

**BOROUGH OF DUNCANNON
COUNCIL MEETING MINUTES
May 19, 2015**

Members Present: President Duane Hammaker, Frank Eppley, Roger Williams, Kraig Nace, Fred Lauster, Michael Bomberger, Gerald Bell, and Mayor Jack Conrad.

Members Absent: None

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

Citizens Present: Bill Brookhart, Cindy Brookhart, Norma Jones, Elwood Frye, Jessie Frye, Irene Graybill, Marian Hoffman, Kathy Smith, Tim Smith, Sean O’Shell, Dave Nelson, Carol Shumaker, Glenn Shumaker, Jack Smith, George Roche, James Nelson, Corinne Bostwick, Joe Kistler, Carrie Hoffman, John Henderson, Marianne Henderson, Margie Safko, Pastor Beth Martini, Clyde Tota, Emmet Munns, Darlene Johnson, Roger Hickoff

President Hammaker opened the meeting at 7:30PM on May 19, 2015 with a moment of silence followed by the Pledge of Allegiance to the American Flag.

Christ Lutheran Church Parking Lot Project – The changes made to the original plans were outlined and explained by Engineer Ron Brown. The plans were provided by Burget Associates. The proposed sidewalk on the Plum Street side has been eliminated providing easier access to the lot. This new plan also provides 9 more parking spaces in the lot than the original and 2 on High Street. The storm water flow will be redirected to an inlet on Plum Street by a higher curb. Mr. Brookhart spoke on behalf of the members of Christ Lutheran Church and stated that they approved of the new plan and consider the project a win for all parties involved. Mr. Hickoff asked if the property line of the Prah property had been established. Mr. Bomberger explained that it was specified on the plans provided by Burget Associates.

Williams/Nace – Motion to accept the new plans for the Christ Lutheran Church Project created by Burget Associates and begin the project. – **PASSED**

Mr. Burget will obtain the proper signatures; the Borough will order supplies and begin the project as soon as possible.

Minutes: Bell/Williams: Motion to approve April 21, 2015 minutes as corrected – **PASSED**

Page 1 - Citizens Present, space after Paul Smith., Minutes – second set on minutes was March 17, 2015, not February. Jamie Shrawder, Line 5 - add s to hearing. Page 3, line 6 – remove apostrophe from in’s and add comma after. Manager’s Report, line 11 – change and to any. Page 7, Line 1 – change on to in, possible to possibly.

RECOGNITION OF CITIZENS

Margie Safko – Stated that she is happy with the changes to the Christ Lutheran Church parking lot plans.

Sean O'Shell – Mr. O'Shell stated that the Appalachian Maintainers for this area do not want to use the sign at the trail head, but it can be used at the watershed/recycling center area if it is still available. He would like to take the sign and have an anti-graffiti coating put on it and have it posted with the Audubon sign that is there now. The pole for that sign is broken and the borough will provide a new signpost that both signs can be placed on.

CORRESPONDENCE

Holy Spirit EMS – Holy Spirit EMS sent a letter informing the Borough of their availability to borough residents when appropriate. Mr. Nace explained the various EMS units and how they would be dispatched in our area. The Holy Spirit unit is fifth on the list of responders for the borough in case of an emergency.

CPARC – The Cumberland-Perry Association for Retarded Citizens sent a donor card for Consideration. Mr. Lauster does not recall the Borough donating in the past.

PSAB's – The borough received a plaque from the Pennsylvania State Association of Boroughs to be displayed as recognition of membership.

PROPOSALS

Gypsy Moth – Tallman Aerial Spraying, Inc. – Spraying was done on Monday, May 11, 2015 over 650 acres. A telephone call was made to council members prior to the spraying, but official action should be taken.

