

SHIPPENSBURG BOROUGH COUNCIL

January 15, 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
Stephen Coccorese, Solicitor

PLEDGE OF ALLEGIANCE COUNCIL

THE MAYOR'S MOMENT OF SILENCE

REPORTS

Mayor Coy reported that she has met multiple times with the new Police Chief over the past two weeks and also with the SU administration and State Police to discuss upcoming events and new programs. The Mayor went on to state that she has also been meeting with tree companies to get pricing for tree trimmings in the downtown area and also for maintenance and some possible some tree root barriers going forward as well as funding for the price of replacements.

President Lage reported that there is nothing to report for the Finance/Budget or Personnel Committee but she does need to set up a time to meet with the personnel committee.

Councilperson Burrows reported that the Long Range Planning Committee is still waiting to get the LERTA exploratory-joint School District committee formed, which they were under the understanding would happen after the holidays. Councilperson Burrows went on to report that the HARB guidelines are being developed and they did have a presentation made by the President of Vigilant Hose Company about an electronic sign and the Committee recommended that they go before the Zoning Hearing Board to get a variance.

Police Chief Dominick reported that the University students will return on Friday so they will probably see an influx of traffic. The Chief reported that they have had several child sex abuse cases this week, and a three year old that they found this past weekend and they were able to reunite the child with their mother. Chief Dominick also reported that yesterday they had a 3 year old ingest a medication that is used to treat heroin withdrawal and unfortunately they have a few calls at the

schools and things that they are working on and determining what they will respond to and what they will not. Chief Dominick stated that she did meet with the Superintendent regarding the "Safe to Say" program that was launched on Monday. President Lage asked what the Safe to Say program is. Chief Dominick explained that it was law that was passed in the Commonwealth of Pennsylvania that directed the schools that could apply for grants but it directed the schools to set up a program that anyone could make an anonymous call when they are concerned about a student whether it is their well-being or tendencies that are alarming other kids, other people in the schools, etc. and then the school officials triage it meaning they determine if it is something that they can handle or something that needs police assistance. The Chief went on to explain that if it would be something of urgency and the department would be notified they would dispatch appropriately and then respond accordingly.

Heather Franzoni, representing Shippensburg Area EMS, reported that for the year of 2018 they had almost 800 calls in the Borough and for a department total of approximately 3,900 calls which is up from 2017. Ms. Franzoni stated that they just ran another TEEC class over the weekend that their members participated in and will be running another one in May. She went on to report the supervisors continue to go through training in how to manage a rescue task force team and operations. Heather also reported that in April they will be doing an ambulance fund drive for their capital campaign to work toward a replacement of apparatus for the community which will be their focus as far as capital asset this year and it would be to replace one of their aging units out of the fleet. Councilperson Hockersmith asked what milage they have on the oldest apparatus? Ms. Franzoni stated that Ambulance #1 is pushing over 300,000.

Kevin Plasterer reported that he attended the Western County Cog meeting yesterday and he placed some information at all of Council's seats from the meeting. Kevin explained that if anyone has any contact with anyone at the library he did find out that there is grant money available to them. He went on to state that the new metal roof is being installed on the Senior Center and for their information a rubber roof would have been over \$120,000 and the metal roof is \$35,000 and is commercial grade.

PUBLIC COMMENT

President Lage reported that they do have stated time limit for public comment of 2 minutes. Terry Bigler stated that he would like to defer some of his comments to #7 on the agenda. Mr. Bigler went on to state that the other item he would like to comment on is Council's passage of the \$15 recreation fees on property taxes. Mr. Bigler stated that he stated that he cannot understand why the Borough wishes to continue to compete with the townships on Park and Recreation and with the nice parks that are in the townships he feels they should just let them do their programs. Mr. Bigler further reported that they are limited on their tax base right now but continue to put more money into the Park. He further stated that his concern is what will happen in the future when it becomes \$100 or more and with all the parks that we have surrounding the borough they will not be able to complete with the townships on the tax base to be able to maintain them.

Steve Brenize, 211 Ridge Avenue, stated that he would like to reserve one minute for agenda item #5 and one minute for agenda item #7. President Lage stated that that is a bit unusual and will ask Council members for their decision because they do have the public comment and that is typically when they have it but they have in the past opened and invited people to make comments when they go on to the business agenda but what they have not done is have the rights reserved for particular minutes. Councilmembers agreed to allow them to state their comments during the discussion time of the agenda items.

