demolition and all related costs will be placed on the property within a week. Related fees may include: Constable Fees (\$25.00), demolition (\$9930.00), legal fees, workforce time, overtime, etc. Mr. Bomberger stated that the vote taken at last month's meeting was for the removal of the soffit and fascia and therefore the phone vote should be ratified. Solicitor Smith agreed.

Mr. Nace asked if there are outstanding utility bills for the property. Ms. Roche stated that all utility bills are paid and up to date. Mr. Bomberger said it must be determined where the money to pay the costs of demolition will be coming from; he assumes they will come from the Timber account. He would like to know other avenues to recoup the money other than liening the property as liens are rarely satisfied. He stated that the homeowners came to Council as a family and asked for time to find new housing and to take care of the property. They were given a four month extension, and they walked away leaving the borough to clean up the mess. Mr. Bomberger feels it sets a bad precedent within the community and we need to find a way to stop it from becoming a recurring issue. Solicitor Smith stated that liens are always an option, or it can be taken to judgement. You can bring a complaint forward to the Court of Common Pleas but it can be a costly option. Mr. Lauster suggested an article in the November issue of The Pennsylvania Borough News magazine may be informative on this issue. The article discusses what other PA communities are doing with blighted properties and how they are handling the demolition of these properties.

**Nace/Bell** – Motion to ratify the telephone poll of council approving the demolition of the building at 215 N. High Street at a cost not to exceed \$15,000.00. All costs to be paid from the Timber Account.  
– **PASSED**

**630 High Street** – The manager was contacted by HUD (Housing and Urban Development) and they will be acquiring the property from Chase.

**BREAK** – 9:52PM -10:10PM

**Clarks Ferry Tavern** – Mr. Hammaker stated that he was appreciative of the discussions that took place at this meeting regarding the Tavern. He felt that some of the discussion was the result of misinformation or a lack of information and took full responsibility if that was his fault as council President. Mr. Hammaker explained that the steering committee was appointed after the tavern was purchased and tasked with one job. That job was to provide recommendations on how to best proceed with the Clarks Ferry Tavern property. The committee consisted of Mr. Hammaker, Mr. Lauster, and Mr. Bell as council representatives, the meetings were open door, and the public was invited. Additional borough council members could not attend as that would have created a quorum, however if another council member had expressed interest in attending they could have taken turns with attendance. Expert opinions were solicited. Dennis Hocker of the Historical Society was asked

