

**BOROUGH OF DUNCANNON
COUNCIL MEETING MINUTES
May 20, 2014**

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

Members Absent: None

Others Present: Solicitor – Susan Smith, Borough Manager – Lynn Roche, Engineer – Ron Brown, Tom deChamplain – Codes Enforcement, Representative from the Penn Township Police Department

Citizens Present: Luke Roman – Perry County Times, Kathy Smith, Tim Smith, Clarissa Pyle

President Hammaker opened the meeting at 7:30 pm on May 20th, 2014 with a moment of silence followed by the Pledge of Allegiance to the American Flag.

Minutes: Bell/Eppley: approve April 15th, 2014 minutes; as corrected – PASSED

Jack Conrad marked as present, should be marked absent. Mr. Eppley noted that on Page 3 under Codes Enforcement, Line 3, states, "A dog complaint was received a March 30th" the "at" should be changed to "on". Also on Page 5 – Parks and Recreation, paragraph 2 - Sharon may should be capitalized to May.

**Mr. Hammaker noted that the Corrections had not been made on the March 28th Minutes and that Mr. Eppley had a copy of the changes needed.*

CORRESPONDENCE

Perry County

The county sent a Public Notice on controlled burning asking citizens to call Emergency management 911 center prior to burning on private property outside of an enclosed container. The Phone number is 582-4311. Mr. Hammaker requested that it be posted in the Borough office. Mr. Nace requested that it also be posted on the Borough Website.

ARC of Cumberland and Perry Counties

Looking for donations and contributions for the 2014 annual appeal as CPARC is an investment in the community. Mr. Hammaker read the appeal and asked if anyone would like to take the lead on this with no response.

Land and Sea Services

Report on two properties –

215 North High Street and 109 Cumberland Street – Mr. Eppley said that Codes enforcement has been unable to gain entrance to perform internal inspection to either property.

109 Cumberland is in very poor shape as portions of the property are falling off. The report states that any tenants in the structure should be asked to vacate. The structure is considered unsafe.

Discussion

215 will be an ongoing issue for a while however it needs to be moved forward.

Solicitor Smith reiterated that as one property has been described by the independent inspector as being unsafe and the other “as having certain conditions that would fall under the scope of that ordinance,” asks if it is the decision of Council to use the report as the trigger event, taking it to the codes enforcement officer and the independent inspector and to schedule a hearing under that ordinance for further action on this issue.

Mr. Bomberger feels that council needs to move forward on these issues. Money was spent on the inspections and we moved forward on others and we need to continue to do so. Mr. Hammaker asked Solicitor Smith to reiterate the process moving forward. A hearing would come first if the council was comfortable applying the ordinance with the external inspection. Solicitor Smith stated that 109 Cumberland would not be an issue as the report indicates that there are conditions in the building that would potentially fall within the scope of the ordinance and be a proper subject for a hearing. The report for 215 N. High Street talks about a life safety issue and concludes that it needs attention to correct certain deficiencies. These include the roof, downspouts, brick walls, and foundation issues that need corrected. Solicitor Smith asks council if anyone has reason to think they need to see inside the structure as she does not see anything in the description to indicate that an internal inspection would be warranted. Mr. Hammaker asked how Council would like to proceed. Mr. Bomberger asks if there is any more descriptive information on 109 Cumberland Street. There are photos of 109 Cumberland Street available. Someone says that an internal inspection should be done on both properties. Mr. Bomberger says that an internal inspection at 109 Cumberland Street will not really accomplish much. Mr. Hammaker feels that the report indicates enough to move forward with scheduling a hearing for 109 Cumberland Street. Mr. Williams indicates he sees nothing to indicate an internal inspection is needed at 215 High Street. Solicitor Smith says the photos indicate that exposed areas near windows could relate to interior damage. There are openings on the second floor. Council could go either way, setting up a hearing or pursue an administrative search warrant for an interior inspection. Mr. Hammaker says the report conclusion and summary suggest (1) Contacting the first responders in the area to make them aware of the potential hazards they may encounter in responding to a call, (2) Making sure the outside basement stairs are properly covered so that no one can accidentally fall into the outside basement stairwell, (3) Develop a long term corrective action plan in collaboration with the owner to correct the structure deficiencies. These will benefit both the property owner and the community. Mr. Hammaker suggests that with 215 High Street that may be the action to take in collaborating with the owner and attempting to get the property repaired. Solicitor Smith asks the history of communication with the property owner at 215 High Street. Mr. deChamplain said that in the past the property owner at 215 High Street did not wish to speak regarding this matter and his response has been hostile on occasion. Mr. Hammaker asks council to look at each property individually. Mr. Hammaker asks if anyone wants to pursue or do anything with 215 High Street. Mr. Nace asks Tom if he has any written reports on communication with the owner at 215 High Street, Tom indicated he will have to check his reports and that he probably does. Solicitor Smith indicated that these reports have been brought to council in writing on at least two occasions in the past and these reports are what led to council action. Mr. Nace would like to see these reports. A decision was made to collect and study all data from the codes enforcement officer on 215 High Street and revisit this issue at the next meeting. Mr. Nace asked if the bill was received for the Land and Sea Evaluations. Lynn Roche said the amount for both evaluations was \$800.00.

