

SHIPPENSBURG BOROUGH COUNCIL

February 5, 2019

6:00 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

PUBLIC COMMENT

President Lage stated that there is a 2 minute time limit for public comment. Anna DeVos stated that she and her husband just moved to Shippensburg in August and are currently living on the back side of Park Place East. Mrs. DeVos stated that they are here this evening with their neighbors because of the water situation that it is going on in their neighborhood. Mrs. DeVos stated that they want to present to Council their individual and personalized concerns that they have. She explained that approximately 6 weeks after they moved in their sump pumps began to pump and about a month after that it broke and their basement flooded and what they noticed is that the pump is pumping continuously. She went on to report that it pumped non-stop through November and December and since they were new to the area they were not sure if this is a common thing or not so they reached out to their neighbors and found that this is not the norm and while they have had in the past times of pumping it has never been like this. Mrs. DeVos went on to report that she went to a climate website for the State of Pennsylvania and mapped out 10 years of rainfall in the Shippensburg area to do a comparison. She stated that they have had a lot of rainfall this year but there have also been other years where they have had large amounts of rain. President Lage stated that she is aware that the residents of Park Place have a lot of concerns and Council is aware of that but she is under the impression that they do have a process where it allows for more than just the description of your problem which is the citizen's appeal which is addressed at Council's second meeting of each month. The President went on to explain that at that point they ask them to create a written document that lets Council see it in their packets ahead of time and it allows staff to look at it and prepare their information that helps to fill the picture out a little bit more so that they can interact more knowledgeably on this issue. Mrs. DeVos stated that they understand what she is saying but Council is asking to push it back a

few weeks and this situation is very serious and they are still pumping out into the street and council needs to understand that if they have a large snow storm or rainfall they are very concerned about what will happen in their neighborhood. President Lage stated that for Council to be able to respond to them and to know what is going on they need to have the ability to collect the information and be able to read it and respond and this evening they will not be able to say much to them. Councilperson Hockersmith asked Kevin if he would feel comfortable filling the residents in on what has been done so far. President Lage suggested allowing the folks that wish to speak in the two minute time limit and then they can respond back and have some give and take but for the more extended discussion it will need to be a couple weeks from now. Becky Myers, 137 Park Place West, stated that she would like to give Anna DeVos her two minutes. Mrs. DeVos went on to state that what they have seen when they get together is that there has been similar rainfall in other years and want Council to know that people who have lived there for many years have never experienced this. Darlene Weaver stated that she has lived at 144 Park Place West since 2006 and she has never seen the water like it has been this year laying in her property. Mrs. Weaver stated that all the water runs right past their house and they have had water running constantly since July and have not been able to park in their driveway because of the situation. Mrs. Weaver went on to state that the ravine that was in their back yard that was removed due to the construction at Volvo has made a difference within their property with the water moving further up in their yards. Mrs. Weaver provided photographs for Council to review. Jody Harpster, 146 Park Place West, stated that he has lived at his property for almost 24 years and there is no question that this is the worst year by far of anything they have ever dealt with. Mr. Harpster reported that there have been bad snowfalls that as they melted in the spring created a run off that ran his pumps at his house for a couple months at a time in the past and there have been heavy rains that may have run the pumps for a couple of weeks but what he is experiencing at his house started in the late summer. Mr. Harpster stated that he is also paying the electricity for two sump pumps which dramatically impacts the cost of living to live in the property. Mr. Harpster went on to state that they have the constant worry that the pumps will fail or the electricity will go off and you don't have long enough of a battery backup or support system that you could end up with a completely ruined home and property. Mr. Harpster stated that he is not here to blame anyone but to ask for Council's help. Tom Blair, 140 Park Place West, stated that he has the same exact issue and has had pumps running since August 2018. Mr. Blair reported that he has been living at his address since July 2015 and the floor slab of the basement is starting to break down and water is coming through when it is in excess and now it has spread to the other side of the basement which is starting to crumble. Mr. Blair stated that there are also safety concerns because in the summer there was algae forming and he did fall and hurt his back and his neck and now in the winter there is the concern of ice and would consider this a hazardous issue as well. BJ Brink, 140 Park Place East, stated that she lives in the back of Park Place which is the lowest part and they are one of the last ones to turn off their pumps and she currently has 3 sump pumps in her basement that are running 100% of the time. Mrs. Brink went on to state that her electric bill is unimaginable right now. Mrs. Brink stated that some questions that she has had is where did the water used to go because it used to go somewhere naturally or manmade and she wonders what Volvo has done, or the Borough or someone else to prevent that water from getting where it used to go. Mrs. Brink went on to state that they know that there are issues with water making its way from the park at the parking lot and down the water slide onto their street and now they are pumping that water