for information as he has worked with historical restoration in the past. As a result, Dennis became a volunteer member of the steering committee. Mr. Wilson from the Historical Museum Commission participated as a historian and his wife attended meetings as a volunteer as well. Victor Hart and Mr. Prescott participated in the steering committee as well. Through the archaeology program many young lives were enriched, a lot of interest was fostered in the tavern itself from this program. Many archaeology merit badges were earned at the tavern property. Many school groups within and outside of the community participated in the archaeology program as well. Mr. Hammaker reiterated Mrs. Clugston's comment that it was great to see young children hold history in their hands and to learn about right on the spot. The Clugston's participated in some of the Steering Committee meeting as did Sue O'Shell. Roland Finkenbinder who is an expert in old time construction participated in meetings as well. The committee did a lot of arduous research before making recommendations on how best to steer the future of this historic site. The committee had round table discussion; they had an informal meeting style. They did not have a chairman, voting, or take minutes. It was an informal steering committee researching many options. Options considered included leasing the building, rehabbing the building and turning it into offices, selling the building and property, and using it as an anchor or piece of the Apple Tree Alley walk. These and many other ideas were taken into consideration. The committee realized that the project would need to be steered toward the state and federal historic programs in an effort to get the Tavern recognized on their registers. The Borough Solicitor worked on the steering committee as well, volunteering her time and legal advice to the committee. At the end of the process it was decided by consensus of the committee to create the letter with the summarization of their recommendations that was provided to Council at the October 20, 2015 meeting. The preparation letter was delayed by the Sesquicentennial celebration as many of the steering committee members also took part in planning those events. Mr. Hammaker apologized for the delay while standing behind the committee's recommendations and the research put into formulating those recommendations. Mr. Hammaker said that other organizations could take on the tavern project. Any group with a 501c3 would have an easier time with funding and grants; however the Historical Society of Perry County has already shown that they are dedicated to this project. They have already formed a sub-group called 'Friends of the Clarks Ferry Tavern.' They have already raised around \$7,000.00 for the restoration of the tavern. The money was raised in an effort to show the community that they plan to invest in the future of Duncannon. \$2,250.00 was also donated for tavern restoration during the Sesquicentennial Celebration and when the Duncannon Area Revitalization Inc. ceased operations they also donated approximately \$2,000.00 specifically to Clarks Ferry Tavern restoration. Collectively this adds up to close to \$12,000.00 to begin the project. Mr. Hammaker addressed Mayor Conrad stating, "I understand your passion. I have always respected you as the Mayor or Borough councilman. We've always worked together and we have always been able to find common ground." Mr. Conrad said that he was the one to make the motion to allow the archaeological digs at the site. Mr. Hammaker agreed that that was a great thing but this is not about who did what and who gets the credit. Mr. Hammaker said, "To me Mr. Conrad, you hurt this process here tonight, maybe being a little too passionate. Telling a citizen to shut up I think is totally inappropriate and I think that somewhere down the line you need to fix that. The fact that you went out and posted on Facebook leading up to this, information that wasn't factual and I called you on it and you said you were going to check into it. The gentleman is sitting here tonight, you posted that the gentleman offered to buy the tavern."

Mr. Conrad stated, "Inquired about it."

Mr. Hammaker continued, "Inquired about buying the Tavern, correct. You went out and corrected that, because you told me on the phone that he came to you. I said that is an absolute untruth, right. You got all of these people worked into a lather about something that in my opinion has been well

thought out, well worked through; the committee did what they were asked to do. They were charged with a task. That committee came back with a recommendation and I don't know if you read yours or not, the recommendation that was written and provided to this council last month was transfer the property to the Historical Society of Perry County with some conditions. A reversion clause being one of them, meaning that the HSOPC (Historical Society of Perry County) can never sell the building without offering it back to the Borough. That's fair, that's correct. There are empty slots in this agreement that our solicitor prepared. It says A – Historic Preservation of the Clarks Ferry Tavern, with a blank spot that says, reserved for terms. If you had a term in there that said HSOPC to undertake preservation of site as historically accurate with funds obtained by them for this purpose through grants, donations and fundraising, I think you meet some of the concerns and obligations you had. Concerns that you had and brought forward here tonight. Public access to Clarks Ferry Tavern, section B. There is another big blank. May be worded, The Historical Society of Perry County will make the property available to the residents of Duncannon Borough as appropriate and for the betterment of the community. So the things that you were concerned about the committee has already planned to put in. But we wanted input from everybody at this table to fill in the blanks. So it's not like anything was done here in a vacuum, that anything was just going to be ramrodded through. When have you ever known me to do that Jack? Have I ever done anything to hurt this borough?"

Mr. Conrad replied, "To hurt it, No."

Mr. Hammaker continued, "Absolutely not. Maintenance of Clarks Ferry Tavern, there is another blank for terms. Possibly, the Historical Society of Perry County will undertake maintenance and upkeep to include snow removal, grass mowing, and general repair to comply with borough ordinances. Those are just three little things that I threw in there as thoughts, now we can collectively as a council and you are included with us as the Mayor, can put more language in there that makes this work and makes this viable and positions the property to be historically preserved. We talk about the \$50,000.00. I see \$50,000.00 of tax money all over the place. It was bought with Timber money. You can split hairs and say tax money, timber money. But it was not bought with tax money, money people paid in under EIT or money people paid in on their property taxes. It was money brought in with the sale of Timber. I think the \$30,000.00 that we spent in the last few months tearing down properties that we will never see recovery on is a bigger waste of money than \$50,000.00 that we are going to invest in the community to have the Historical Society rehab that property and make it something that we can all be proud of."

