

**BOROUGH OF DUNCANNON
COUNCIL MEETING MINUTES
December 15, 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 – Officer Jerry Cavanaugh and Officer Jennifer Lay

Citizens Present: Kathy Smith, Mario Celi, Jeffrey Kirkhoff, Judith Hart, Ron Leonhard, Dennis Hocker, Deb Bomberger, Christie Young

President Hammaker opened the meeting at 7:30PM on December 15, 2015 with a moment of silence followed by the Pledge of Allegiance to the American Flag.

Public Hearing for the Chapter 225 - Zoning of Duncannon Borough – Amendment of the Borough Zoning Ordinance – President Hammaker opened the public hearing at 7:31PM. Mr. Hammaker opened the floor for public comment. Mr. Leonhard asked for clarification on the Ordinance. Solicitor Smith explained that it is an amendment to the zoning ordinance to add a particular use in the single family zoning district. The amendment adds: Historic preservation society, organization or like-named entity, including its offices; meeting spaces; storage and display of artifacts, historic records and materials, and the like; holding of events; and other activities related to, ancillary and incidental to the mission of the society or organization. The occasional making of the property and/or facilities available for private use is expressly permitted. There was no further public comment and President Hammaker closed the public hearing at 7:34PM.

Police Report – Officer Jerry Cavanaugh introduced Officer Jennifer Lay to council. Officer Cavanaugh reported that Toms Sunoco had been robbed on August 25, 2015 by an unidentified white Male, that case remains open. Mr. Hammaker informed the officer that Tom’s is not located within the borough. Officer Cavanaugh continued and reported that on October 12, 2015 approximately \$800 was stolen from the convenience store on Cumberland Street (Quik Mart). The Suspect wore a mask, a dark sweatshirt, and dark blue and black checked pajama pants. The suspect jumped over the counter and took the money from the cash register. The investigation also remains open. On December 10, 2015 at 6:45AM a hit and run was reported on Newport Road. Debris from the vehicle ties it to a 1999 BMW IS series, burgundy in color. Mr. Nace asked if the officers had any information regarding a series of hit and run accidents that took place over the past weekend on Lincoln and High Streets. They had no new information.

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

Corrections: Page 3 – line 10 add 'es' to rout, line 11 add 'e' to rout. Page 5 – line 2 add he after that, change represent to representatives and add us. Line 34 – change need to needs. Page 6 – line 21, add 's' to our. Page 7 – Jack Conrad line 6, put 'to' between began and maintain. Line 9, change the comma after away to a period. Change 'but' to buy. Page 9 – Mayor Report line 3, change take to taking. Page 10 – Police report line 7, add 'be' between would and implemented. Next to the last line, remove 'they'. Page 11 – Solicitors report line 13 add a comma after compliance. Line 20, add a ',an' after enacted. Page 13 – 215 high Street line 16, change may to maybe. Page 14 change whilst the while. Page 15 – 4 lines from the bottom add a comma after say. Page 18 – line 18, add 'in' after involved. Page 21 – Letter to Council should read Mr. Hammaker read a letter to Council and presented a copy to the borough secretary. Page 22 – line 3 change mew to New.

RECOGNITION OF CITIZENS – None

CORRESPONDENCE – None

PROPOSALS

Cummins Power Systems – Cummins Power Systems sent the Planned Wastewater Treatment Plant Generator Maintenance Agreement for 2016. The cost for Full Planned Maintenance service is \$927.50 and the cost for Planned Maintenance inspection is \$552.50.

Bomberger/Williams – Motion to accept the proposal from Cummins Power Systems for planned Wastewater Treatment Plant Maintenance for 2016. - PASSED

REPORTS

Mayor's Report – Mayor Conrad presented a written report. Mayor Conrad presented plaques to the Four Council Members whose terms are ending this year, Mr. Hammaker, Mr. Bell. Mr. Bomberger, and Mr. Lauster. He congratulated them on their vision and commitment as it led to a lot of success.

Police Report – Completed earlier in the meeting.

Secretary/Treasurer's Report – Written Report.

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

Borough Manager's Report – A written report was provided. Ms. Roche reported that contractors have been contacted to look at the fence at the recycling center. The Utility Manual has been reviewed by the staff and feedback prepared. Infrared testing was done on the electric and 8 points were found that need to be repaired. One was major and it was repaired immediately. A reservoir meeting was held, there is still a leak but DEP (Department of Environmental Protection) has cleared it to go back online. Once the reservoir is back online, hydrants will be flushed. Parts that had been ordered for SBR1 at the Sewer Plant have been received and it was repaired and SBR1 and SBR2 are working together.

Mr. Nace stated that Winterfest went well and asked if the Penn Township Police had been notified that Winterfest would be taking place. Ms. Roche said that they had been present at meetings where it was discussed but that there had been no formal notification.