repeatedly. Mrs. Brink went on to state that the water run off could over time damage the road which should also be a concern of Council. Cece Masney, 135 Park Place West, stated that they all have the same problems but she did communicate this to the borough before all of this happened and actually started her first email to the borough website in November of 2018 and then personally sent it to Kevin and she did tell him that she needed someone to be aware of what they are going through and he has communicated back and forth and has shared the engineer's report but their stress level is high. Chuck Bailey, 148 Park Place West, stated that he has been at this property since 2010 and he is just here to ask the Borough to examine things that have been done recently that might change the flow of the water and what is about to be done in the area. Mr. Bailey stated that what they have done being the manmade riverbed that cuts across the park and dumps it down Park Place West, things like paving the parking lot behind the football stadium and what will be done such as the new football stadium. Mr. Bailey went on to report that if they look at how water flows right now it starts at Volvo across Rowe Road and fills up their retention basin, flows under the road, goes by the practice football field, cuts down the corner of the track down onto Volvo Way and right past Weaver's, Harpster's, and his house. Mr. Bailey went on to state that if they add a football stadium in there with more hardscape where is that water going to go? Mr. Bailey also stated that there have been some sinkholes around the Jr. High and he wondered how the sinkholes have been affecting the storm sewers that are taking it somewhere and he would ask Council to examine where it could be diverted to. Tracy Smith, 134 Park Place West, stated that she has only lived at her residence for two years and it wasn't until August of this year that she found out what a sump pump was and that she is at one of the highest levels of the Park Place area and she is still experiencing all of these things and running three pumps. Ms. Smith stated that when you consider that everyone in her area will be pumping long after she is that is a very scary thought. She went on to state that she can watch the water run down the center of the field behind her house and accumulate into what now looks like a lake at the very end. Forest Myers, 137 Park Place West, stated that he is lucky that he does not have a basement so he doesn't have to have sump pumps but he does check his crawlspace for water. Mr. Myers went on to state that at least 8 to 10 years ago someone came up with the idea of putting a curb along the side of the road that goes down to the large pavilion and to what used to be a kitchen type thing with some bathrooms in it and then they paved the spillway out of that. Mr. Myers stated that his question is if the Borough of Shippensburg provided a stormwater management plan when they did that project because if they did he would like to see it. Mr. Myers went on to state that up until that time the majority of the water that came down from by the Treat area went across the softball fields and while admittedly it would not help the groundwater issue but it wouldn't put all of that water down onto the Weaver's and the Delis' spillway between their houses. Mr. Myers went on to state that if there wasn't a plan for it he would like to know why there wasn't a plan done. He stated that he knows the reason why the curb was installed which was because at the time Park and Recreation was buying dirt to put on the softball fields which cost \$100/ton and the rain would come down and wash across the field and most of that dirt ended up down in the cul de sac at the Weaver's and the Delis' house. Steve DeVos, 138 Park Place East, reported that they have two pumps with the main pump being a 2" outflow and the other being an 1 1/2" sump pump and the rate that it is coming in now which has slowed over the last couple months it is cycling once a minute which is 1,500 times an hour and at 10 gallons between the two when they do pump it comes out to 560,000 gallons of water in a month's time is what they are pumping and when you add that all up it is millions