CITIZEN APPEALS

Kevin Plasterer explained that Mr. Underkoffler has requested forgiveness on his water bill for a leak that did not go into the sewer system. Kevin stated that Nicole informed Mr. Underkoffler that we do not give forgiveness on sewer so he is here this evening seeking forgiveness from Borough Council. Mr. Underkoffler explained that as of this fall, he will have finished his 47 year of living in Shippensburg and this is his first time appealing to Council and he appreciates their consideration and time. Mr. Underkoffler went on to explain that he owns a property located at 242-248 East Orange Street which is 5 units and he provides this utility for them. He went on to state that this most recent bill showed a usage of 126,000 gallons which is 96,000 more than the previous three bills. Mr. Underkoffler stated that a water leak was found by one of his tenants on 10-28-18 and it was repaired by Gruver's Plumbing the same day. He went on to explain that the leak happened in a section right underneath the electric panel and about 6 inches from the water meter with part of the basement being dirt. Mr. Underkoffler went on to explain that since the leak has been repaired he has checked the all the toilets, etc., and a read the meter himself three weeks after the last bill was read and he sees no evidence of excessive usage therefore he is convinced that the bill was generated by that leak. He stated that the excess sewer amount is \$500 more than the typical excess sewer bill that this property has generated through 2018, and since he can show that the water was not processed by our wastewater treatment plant and was not entered into the sewer system but drained into the ground he feels it would be fair to pay the water bill but he would like forgiveness on the sewer portion. Councilperson Hockersmith asked if there was any pooling of water in the basement? Mr. Underkoffler stated yes there is a concrete section of the basement and there was pooling there but it was draining at the same time into the ground section. Councilperson Hockersmith asked if there is a floor drain in the concrete section? Mr. Underkoffler stated no. Mayor Coy asked if he felt this leak had been going on more than just the one quarter? Mr. Underkoffler explained that he knows it wasn't from the beginning of the year but it was going for quite some time and there were two holes in the pipe that it was spraying everywhere and was discovered by the tenant that lives right above it. President Lage stated for background information that they have discussed this before and there have been other cases where they made the decision that it is challenging for them as a policy to have a way to check what happens to water if it is leaking inside of a home and whether or not the water has actually gone through the ground or where it has gone because they have no way of metering the sewer. The President went on to explain that based on the challenges of administering a fair policy that would apply to everyone on how to determine what amount was not used in the sewer, the policy has been that they have refused forgiveness in the past which is why the staff gave the response they did in this case. Councilperson Burrows asked if Mr.

Underkoffler if he had any photos? Mr. Underkoffler stated that he may have a photo of the water heaters because they were covered in water but he would have to search his phone. Councilperson Swartz stated that if what he is saying is true that it did not go into the sewer system and we did not process the water, he would support a \$500 discount but he would suggest that they wait and see one more quarter to make sure that the leak is taken care of. Mr. Underkoffler stated that that suggestion does have merit and it may be wise to wait a quarter. President Lage suggested that they agree that they have heard the appeal but ask for a little bit more work from staff to get the details and then revisit this after the next billing cycle? Mr. Underkoffler stated that he would support that and would be happy to provide any photos that he may have and a copy of the invoice from Gruver's Plumbing and also provide meter readings. Kevin stated that he will contact Gruver's plumbing and get some information as well.

REGULAR BUSINESS MEETING

CONSIDERATION TO APPROVE THE MINUTES OF THE DECEMBER 4, 2018, MEETING

Councilperson Bruce Hockersmith moved to approve the minutes of the December 4, 2018, meeting as presented. Motion seconded by Councilperson Keith Swartz. Motion carried 6-0.