Bomberger/Williams: motion to schedule a hearing for the structure at 109 Cumberland under the Dilapidated Structure Ordinance – PASSED

REPORTS

Mayor's Report – Mayor Conrad reported that he attended and helped with 'Sledfest'. It was well attended and successful. He also talked with a group interested in gaining access to the watershed area for 4 wheeling if it is policed and charged a fee. They have seen others doing this and Gary Hilbish will be approaching council with a request in the near future.

Police Report – None

Secretary's Report – None

Treasurer's Report – None

Borough Manager's Report – written report attached - Ms. Roche stated that interviews for new staff had been conducted on Thursday (May 15). On the same day, PESI and members of Pennoni associates met to discuss the DEP water reports. Packets have been provided to each council member for recommendations on how to respond to the DEP water inspection that occurred on April 2. There were two RTK's done since the last meeting. Videotaping was done on May 19th on Ann and Cumberland Streets and going over the whole route from Gammers Corner to the Market Street Bridge. The Bridge will be closed on June 10th instead of June 15th as previously planned. Even with the heavy rains, they are still ahead of schedule. Closure signs are being made stating that the closure will begin June 10 and will remain closed for 90 days. Therefore after closing, the bridge needs to be completed by September 10.

Ms. Roche received a call from Norfolk Southern asking for access to 16,000 gallons of water. Handiwork out of Harrisburg came and drew the water from well 2. Ms. Roche wanted to know if Norfolk Southern should be billed for the water. PESI was informed as this would show as a water loss. Solicitor Smith asked under which arrangement they took the water. Ms. Roche stated that they had asked and that they had asked for and received water in the past. The 16,000 gallons is a much larger amount than they have ever used in the past and therefor payment was offered. In the past the water was given at no charge. Solicitor Smith asked the use of the water and Mr. Williams assumed it was for rail grinding purposes. Mr. Hammaker asked for input on an amount to charge NS per gallon. He recalled that it the cost is between 7 and 8 cents per gallon to produce water. Mr. Williams suggested that they pay the same rate as a resident customer. Mr. Nace asked if the residential and commercial water rates were different and what those base rates were. Mr. Hammaker said the borough is selling water at 10 cents per gallon.

Williams/Bell: Motion to charge Norfolk Southern 10cents per gallon for the water used. – PASSED

Questions for Borough Manager - Mr. Nace asked if the Borough used Paytime for payroll services. Ms. Roche answered yes. Mr. Nace asked if she had received notification of their issues and the answer was yes. The notifications were given to Mr. Hammaker and Mr. Bomberger and letters will be going out to everyone from Paytime. Present and past employees included because the data is still on the system. Mr. Nace was concerned that employees had not been notified of this major security breach at Pay Time in a timely manner. Mr. Nace had been informed in a letter by a different employer of the breach a week ago. Mr. Hammaker said that Pay Time had said that they would take care of sending letters to employees as is their policy and that the Borough had changed all access codes and passwords immediately as directed by Paytime.

Paytimes suggested procedures were being followed. Mr. Nace asked if there were copies of the correspondence with Paytime. Mr. Hammaker and Ms. Roche said that all correspondence had been through e-mail and was immediately forwarded to Mr. Hammaker and Mr. Bomberger. Mr. Nace would like to see this correspondence as it would be helpful for all of council in understanding the situation. Ms. Roche will forward all Paytime e-mails to Mr. Nace.

