

SHIPPENSBURG BOROUGH COUNCIL

March 5, 2019

6:02 p.m.

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

PLEDGE OF ALLEGIANCE COUNCIL

THE MAYOR'S MOMENT OF SILENCE

CONDITONAL USE APPLICATION HEARING #2019-CU-01; #2019-CU-02 (SEE ATTACHED TRANSCRIPT)

2019-CU-01; Joshua Trindle and Blue Trindle; 334RR East King Street, 338 RR East King Street/Nehf Avenue & 338RR East King Street/S. Walters Avenue

2019-CU-02; Julie Boggs, 119 Lurgan Avenue

PUBLIC COMMENT

Cecilia Masney, 135 Park Place West, stated that she is here this evening as a representative of the Park Place residents to say thank you for all of the considerations Council has given them to this point and to thank Kevin as well as he continues to work on their problems. Mrs. Masney stated that their problem is still there and she will not consider it gone until her sump pump stops pumping and right now it is still pumping 24/7. Mrs. Masney stated that they did have neighbors who were concerned about one tree that recently fell over which happened from laying in the surface water causing the roots to get loose and now the tree is gone. She went on to state that Volvo has plowed up to the fencing area of the neighborhood which is bringing it closer to them so if there is any way to communicate that to Volvo the residents would appreciate it. President Lage stated that she hears what they are saying and are very sorry that it continues but with the ground water issues it is likely to take a while. Councilperson Hockersmith stated that he feels that Kevin should point out the action that they have taken since the last meeting. Kevin Plasterer reported that last Friday he met with a Volvo representative and Carl Bert and discussed all of the issues that were brought up with Volvo's property and currently he is getting quotes from two engineers to do the survey but they will have to

wait until the snow is gone so that they can do the survey. Mr. Plasterer went on to explain that they are hoping to do the survey within two weeks and then hopefully by the next Council meeting on March 15<sup>th</sup> he will have somewhat of a report to give to Council.

Harold Best, 138 Park Place West, stated that one of his big concerns is that he thinks he is getting water back from the collection area of Volvo because that is the side of the house that his basement wall has cracked and he has had a drop in the floor on that end of the house so any help they can give he would appreciate.

#### REGULAR BUSINESS MEETING

#### CONSIDERATION TO APPROVE THE MINUTE OF THE FEBRUARY 19, 2019, MEETING

Councilperson Bruce Hockersmith moved to approve the minutes of the February 19, 2019, meeting as submitted. Motion seconded by Councilperson Mitchell Burrows. Motion carried 6-0.

#### ANNUAL REPORT BY SHIPPENSBURG COMMUNITY PARKS & RECREATION AUTHORITY (SCPRA)

Tyler Fairchild stated that he is here this evening to discuss the 2018 Director's Report which is basically the overview of the year. Tyler reported that in 2016 and 2017 they had really good years but unfortunately 2018 was a very challenging year for them and a lot of things did not go their way. Mr. Fairchild went on to state that the Keystone Flag Football league which is the adult flag football league and their newest program in 2018. Tyler stated that they had 6 teams in the spring and the teams wanted to come back so they had a fall season as well and they are looking to continue and grow that program. He went on to state that in the Youth Football and Cheerleading they went from 130 participants down to 49 participants which was their second biggest program next to baseball and softball. Tyler stated that there were several factors affecting that from new coaches, people leaving, and with the debate over the summer with the stadium a lot of things do not go their way and the program went the opposite direction going from 4 football teams to 1 team and then from 4 cheerleading squads down to 2 cheerleading squads. He explained that they still had a schedule for that one team and contacted other communities and were able to play a full schedule. Tyler stated that for the cheerleaders they entered them into cheer competitions in the state and sent them to 5 competitions and at almost every one of them one of the two squads came home with 1<sup>st</sup> or 2<sup>nd</sup> place. Mr. Fairchild went on to state that the kids had a lot of fun and it re-motivated some of their coaches to try to re-vamp the program.