of gallons and when it goes down to the end without any place to go it sinks right back down into the water table. President Lage stated that what she would like to propose is to arrange for at their next Council meeting to bring the information together and have a presentation to Council as well as to anyone who can be there for that to address what they have found out through that report, what the various options are and the results of taking some of the different pathways that are open to them. Councilperson Hockersmith stated that sometimes a solution doesn't make itself plain to them and if there is something that they think Council should be doing to alleviate this problem or to make it livable, etc., in the next two weeks please let them know. Becky Myers stated that the first thing they should do is drive down and look at it. Forest Myers stated that he went on Google Earth and looked at the area behind Harpster's, Weaver's, and Bailey's houses and when Volvo added on and took away that little baseball field and supposedly made a huge French drain in that field and you can see from the photos that the French drain is not working. Mr. Myers stated that when he first moved to that area which was 45 years ago there is a way for that water to escape from the field which is underneath the railroad tracks and along Witter's field past Kaphoe and ends up in Rowe Run Road. Mr. Myers stated that when he looked at the Google Map photograph of the Volvo site it appears that they have constructed some kind of an embankment along the railroad track on their property line and he would like Council and their engineer to verify that that water has a way to escape. President Lage stated that they will certainly pass on the information of the historic pathways as well to see if they can look into and understand how they may have changed over time. Councilperson Hockersmith stated that one of the other things to consider is Thornwood Village and Kaphoe have been developed and when he was a kid the water dissipated in Henry Grove's Meadow which was off of Thornwood Road and eventually ended up into Rowe Run which is a natural flow and it seems as though it might be impeded at some point in the area. Kevin Plasterer stated that he is truly sorry that this is happening and he has talked to Mike and Darlene numerous times over the last 5 years and has talked to many residents about this. Mr. Plasterer stated that he is not prepared to make a report tonight but he would like to share some things that he has found out. Kevin explained that all of the water from the front of the Jr. High, Sr. High, the Greyhound Family Restaurant, all the water from the old Hardees and Pizza Hut is coming down in three different locations into the park and into their backyards. Kevin also stated that he also has photos of Baker & Russell Drive where there are two houses that have sump pumps running there and the Sr. High School catch basin has been full several times and he has hardly ever seen that before. Mr. Plasterer went on to state that behind Baker & Russell where all their stormwater goes to there is a big pond which is right behind Volvo and that all goes down in behind Darlene and Mike Weaver's house which is just adding to the entire situation. Kevin went on to state that he was told by Volvo that their big retention basin has never had any water in it until this year. He went on to state that all the water used to go out past Volvo and into Kaphoe but that has been developed and we have no control over what happens in Kaphoe and our engineering stated that the elevation from Point A to Point B is a very flat area so the water really doesn't have anywhere to go. Kevin also stated that he has photos of one house possibly two on Baker and Russell that have sandbags in front of their garages to keep water out. He stated that they have called numerous times during storms to come and look at it which he does and he wanted them to know that the residents in the Baker and Russell area are having the same issues as they are. Councilperson Swartz asked if they have considered a spokesperson that could be Kevin's point of contact? Forest Myers stated it would be Darlene Weaver and Anna DeVos. President Lage

requested to have the Borough's Engineer present at the next meeting. Mayor Coy stated that it would be good community service if Volvo and the School District would have their engineer there also since a lot of this is coming from other areas and that all of them have a stake in this. Solicitor Wisner stated that Volvo has offered to be cooperative in the past in partnering with the Borough on a project and as Kevin stated the property owner did not want the project to be completed on their property. Mayor Coy stated that her personal thought is to extend an invitation to all of those that might have a stake in it and ask them to have a representative or engineer here at the meeting and that she thinks the School Superintendent should also be invited to the meeting.

REGULAR BUSINESS MEETING

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

Kevin reported that Tyler texted him this afternoon stating that he is terribly sick so they can either postpone it until the following meeting or if someone is present that can explain they can do that. Council members agreed to postpone the presentation.

CONSIDERATION TO APPROVE THE MINUTES OF THE JANUARY 3, 2019 MEETING

CONSIDERATION TO APPROVE THE MINTUES OF THE JANUARY 15, 2019 MEETING

Councilperson Bruce Hockersmith moved to approve the minutes of the January 3, 2019, and January 15, 2019 meeting as presented. Motion seconded by Councilperson Mitchell Burrows. Motion carried 6-0.

CONSIDERATION TO APPROVE NO PARKING SIGNS TO BE PLACED ON KING STREET BETWEEN PENN STREET AND PRINCE STREET ON SATURDAY, MAY 18, 2019, FOR A CAR SHOW TO BENEFIT THE HANDICAPPED CHILDREN OF SHIPPENSBURG