Mr. Nace referenced an e-mail sent by Kathy regarding postage rates and asked if the borough had an in house postage machine and asked if there was an error in sending postcards at the letter rate. Ms. Roche stated that some went out at the 48 cent rate and some at 49 cents. There was an update that needed to be made during the process, putting the rate at 49 cents. An e-mail was then received saying to use the 48 cent rate. Mr. Nace asked who the 49 cent directive came from, and Ms. Roche stated, Pitney Bowes. Mr. Nace asked if the rate for post cards was 34 cents. Ms. Roche said no, not that she knew of. Lisa? Explained that regular postage had gone up, but as the borough is a business they are only required to pay 48 cents for a full size letter. However the post cards are smaller and should be sent at the 34 cent rate or somewhere thereabout. Multiple billings that go out in envelopes would be send first class at the 48 cent rate. Ms. Roche will look into the postage rates for the next billing cycle.

Bills To Be Paid/Ratified

Mr. Williams stated that the bill for the Car Show should have come out of the Recreation account from the recreation committee, not from the general fund from which it was originally paid.

Eppley/Lauster: motion to pay and ratify the bills including credit card expenses as presented – PASSED

Solicitors Report – Ms. Smith stated since the last meeting she has provided counsel on some personnel matters, requests have come in regarding unemployment claims that were filed and procedures related to unemployment claims. She has received correspondence from Buddy Boy Winery requesting that the borough participate in the permit for them to be a part of the Appalachian Trail Day event. Mr. Smith gave them guidance on what information they were required to submit and it has not been forthcoming. They have been in contact with the Penn Township Police and guidelines have been set. They must man their booth continuously and there will be a police presence in that location as well. Ms. Smith asked the Winery to provide a map of their planned location as that needs to be attached to the permit application, Confirmation that the designation of the Borough as a covered entity on the liability policy is still current, and the actual application they are submitting so that the borough has a clear understanding of roadway closures they are planning. Without this information she would not counsel the borough to provide the letter of commitment/support for closure of public roads that they are requesting. Ms. Smith suggested that

the council give her authorization to work with them to complete this process and prepare a letter indicating the necessary street closures after the necessary information is provided. Mr. Conrad and Mr. Williams do not think the Borough should incur costs to complete this process as Buddy Boy Winery is a private business and should be responsible for seeing this through if it is of importance to them.

The Department of Labor and Industry who manages unemployment compensation throughout the state began an automated records system last year. An arrangement was made with PSATS and PSABS that all unemployment claims for the borough go through a third party for profit entity. Equifax is the unemployment insurance company through which all of Duncannon Borough claims are being forwarded. As a consequence, no unemployment correspondence is coming to the borough directly. The borough is only becoming aware of claims when information is considered urgent. Claims and requests are being sent to the Duncannon Borough, but to the Equifax address in Ohio. Ms. Smith will try to add our address so that we can be aware of claims and provide necessary information and paperwork to Equifax in a timely manner. Ms. Smith has gained access to the records posted by Equifax, however the information is posted approximately 14 days out.

The 90 day time limit for questioning has expired and therefore the Beyer Federal Litigation case has been closed.

PUC concluded that Sunrise had no basis for filing a complaint. However Sunrise has filed a petition for review with Commonwealth Court.

PPL litigation has come to a final settlement. The borough will recoup some monies in the settlement. AMP has concluded the settlement at no cost to the borough. AMP requires the borough to affirm interest in participation in the settlement. Ms. Smith provided a document for signatures.

Williams/Bomberger – Motion to accept settlement on PPL litigation. – PASSED

Ms. Smith explained that new legislation has been issued in Cumberland County that makes all delinquent utility records public information. This is not yet law in Perry County. If this information was requested and denied, there is a process that would be gone through to appeal with the Court of Common Pleas in Perry County for determination. This is persuasive law, not a law in effect.

Questions for the Solicitor- Mr. Nace asked if there was any information on the escrow check, answer no.

Engineer's Report – Mr. Brown referenced his April report's Inflow and Infiltration study and reported that the field work is complete and a report is being completed. He anticipates that further investigations into some sewer lines with the camera will be requested to identify extra water flow sources.

Sanitary Sewer design bids were opened on May 8th for the sections between manholes 144 and 146. Three bids were submitted ranging from \$170,313.00 TO \$216,326.00. He requests that the Borough accept the bid of 170,313.00 for the sewer replacement contract to Shiloh Paving. Pennoni has had the opportunity to work with Shiloh in the past with favorable outcomes. The bid did meet all requirements of the proposal.