Tyler reviewed the events that they sponsored in 2018 with Council and stated that the one thing that they launched this past year was "movies in the park" and they raised the funds to purchase a movie screen and equipment to bring new events into Shippensburg and they are looking to build on that again for this year and incorporate movies with other events in town. He also reported that in 2019 they do have one new event that they are launching which started out as a Scottish Festival but realized through the planning that they hit a lot of road blocks and barriers so they have downsized the

event and are now planning to do a battle of the bagpipes with a national group that does this type of competition and who will be coming to Shippensburg June 8<sup>th</sup> for the day. Tyler stated that it will be at the Shippensburg Train Station with a beer and wine garden and a food vendor which will hopefully be planting the seed for 2020 for different aspects to a Scottish Festival with the clans and the demonstrations of the games, etc. Mr. Fairchild went on to state that in regards to the facilities, the feasibility study for the Rail Trail is almost complete and in talking to Alan Dietrich-Ward they have about a month or two left before those official plans are kind of developed and the feasibility state is done and they can start moving forward on getting funding for the trail for the area. Tyler reported that they did have master plans done for Veteran's Stadium and it was good to have them done to see exactly where they were but unfortunately the school has decided to not stay in Veteran's Stadium. He stated that they do not have an exit date for that but they will be playing this upcoming Fall once again with 2020 being still up in the air. Tyler explained that they have put together another smaller plan of what they are looking at doing now and understanding that it is still a 60-70 year old stadium so they want to do something to bring it up to make it more compatible for the residents to enjoy. He went on to report that they are looking at repainting the bleachers, and putting the baseball field with the Stars organization back into a traditional baseball field, signage being re-done, team rooms need renovated, the restrooms behind the baseball backstop doing a renovation, and doing some paving to connect the back gate to the seating, concession stand, and the other set of bathrooms which would be basically connecting the baseball field to the home side bleachers. Tyler further stated their new target price that they are looking to raise is right around \$143,000 which is not demolishing anything but just cosmetic upgrades and getting it back up to where they need. He stated that they are looking at getting an artist rendition so they can reach out to the community so they can see what is being considered now for the stadium. Mr. Fairchild stated that they are also looking at re-branding it so it will no longer be "Home of the Greyhounds" but "Home of the Shippensburg Athletic Stars" and making it a home of the new partners that they have there. He went on to explain that the various organizations are looking to raise money for the stadium with the baseball group trying to raise \$75,000 to be able to put in new dugouts and re-do the fields and bullpens with the Park and Rec exploring the foundations and min-grants that are in the area.

Mr. Fairchild reported that in 2017 they only had a loss of about \$3,000 at the pool but ended 2018 with a \$17,242 loss, which was due to weather issues, the pump broke which meant they were down for almost two weeks and the roof in the shower area collapsed so that needed replaced as well so they had trouble before they even started. He stated that they were able to get some County funds that will cover an entire renovation of the bathhouse to include new toilets, shower rooms, etc. Tyler also reported that they have been working on some indoor recreation space to bring in more revenue but everything they have looked at would be in excess of \$1,000,000 to put a building to what they need for recreational space however Mt. Rock Church has a gymnasium that is just sitting there and they have offered it to SCPRA to run programs through. He stated that as they get into the end of 2019 they are looking to develop a whole new strand of programs and indoor activities for the residents. Tyler reported that the financial report is the last portion of his report and if Council members have any questions regarding the finances they can contact him. He stated that the unexpected repairs and weather puts stress on their budget and as right now the pool decides whether or not they have a

challenging year and if the pool is doing well they are going to do well overall but if the pool is bad they are scrambling to try to cover everything for the year and heading into 2019 they are looking at a deficit of about \$16,000 to \$17,000 which is essentially the pool. Tyler stated that they looked at everything the Park was prior to 2016 and their taking over and to what they have now and decided that the longer hours at the pool and the pool manager position had to be cut out of the budget and they had those funds because 2016 and 2017 were so great and were able to incorporate them into 2018 but because of the repairs, etc. they no longer have the funds to have a pool manager and longer hours along with a few other things. Mr. Fairchild stated that their hope is that in 2019 they can gain what they lost in 2018 to be able to bring back some of those things that were cut. Mayor Coy asked what the new hours will be? Tyler stated that they will be 12-5 p.m. Monday thru Thursday and 12-7 on Friday and Saturday. Councilperson Swartz stated that in regards to the baseball field conversion and \$20,000 are they planning on ripping up the grass and putting dirt back into the football field area? Tyler stated that yes, that is the plan for multiple reasons, one being that they have baseball there every single day of the week with the Stars, the Orioles, the Legion, Scotland campus, plus they no longer have the time to maintain the Fayette Street 90 ft. field so if they are able to put everything into the Veteran's Stadium field they will cut cost on re-sodding every year, grass, watering, etc. President Lage stated that she is impressed because they have done a lot to develop new programs and to assess their old ones and it is always a challenge with Park & Rec but they have done an amazing job to give new things for the community to try as well as to try to maintain old ones and she appreciates their flexibility and the effort that has gone into what we have.