Bills to Be Paid/Ratified –

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

Solicitors Report – Solicitor Smith reported that the judge in the E.B. Duke reaffirmed the decision made by the zoning hearing board. Notice was received on the hearing on the determination order for 18-28 North Market Street. 24-28 North Market Street were up for Judicial sale and that judicial sale trumps all liens. Solicitor Smith requested that the purchaser be notified of any determinations made regarding the property. The purchase was affirmed. Solicitor Smith prepared the amendment to Chapter 225 of the zoning ordinance. The Planning Commission met regarding the amendment to Chapter 225, they supported the amendment however as they did not have a quorum they made no recommendation. She also prepared the agreement between the borough and the Historical Society of Perry County for the transfer of the Clark's Ferry Tavern per discussion at the November 2015 Council meeting. She prepared satisfaction of Lien paperwork for properties in the borough. The elevation certificate has been provided for 109 Cumberland Street. Solicitor Smith did find that the law allows surveyors, architects, and engineers to sign off on elevation certificates. An inquiry regarding the Johnson Controls contract from approximately two years ago was received. Solicitor Smith found that on October 8, 2013 a letter was sent on behalf of council indicating that the borough did not intend to go forward with the project as there no value in the capital cost avoidance that it was proposing. Solicitor Smith has no knowledge of a formal meeting after that time. The Breslin case remains pending.

Mr. Hammaker read a resignation letter prepared by Solicitor Smith. She will be ending her services for the borough effective December 31, 2015. Mr. Hammaker thanked her for her service over the years.

Engineer's Report – Engineer Ron Brown reported that the JOAC did not meet in the month of December as there were no items on the agenda. A proposal was submitted to PA DEP for the replacement of the Butchershop Road Culvert. They are proposing to replace the existing 48 inch pipe with a 64 X 43 steel pipe arch. Once the permit is obtained they will prepare a design to the borough. It will most likely be four month until the permit is received.

Mr. Bomberger asked if there were any projects or area that should be addressed regarding the sewer. Engineer Brown stated that High Street from Fritz Street to Rt. 849 and 849 to Market are old and should be considered for replacement.

PESI – Written Report. Water loss is reported at 14%. Mr. Hammaker stated that the percentage may be deceiving as the reservoir has been offline and there is a known leak.

Codes Enforcement – No report.

Duncannon Fire Company – No report.

UNFINISHED BUSINESS

November Meeting Minutes – Mr. Bomberger referenced comments (page 3) made by Mr. Sean O'Shell. Mr. O'Shell had stated that the Apple Tree Alley project could have been done at a cost of \$10,000. Mr. Bomberger disputed the accuracy of that number and stated that the borough had already invested at least that amount on surveys and preliminary work for the project. Mr. Bomberger also noted that in the letter provided by the Duncannon EMS (page 6) they used projected numbers for 2015. He was unsure if these were the correct numbers and the year was a typographical error or if incorrect information was provided.

Utility Policy Manual – Still completing. The policy has been reviewed by office staff members. Manager Roche and Ms. Melinda Willis reviewed the policy and noted suggestions.

18 – 28 North Market Street – Covered in Solicitors Report.

Commerce Bank/Metro Bank check – All paperwork has been submitted and we are waiting for a response from treasury.

109 Cumberland Street – Mr. Celi has obtained the elevation certificate and provided plans to the Manager. The plan will be reviewed by Pennoni Associates.

215 High Street – A lien is being prepared by Solicitor Smith.

630 High Street – Manager Roche stated that the borough is waiting for a pending transfer to be completed.

Clark's Ferry Tavern Transfer Document – The transfer document was reviewed by council at the November meeting and requested changes were made by Solicitor Smith. The updated agreement was reviewed by the Historical Society of Perry County and has been provided for review by Council. Mr. Hammaker asked Council to look over the document to ensure that all proposed changes had been made. Mr. Nace and Mr. Bomberger were unsure which copy of the Document was the most recent as they had been provided with two. Solicitor Smith stated that both were the same with copy R2 having an address change for the Historical Society and the addition of Dennis Hocker as the signatory.

Mr. Nace asked if the National Historic Register paperwork that Solicitor Smith had been working on would be continued by the Historical Society and that they would not be starting from scratch. She stated that she has been working on this with the Historical Society from start.

Mayor Conrad asked for clarification on Section 2 Item C. Solicitor Smith stated that at the last meeting several council members stated the need for access to the Tavern in order to hold public events. This provision requires that the Historical Society allow that to occur.

Bell/Lauster – Motion to authorize President Hammaker to execute the Clark's Ferry Tavern Transfer Document on behalf of Duncannon Borough Council. – **PASSED**

Clark's Ferry Tavern Deed – Mr. Lauster stated that page one, third paragraph from the bottom should read, “and on the west by lands *formerly* owned by Penn Central Railroad Company.” He would also like the next paragraph to read, “Having thereon erected a frame *and stone* dwelling house known as 603 North Market Street a/k/a/ 603/607 North Market Street and 6 Clark Street, Duncannon.”