Kevin Plasterer reported that he and Ted Wisner have communicated a few times and Mr. Wisner is here this evening to explain what he would like to do. Mr. Wisner reported that he is trying to plan the car show to raise money for the handicapped children. Mr. Wisner stated that he has received permission to use Billy O's parking lot, the Church of God parking lot, and he would like the parking spaces on the right and left hand sides of the hundred block of East King Street from red light to red light. Mr. Wisner went on to state that the event will be on a Saturday and will be rain or shine and he does have cones for safety and has secured two rent-a-cops for the day as well. Mr. Wisner went on to explain that he also has contacted his insurance company and will present the Borough, Billy O's, and the Church of God with a 2.5 million dollar liability policy. Councilperson Hockersmith asked the Solicitor if Mr. Wisner should include in his insurance policy a statement saying that the Borough of Shippensburg would be an additional insured? Solicitor Wisner stated yes. Councilperson Bruce Hockersmith moved to approve the No Parking signs to be placed on King Street between Penn and Prince on Saturday, May 18, 2019, for the car show to benefit the handicapped children of Shippensburg. Motion seconded by Councilperson Sandra Mailey. Ted Wisner reported that whatever

money they make that day will be divided between the three schools for any needs of the handicapped children at those schools. Kevin stated that he just thought that it would be nice to have two signs on the side of Select and then up around the turn that just says "Event Ahead". Kevin stated that the Corn Festival Committee has some and may allow him to use them if he asks. Councilperson Swartz stated that his concern is that if someone is looking at a car and it is parallel parked along the curb that will put people in the street and that is his only concern. Mr. Wiser stated that, that is one reason he rented the special police to try to protect some of that and to pace the two red lights to keep people moved in. Steve Brenize asked if they could make the traffic one way during the event without incurring the wrath of PennDot? Council members stated no. Randy O'Donnell suggested once the cars are parked to put highway cones beside the car and not allow anyone out into the street. Councilperson Swartz asked what the times for the event will be? Mr. Wiser stated that it will be from 8 a.m. to 3 p.m. Motion carried 6-0.

CONSIDERATION TO APPROVE RESOLUTION 19-004 APPROVING 2019 STREET BANNER SCHEDULE

Councilperson Mitchell Burrows stated he had a few questions about what happened last year and how it can potentially be avoided. Councilperson Burrows explained that last year when he was new to Council he saw two open spots on the banner schedule which he immediately recognized those two spots as potential spots for events that he is involved in and he proceeded to follow the rules and went through all the steps and was given the correspondence that he was in the space only to be told just weeks before he was going to put his banner up that he no longer had the slot. Councilperson Burrows went on to explain that he was given all of the go ahead to purchase the \$650 sign and his understanding was that the ball was dropped because of the communication between the banner schedule is not completely in house at the borough even though the borough is the one who houses the banners and puts the banners up and down but the Chamber of Commerce is the one who decided at the last minute that they had an event that they would rather have a banner up for even though he had sent out correspondence almost 4 months prior. Councilperson Burrows asked how they fit into this and is confused as to why they are involved with the banner hanging and why they have a say into who gets to put a banner up. Solicitor Wiser explained that he is not sure of the entire history with the policy in Shippensburg but many communities delegate that responsibility to the Chamber of Commerce so the municipality doesn't have to make a decision of who to approve and not to approve. The Solicitor went on to state that once you open the door as a municipality it is difficult to say no to organizations that you may not agree with their philosophy, etc., and that is why it has been delegated to an outside entity that has the larger business interest of the community at heart. Councilperson Burrows asked what would happen if they had a second location for a banner in Shippensburg given the fact that there are so many organizations that are interested in advertising such as non-profits, fundraisers, and special events? Kevin Plasterer stated that as long as he has been here they have been putting banners up and down and the Chamber has always been the one that does all the scheduling and they just send it over for Council to approve like they are doing this evening. Kevin went on to state that they have to constantly look out for the weather like if they know they are getting very strong winds they go and take them down and then they have to go back and put them up and if they would not take them down during wind storms it could cause a major safety hazard or tear. Mr. Plasterer further stated that they

