

SHIPPENSBURG BOROUGH COUNCIL

February 19, 2019

6:06 p.m.

Present at the Council Meeting: Andrea Lage
Bruce Hockersmith
Sandra Mailey
John Alosi
Keith Swartz
Mitchell Burrows
Kathy Coy, Mayor
Sam Wiser, Solicitor

PLEDGE OF ALLEGIANCE COUNCIL

THE MAYOR'S MOMENT OF SILENCE

SWEARING IN OF POLICE CHIEF

Mayor Coy swore in Meredith A. Dominick as Chief of Police.

REPORTS

Mayor Coy reported that she is currently working on a task force for new businesses in Shippensburg and over the next two weeks she plans on having quite a few meetings to work with mentors for new business and looking at having the University Small Business Development Committee work with her. The Mayor went on to state that she also plans to have the Enterprise Zone Loan Committee work with the committee as well. Mayor Coy went on to report that she has had 19 people show some interest for new businesses and plan to have landlords and business front owners also attend the meeting.

President Lage reported that in regards to Finance/Budget this is not really their time of year to meet and Personnel has met but they will discuss those issues during Executive Session.

Police Chief Dominick reported that she is still gathering numbers and has had a busy month since the year started with various types of calls such as domestics, child sex abuse cases, etc. The Chief went on to state that Detective Varner has been keeping very busy along with all of the other officers and they have had numerous calls for hit and run collisions and fortunately the cameras in the borough have helped them close some of those cases.

Heather Franzoni, representing Shippensburg EMS, reported that they have had 123 EMS calls to date in the borough and 458 as a station to date. Heather went on to report that 82% of those were all medical or medical related traumas, under 1% were traffic accidents, 13% of anything involving physic behavioral/assaults or overdoses which a lot of those calls were in the Borough and Shippensburg Township and that is a significant increase from last year. Ms. Franzoni presented Council with a 2018 year in review that recaps everything that they did in 2018 from promotional things, training, all of their calls with breakdowns by municipalities, etc. Heather also reported that they are having a mixer Wednesday, April 10th from 5:30-7:30 which is their Capital Campaign kick-off event for 2019 which will be for apparatus replacement. Ms. Franzoni went on to state that they would love to have all of Council attend and explained that they are trying to get all of the community members, business leaders, political leaders, etc. involved.

Kevin Plasterer reported that the Wastewater Treatment Plant remains in compliance with the NPDES permit and the new screens were installed and are in service and working very well. Mr. Plasterer went on to report that he met today with the Chamber to discuss the banner policy that Council would like more information on. Kevin stated that Scott Brown is going to work on getting everything back to him for the next Council meeting so that the next banner can go up on time.

PUBLIC COMMENT

Steven Brenize, 211 Ridge Avenue, stated that some council members would remember that approximately 8 years ago the borough took the lead in passing a resolution in asking for prevailing wage changes in the State and that resolution was then passed by every municipality in the County and was picked up by the Townships and Borough's Associations which lead to the changing of the thresholds. Mr. Brenize went on to explain that there is currently a bill which is HB323 that is in Harrisburg and has actually been sponsored by both of our State Representatives Kauffman and Keller and he is working with individuals across the State to get individuals in the committee to sign on to it. Mr. Brenize explained that it opts every subdivision of the Commonwealth out of prevailing wage but it allows for an opt back in so the municipalities that believe that there is a benefit to prevailing wage can and those of us who don't no longer have to abide by that and can cut costs. Mr. Brenize went on to state that the other thing he would like to ask is the Borough's permission to work with staff to put a few picnic tables behind the police station because he feels with the open space and the expansion of the library and the additional parking that it is a perfect place to put a few tables. Mr. Brenize stated that he will work with staff to try to come up with an idea to bring back to Council and he would then work to try to find the funding to do it. President Lage asked Council members if they would like to discuss the idea of picnic tables at this point or have it come back as an agenda item? Solicitor Wiser stated that he recalls a prior discussion regarding picnic tables and a recreation facility behind the police station area about 2 or 3 years ago. Council members decided to wait until it is an agenda item so they can talk to the Chief to have a better understanding of what is being proposed and how it might be carried out.