#### DISCUSSION ON ALLOWING OPEN ALCOHOL CONTAINERS DOWNTOWN

Councilperson Swartz he has been working on getting Council's opinions on open container opportunities in Shippensburg and it sounds like there are a lot of other municipalities that are doing things and the reason behind it seems to be to attract business. Councilperson Swartz stated that he feels that if they can pull resources with a lot of people and focus on the cons and how to address them they could put something together that would make Shippensburg a destination for people with festivals, the trails, etc. President Lage asked that it is fair to say that he is looking for feelers to see if it makes sense to put more resources into looking at this and refining it? Councilperson Swartz stated yes. President Lage explained that, that is what is open for discussion and not looking for action other than whether or not Council feels this is a direction they want to explore further. Councilperson Swartz asked if the beer garden is located in the borough? Councilperson Burrows stated that where the beer garden will be located is actually in the township and it will be set up on the first Friday of each month with music and a bonfire. Mitchell went on to explain that he feels that the number one thing that you do to avoid potential issues is that you end it early enough. Councilperson Swartz explained that if he feels if they want to promote business downtown he feels there is opportunities with all the vacancies that they could get at least 3 more brew pub restaurants in town. Keith stated that one of the things that Gettysburg is kicking around is that the borough sells the plastic cup and that is the open container so there is no BYOB involved and all purchased on site. Councilperson Burrows stated that you would have the businesses that are a part of it have access to those cups. Keith stated that with the number of colors of cups available it may need to be a cup and a wristband so that when the police are patrolling

the street they know right away when they see the person with a cup to look for the wristband. Mitchell stated that he feels that when you start putting tons of regulations and restrictions on a new idea how beneficial can the potential be if it is already hemmed down by all the red tape. President Lage stated that Councilperson Swartz was talking about other communities that had already started and she feels that one thing might be to put a comparison of how it has been approached possibility within Pennsylvania and then they can go from there. Keith stated that he would like to see S. Queen Street blocked off and have some bands like they do during the Corn Festival. Following a brief discussion Councilperson Burrows stated that he is in favor of this 100%. Councilperson Alosi stated that in regarding the festivals, he has been to different cities and festivals and it always seems to be tied into music. Mitchell Burrows reported that there was an attempt at First Friday about 5 years ago and it was coordinated with businesses up and down King Street and the Thought Lot had events and for one summer they saw some cool stuff happening outside of businesses and they would get musicians to play in their lobby or right outside their door for free but no one kept up with it and it feel apart. Councilperson Burrows went on to state that he feels if the municipality supports an occasion like that that it would make it a lot easier for people to take advantage of it and organize together. Solicitor Wisner stated that it seems like there are two components one being the traditional sidewalk café and the second one being more of a special event type permission and they can figure out what confines they allow in those special events as they approve them which could be an annual schedule like the banners or a case by case basis. Councilperson Hockersmith stated that he doesn't see any violent objection to pursuing going on with looking into this. President Lage stated that she feels they would be looking for the model ordinances or a picture of what it is that they are considering. Councilperson Swartz suggested that he and Mitchell do their own independent research on some PA municipalities that have something that they want to parallel. Councilperson Burrows stated that he would also look outside of Pennsylvania.

#### CONSIDERATION TO APPROVE RESOLUTION 19-004; STREET BANNER SCHEDULE AND POLICY

President Lage stated that in looking at the policy she feels it needs a little more work because there is not a selection criteria and it hasn't changed significantly. Mayor Coy asked if it would change any dates that they have set up? President Lage stated that they are fine right now. The President went on to state that she feels the original task of creating the selection criteria makes sense so they can hand anyone a set of rules and they know what the timing should be and what rules they have to meet to be selected and if there are more requests than there are time slots then there is a clear understanding of how it would be selected. Manager Plasterer stated that the Chamber is contemplating a fee for putting the banners up and down but it would not be until 2020. Councilperson Burrows asked what the charge was they were considering? Kevin stated \$150 for a two week period with the Chamber keeping a portion but it is still being discussed. President Lage stated that they need to think about how many labor hours we have from our perspective and to her that is to re-coop our costs of putting it up. Council members tabled the decision for a later meeting.