Ms. Landis asked, "Didn't the money to tear down properties come from the timber funds?"

Mr. Hammaker stated, "Yes it did, and I'm not disputing that. I'm simply saying that if this is throwing \$50,000.00 away to give this to the Historical Society, then throwing \$30,000.00 away out of the timber fund on something we will never see any recovery back from is just as bad, if not worse. Because this at least gives us the opportunity to see something made from out of it. We are fortunate in this community because we have that timber money. Many communities don't have that resource available to them to use for capital projects. We have that and it gets us out of trouble, it gets us into a position where we can afford to do things that a lot of other communities can't. That timber money needs to be properly looked after. We were very fortunate tonight, Mr. Meiser brought in a bid for \$140,000.00 for cutting a tract of timber. That's very good. We will have to pay a percentage of that for his services and so on and so forth. Next year we may have to spend 30 or 40 thousand dollars as a community to spray for gypsy moths, but we are still ahead of the game. So what I am trying to say, is to say there isn't a plan, to say it wasn't thought through, I think everyone is jumping to conclusions and has a whole bunch of fluff in their minds that someone is trying to do something here covertly. That is just not the case; there would not be blanks in the agreement if it was done covertly. We could put it up for a vote and hear nobody's input and it could pass or fail on its own merit. I

disagree that it's being done ill informed. It's not the time after a committee has worked for two and a half, three years and put blood, sweat, and tears into the thing and did all the leg work, it's not the time to come in and question what they've done. I've said my piece; it's up to council now to see what they want to do."

Mr. Karl Conrad asked if the Fire Company had a clear plan outlined for the building when the old borough building was turned over to the Fire Company, how it was to be used, the objectives, and how it was going to be improved. He feels that the fire company had to outline all plans and does not feel the Historical Society has done that with the Tavern. Mr. Hammaker explained that they plan to do a historical restoration. Mr. Conrad asked how that would benefit him as a citizen. He agreed with Mr. O'Shell's statements that it could be used for the Appalachian Trail. Mr. Hammaker said that the site was actually considered for the Appalachian Trail museum but was turned down. Mr. Conrad said he was unaware of these things. Mr. Hammaker stated that the committee knows all of this because they have put in the time and research necessary to make a good recommendation. Ms. Neve asked why a concerted effort was not made to inform the citizens and businesses of Duncannon of these events. Mr. Hammaker said these things came up over time, the possibility of the Appalachian Trail Museum being placed here was discussed at the Council table. It was not rehashed and reintroduced once it was no longer a possibility. People who are engaged in the process are not going to continue to re-engage what has already been passed. Mr. Conrad asked what the plan was for the building. Mr. Hammaker stated that it was discussed at council sometime in the past that the building should be restored to the period around the 1820's, stagecoach period time.

Mr. Guarnera suggested that Mr. Hocker explain what restoration means to the Historical Society, what restoration would mean to the community. Mr. Hocker explained, "To say there is not a precise plan, yes that is true. We do not have a precise plan. We have not been allowed in the building so we can't say specifically what we are going to do. What preservation means is restoring the building back to a certain period in time. We have ten buildings around the county and all of them are in various states or restoration. I can point out several really major accomplishments. The Fetter House in Landisburg is a gem. It is restored to 1848; there will be an open house there in December. The Cochran-Aunspach House, the same. When we got both of those they were probably in worse shape than this is. With those, the roofs were leaking, plaster was falling off the ceiling. That's what it means, as far as what's the plan moving forward. I can assure you that our board of Directors is 100% behind this if Council decides for us to do it."

Mr. Hocker was asked to list some of the other properties in the care of the Historical Society.

They include: Green Park School, one room schoolhouse restored to 1890's.

Dromgold Farm, at Dromgold's Corner, now undergoing massive restoration, plans are conversion into a county cultural museum and site.