Lauster/Bell – Motion to Ratify and pay the bill of 22,100.00 to Tallman Aerial Spraying Inc. for the Gypsy Moth spraying done on May 11, 2015. - **PASSED**

REPORTS

Mayor's Report – Mayor Conrad provided a written report. Mayor Conrad received a call concerning storm water run-off at the property at 202 Center Street. The manager assessed the situation with Mike Criley and Frank Eppley. A rolling curb will be installed after the Christ Lutheran project is completed. Mayor Conrad asked if a policy concerning Storm Water management could be enacted retroactively. Solicitor Smith said that any action would only be enacted moving forward and would not be retroactive. She said that homeowners do have options and many do self-help with DEP. Altering the natural run-off of storm water may be a DEP (Department of Environmental Protection) matter. Mayor Conrad said that there is a pile of limbs and leaves in Apple Tree Alley and asks that more attention be given to maintaining the Alley as a whole. He continues to recommend a citizen/council committee to discuss the future of utilities in the borough.

Police Report – Chief Pickles reported that the department has completed the Aggressive Driving Grant. The department has one new hire that should be trained by June 1, 2015. Two officers were lost to other departments last month and two more may be moving on to full time positions with other departments in the near future. Street cleaning is going well and the number of tickets issued is declining each week. Some grass complaints have come in to the borough, staff will compile a list for the police department.

Mr. Nace asked if they were aware of trucks with more than 2 axles using Market Street. Chief Pickles was aware of the issue and had spoken to Sylvester Services about the ordinance. They had a new driver on duty and he is now aware of the ordinance. Mr. Nace also asked if new officers would be introduced to council. The Chief said that introductions would continue as officers completed training.

Secretary/Treasurer's Report – Written Report.

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

Borough Manager's Report – Ms. Roche reported that everything is set for the Memorial Day Parade. The information regarding the Sesquicentennial Parade is needed by the end of May so that it can be submitted to the State as this is a new parade. Ms. Roche checked the rates for Advanced Disposal. We currently pay \$70.00 per ton at the Harrisburg incinerator which is now owned by Lancaster County Solid Waste Management it is \$30.00 for up to 750 pounds, \$80.00 per ton after that.

Ms. Roche met with staff, Engineer Ron Brown, and Mr. Eppley along with a representative from Christ Lutheran to discuss the proposed parking lot project. She also met with a representative from Eaton Corporation; he stopped by to inform the borough of a company merger. She met with the homeowner at 202 Center Street to discuss drainage concerns. A safety meeting was held with AMP, the discussion topic was "Protect your Hearing".

Ms. Roche attended a hearing on behalf of the late Tom deChamplain at the District Justice. The case was decided in favor of the borough as the homeowner chose not to appear. Chief Pickles can also attend hearings if he is needed. Ammonia levels were high last month due to the Wastewater Treatment Plant being in storm mode.

Mr. Nace asked if there were any other options for solid waste disposal in the area. Ms. Roche will check the county list to see if there are any other options.

Ms. Roche informed Chief Worner of the DFC (Duncannon Fire Company) that the process has begun in obtaining the Dry hydrant for the Noye Park area.

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

Solicitors Report – Solicitor Smith reported that she has been working on liens and a bankruptcy. In the case of a bankruptcy filing, the customer account must be zeroed out and that money is lost to the borough. The liens continue to remain active.

The Borough as well as any other municipality near an urbanized area is part of a storm water management program called MS4 (Municipal Separate Storm Sewer System). Solicitor Smith recommends that the Borough routinely document all storm water management issues and facilities. This includes all inlets and even ditches. She encourages the borough to record all storm water facilities and to begin compliance with the program before being forced to do so.

There has been no progress on the Breslin Federal litigation. Solicitor Smith helped to draft a letter for the borough for the homeowner at 11 Locust Street. The homeowner needed a letter stating that a leak at the property was the boroughs responsibility. The letter was needed immediately as the sale of the home was imminent. Mayor Conrad asked for the final dollar amount received from the PPL litigation. Ms. Roche will check and let him know.

Engineer's Report – The bid opening for the final phase of the Market Street Sewer project took place on Friday, April 24, 2015 at 2:00 PM. The bid opening was held at the borough office. One bid was received. The bid for \$258,691.00 was placed by Rogele Inc. The pre-bid project estimate done by Pennoni was \$280,000.00. Pennoni has reviewed the bidding documents, they have been acted on by the authority and the recommendation from both parties is that the borough approves the contract with Rogele for the completion of the Market Street sewer project, manholes 147-150.