CONSIDERATION TO APPROVE BRUCE HOCKERSMITH TO ATTEND PSAB ANNUAL CONFERENCE IN HERSHEY

Councilperson Swartz asked Councilperson Hockersmith why he is staying overnight? Councilperson Hockersmith stated that some of the evenings are late with the meals and the entertainment and he needs a place to change clothes from one even to the other. President Lage stated that it starts to sound like an entertainment event and not so much a learning event. Bruce stated that there are meetings in the evenings and a banquet later. President Lage stated that she would agree that it's not that far away to drive back and forth and it is a drivable distance as opposed to spending \$660. Councilperson Swartz asked if he would consider a travel stipend on top of the registration fee? President Lage stated that she appreciates that he has been a participant in this for many years. Councilperson Hockersmith stated that he would like to withdrawal his request.

CONSIDERATION TO APPROVE THE BLOOM FESTIVAL BURD STREET PARKING LOT REQUEST

Councilperson Bruce Hockersmith moved to approve the Bloom Festival Request. Motion seconded by Councilperson Mitchell Burrows. Motion carried 6-0.

CONSIDERATION TO APPROVE THE REQUEST FROM SOUTH NEWTON TOWNSHIP FIRE POLICE FOR ASSISTANCE DURING SPECIAL EVENTS IN 2019

President Lage reported that this comes with the understanding that if they have people they will go and if we do not they cannot participate. Solicitor Wiser stated that this is largely a worker's compensation issue that allocates responsibility if someone is injured. Councilperson John Alosi moved to approve the request from South Newton Township for fire police assistance during special events in 2019. Motion seconded by Councilperson Sandra Mailey. Motion carried 6-0. Manager Plasterer reported that he will be bringing to Council, at their next meeting, a request by Ted Wiser to hire the Borough's fire police for his car show event.

DISCUSSION OF RE-TIMING OF TRAFFIC SIGNAL PROPOSAL

Kevin Plasterer reported that he has been asked several times to look into the re-timing of the traffic signals within the past two years. He stated that he made contact with the same company that did it 5 or 6 years ago. Kevin stated that you are supposed to do this every 4 years because of growth around the area and changes in traffic patterns, etc., Mr. Plasterer provided the quote in Council's packet and stated that he is willing to get two or three quotes if he has to but he feels that his next goal would be to try to find grant money to pay for it since it is going to be such a large amount. Kevin stated that there is grant money out there to pay for these kinds of projects. He went on to state that the estimate provided would be for the borough's 13 lights and 3 lights belonging to Shippensburg Township since they are tied into ours for 81 closures. Kevin stated that he can look for funding. President Lage stated that they have talked about it in the past and what it would take and now they know. She went on to state that the other thing they have talked about a lot is to do an actual traffic flow study to

think if there is any way to re-direct traffic as we grow and there is more and more traffic. Councilperson Swartz asked if there is any way that PennDot would pay with this since there is a state highway involved? Kevin stated no.

#### EXECUTIVE SESSION

Council President Lage reported that they do have an executive session this evening to discuss various personnel issues and potential litigation to discuss with possible action coming out. Council went into executive session at 7:30 p.m. and came out at 8:00 p.m.

Councilperson Keith Swartz moved to accept the MOU for the Operator in Training guidelines for the water department position. Motion seconded by Councilperson Mitchell Burrows. Motion carried 6-0.

Councilperson Keith Swartz moved to accept the MOU for a new contract with the acting manager, Kevin Plasterer, to include his salary and what we expect of him. Solicitor Wisner explained that it is in recognition of Kevin's service as the interim borough manager since the departure of the previous borough manager. The Solicitor explained that Mr. Plasterer was expected to do his normal job as well as the Borough Manager position and respond to various calls that came in which were numerous and which he responded without additional compensation so this is in recognition of Kevin going above and beyond what was required and providing a one-time stipend of \$7,500 for the additional time that he devoted to his duties. Motion seconded by Councilperson Sandra Mailey. President Lage expressed her gratitude for all that he has done and for all the times that he did come in for calls that were water, sewer and everything else. Motion carried 6-0.

#### OTHER BUSINESS

Mayor Coy reported that she was questioned twice regarding the King Street project and whether we could go with electric lines underground and telephone lines, etc. Kevin stated that it would be a major project and getting all of the electric in the alleys and then tying everyone's service to a different location which would mean moving services to the rear of buildings, etc. at our costs and would we would have to do that for every individual house or business. Mr. Plasterer went on to state that we have four other communication lines on all of those telephone poles such as high speed internet, etc., and a project like that would cost millions of dollars. The Mayor also stated that she has registered to speak to the casino people regarding the casino coming and to speak on behalf of the downtown. Mayor Coy stated that Chief Dominick is going to speak on behalf of the police department.