Brownawell Mill – Has just been donated and plans are in development.

Mr. Hocker said if this transfer goes through the Perry County Bi-Centennial committee would like to make it a historic park similar to the park in Newport at Fourth and Market Streets. Several businesses have expressed interest in donating. Preliminary approval has already been obtained from the Pennsylvania Historic Museum Commission to put one of the blue and gold historic marker signs at the site. The application for National Historic Register has been prepared. Many of these items have been worked on over that last two years. He said it is impossible to say exactly what will be done and when. He stated that many people that attended the Sesquicentennial History Display suggested a permanent museum to showcase Duncannon heritage. Many of the People who donated to that display are willing to display at the Tavern as well. The Duncannon Appalachian Trail Community would be a great partner in the endeavor. He stated that the more non-profit organizations involved, the easier it is to get funding through grants and the grant amounts are

higher. They have been able to do some things, but without ownership of the property and rights to the property, options are very limited. They have done as much as they can do without ownership.

Mr. Karl Conrad said he does not understand why the Historical Society has not been inside the building. Mr. Hammaker said that some members of the steering committee have been in the Tavern; Mr. Hocker however, has not. Mr. Hart and Mr. Wilson have been inside the Tavern as well as Scott Simpson who is a historical architect. They photographed features of the building and shared those photos with the steering committee as part of the research, but they could not open the building or do anything inside. There are too many features within the building masking the historical architecture. The scouts did volunteer to help with the removal of some of the modern additions to the building as they have their own insurance. This was all done in an effort to get a better picture, but it wasn't enough to see all that is really going on in the structure.

Mayor Conrad apologized to Mr. Kirkhoff for telling him to shut up and said that he was glad that discussion took place with and among the citizens of Duncannon regarding the Clarks Ferry Tavern.

Mr. Bomberger asked for clarification of comments regarding selling the lot separately as he is under the understanding that it is 1 deed, building and lot combined. Mr. Hammaker stated that it is one piece of property deeded. He said the steering committee refers to the empty section as the 'lot' but subdivision was never discussed. Mr. Bomberger said the deeded lot for the Tavern is actually smaller than it looks as it abuts Apple Tree Alley.

Mayor Conrad said he saw a craft and vendor fair set up around a dig site in Williamsburg and would like to see something like that done at the Tavern lot in the future. Mr. Lauster said he has a brochure for the Historic Dill Tavern in Dillsburg if anyone would like to see the type of events that they hold.

Christie Young asked if it was possible to get the financials of the Historical Society. Based on her research the Historical Society had only filled out 990N. The 990N is a postcard stating that they made less than \$50,000.00 per year. She said that with ownership of ten properties it seems they should be bringing in more than \$50,000.00 per year. She also asked for the names of the Historical Society Directors. Mr. Hocker stated that many of the properties come with a 'Trust' and so tax paperwork is filed by the holder of the trust. Solicitor Smith explained that there is a difference between making money versus having money that is expended. The Historical Society does not make money and they do not report in the same way as a business would. They are a non-profit.

#### **Changes and Additions to the Agreement for "Clark's Ferry Tavern" Property:**

2a - Performance Obligation to be filled – Historical Society of Perry County will undertake the preservation of the site historically with funds as obtained by them for this purpose through grants, donations, and fundraising. The Historical Society of Perry County will conform to their charter and the terms set forth in it. The restoration of the Tavern will date to the period of 1790 – 1820. The Historical Society of Perry County will maintain Liability Insurance on the Property.

2b - Public Access – The Historical Society of Perry County will allow public access to include public events with other entities. The Historical Society of Perry County agrees to make the property available to residents of the borough as appropriate for the betterment of the community, subject to normal hours and restoration plan. The historical Society will provide a display area for community organizations.

2c - Maintenance – The building and surrounding grounds must meet borough ordinances.

2d - The Historical Society of Perry County will make a good faith effort to have the Clarks Ferry Tavern placed on the National Historic Register.