Administrative note: The minutes that should have been approved were January 3, 2019, which will be included on the February 5, 2019 agenda

CONSIDERATION TO APPROVE INTER-MUNICIPAL AGREEMENT BETWEEN MENNO HAVEN AND SOUTHAMPTON FRANKLIN TOWNSHIP, SOUTHAMPTON CUMBERLAND TOWNSHIP, SHIPPENSBURG TOWNSHIP AND SHIPPENSBURG BOROUGH

President Lage stated that she has no issues with the agreement in concept but she is not certain that they have the actual amounts that are to be paid and Exhibit A is not expressly stated to be the amount that would be filled into the agreement and as such she would like to have an idea of what they are actually agreeing to before they take action to sign it. The President went on to state that if Council is in agreement they would give Menno Haven the heads up that we are not opposed to this but they would like to have the actual amounts calculated. Council members were in agreement that they would like to see some figures. President Lage also stated that she felt where it says "Branch Creek" it should be "Branch Creek Place".

CONSIDERATION TO APPROVE HIRING OF A PART-TIME PATROL OFFICER

Police Chief Dominick reported that as of December 31, 2018, they lost three part-time officers as well as Chief Scott and prior to that they were struggling to fill shifts and they continue to have that issue. The Chief went on to state that in many times one officer is working and safety wise it is not compatible with the safety of all the officers and to be able to give a continuing police service to the citizens of the Borough as well as the outlying areas where they have been called to assist State Police and University Police. Chief Dominick went on to explain that they reached out to find out if they had

anyone who might be interested and they had one part-time officer who is interested. The Chief went on to state that with the situation this past weekend with the child that was found there was a need to have someone stay with the child at the station and then someone needed to be the backup to the officer who was working dayshift on Saturday which required 3 officers. The Chief stated that they utilized overtime to call in the detective and then fortunately University Police were able to assist but when school is in session she is not sure what their availability will be. Chief Dominick went on to state that with the loss of the part-time officers she needs to fill the void before she comes to Council to justify additional positions. The Chief stated that she has one applicant who has passed her background and is currently Act 120 certified and a part-time officer in a local borough and is willing to give us an appropriate number of hours and is anxious to learn. Chief Dominick stated that she is hoping that Borough Council will approve the hiring of this officer. President Lage stated that Council is recognizing that because they are in charge of the budget they are also the hiring body for these officers and in the past the need for a part-time officer was generally understood and the Chief filled the ranks and moving forward we have asked to formalize this process for us so that Council is aware of when part-time officers are being hired. The President asked the Solicitor if in doing this is it classic that they just hear of a general need and then give it back to the Chief and the Mayor to make those hires or are they actually looking for not only this point, permission to fill the ranks of part-time but would they be looking to have a name and credentials that they are approving an individual? Solicitor Coccorese stated that generally it is much more the latter where Council would be making the complete decision as far as a motion to hire officer, so in so as a part-time police officer and not just the general authorization to the Chief to allow them to move forward and hire whoever they need to fill however many positions. The Solicitor when on to state that he doesn't feel that there is anything wrong with doing it either way but the more common method would be that Council as the ultimate appointing body of the Borough, gets to make that decision fully. Councilperson Hockersmith asked if they had a name. Chief Dominick stated that she would prefer to withhold it until they have a vote of Council because she doesn't want to put this person out there. Mayor Coy stated that they have already interviewed her and going forward Council may want to handle it differently but she does meet the qualifications and feels she will be outstanding. The Mayor asked if they would like to have the personnel committee to be doing that now? Solicitor Coccorese stated that it is common for Council to take the initial step of saying yes they would like to have another officer or we would like you to find someone and then whether it is a committee or the Chief and the Mayor, identifying the person or people who they would like to recommend and take it Council for the final say. Councilperson Bruce Hockersmith moved to approve the hiring of a part-time officer. Motion seconded by Councilperson John Alosi. Councilperson Burrows stated that they need to clarify this for the future. Solicitor Coccorese stated that it sounds like the initial vetting has already taken place from the Chief and the Mayor which is fine and that is a good process but it should be formalized. President Lage stated that they are moving forward with a new Chief and a new Mayor and they want to make sure they do things properly. Mayor Coy asked if the process will be that they do the vetting? President Lage stated that the idea is that first is a conversation with Council to say we are down three part time officers and because of that the Chief and the Mayor would like to fill those positions and then ask Council if they are on board with them filling part-time positions. The President went on to state that then Council would be able to have the discussion about that and then perhaps based on recommendations they are looking for numbers of