Councilperson Hockersmith apologized to Council President and all of Council for his outburst earlier regarding the PSAB conference. Bruce went on to ask what the cones are for on West Orange Street. Kevin stated they are there because of potholes which will be addressed tomorrow. Mr. Plasterer went on to explain that with all of the trees that are hanging over the road when the water

drips it creates holes which is what is happening on Penn Street under the underpass as well. He explained that because the water is dripping off of the underpass onto the road it is doing the same thing there. Kevin stated that this summer he plans to mill the road on Penn Street and repave it but it won't last long. He reported that he has contacted the railroad and asked them to build a canopy to divert the water to the side but he doesn't think they are going to do it. Councilperson Hockersmith stated that Kevin asked him to attend a meeting with the Western Cumberland COG where he found out that Interstate 81 will be reconstructed into three lanes as money becomes available in Cumberland County. Bruce explained that they did start on the north end around Mechanicsburg. Councilperson Hockersmith also reported that one of the other issues discussed at the meeting was that one of the biggest problems Vector Control has is with garbage cans that are open on the top and do not have holes in the bottom to drain out the water so the suggestion is that you either have covered trash cans or drill holes in the bottom so that water cannot stand in the bottom.

Mayor Coy asked if when Interstate 81 is closed for an accident or another reason can they stop trucks from coming through the borough? Kevin stated that he doesn't see how they could. Solicitor Wisner stated that it is a state road so they cannot dictate who can travel on it. Mr. Plasterer stated that it would be just like a Corn Festival event and they would have to apply for a permit to shut the road down.

Manager Plasterer reported that in regards to Park Place, he has done some work with Bill Kick and Carl Bert and they have come to the conclusion that it could cost the borough a fair amount to do the study. He went on to state that Forest Myers mentioned at the last meeting that he has a well in his back yard and he feels it would be a good idea if he goes and removes the lid to see what the water table is to determine if the issue is truly the water table or something else. Mr. Plasterer went on to state that both Bill and Carl feel that they will find water very close to the top. He further stated that he has anywhere from \$3,000 from \$7,500 to do the survey on different phases of Volvo's property. Kevin stated that he plans to have Mr. Kick present at the next meeting to come and help support their findings. Mr. Plasterer went on to report that he did find Council minutes from 1993 regarding the same issues that he also plans to submit. President Lage stated that if you look at the data we are so far above normal in our rainfall with almost 30 inches above normal. Kevin also reported that back in 1993 sewer lines were replaced and sump pumps, roof drains and floor drains were all being pumped into the sewer line before 1993 and once we repaired the sewer line they went into everyone's homes and changed that.

Mr. Plasterer also reported that the postage machine at the borough office needs to be replaced because it is so out of date that the company will no longer update the machine. He further reported that they have two options on a new machine which would be to purchase or lease it with purchasing it being \$9,962 for one year to purchase with additional monthly fees for meter rental and equipment maintenance or lease it for \$1,130 per quarter for 60 months and then at the end of the lease they would have to enter into a new lease or purchase the equipment. Kevin further stated that if they purchase the machine outright it would cost a total of \$20,370.32 for all costs for at the end of five years and if they lease it the total cost would be \$22,611 after five years. He stated that he is recommending

that they purchase the machine outright so that after the five year period we can keep it and move forward. Kevin stated that the machine is used for all of the bills, letters and all daily mail. Councilperson Burrows asked what happens to the machine if it breaks and we purchase it outright? Kevin stated that there is an additional fee for maintenance on the machine and meter. President Lage asked if the cost is shared between the utilities? Kevin stated yes. The Mayor asked if the machine is for the entire borough including the Police station? Kevin stated yes it includes all of code enforcement mailings, all the water billings, police department mail, all the letters sent daily. Councilperson Bruce Hockersmith moved to authorize the purchase of a new postage machine. Motion seconded by Councilperson Mitchell Burrows. President Lage stated that they ask that they try to get the lowest price possible for a quality machine. Motion carried 5-1 with Councilperson Keith Swartz voting No. Kevin stated that they do have \$15,000 in general contingency to help offset the costs.

#### ADJOURNMENT

There being no further business, Councilperson Mitchell Burrows moved to adjourn the meeting. Meeting adjourned at 8:24 p.m.