4 – Communications – The Historical Society of Perry County will prepare and present an annual report for the Duncannon Borough Council stating accomplishments and plans for the year in April of

each year. The President of the Historical Society of Perry County or his designee will communicate with the Chairman of the Recreation Committee or Borough Designee to set up community events at the Tavern.

5. (new) – Reversion Clause – If the Historical Society of Perry County does not want of can no longer care for the property at any time, the Duncannon Borough has first right of refusal.

6b – remove

Acknowledgement – this example will be changed to Duncannon Borough information.

Mr. Nace asked approximately how long it takes to see significant improvement to a property like the Clark's Ferry Tavern. Mr. Hocker said they plan to make it safe for public entry as soon as they can. However they have not had it inspected by an engineer and so they have no idea what will be involved in making that possible. Mr. Hammaker said he feels the back part of the building is unsafe at this point. He thinks it will be at least two years before the public can go through the entire building. Mr. Hocker said that if the transfer goes through, the front part of the building will be open regularly to the public. Mr. Nace asked if a comparison could be made between the Clark's Ferry Tavern and one of the Historical Societies other properties. Mr. Hocker said that unfortunately when they get the properties they are in immediate need of attention in order for them to be salvaged. They closest to time period is the Blue Ball Tavern at Little Buffalo State Park. That property is State Owned, but the Historical Society was involved in the restoration. Mr. Hocker said, "Is it a challenge? Absolutely. Is it going to cost a lot of money? Absolutely. Is it going to take time? Yes, it's going to take a lot of time."

Mr. Nace asked if Mr. Hocker feels the funds are available. Mr. Hocker stated that they would not have agreed to take on the project if they didn't feel it could be done properly. Mr. Lauster asked if 'in kind' matches could be used retroactively. Mr. Hocker said it is not usually possible to retroactively use 'in kind' matches, but it will be specified by the organization in the grant.

Mr. Nace asked if there was ever an appraisal done of the property. Mr. Bomberger said that the Borough had one done and it came in at around \$100,000.00. That appraisal was done when rental income for three units could be included as the property was still occupied. Since that time the entire heating, plumbing, and electrical systems have been stolen from the property. The Historical Society will also have an easier time maintaining insurance on the property than the borough.

Mr. Nace said he missed some of the discussion last month but after hearing the discussion at this meeting he firmly believes that the Historical Society is the correct body to do this and he thinks the world of the Historical Society. Mr. Nace had no idea that they had restored and are restoring 10 properties. He stated that he learned a lot from the discussions at this meeting and is impressed by the work done. He thanked everyone involved in the process.

The contract will be circulated among council to ensure accuracy before it is signed.

**Lauster/Bell** – Motion to transfer the Clarks Ferry Tavern property to the Historical Society of Perry County per terms of agreement. – **PASSED** with a unanimous roll call vote.

**Lauster/Bell** – Motion to transfer the funds currently held by the borough for the Clark's Ferry Preservation to the Historical Society of Perry County to include the \$2250.00 in donations and the money donated by Duncannon Revitalization Inc. to be used for restoration purposes. – **PASSED**

**Lauster/Bomberger** – Motion to advertise the Ordinance amending chapter 225 of Zoning of the Code of the Borough of Duncannon as prepared for a hearing in December. – **PASSED**

Mr. Lauster said that they had hoped to create a nicer river access and a welcome center at the arch near the Tavern about 15 years ago. Norfolk Southern would not allow it.

Mr. Nace asked that someone reach out to Mr. Cappawana regarding a refuse issue. Ms. Roche spoke to Mr. Cappawana in August or September but has not had contact recently. Mr. Nace received an e-mail on October 30, 2015 and will forward that correspondence to the Manager.

## **COMMITTEE REPORTS**

**ADMINISTRATION, FINANCE & IT** – No report.

**FLEET, FACILITIES & UTILITIES** – Mr. Lauster stated that the water loss cannot be calculated due to the problems at the reservoir. Well #4 issues from the standpipe inspection report have been taken care of.