Bomberger/Lauster – Motion to accept the Rogele Inc. bid of \$258,691.00 to complete the Market Street sewer project at manholes 147-150. – PASSED

Mr. Brown has been in communications with DEP and it has been decided that the standpipe will not go offline. There were many concerns about the water pressure and the risk was substantial. An e-mail was received from DEP stating it was ok to fore-go the draining and there is still a possibility that a robotic inspection will be approved. The robotic inspection could be done in conjunction with the Seda Cog grant. A second grant is in the application process and if awarded to the borough, a one million dollar water project could be completed with only \$100,000.00 of borough monies. Mr. Bell asked if the water pipes made a loop at the end of High Street to Lincoln Street or from High Street to Market Street. He often has brown water and loss of pressure. Both Byron Worner and Kraig Nace have had similar problems.

PESI – Written Report. Water loss is reported at 20%. Peak flow on the wastewater was 1.5 MGD (Million Gallons per Day). PESI has been tracking the water levels of the river and how they affect the Wastewater Treatment Plant.

Codes Enforcement – Mr. Eppley will discuss during his report.

Duncannon Fire Company – Chief Worner reported that the Tanker truck is now back in service. The Duncannon Fire Protection Committee meetings have been very successful. They have been mainly information sharing until this point and that has been very useful. Mr. Lauster suggested that the Fire Company contact the VFW or Legion to acquire some patriotic bunting for the local parades.

UNFINISHED BUSINESS

Utility Policy Manual – Still completing. Mr. Lauster asked how the Borough can keep up with the many changes in ownership on foreclosed properties. At this point if a property has no utilities they would not be required to inform the borough of changes.

18 – 28 North Market Street – Solicitor Smith is working with a judge to determine the appropriate process in the handling of these properties. She will be meeting with him within the next two weeks.

Ordinance Regulating Entryway Doors and Windows – The proposed Ordinance was provided for consideration by Council. Proposed changes will be made by Solicitor Smith and brought back for Council review at the next meeting.

Proposed Changes to the Entryway Doors and Windows Ordinance –

- Section 3b – 90 days with an extension provision. The extension provision should state that a request in writing for an extension must be received within the first 45 days. This gives Council time to act on the extension
- Section 4 – Leave at \$500

Break – 9:20 – 9:30

Ordinance providing for the Designation of a Property Manager – The proposed Ordinance was provided for consideration by Council. Proposed changes will be made by Solicitor Smith and brought back for Council review at the next meeting.

Proposed changes to the Designation of a Property Manager

- Section 4a – 30 miles. This coincides with the Borough Manager requirements. Change the last line to: An owner who resides in the Borough or within a 30 mile radius may designate himself/herself/itself as the Property Manager.
- Section 4b – Leave at 24 hours.
- Section 5a – Change the requirement to register the Property Manager with the Borough to register when a change in Property Manager is made.
- Section 6 – Posting should be at the main entrance of the building.
- Section 8 – Should be 4 or more residents and add that the Knox-Box should be accessible at ground level.
- Section 9 – Leave at \$250.

Commerce Bank/ Metro Bank check – Nothing to report.

Christ Lutheran Church paving project – Resolved.

109 Cumberland – Mr. Bomberger asked if there was any word on the status of the property at 109 Cumberland as it was up for a tax sale. The Borough has not received any new information regarding the status of the property.

215 High Street – The property owners were given an extension on the Dangerous and Dilapidated finding and that deadline has now passed. Mr. Bomberger would like an update from the owners of record and a plan for the property.

COMMITTEE REPORTS

ADMINISTRATION, FINANCE & IT – Nothing to report

FLEET, FACILITIES & UTILITIES – Mr. Lauster inquired as to when Hydrant flushing might take place this year. In the past it usually took place in June. Ms. Roche stated that the Hydrant flushing

was delayed due to the issues with the Standpipe and its possible draining. Now that that issue has been resolved Hydrant flushing will be planned with PESI. A notification will be send to residents using the CODE-RED notification system. Council would like to have the guidelines for the CODE-RED so that everyone would know what types of information can be relayed using the system.