CITIZEN APPEALS (KATIE'S PLACE, REQUEST FOR WAIVER OF PERMANENT AND TEMPORARY DUMPSTER FEES FOR 2019)

President Lage reported that this appeal was a continuation of a conversation that started last year and one she thought had been resolved. The President went on to state that Mr. Kater is not present this evening but she would like staff to have clear direction on this and would like to put forward more of a general policy on this. President Lage stated that this request was for forgiveness on trash fees and she feels as a small borough with the number of non-profits that we have it is very difficult to give a blanket forgiveness for our trash and recycling fees to every non-profit and if they do not she doesn't feel that they can be selective and pick and choose. The President went on to state that it has been the policy that we do not offer forgiveness even though there are many folks that could benefit and that there are many worthy causes we do not know how to draw the line or do it a fair way across the board. Councilperson Hockersmith asked if the manager has a recommendation. Mr. Plasterer stated that he would totally agree with President Lage and that we have had other organizations that have asked and have been denied and with our budget being so tight he feels we need to watch our spending and what free things we give out. Councilperson Hockersmith asked the status of the sanitation/recycling budget. Manager Plasterer reported that in regards to recycling we are in a hole because we are being charged double to get rid of the recycling we have at the moment and we do know that we will be incurring costs from that and on the sanitation/garbage side they are withdrawing out of fund balance to help offset the costs. President Lage stated that Council members were in agreement that forgiveness will not be given in this case and that will be the policy going forward.

BUSINESS

CONSIDERATION TO APPROVE THE MINUTES OF THE FEBRUARY 5, 2019, COUNCIL MEETING

Councilperson Bruce Hockersmith moved to approve the minutes of the February 5, 2019, meeting, as submitted. Motion seconded by Councilperson Mitchell Burrows. Motion carried 6-0.

CONSIDERATION TO APPROVE HARB RECOMMENDATIONS:

2 EAST KING STREET-THOMAS PAGE; REPLACE EXISTING BUSINESS SIGNS WITH UPDATED AND LARGER SIGNS ALONG KING AND EARL STREET

Councilperson Keith Swartz moved to approve the permit request for the new signage for PSECU on King and Earl Streets. Motion seconded by Councilperson Sandra Mailey. Motion carried 6-0.

DISCUSSION OF PARK PLACE STORM WATER DRAINAGE

President Lage reported that Bill Kick is present who is our engineer and he has been working with Kevin to look into the situation that was brought to their attention. Manager Kevin Plasterer reported that last Friday he met with Carl and Scott Bert who are Volvo's engineer and Bill Kick who is

the borough's engineer and they talked in length on various issues around Shippensburg and surrounding townships. Mr. Plasterer went on to report that as he stated at the last meeting a lot of the storm water is coming from the several locations. He stated that the Volvo Demolition Center and Volvo's site have their own retention basins which hold water the way they are supposed to but there is an overflow that may come down through the high school and then through the park but the majority of it is coming from Rt. 11 from Pizza Hut, the Greyhound restaurant parking lot, Kathie's Deli, all of Rt. 11 and then coming down Park Place. Mr. Plasterer further stated that homeowners on Baker & Russell and Logan Lane are also experiencing stormwater issues and several years ago Borough Council denied John Dymond from building more homes in the Baker & Russell development mainly because of these issues. Kevin gave a presentation of photos for Council and audience of the area and the water issues. Bill Kick explained that normally at this time of year in February you would expect the ground water elevation at the location of the monitoring well they are looking at to be about 70 feet below the ground surface and what it is saying now is that it is actually closer to 50 feet below the ground surface so it is over 20 feet higher than it would be on average at this time of year. Mr. Plasterer went on to report that it was brought up about the parking lot and the borough did pave the parking lot back in 2011 but close to half of it is sloped toward the railroad bed and the other half is sloped toward the swimming pool area so it is not all coming toward the park. Kevin went on to state that in regards to solutions, with Council's permission, he has no problem removing the blacktop lip in front of the softball fields which may help in short/quick thunderstorms and will allow the water to filter on to the softball fields instead of down Park Place but with the issue that they are having now it may help somewhat but not much. He further stated that he and Mr. Kick have talked about possibly going back to the soccer field by Pizza Hut and where the blacktop parking lot starts and making all of the King Street water go towards the railroad bed and stopping it from going down through the park but according to Carl Bert that would probably be a nightmare to get permission from the railroad company to allow them to do that. Bill Kick explained that the railroad typically will not permit a condition that doesn't already exist unless they have a perceived benefit from it and the likelihood of getting an approval from the railroad to discharge additional stormwater into their right-of-way is slim to none. Mr. Kick went on to state that he understands their frustrations and he has been doing this for 20 years and at least 17 in this specific field of municipal engineering and working as a developers engineer and it has worked in this area. Mr. Kick stated that he also worked as the borough's consultant for 15 years and has been familiar with this neighborhood the entire time because of the water issues. Bill asked the residents if there is a sense amongst the community of what the issue stems from and if they feel it is primarily surface water or ground water? Forest Myers stated that aside from possibly one other resident he has lived in the neighborhood the longest and may have a different perspective. Mr. Myers stated that the issues they are having are both and that the ground water this year is more severe than it has ever been in the 46 years he has lived in this neighborhood. He went on to state that he can never recall people pumping like they have been this past year. Mr. Myers further stated that there are two problems with the stormwater that runs down Park Place West and Kevin addressed the one that was the curb by the softball field but the problem that he sees is that the water would come down and it would go away and this was before Volvo made all of their major changes to their property. Forest further explained that whenever they made one of the changes which was not the last one but the time before that, he and his wife, Jody Harpster and his wife, and Carl Bert and some representatives from Ingersoll Rand which is