**PARKS & RECREATION** – Mr. Williams reported that the planning for the Sled Drop is ongoing. They will be advertising the Door and Lawn Decorating contest in the near future. Mr. Williams stated that the Boy Scouts would like to use the 'Goose Pond' area for camp and though it is early, they like to have a schedule prepared as soon as possible.

**Lauster/Nace** – Motion to approve the use of 'Goose Pond' by the Duncannon Boy Scouts for camp. – **PASSED**

Mr. Bomberger asked if the Teener Baseball organization had provided proper credentials. Mr. Williams said they have provided all necessary paperwork and he hopes to have a meeting early next year with all parties interested in using the fields. Mayor Conrad congratulated the Rec. Board on a successful Halloween parade and Fall Fest event. Mr. Lauster said the same people tend to win the decorating contest each year. Mr. Nace said a reduction of the Electric bill would be a great prize for the winner.

**PERSONNEL** – Mr. Bell thanked the Borough work force for the great job they have done in leaf removal.

**PUBLIC SAFETY & STREETS** – Mr. Eppley said that an e-mail was sent to the Chief of Police by another council member and protocol was not followed in that matter. The e-mail was in reference to seeing the Police SUV parked in various places outside of Penn Township jurisdiction. This e-mail was sent to Mr. Hammaker, Mr. Eppley, the Borough Manager, and [thisisduncannon@gmail.com](mailto:thisisduncannon@gmail.com). Mr. Eppley stated that he does not know who thisisduncannon.com is, but as they are not a known borough entity he will not discuss any borough business in e-mails in which they are included. Other e-mails followed, each had thisisduncannon.com as a recipient. These e-mails stated that the Lower Paxton police department had been queried as to why the Penn Township Police car had been seen there, and the PA state police were contacted. Mr. Eppley said that none of this was requested by the Borough and this line of questioning had never even been considered. Mr. Eppley does not like these e-mails going out to so many people and they are difficult for him to read as he does not have access at home. He will not acknowledge e-mails that include parties not associated with the Duncannon Borough.

Mr. Eppley referred to a list of complaint issues that had been handed out by a council member at a previous meeting.

The first issue addressed was a 2014 felony prosecution and cost of a jury trial resulting in a 38 minute acquittal by rookie officer Lancaster without ever interviewing the accused. Mr. Eppley stated that the police investigate, determine the charges and hand it off to the judicial system, they

then determine if there is enough evidence for a jury trial. He does not understand placing the blame on the police department in this case.

An officer was driving at a high rate of speed in the unmarked SUV on Market Street. Mr. Eppley stated that he does not know how the rate of speed was determined without equipment. He said officers are entitled to drive at a high rate of speed if they are in pursuit.

An officer followed the council member around town. Mr. Eppley said the police will follow anyone they care to follow. That is part of their duty. He has been followed in the past as well.

Other complaints include driving speed, inappropriate U-turns, and maneuvering in traffic. These were reported to the chief. Mr. Eppley said policemen are allowed to make U-turns and he does not really know how to address these issues as he feels they are non-issues. He sees no gain in doing so.

Mr. Nace has asked for clarification on section 2 the performance obligations, letter F. The section reads, "The municipalities jointly prepared and adopted a written policy for the provision of police services. Which policy may be changed by Penn Township during the terms of this agreement subject to annual review by the Borough." Mr. Nace asked what that policy is. He said the Chief indicated that the policy is the agreement. Solicitor Smith stated that can be the case. Mr. Hammaker and Mr. Eppley both stated that it was their understanding that the policy is the agreement. Mr. Bomberger stated that it refers to the police department's policies that were jointly prepared by the Borough and Penn Township. They are not reviewed every year, but if there are updated, they update their policies. Mr. Nace said that he had never seen the policies and therefore was unsure what they were referencing. Mr. Bomberger stated as they are the actual policing policies they are not normally made available. Mr. Nace should ask the Police department for the portions of the policy that can be shared. As we have entered a new two year commitment with the department, Mr. Nace feels the policy should be reviewed. Mr. Bomberger said that when Duncannon had their own Police Department, the policies were off limits to the Council.