Mr. Lauster and committee members attended the April 28 meeting concerning the Standpipe issues. They also attended the May 5th Seda-Cog public hearing for the grant and intend to attend the next meeting scheduled for June 29th as well. The committee held a meeting on Monday, May 15, 2015 to discuss the power proposal and they are in favor of the NextEra proposal.

Utility Engineers, PC sent a recommendation that the borough accept the proposal for a power contract extension for a term of January 1, 2018 through December 31, 2022. Additionally they recommend that the contract extension pricing be contractually blended with the existing contract pricing to provide a discounted rate at this time. NextEra has agreed to include May of 2015 with the reduced rate blend. The committee feels that while it is not the least expensive it is the lowest risk and James J. Havrilla of Utility Engineers is a trusted advisor.

Lauster/ Bomberger – Motion to adopt resolution 2015-4 accepting the NextEra 2015 to 2022 contract with the blended rate of 61.11. - **PASSED**

Questions –

Mr. Nace: I have the letter from Lynn to council regarding the additional review by the PUC of April for the May billing. I did calculations on the two electric bills that I pay. One was \$.14 per kilowatt hour and the other was \$.17 per kilowatt hour. That's really high, is that what prompted this and is that what most people are experiencing with this bill?

Mr. Hammaker: Yes. Coming off the heavy winter months.

Mr. Nace: I see that, but I look at other bills through PP&L and other suppliers that are fixed at 7 & ½ cents and I know we've said some months its 8-9 cents. Some months it's very reasonable, if you add the two together and divide by kilowatt hours used. I'm alerted because \$.14 and \$.17 is almost double or more than double what we could be fixed at if we didn't live in the borough.

Kathy Smith: I compared my son's bill through PP&L and if you have a bill through PP&L you need to add in all of their generation fees and taxes. There is a lot of misinformation out there about the borough's electric being expensive and it is not.

Mr. Hammaker: It is cheap. You have to add all of the PP&L numbers together and divide by kilowatt hours, just like you add our charge.

Mr. Bomberger – The borough pays that PP&L bill for the Watershed and we are paying a premium rate out there because it is a commercial rate and we are paying a lot more than if we supplied the well heads ourselves.

Kathy Smith: That 7 & 1/2 cents looks good on your bill, but then they have all of those fees for your electric.

Mr. Hammaker: The reality of it is that I have done the math on many PP&L bills over the years and Duncannon, almost every time I have done it tracks at least two cents behind PP&L.

To answer your question Mr. Nace, this was requested from the PUC. Lynn and I had a discussion and this was requested because of the high cost adjustment and we wanted everybody, in case there were questions to be aware that it was checked, checked, and double checked to be sure we were applying the correct numbers. The PUC agreed with those numbers.

Mayor Conrad: Didn't we get stuck with some clients that they didn't want anymore?

Mr. Hammaker: No we've had some customers on the system that are now in PP&L territory. We have out of borough customers that are PUC regulated.

Mr. Nace: And you have options if you are a PUC customer. You have options on generation and transmission. Where you are stuck with PP&L is for distribution. So distribution is the one that fixed at PP&L because they own the system that delivers it to your house. However, you have a variety of options for the other two.

Mr. Bomberger: But you have to add all of those together.

Mr. Nace: I'm very familiar. I'm very familiar.

Mr. Hammaker: But Kraig, you just sat there and spewed that PP&L's rate was 7 & 1/2 cents.

Mr. Nace: No, I didn't.

Mr. Hammaker: Yes you did, you said 7 & 1/2 cents per kilowatt hour.

Mr. Nace: And that's the generation and the transmission fees.

Mr. Hammaker: But you said ours was 16

Mr. Nace: Correct

Mr. Hammaker: And PP&L's was 7 & 1/2 and that is a form in my mind of miss-information. Because you didn't take into consideration all of the other costs on the bill and compare apples to apples. You said 16 cents Duncannon and 7 & 1/2 cents for PP&L. You didn't add up all of the charges and divide by kilowatt hours to say PP&L's was 15 or 17, on the PP&L bill.