have talked about a second location and there is a 20% rule of advertisement that they would have to follow and talked about right in front of Turkey Hill area but they would have to either purchase or have the electric company donate two wooden poles. Kevin stated that his issue over the years is that there are banners on the list that do not even have banners made but they are trying to save the spot so they are on the schedule but banners never get hung up for the event. Councilperson Burrows asked if Council members had any ideas of how to avoid these situations? He went on to state that the policy that is put in place is clearly not a first come first serve policy which would be the most fair. Solicitor Wisner stated that he feels that they should ask the Chamber for a copy of their banner policy so they can see it. Kevin stated that the sizes and requirement for the banners is the borough's policy. President Lage stated that the selection policy is not ours so before they approve this resolution they should possibly ask the Chamber to submit the selection policy to Council with a person named who has the responsibility for the scheduling. Councilperson Hockersmith asked if it would be appropriate to ask that Council be notified when/if people have applied for the open spaces? Councilperson Burrows stated that when he applied he touched bases with both the Borough and the Chamber and he thought they were the appropriate bases to touch. Councilperson Hockersmith stated that the Chamber should be checked with first and then they should notify the applicant if they have been approved. Mayor Coy stated that it should be noted to the Chamber that they need to respond to people if they are not going to get the space so that they do not go out and spend the money on a banner that they cannot use. Councilperson Swartz stated that he would like to see the borough charge the organizations a nominal fee of something like \$100 to put it up and take it down since it takes approximately 3 hours of labor. Councilperson Burrows stated that organizations would not want to pay the same fee as someone who has their banner up for three weeks longer than yours but if there are more events going on maybe they should explore a second location. Kevin stated that he has three banners in the garage that are on this list and are torn. President Lage stated that she feels there should be some stipulation that the banner must be in hand before it is approved before it goes on the list and in good shape and in our possession. Councilperson Swartz stated that the installation fee should be paid for as well. President Lage suggested not acting on this resolution now but make some recommendations of changes to the policy. Councilperson Mitchell Burrows moved to approve the American Indian Festival banner pending its approved condition. Motion seconded by Councilperson John Alosi. Motion carried 6-0. President Lage stated that the understanding is that they will revisit this resolution after discussions with the chamber have been had that look for a defined selection policy as well as changes to our policy that require a deposit that will cover the cost of raising and lowering the banner as well as a condition that we must have the banner in hand before we approve their position on the calendar.

CONSIDERATION TO APPROVE RESOLUTION 19-005; APPROVING 2019 FRANKLIN COUNTY HAZARD MITIGATION PLAN

David Lindenmuth explained that the Hazard Mitigation Plan for Franklin County is 848 pages long and is a plan that is required by PEMA each year and each county needs to update it for the purpose of identifying, prioritizing, mitigation and natural manmade disasters. Mr. Lindenmuth went on to explain that municipalities are required to attend the meeting, complete the surveys and then adopt the resolution if they desire. Dave stated that John Epley attended the meeting and he worked with

John back in April on the paperwork required. Mr. Lindenmuth went on report that the top issues are winter storms, hurricanes, tropical storms or nor'easters, tornados, and landslides and PEMA has different things they can choose from. Dave stated that he plan has been approved by Franklin County and by PEMA and his recommendation is that Council adopts it as well. He went on to report that December 4, 2018, was the first meeting for the Cumberland County five year process and he did attend the meeting today and filled out the survey but that their process is going to be put on a slight hold because they have their draft new floodplain management and are expecting that it will come out in March or April so they are putting their plan on hold for now. Fire Chief O'Donnell reported that the benefit to the borough is that if there is a snow storm like last year or the year before they can get reimbursed. Councilperson Keith Swartz moved to approve Resolution 19-005. Motion seconded by Councilperson Sandra Mailey. Motion carried 6-0.

EXECUTIVE SESSION

President Lage reported that Council will have an executive session this evening regarding potential litigation and personnel matters with no action coming out so she would recommend they move to "Other Business" on the agenda.

OTHER BUSINESS

Councilperson Mailey reported that it was good to see potholes being filled on King Street today.

Councilperson Hockersmith reported that there was a depression in the alley off of Penn Street which is Martin Avenue going east that seemed to have changed so Kevin was checking it.

Kevin Plasterer reported that he is working on the getting a cost for traffic signal timings which he may have for the next meeting. Mr. Plasterer also reported that the Senior Center roof is completed and looks great. He went on to report that he has people coming soon to put spouting on both sides. Kevin went on to report that for Council's information that PennDot will be replacing the bridge at Goody's on West King Street in 2021 which will take approximately two years and are hoping to have two lanes open at all times. Mayor Coy asked when they will be starting King Street? Kevin stated that they are hoping to start the water line around August/September, but they are trying to move things up a bit but it will all depend on PennDot getting the permit back. Mr. Plasterer also reported that the new website is almost completed and he is hoping to get a link this week to look at it and approve it.

Council went into executive session at 7:17 p.m. and returned at 7:54 p.m.

ADJOURNMENT

There being no further business, Councilperson Mitchell Burrows moved to adjourn the meeting. Meeting adjourned at 7:55 p.m.