Bomberger/Williams – Motion to authorize President Hammaker to execute the Clark's Ferry Tavern Deed transfer to the Historical Society of Perry County. – **PASSED**
Christie Young asked if Borough events at the Tavern would require a special insurance rider. Borough sponsored events should be covered under the Borough insurance policy.

COMMITTEE REPORTS

ADMINISTRATION, FINANCE & IT – No report.

FLEET, FACILITIES & UTILITIES – Lauster/Bell – Motion to authorize a member of the office staff to become an authorized Notary Public at borough expense. - **PASSED**

PARKS & RECREATION – Mr. Williams reported that the DVD is at the publishing house and should be ready by Friday. A trailer of the DVD is available online.

Williams/Bell – Motion to close the Duncannon Square on December 31, 2015 for the annual Sled Drop. – **PASSED**

Williams/Lauster – Motion to approve the permit for The Duncannon Fire Company's Last Mile, Pending application. - **PASSED**

Mr. Lauster asked if an evaluation of the Carver's Hill Park was available. Mr. Williams stated he will try to have one for next month.

PERSONNEL – Discussion to be held later in Executive Session.

PUBLIC SAFETY & STREETS – Mr. Eppley reported that he attended the Fire Association meeting and the Fire Company would like a fire tax of .4 mills implemented. This amount would be about equal to Duncannon's current contribution to the fire company. They would like to have service contracts with all of the municipalities that they serve. They are working on a regional grant in cooperation with Marysville and Halifax. They discussed cross-training Borough workers to respond to fire calls due to the shortage of volunteers. Any monies in their capital fund are used for apparatus purchases and upkeep.

Eppley/Bomberger – Motion to pay the first quarterly payment of \$42,290.00 for January, February, and March of 2016 for Police Protection to Penn Township. – **PASSED**, Mr. Nace opposed.

Mr. Eppley offered his Affidavit of Residency for anyone who may be interested.

Solicitor Smith Explained that funds acquired from a fire tax would have more restrictions than funds donated from a municipality. Funds from a fire tax will be limited to training and equipment, 'hard costs'. They will not be able to cover building maintenance or other 'soft costs' with fire tax revenues. In order to receive those revenues they will need to provide far more documentation to the Borough than is currently requested of them. If a fire tax is to be considered in the future, both parties should study the limitations and restrictions that would be imposed. The information can be found in the borough code.

As an entity of a municipality volunteer fire companies are subject to the Right to Know Law.

INFRASTRUCTURE ASSESSMENT – No report.

NEW BUSINESS

Ordinance Amending Chapter 225 – Adding Historic Preservation Society to Article VI- Residential Single-Family District – The public hearing on this issue was held earlier in the meeting. The Perry County Planning Commission will be meeting on December 16, 2015 and therefore a special meeting of the Duncannon Borough Council will be held on December 22, 2015 at 6:00PM to hear their response and to consider this Ordinance.

Bomberger/Lauster – Motion to continue the Public Hearing for the Chapter 225 - Zoning of Duncannon Borough – Amendment of the Borough Zoning Ordinance to December 22, 2015 at 6:00PM. to receive the Perry County Planning Commission comments. – **PASSED**

Tax Rate for 2016 – The budget must be adopted before the Tax Rate can be set. These will also be action items for the December 22, 2015 meeting.

Tax Collector – Should be appointed at the re-organizational meeting.

Nace/Bell – Motion to table the appointment of the Tax Collector to 2016. – **PASSED**

Mr. Nace asked if a final financial statement has been prepared for the Sesquicentennial. Mr. Hammaker stated that some crocks are still outstanding as are those invoices.

Bell/Lauster – Motion to enter executive session at 8:35 PM to discuss two personnel matters – **PASSED**, Mr. Bomberger opposed.

Lauster/Bell – Motion to re-enter regular session at 9:00PM. – **PASSED**
Two personnel matters were discussed and no action was required.

Mr. Bell made a statement to council and citizens present. It is as follows:

It has been a pleasure for me to serve at this table for the last couple of years. It has been a challenge, it has been an eye opener, and as I said before, a pleasure. We have not always been able to see eye to eye, even at the table and with our populace here in the borough. But I think that to reiterate what our president said last month in his statement of the things that have been done in the last 10-15 years, the Borough is moving forward. I would like to thank all of my board members. Susan, thank you, thank you very much. For all of us it has been a real challenge, but one that we have accepted. I would also like to address the rag sheet This is Duncannon that is usually here for our meetings, I would hope that they treat the incoming group the same as they have treated us. Thank you all very much.

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

Respectfully Submitted,
Kathy Bauer
Duncannon Borough Secretary

APPROVED