Mr. Nace: It was a PP&L bill and it wasn't PP&L for generation or transmission and those costs were fixed at 7 & 1/2 cents. There were additional fees on the PP&L side in addition to their 9 & 1/2 or whatever theirs is, so when you add it all up it averages differently. But the transmission fees are **fixed with everything included at 7 & 1/2 cents**

Mr. Hammaker: OK fine, but at the end of the day what did you pay for the electric.

Mr. Nace: I don't have that in front of me, but I will find out.

Mr. Hammaker: You don't have to find out for me, but I'm going to bet it's close to 15 or 17. So, it's comparable if not more and the way you threw it out here was like we are twice as much. So you have to be careful when you are talking to everyone that you are completely transparent with how this stuff works, because people get confused.

Mr. Bomberger: Because we don't have another line where we put our taxes, our federal taxes, and our state taxes, that's all rolled in. So, you know, you have to add all of that stuff up.

Mr. Nace: I understand that.

Mr. Lauster: Back in 1988 it was proposed that we would sell the electric system PP&L. We were represented by an electrical consultant from Downes Associates out of Salisbury, Maryland and after months and months of surveys on each side PP&L withdrew because they couldn't match the price.

Mr. Hammaker: I talked specifically, just the other day with the engineer who represented PP&L in those discussions, he is local. He said they withdrew because it was a public relations nightmare. People in the borough would have seen a 200% rate increase if PP&L would have bought the system. So there are always options out there...

Mr. Nace: And that was 1988.

Mr. Hammaker: That was 1988

Kathy Smith: It will be just as bad if not worse.

Mr. Hammaker: We have not had a rate increase since 1987. We are just covering costs with the cost adjustment.

Mr. Nace: The deregulation and the electric choice hadn't taken place in 1988. There are a lot of factors that were not in play 27 years ago.

Mr. Hammaker: A few years ago we got an estimate to do a rate study and it was 50-60 thousand dollars.

PARKS & RECREATION – The Car show is set for June 7th at Cooper field and the summer program is progressing.

PERSONNEL – An employee evaluation was provided for Kathryn Bauer.

Bell/Bomberger – Motion to give Kathryn Bauer a pay raise of \$.50 per hour – **PASSED**

Mr. Nace asked for the employments status of Billing Clerk Lisa Meck. She is a temporary Hire through Abel and they are paid at the rate of \$16.38 per hour.

PUBLIC SAFETY & STREETS – Mr. Eppley provide a list of codes that the Penn Township Police force should be enforcing. Mr. Nace does not think using the Penn Township Police to enforce codes is a viable option. He feels that Penn Township residents and taxpayers are unhappy with the codes enforcement in their township. He inquired as to whether this would be a permanent or temporary arrangement. Mr. Eppley suggested a 6 month trial period as an appropriate length of time before a decision would be made on permanency.

Williams/Eppley – Motion to accept the Penn Township Police as codes enforcement for a trial period of 6 months. – **PASSED**

Mr. Eppley provided a list of codes to be enforced and the abandoned vehicles code will be added. He also would like to have a section of curbing at Ann and Church Streets painted yellow as soon as possible. This zone is covered in the streets ordinance.

INFRASTRUCTURE ASSESSMENT – Nothing to report.

SPECIAL SESQUICENTENNIAL COMMITTEE – The Sesquicentennial projects and celebration plans are progressing rapidly. A small store with Sesquicentennial memorabilia has been opened at 9 North Market Street. The committee will be meeting on a more frequent basis and the next meeting is May 27, 2015. A Sesquicentennial/Nation night Out Banner is in production. Sesquicentennial merchandise will be sold at NNO (National Night Out), the Car Show, and the Appalachian Trail Community festival.

NEW BUSINESS

CLARKS FERRY TAVERN

The Tavern Committee is working to get the Tavern on the Historic Register. The Archaeological dig is ongoing and a section will be available for a dig during the Sesquicentennial celebration. All other sections will be filled in and leveled before August.

The committee is aware of the windows and doors ordinance is working toward and planning to be in compliance should it be passed.

Adjournment – **Bell/Eppley**: Motion to adjourn at 10:46PM, May 19, 2015 - **PASSED**

Respectfully Submitted,
Kathy Bauer
Duncannon Borough Secretary