**INFRASTRUCTURE ASSESSMENT** – Mr. Nace asked that the Boards be updated and that each committee prepare outlines for new council members as to plans moving forward. As the new members have not served on council in the past, any data that can be provided will be helpful.

## **NEW BUSINESS**

**Break** – 11:50PM-12:00AM

**Ordinance #404** – Ordinance Authorizing an Intergovernmental Cooperative Agreement Between Duncannon Borough and Penn Township for a Recycling Program –

**Bomberger/Williams** – Motion to adopt Ordinance #404, An Ordinance Authorizing an Intergovernmental Cooperative Agreement Between Duncannon Borough and Penn Township for a Recycling Program. – **PASSED**

**109 Cumberland Street** – Tonight was the deadline for the homeowner to submit his Elevation Certificate and a plan for bringing the building out of the Dangerous and Dilapidated state. Mr. Hammaker stated that he still thinks it would be helpful to bring in a translator to help in discussions with Mario Celi, the owner of 109 Cumberland. Maria Neve offered assistance as she speaks fluent Spanish. Mr. Hammaker addressed Mr. Celi, explaining he had been directed to have his structural plan at this meeting. Mr. Bomberger reiterated that it is a two-step process, an elevation certificate must first be obtained and then a structural plan prepared. The elevation certificate determines what

building materials can be used in the repairs. Mr. Bomberger explained that Mr. Celi has been given an extension until tonight to accomplish these things. Mr. Celi stated that he already provided the structural report. Mr. Bomberger stated that the floodplain certification must be provided first before any other plans can be considered. Mr. Celi said he does not feel he needs the floodplain elevation certificate for repairs. Mr. Bomberger again stated that these are federal requirements and must be met. Mr. Celi said his plan is to become certified and prepare the documents for himself. He asked for three months to become certified as he would rather spend the money to get his license as opposed to the floodplain certificate. Mr. Hammaker stated that we have been having the same conversation for months and we are not getting anywhere. He would like to find a way to get 'on the same page' as Mr. Celi. Solicitor Smith summarized the actions of council regarding 109 Cumberland Street Thus far. All determinations are to the property and transfer with ownership and are now Mr. Celi's responsibility.

**Bomberger/Williams** – Motion to require the owner of the property at 109 Cumberland Street to acquire the Elevation Certificate and submit a plan for Rehabilitation of the property within 30 days or vacate the property. – **PASSED**

**2016 Duncannon Borough Budget** – Mr. Bomberger thanked Ms. Roche for her diligence in preparing the proposed budget and reported that the proposed budget is very similar to the 2015 budget. Revenue in the General Fund continues to be a challenge as property values are dropping. He proposed a lowering of the refuse rates by \$1.25 per month. The borough has been paying less per ton for the last 18 months and would like that reflected in residential rates.

**Bomberger/Lauster** – Motion to lower the residential refuse rates by \$1.25 per month from \$19.25 to \$18.00. To reduce the commercial rate by \$1.00 per 2 cubic yard dumpster load, \$1.50 per 3 cubic yard dumpster load, and \$2.00 per 4 cubic yard dumpster load. – Mr. Bomberger asked that anyone with a utility lien or a delinquent account recuse themselves from the vote. - **PASSED**

Mayor Conrad asked why the Fire Police line item was going down. He thought it was most likely due to the Sesquicentennial celebration. Mr. Bomberger stated that Mr. Conrad was correct, that there was a donation made to the Fire Police for the Sesquicentennial that would not need to be included in the 2016 budget.

Mr. Bomberger pointed out line #452.22 on page two will be \$0.00 in 2016.