part-time hires and what that cost might be and then they send it back out and ask for them to find the people for them. Chief Dominick stated that that is the way that she would like to move forward and she would like Council to be a part of it and she knows what has happened in the past and she is not comfortable with the way things were done in the past which is why she would like to move forward where there is involvement and agreement and discussion but she also does not want to lose this candidate. The Chief went on to state that moving forward this is how she would like to handle things but would like to get this candidate hired if possible. Chief Dominick went on to explain that they have done more of a background investigation than has ever been done in the past on a part-time officer so she is very confident in what they have done all the way down to child abuse investigations and what the law says they must have. President Lage explained that in this case there is a motion in the table that would lead Council to agree to hire a part-time officer with the assumption being that with their vetting they have the right to hire one officer but she would like to see that they work together to have a discussion that is more general on creating the policy. Motion carried 6-0.

DISCUSSION/PRESENTATION OF REORGANIZATION OF FIRE DEPARTMENT

Fire Chief Randy O'Donnell reported that in 2018 the Shippensburg Fire Department came to a crossroads which was not the fault of any company or an individual but the state of the emergency volunteer fire service in the Country, the State, and our region. The Chief went on to state that manpower, management, and money is what makes their organizations work and it is hard finding help and leadership and the funds to do what they want to do especially in a small community. Randy went on to report that this process is going on all through Cumberland County right now and there are a lot of big changes happening in Adams, Dauphin, York, and Franklin Counties as well. Chief O'Donnell stated that they had mentioned in September that it is time for some type of reorganization and they knew they needed to do things to reduce costs, look at their apparatus, staffing, and management. He stated that one thing that he was proud of through this whole process was that many times when this type of thing happens people make it all personal and it affects the operations but even through their hard discussions that they have had it never got to that point and operations still went on and people did their job. Randy stated that through their discussions they decided to go with two stations, reducing the cost and try to integrate their management team. He went on to report that Cumberland Valley Hose Company met with Vigilant Hose Company two times, West End Fire and Rescue two times and with him two times on what was the best fit for them. The Chief went on to report that through their discussions and meetings, CV Hose Co. felt it was best to go with the Vigilant Hose Company. He explained that there are three ways you can go with this process, one being a merger where they move into another house and you become a part of that organization, a consolidation and rebuild the entire organization from the ground up, or do a partnership. Randy stated that over the past 10-12 years the Shippensburg Fire Department has done a partnership since the DCED study in 2008-2009 the State is recommending partnerships. He stated that the partnership idea seemed to work best for what is now and they will have to see what happens in the next 10 to 20 years. Chief O'Donnell went on to state that sharing staffing and personnel out of the same house is going to provide a better delivery of service and once they start reducing costs they can start to look at reducing fund raising events. Randy stated that last year the three stations had 175 work projects to raise funds and going down to two stations will

reduce the amount of apparatus, facility upgrades and maintenance. The Chief also explained that by maintaining the stations it allows for each station to continue to apply for local, State, and Federal grants and if they removed the charters and do the mergers and consolidations they would lose the opportunity for funding. Chief O'Donnell stated that the townships brought it up first but the only thing they would like to look at is the MOU down the road since it's been 8 years since they looked at it and the costs listed on there have not went down. He went on to state that the MOU only supports a certain amount of their operations and there is an approximately over a million dollar deficit from what they are getting from local government. Chief Dave Ocker reported that they have been having meetings and have decided on meeting the first Monday of every month and they plan to come up with a working document to break everything down into smaller sections because this is a huge move and report with each other monthly. Mr. Ocker went on to state that his guys are excited to move and get things going. Chief Dan Byers reported that the same night that CV Hose Company's meeting was occurring, their meeting was also and as they were deciding which way they were moving they unanimously decided to accept them if they decided to come their way. Mr. Byers stated that they have a strong belief in their department that their building is their community building and not the building of the Shippensburg Area EMS or Vigilant Hose Company but for the community. The Chief stated that they feel a partnership as they have with the EMS and now CV Hose Co. will just make them greater and they see many opportunities to grown and train together. Councilperson Swartz stated that he would like to thank the departments for working together and that Council knew there were some hard feelings when they started pushing it forward and it looks like they have embraced it and taking it serious. President Lage stated that there has been a lot of effort that has gone into this and a lot of emotion and she is very impressed because they have made some key decisions and laid out a pathway forward that feels like they are willing and interested to see how it goes and open to it and that is phenomenal. Chief O'Donnell stated that he is very pleased with what they have done in a short period of time.