what it was at the time, met at this site and talked about it. Mr. Myers stated that they gave the residents an assurance that what they were going to do was not going to change what happened. Forest explained that what happened before they made the changes is that the water ran down and at times during very heavy storms water would pond on the baseball field but by and large the water ran away and went underneath the railroad track into a culvert that has been there since the railroad was built and it ran away toward Rowe Run. He stated that ever since they made their changes that water ponds up there and it doesn't go away and when they built that it was to be a French drain but the water that goes down Park Place West does not go into that retention basin and it was shown on the photos Kevin provided. Forest went on to state that it still runs down through Volvo along the retention basin which actually ponds the water from their new construction. He also stated that they have a retention basin by the new office building that they constructed approximately 10 or 12 years ago which has a drain that allows the water which is piped down and into that retention basin. Forest stated that all the retention basin does that they created to allegedly to help their neighborhood in heavy rain storms is hold the water and put it down into the ground which he believes affects the houses that are in close proximity to that. He went on to explain that before all of this took place there was supposed to be a swale that was created as part of the big drainage modifications that they were making and that swale doesn't exist and the photos Kevin provided shows that. Mr. Myers also stated that another thing that happened when they did this project is that they built a road and put a drain underneath it and a culvert and it is his guess that the culvert isn't sized to handle the stormwater that runs down through that field now and the water that used to run down Park Place West used to go in a channel through Volvo's which was Ingersoll Rand then and underneath the culvert on to the Witter's farm and was handled downstream so to speak.

Bill Kick stated that he would agree from the standpoint that it is both surface run off and ground water run-off and he thinks there are some things that can be done at the surface that will minimize the amount of run-off that they see during a regular rainfall. Becky Myers stated that another major change that has happened in their neighborhood is the gas line that went down their street. Mr. Kick stated that ground water can certainly follow utility lines because it provides a short circuit for water to travel underground but the existence of the water would not have been introduced by the gas utility. Harold Best stated that he spoke to the gas company and they drive the gas line under ground and disturb everything that is around it and made a big connection outside of house and he feels he is getting recycled water. Mr. Best stated that he has been pumping at his house since the beginning of November with a 4" pipe and a French drain around his house with two sump pumps running in the hole. Mr. Kick stated that he would agree that his water is not all surface water and based on the information presented in the monitoring well that they can expect ground water elevations to be high this time of year. Bill presented a few screen shots that he pulled from DCNR's website and explained that it shows the ground topography between the point of discharge at Park Place and the nearest receiving watershed which is approximately 2.9 miles and what it shows is that there is approximately a 50 ft. difference in elevation between the point of discharge and the nearest receiving water course. Mr. Kick went on to state that the difference calculated out is essentially flat with no grade relief. Bill reviewed the contours and topography of the area with Council and guests. He stated that Forest reported that in regards to the basin that was intended to help the Park Place