Mr. Brown met with borough representatives and Pennoni associates and has made the following recommendations for water system improvements:

Bid Package #1. Mr. Brown made a recommendation on the Capital Improvements that fall under category of violations. Including adding 18 inches to well casings of well #1, properly cap wells #1 & 4, repair or replace leaking pump #2, stand pipe inspection and cleaning. Well device #5 is supposed

to be accessed through dial-up communication and should be connected. Reconstruction and relocation of well #1 building is a project on the to-do list for 2104. However it may be feasible to do some re-routing of pipes and draw up new schematics to eliminate a building. This may also be more cost effective than the current plans. The estimated cost would be \$37,500.00. Pennoni Associates would add approximately \$20,000.00 in additional fee for time

Bid Package #2, Capital improvements. Long range water distribution plan. Mr. Brown suggested that the improvements begin by working with DEP and the Susquehanna River Commission to find the proper location for a new well. After a new well site is located Mr. Brown proposes the replacement of Sherman's Creek Booster Station which is in the flood plain and in disrepair to replace/back-up electric power. The estimated cost is \$950,000.00.

Mr. Eppley referenced a letter from Feb 2011 regarding a water filtration plant project that had been abandoned after 700,000.00 had been spent.

Lauster/Bell – Motion to address immediate concerns by moving forward with bid Package #1 - PASSED with Mr. Eppley opposed.

Questions for Engineer Brown - Mr. Nace asked if Mr. Brown thought the river could be a viable source for drinking water in the future. Mr. Brown said that a large number of additives and filtration would be necessary making it a difficult task. There would also be higher scrutiny of the water quality. Well water through an aquifer is already filtrated and is preferred for a small water system.

Mr. Nace would like to be included in utility committee meetings in the future if possible.

Mr. Brown and Pennoni will also go over the standard operating procedure for the maintenance of the water system and add some Q&A checklists as part of the \$20,000.00 Pennoni fee. Valve exercising will be required annually by DEP.

PESI Operations Report – Written report submitted.

Codes Enforcement – Mr. deChamplain said that there were 15 reportable incidents, including dogs, trash, and grass violations. Work was stopped at 109 Cumberland until a work order permit is obtained. The parking and traffic ordinances were reviewed. According to the ordinances there is only one authorized Handicapped parking space in the borough when in actuality we have 12. Mr. deChamplain ask that the ordinance be changed to 'as designated' and keep a list. Until the issue is handled, those spaces are not enforceable. 25 parking tickets were issued, 7 failed to pay and citations were issued through the District Justice. He reviewed Title 18 for criminal actions for violations of the housing codes and after 5 violations the homeowner can be charged a misdemeanor. There is nothing in the borough ordinances to prevent people from nailing and stapling into utility poles.

Mr. deChamplain found a 'Hiker Crossing' sign and recommends that they be purchased for each end of the borough.

Nace/Williams – motion that two hiker crossing signs be purchased for the borough to be placed at north and south ends of the borough at places determined by the manager, - PASSED

UNFINISHED BUSINESS

Delinquency/Terminations Policy

President Hammaker asked if this is still in process. Ms. Smith replied, "The proper name is the Public Utilities Policies Handbook." She would like Mr. Lauster to have a copy of the handbook now that he is on that committee.

Sewer project 144 to 146 –

Williams/Bomberger - Motion to accept the bid from Shiloh Paving to complete the Sanitary Sewer design project for \$170,313.00. - PASSED

18 – 28 N. Market Street Properties

Ms. Smith said this issue is still being worked on.

2009 Edition of the International Property Maintenance Code

Council will continue to consider for future discussion.

Ratification of a telephone vote for Unemployment Compensation - moot

Bomberger/Bell – motion to ratify the vote to appoint Lynn Roche as Secretary/Treasurer – PASSED

109 Cumberland Hearing –

Set for next Council meeting night at 7:00PM. (June 17) A notice will be sent to the property owner.

Ambulance in borough during bridge closure – An ambulance will be housed in the storage building on Hickory Street in the first Bay closest to High Street. Mr. Nace will take care of proper notifications.