EXECUTIVE SESSION

President Lage reported that Council does have an executive session this evening to discuss various personnel and litigation issues with possible action coming out. Council went into executive session at 7:03 p.m. and returned at 7:30 p.m.

DISCUSSION REGARDING 7-13 EAST KING STREET, 10-16 EAST KING STREET AND 223 EAST ORANGE STREET

President Lage explained that there are a few properties that have been brought to their attention and there are two members of the audience that have requested an opportunity to speak to these issues. Terry Bigler reported he has requested of the past three Borough Managers to put this on the agenda and all three told him that at the time that Council did not want to deal with it. Mr. Bigler stated that when the fire happened downtown at 10-16 East King Street the governor put a 5 year moratorium on all building permits in the state of Pennsylvania and every governor after that extended it for one year until Tom Wolf became the governor 4 years ago and he did not extend it. Mr. Bigler

further stated that the ordinance states that in the instance of a fire or catastrophe and a building being razed the person has one year to have the plan in place and up and running. He further stated that those empty buildings downtown is killing the downtown area. Mr. Bigler stated that he is not asking for Council to bring businesses to town because that is the Chamber's job but he would like Council to do something about the hole in the ground and be more proactive about working toward getting a resolution. Mr. Bigler went on to state that he received an Enterprise Zone Loan for his business many years ago and paid it all back but the Shippen Place Hotel was forgiven of \$100,000 of grant money and Cumberland County Redevelopment forgave \$175,000 and that money could have helped five or six other businesses. Mr. Bigler stated that he feels if they are going to loan money to someone to start a business in town it should be that the person that is borrowing the money actually owns the building and going to physically going to be there to run it. Terry went on to state that he would like to get definite time limits and if it is not done he wants definite action and he feels if Council wants to start helping downtown and the events that they plan they need to start thinking more about an idea to bring more people here and fixing the issues that already exist downtown.

Steve Brenize stated that at this time a decade ago he was making a decision to run for Borough Council against the current mayor and he was given the opportunity to serve his community and one of the first questions that the media asked him whenever he ran was what are you going to do about the hole in the ground? Mr. Brenize stated that his response at the time was that he felt they needed to bring the individuals to the table and the developers to the table and find a way that the Borough can get out of the way and help them to be able to put something productive there which was his take the entire time he was on council. Mr. Brenize went on to explain that when he got elected he found out there was a contract that that developer had with the Borough and that that contract allowed them to tear that building down and because of actions of previous governors they put a freeze on the timelines of those contracts and that we could not actually do anything because that contract would not expire and it kept pushing the date of expiration. Steve went on to state that that individual is now in violation of that contract that they have and when you sign a contract you enter into an agreement and when you are given special treatment in order to be able to tear down a building and to be able to not remediate the property in the effort that they would have had to make is what the Borough gave to the developer and the developer has not followed through with the contract. Mr. Brenize further stated that he feels they need to use that contract to bring the developer to the table to find a way for Borough Council and the developer to be able to be able to resolve the issue. Steve further stated that there is no one that actually pays attention to what goes on in this town that cannot say that that hole in the ground does not negatively impact our community. Mr. Bigler stated that he would also like Council to recognize that if they are going to take any action on this that there is actually 5 individuals involved with the hole in the ground and he would wish all of them to be named and anything that is made public and whatever they do legally should not be directed to just one individual out of the group. Councilperson Hockersmith asked Mr. Brenize what he meant by a contract. Steve Brenize stated that they permitted the razing of the property and as part of that contract there was a requirement that reconstruction would commence on that property in a certain amount of time and because of the fact that it was deemed to be an active plan when the governors took action it extended the date that that was required. Councilperson Hockersmith stated that he does not recall that there was a contract but an