residents he believed that it may be contributing to the ground water and Bill stated that he would agree with Forest. Mr. Kick went on to state that this was a requirement of Volvo in order to get their permit for the earth disturbance to build the facilities that are associated with this basin. Following a lengthy discussion, Bill Kick stated that the Borough can make a determination as to whether or not they want to pursue an investigation of opening up the gully. Kevin Plasterer asked if Volvo is in the wrong with the swale and what has happened do they have the power to make them correct it? Solicitor Wisner stated that he thinks they have notes on the plan and without looking at it he does believe there are details of the maintenance practices for the stormwater management facilities and the Borough can require that those maintenance practices be conformed with. Councilperson Alosi asked if there is some way that they can force the gas company to mitigate the water? Bill Kick stated that it all depends on whether there is an agreement in place between the Borough and the gas company and if their utility is constructed in their right of way they have the ability to make the Gas Company do certain things because it is your right of way and they are there by permission. Solicitor Wisner stated that they would have to obtain a street opening permit and the borough has specifications for the installation of utilities within the right of way and the remediation of whatever that installation is. Mr. Plasterer stated that he personally totally agrees with the residents that that swale may not be correct now like it used to be. Kevin stated that he used to play baseball back there when he was younger and he knew the bridge and what the swale looked like and he feels they need to look into what that grade is now and if it needs fixed then it should be fixed. He went into stated that it will help during short term rainfalls to get the water away but it will not help the ground water. President Lage stated that it seems that many of their questions have been answered but are wondering what they are coming to as far as thoughts about what we can do to address some of the issues but as Bill suggested most of what we envisioned will affect "summer storms" and not ground water. The President went on to state that she is seeing a willingness to look at the curbs that were placed, look at the swale and inspect the existing stormwater management facilities that have been built and make assessments of whether they are behaving as they were designed to. Tracy Smith, 134 Park Place West, stated that she would like to know what Council's plans are going forward and would like a time line since some people have been pumping since June. President Lage stated that Council is willing to look into it and the likely things they can do will probably affect surface water but will not likely affect the pumping and ground water issues. Ms. Smith asked when they plan on approaching Volvo about the swale, who is going to do the inspection to make sure it is being done properly, and when are they going to enforce any violations that they may have? Ms. Smith went on to state that in regards to the gully in front of the softball fields, she feels removing that would be a step in the right direction as far as the surface water going down the street creating the algae and safety issues. Kevin Plasterer stated that one thing that will delay the process is how wet everything is right now. He stated that it will be very hard to do any grading and making a swale out if it being so wet. Councilperson Hockersmith asked if there is enough elevation on Park Place between that level and where the water discharges for them to get the water off of the surface of the street underground? Bill Kick stated that the day that he was on site in December the water in the streets and some algae at the time was all sump pump water. Bill stated that he doesn't think there is a problem during regular rain events and the draining in the streets but it is more that there is too much going into places that it didn't go before and portions of that could be corrected with the removal of the blacktop berm. He stated that downstream it may improve somewhat but as

everyone has noted that field at Volvo has had water laying in it before and it will have water ponding if they make any changes there. Kevin stated that he can get a survey done as soon as possible and he can email the findings to Forest or Darlene to share with the residents. Mr. Plasterer went on to state that if it is off a good bit they will follow through with Volvo and make them fix it. Ms. Smith stated that as long as they are kept in the loop and part of the communication process and show them that they are moving forward as best they can that would be much appreciated. Forest Myers stated that if Council could help the neighborhood with the water run off whether if it is from their sump pumps or when they have the rain events by making some changes back at Volvo if it is possible that would be a big help. Councilperson Mitchell Burrows moved that Council has the area surveyed or requires Volvo to survey the area to determine the maintenance of the sewer water management facility and to remove the blacktop gully by the ball field and inspect the stormwater management facilities to determine the maintenance conditions. Motion seconded by Councilperson Sandra Mailey. President Lage stated that with that motion there is the assumption that they start as soon as possible to do the assessment recognizing there is only so much that can be done until the conditions are conducive to actually doing the work. Tyler Fairchild, Director of Park & Recreation, stated that they are not opposed to having the blacktop gully removed but their only concern would be that Field 1 has been underwater all year long as well and if the gully is going to be removed he would like Council to consider seeding in the hole field where it is not all dirt and the grass will help the water going into the ground at that point. Tyler went on to state that Field #2 is their best field and they have put a lot of money into it so if there is any way to protect the infield at least that would be helpful since Field 2 and 4 are their best fields and the most used. Chuck Bailey, 148 Park Place West, stated that he would like to thank Council for helping to look for a solution. Mr. Bailey stated that looking into the future with the proposed new High School Stadium he would encourage Council to be extra attentive to the water issues and where the water will go from that construction and how they plan to keep it out of the Park Place area. Richard Bonitz, 135 Park Place East stated that he is wondering if they should just do one thing at a time first like working on the swale before opening up the ball fields and making major changes. Councilperson Burrows stated that with this case as well as most others they usually give discretion to the professionals such as the engineers and the borough manager and they will now what is best and when. Councilperson Burrows stated that the removal of the paved curb would be the quickest thing that they could do to show that we are acting on the request but if it comes to Kevin's perspective that they should wait then they will. Manager Plasterer stated that he is not sure taking the paved curb out right now is a key element because we are not getting torrential downpours and thunderstorms but he thinks between himself and Mr. Kick they should work on the swale at Volvo and getting that surveyed and find out what is wrong and talk to Volvo. Darlene Weaver, 144 Park Place West, stated that back in 2009 or 2010 she had met with Kevin, Carl Bert, and Volvo on the water situation at that point then and she wondered what ever became of that meeting. Solicitor Wisner stated that they were going to work cooperatively with Volvo to make some improvements on her property to try to get the water to flow a little faster off of her property and had provided a draft agreement which was an easement agreement to allow for Volvo and the Borough to come in and do that work and the report back at that time was that she was not willing to enter into that agreement to allow the work to happen. Mrs. Weaver stated that what she was told that she was to sign off before any work was done and she refused to do that. Solicitor Wisner stated that that is correct because we are not permitted to enter her property and do work until they have