PennDOT follow-up- Mr. Bomberger Reiterated that water must be pumped from the underpass immediately to prevent closing during the bridge closure. The notices indicating closure of the underpass were not timely during the last flooding event. Closure signs on 322 were also still open after the underpass was opened.

April Minutes – Agreed to remove '1st Draft' at bottom of page and change date.

COMMITTEE REPORTS

ADMINISTRATION, FINANCE & IT - Bomberger – None

BREAK

FLEET, FACILITIES & UTILITIES – Mr. Lauster reported that water inspection report done in April was the first since January, 2010. One of the recommendations is to look for generators for wells. The generator should be located at the largest producing well. The borough has a generator it just needs to be fixed. We have not moved forward because we are looking for other generator options. The temporary water line will be in place before the bridge project closure. Residents should not have an interruption in service only a slight decrease. Check on status of notification to residents.

PARKS & RECREATION

Mr. Williams reported an update on the car show at 'SledFest'. Total expenses were \$242.00 and total income \$202.40. Income fell short of breaking even by \$39.60. There is a surplus of supplies that can be sold at the next event or National Night Out.

PERSONNEL

Tabled until Executive Session

PUBLIC SAFETY & STREETS

Mr. Eppley did reach Mr. Holman regarding the culvert on Butcher Shop Road and would like to see the same type built in the borough. Mr. Holman is interested in helping the borough with a road posting. If we would post a 20,000 pound restriction heading out Butchershop they would post a similar sign at the 849 split. Mr. Eppley will check to see if traffic study would be required.

Mr. Eppley asked the committee to look over a traffic study report to justify in June.

'No Parking' signs need to be placed in Apple Tree Alley, 50 feet up from Walnut Street. This area needs to remain open for the garbage truck. There should also be '2 hour' parking signs on High street from Cherry to Hickory.

Temporary signs need to be placed on Ann Street to warn residents of parking issues during bridge closure.

INFRASTRUCTURE ASSESSMENT - None/ Mr. Nace

Mr. Nace is hoping to acquire a copy of the Boroughs COMP plan. Mr. Nace would like to get a copy of Mr. Lauster's 1983 copy.

Mr. Nace has noticed that there a great many properties for sale within the borough. Mr. Hammaker has noticed an increase in other communities as well.

SPECIAL SESQUICENTENNIAL COMMITTEE

President Hammaker reported that things are going well and that the next meeting will be June 12th, 2014 at the Duncannon Borough Building at 7:00 pm.

NEW BUSINESS

Public Hearing on Ordinance #397 - Ordinance providing for Declaration of Storm Emergencies.

Bell/Bomberger– motion to adopt - PASSED

PERSONNEL –

David Keen has been given excellent evaluations on his performance review and a 2% increase is recommended.

Bell/Bomberger- motion to approve 2% pay increase for David Keen - PASSED

EXECUTIVE SESSION - Bell/Lauster motion to enter Executive Session at 10:10PM – PASSED

RE-ENTER REGULAR SESSION – Bell/Nace motion to re-enter regular session at 10:50PM – PASSED

Nace/Williams- motion to respond to Equifax’s request for information by informing them the borough does not intend to participate. – PASSED Bomberger/Bell opposed.

PERSONNEL – Office Staff

Bell/Bomberger – motion to hire Melinda Willis, full time at the rate of \$11.50 per hour. – PASSED

Bell/Bomberger – motion to hire Kathy Bauer, part time at the rate of \$10.50 per hour – PASSED, Williams opposed.

Bell/Bomberger – motion to hire Pam Winters, part time at the rate of \$10.50 per hour – PASSED, Williams opposed.

NEW BUSINESS

Mr. Nace provided an EMS report and is willing to field any questions or concerns.

Mayor Conrad is working on a ‘Key to the City’ and the creation of an official stamp to correspond.

Clarks Ferry Tavern

President Hammaker reported that a meeting has not been scheduled and there has been no movement there.

Mr. Lauster received a call for Jack Zogby who had been the president of Duncannon Area Revitalization Inc. He has taken the funds remaining in their account and dropped it at the borough office to be directed to the Clarks Ferry Tavern project. The amount is just over \$2000.00. Wayne is no longer the Attorney for the Sewer Authority. He has accepted a job in Harrisburg as the City Engineer.

Bell/Lauster: motion to adjourn at 10:57 hrs. – PASSED

Respectfully Submitted,
Kathy Bauer
Duncannon Borough Secretary