action of Council that approved a plan to put an apartment building in that location and at that time the restriction was that once construction started it had to be finished in a year and if there is such a document he would like to see it. Solicitor Coccoresse stated that the Borough may have entered into some sort of a developer's agreement of some sort or issued a permit of some sort. President Lage stated that there is not a person around this table that does not agree that those properties need to have attention but they are finding that their memories are not sharp and while it may seem like forever they do need to take the time to actually find the paperwork and see what we have that is definitive. Terry Bigler asked if they are in violation of the code or the enforcement of the ordinance? President Lage stated that she cannot answer that at this point and that they will need to have staff and legal counsel look into it. Councilperson Hockersmith stated that if there was a violation and they could have found it they would have done something by this point. The President went on to state that everyone here would like to see those as thriving businesses and they all talk about it so let them try to find the contract that was mentioned and see what teeth they have. Kevin stated that he can do some research. Councilperson Hockersmith stated that if the building permit expired, it expired but that doesn't have anything to do with the lot being vacant. Terry Bigler stated that it expired three years ago. Steve Brenize stated the ordinances allow for a building permit that is not followed through with to be fined \$500 per day.

CONSIDERATION TO APPROVE CHIEF CONTRACT FOR 2019-2020

President Lage this is to approve the chief contract for 2019 which expires December 31, 2019 or when the new Council starts on January 1st and a new contract would start in 2020, which means this contract goes through the term of this Council. Solicitor Coccoresse stated that he thought they were written as December 31st. President Lage stated that the intent is that it has to be with the Council. Councilperson Bruce Hockersmith moved to approve the chief contract. Motion seconded by Sandra Mailey. Motion carried 5-1, with Councilperson Keith Swartz voting No.

OTHER BUSINESS

Kevin Plasterer reported that he is still working on the ADA ramps with PennDot.

Councilperson Hockersmith stated that he has the voting delegates list from PSAB and asked Councilperson Burrows if he would be interested in being the alternate? Councilperson Burrows stated yes. Councilperson Sandra Mailey moved to name Councilperson Bruce Hockersmith as the delegate and Councilperson Mitchell Burrows as alternate for the PSAB conference in Hershey this summer. Motion seconded by Councilperson John Alosi. Motion carried 6-0. Councilperson Hockersmith also stated that he is concerned with the power poles that are being replaced specifically the ones that look like they are about to come crashing down on King Street and on West King Street in the 200 block the guide wire is hanging out over the street. Bruce stated that he feels we need to get in touch with the PUC and make some noise.

Kevin Plaster reported that he did have one of our employees come in overnight and found 16 street lights that were either out or on/off and they have been addressed by Penelec. Kevin stated that he plans to check them every two months. Mayor Coy explained to Chief Dominick that in the past Council has asked the officers working at night if they see any lights out when they are driving to report them which is very helpful. Kevin stated that he will speak to her about it.

Councilperson Alosi stated that he just wanted to know if there was any work as far as the school district and the stadium and if there has been any environmental impact studies done? Kevin stated that he has heard somethings but nothing that he would like to report at this time.

Councilperson Sandra Mailey asked if the Park Place water issues have come to any type of settlement? Kevin stated that he has been in contact with the Borough engineer and are still working on it.

Mayor Coy stated that she received a complaint this morning regarding the alley behind the Good Shepherd Daycare which would be between Orange Street and King Street and the person with the complaint asked that it be looked at as possibly a one-way alley because it is practically impossible for two cars to pass unless they pull over. The Mayor went on to state that the public library is looking for representation from the borough, preferably a Councilperson but she informed them that their meetings are on the same night as Council's meetings are so if anyone on Council knows of anyone that they would like to appoint let her know. President Lage stated that their argument has always been that if the Library wants someone from the Borough they would need to change their meeting night, otherwise it is just a citizen at large but they do not represent Council. The Mayor also reported that on Friday she will be doing a presentation for the 200th Anniversary at the James Burd School.

Councilperson Swartz asked if anyone has heard of any new business opportunities that are coming to town? Kevin stated that at Exit 24 at the business park a company and a sister company would like to possibly come to Shippensburg. He stated that they had a meeting with them last week and still waiting to find out if they are still interested. Councilperson Swartz asked what type of business? Mr. Plasterer stated that they make metal and do metal framing and currently based in Wisconsin.

ADJOURNMENT

There being no further business Councilperson Burrows moved to adjourn the meeting.
Meeting adjourned at 8:02 p.m.