permission to do that so the agreement allowed them to enter onto the property and do the work and for those facilities to be maintained in that condition permanently. Motion carried 6-0.

EXECUTIVE SESSION

President Lage stated that Council does have an executive session this evening that involves personnel issues and possible litigation and public safety matters. Council went into executive session at 8:10 p.m. and returned at 8:55 p.m.

President Lage stated that they are looking for a motion from Council that would allow the Police Chief at her determination of necessity, to interview candidates for part-time police officer positions. Councilperson Bruce Hockersmith moved to allow the Chief of Police to interview candidates for part-time police officer positions. Motion seconded by Councilperson Mitchell Burrows. President Lage stated that it is understood that this is just to increase the roster of people from whom she can choose for part-time positions and it is not indicating a change in the budget at all for those part-time officers. Motion carried 6-0.

The President Lage reported that there is also a Resolution that they have that creates a written form of a policy that they have had in the borough about hiring family members in particular looking at clarifying that we do not wish for family members to work in the same department so that there is ever any question of supervising and commanding of a family member. Councilperson Mitchell Burrows moved to approve the resolution adopting an anti-nepotism policy. Motion seconded by Councilperson Sandra Mailey. Motion carried 5-1 with Councilperson Keith Swartz voting No.

President Lage explained that she is also looking for a motion that they enter into a contract with our sewer engineer which is GHD at this time to design improvements to the aeration system for our sewer treatment plant and create the bid documents necessary to put that system out for bid and ultimately to construction. The President went on to explain that this is based on a contract that has been provided to Council and it is an amount that is about \$87,500 with a component in there that will not be done and all of the components have been broken out so that it is not to exceed that amount and if it is determined that if some component of that is not needed the amount could be less. Councilperson Sandra Mailey moved to enter into the contract with GHD. Motion seconded by Councilperson Mitchell Burrows. Motion carried 6-0.

Solicitor Wisner reported that in light of Robert Shoemakers decade and a half of service to the borough and given his untimely passing he would like to know if Council would consider extending his healthcare coverage for his dependents who were covered by the Borough's plan for some period of time. Councilperson Keith Swartz moved to extend the healthcare coverage for Robert Shoemakers dependents for 60 days. Motion seconded by Councilperson Mitchell Burrows. Councilperson Burrows stated that he feels it would good for them to have some sort of policy that could examine different types of co-op life insurance policies that people can either opt into or out of but setting the standard

that we take care of our own is important. Solicitor Wiser stated that we do provide all of our employees with a \$30,000 life insurance policy which covers the essentials. Motion carried 6-0.

OTHER BUSINESS

Councilperson Alosi stated that ice came off of a tractor trailer last week and cracked his windshield and he is wondering if we have any policy in the borough about ice. Mayor Coy stated that there has been a recent State Law passed that if you get the license plate they can be held responsible.

Councilperson Hockersmith stated that he has had a request from the resident at 307 West King Street that the old cracked electric pole that is tied to the new pole is still there and it has been several months. Councilperson Hockersmith stated that the responsible utility should be notified to get the job finished with many other locations that need attention as well.

Manager Kevin Plasterer reported that he was approached by the Branch Creek Director who would like to have permission to install a clothing box for people to drop off used clothing at the Senior Center. He stated that the director is telling him that the senior center can get some income from that and he told her that wasn't too thrilled about it but it is up to Council. Councilperson Mailey stated that the problem is that people bring things that do not fit in the box and stack the items around the box. Councilperson Hockersmith stated that he feels Council should take it under consideration.

ADJOURNMENT

There being no further business Councilperson Keith Swartz moved to adjourn the meeting. Meeting adjourned at 9:05 p.m.