**Bomberger/Bell** – Motion to tentatively adopt and post the 2016 budget and advertise the budget for hearing at the next meeting. - **PASSED**

**Letter to Council** - Mr. Hammaker read a letter to Council and provided a copy to the secretary. The letter is as follows:

*Duncannon Borough Council:*

*I would like to have this document made part of the official minutes of the Duncannon Borough Council for November 17, 2015. It is my honor and privilege to recap the current state of the Borough over the past years and highlight many of the steps the Borough has taken to improve our community. First let me say that there have been many good people serving on Borough Council that have made these improvements possible. Hard work and diligence from the council as a whole has positioned the borough for the future. While there is still much more hard work to do the following list of accomplishments is worth recording.*

- *New building for the truck garage.*
- *New building for the Hickory Street facility.*
- *Market Street sewer project from Clark St. to 849.*

- *Fire Hydrant replacement Project.*
- *New line truck.*
- *New garbage truck.*
- *Replaced the aging fleet vehicles with a rotation program.*
- *Reservoir repairs (corrected a leak of approx. 63,000 gallons per day).*
- *Market Street bridge project (working with state to have piers removed and wall repaired).*
- *Many water line upgrades and repairs (much work still needed in this area).*
- *Payback of inter-fund borrowing to a point that all funds are clean.*
- *Annual contract renewals versus mid-year renewals.*
- *Sesquicentennial Celebration.*
- *Acquisition of the Clarks Ferry tavern.*
- *Managed watershed timber revenues for capital investment.*
- *Developed short and long range plans for water system.*
- *Electric pole updates.*
- *Transformer projects.*
- *Sewer plant repairs and upgrades.*
- *Work force training programs.*
- *Employee Manual updates.*
- *Utility policy creation.*
- *Software upgrades.*
- *Water tracking creation (to monitor unaccounted water closely).*
- *Overall wage and benefit improvement for employees.*
- *Contracted Police services providing 24/7 coverage.*
- *Partnering to obtain first Fire Company ladder truck.*
- *Developed intergovernmental cooperation with Penn Township.*

*While these are only some of the projects undertaken in the last several years it is important to note that currently the Borough of Duncannon enjoys a virtually debt free existence. (One Penn Vest loan on the sewer fund exists) This coupled with data from the November 9, 2015 Treasurers report which reflects \$247,000.00+ in the timber funds, \$35,000.00 in a CD being saved for a new backhoe, \$8,500.00 in a CD for a dump truck, approximately \$200,000.00 in the water fund, over \$200,000.00 in the electric fund, approx. \$250,000.00 in the sewer fund, and around \$130,000.00 in the refuse fund it is hard to believe that just 10-15 years ago this borough had a debt of over \$1,000,000.00. We continue to struggle in the General fund, since EIT is declining this is an area where service expenses need to be closely monitored so as not to run into a tax increase situation. During this time period we have enjoyed lowering of the sewer rate, a static hold on the water rate, no increase in the 1987 tariffed electric rate, and should be on the precipice of a reduction in the refuse rate. It is my opinion and important to realize that the Borough of Duncannon enjoys some of the lowest and competitive utility rates in the area. When you look at the reserves built up by these Borough Councils and if you are forward thinking you will see a plan for the future. This council has positioned the Borough to plan for these needs and developed rates that can and will support the future of the Borough of Duncannon. If these matters are left unattended or not planned for we will face a fate similar to many communities with lump sum increased when it has gone too far.*

*I have been asked on multiple occasions for a job description for each committee and I will provide my advice as follows. Each committee is tasked with providing research, data, and recommendations back to the convened council regarding the tasks they are faced with. I could advise on multiple scenarios however, these are fluid committees dealing with many different issues*

*on a monthly basis. The best advice is to research the matter thoroughly, question the experts you engage at length, and educate yourself on the subject before making a recommendation.*

*Respectfully submitted,*

*Duane Hammaker, President Duncannon Borough Council, 11-17-2025*

**Adjournment – Bell/Williams** – Motion to adjourn at 12:31PM on November 18, 2015. - **PASSED**

Respectfully Submitted,

Kathy Bauer

Duncannon Borough Secretary

APPROVED