

SHIPPENSBURG BOROUGH COUNCIL

June 21, 2016

7:03 p.m.

Present at the Council Meeting: Andrea Lage  
Joe Hockersmith  
Sandra Mailey (arrived at 7:35 p.m.)  
Angela Facchinei  
John Alosi  
Bruce Hockersmith, Mayor  
Sam Wiser, Solicitor

INVOCATION: Bruce Hockersmith

PLEDGE OF ALLEGIANCE: COUNCIL

REPORTS:

Mayor Hockersmith reported that the new Police Cruiser has arrived and the lights that need to be installed will be installed and the doors will be painted before it goes onto patrol. He went on to report that he had a meeting last Friday regarding some business issues with McCune Lumber Company and the Kings Kettle and they were able to bring that to a successful conclusion. President Lage asked if it was due to parking issues? Mayor Hockersmith explained that the problem is, is that the food bank customers line up before 5 p.m. and McCune is still open and has become a liability issue with them if people are blocking their driveways or parking in the areas around McCune. He stated that they got to it pretty quickly and handled the situation. President Lage stated that where they are parking at Maxie's is right up to the sidewalk and there is a site distance problem at that intersection. Mayor Hockersmith stated that they did discuss that issue also. Chief Scott stated that he has reported that he has discussed that with them before but he will monitor that issue. Mayor Hockersmith also reported that he and his wife were at the Senior Center last Friday to do the Meals on Wheels and he wanted to say that there were kids and parents using the playground between the Borough office and the Senior Center and he thought that it was amazing and wonderful that it is being used. He further reported that he attended the Borough's Association and Mayor's Association meetings and some of the seminars that he attended where worthwhile in giving him ideas in helping to streamline and improve the operations of the Police Department. Joe Hockersmith asked when the new cruiser goes into service? Chief Scott stated that will probably be several weeks. Joe asked what car that will be replacing and will it be going to auction? Chief Scott stated that they are replacing the 2007 Ford and he is assuming it will go to auction. Manager Epley stated that, that is normally how it is done.

President Lage stated that the Finance/Budget Committee needs to meet with Heather Franzoni regarding the needs of the EMS groups for the future, so they will get it planned and put on the calendar

so that they can bring it back during budget season. In regards to Personnel President Lage stated that there is an executive session item but nothing else to report.

Joe Hockersmith stated that the Long Range Planning Committee is waiting for dates. Manager Epley stated that Mr. Hockersmith's email is apparently not working because everyone else has responded, however the dates that he sent out for this week did not appear to work for everyone so they will have to move in to next week. President Lage reported that in regards to Personnel they did meet and will talk in executive session but they are still working on negotiations with the Police Department contract.

Chief Scott introduced the Council to new officer. Nicholas Nagy who took Officer Palamara's position. Borough Council welcomed Officer Nagy to the force. Chief Scott went on to report that he was on vacation for two weeks but during that time they had two overdoses that they had to provide Narcan to and a car stolen from Shippensburg and a car recovered in Shippensburg. Chief Scott further reported that they are dealing with a lot of individuals with mental health issues and the law doesn't give them a lot of options. He stated that crime is starting to pick up so he would encourage everyone to lock their car doors. Chief stated that they had two vehicles broken into in the west end of town and they are encouraging people to contact the department if they see anything. He stated that they do not want anyone to be afraid to pass information on to the Police Department since they cannot be everywhere it is helpful when residents come forward with information. Manager Epley stated that there has been talk about upgrading the radio systems for Cumberland County which would include the phone system, which will incur a huge expense coming this way to the Borough. Chief Scott stated that the thought they were planning for 2020, but he is waiting to see what happens before purchasing radios because the last time they jumped in an purchased radios and they were 3 years old until they put them out so he would rather replace them as they break down instead of purchasing new radios for the entire department. President Lage asked if they are considering the same type of system as Franklin County since we have also heard that they are looking to change in a few years as well? Chief Scott stated that no one knows at this point.

President Lage stated that the Fire Chief had his report in their packet and EMS is just waiting for them to figure out budgets, etc. Lance Hoover stated that he will wrap up his report when they get to his agenda item.

Borough Manager Epley stated that he has provided Council with an updated Borough Manager's report tonight and wondered if they preferred getting it in their packet. He stated that if he puts it in their packet then it is already a week old until the meeting but he can provide it however they prefer. Joe Hockersmith stated that he would prefer it in the packet and he can always add updates at the meeting. President Lage stated that he can even email the updated version. President Lage reported that the big new is, is that the Rowe Road project is out for bid. Manager Epley reported that it was advertised in Penn Bid last Thursday as well as the Sentinel, and bids will be opened on July 15<sup>th</sup> at 3 p.m., here at the Borough Office and hopefully Council will be taking action the following Tuesday to award a bid.

PUBLIC COMMENTS: No public comment.

BUSINESS:

CONSIDERATION OT APPROVE THE MINUTES OF THE JUNE 7, 2016, MEETING.

Joe Hockersmith moved to approve the minutes of the June 7, 2016, meeting as written. Motion seconded by Angie Facchinei. Motion carried 4-0, with two members absent.

PRESENTATION AN DISCUSSION OF EQUIPMENT AND PROCEDURES OF THE INFLOW & INFILTRATION PROGRAM.

Lance Hoover, WWTP Manager, reported that he put together a report which highlights a few things but he wanted to give Council a quick update of the happenings at the plant. He stated that in regards to the pretreatment they had two outstanding items that they have been working on for the past few months, and he has been working with GHD on the first one for approximately 4 months and they now finally have a full finalized response package to EPA, so at this point in time they have now responded to everything from multiple years past and should be back on a current schedule. Mr. Hoover stated that the second pretreatment item is something that has been lingering for quite some time and that is the local headworks analysis. He explained that approximately 7 months ago they authorized Material Matters to go move forward with that and it has also now been finalized and the last draft of the headworks analysis was sent to him last week, made a few changes, and it was mailed out today. Lance went on to explain that they will probably not hear anything about that for about 4 or 5 months so they approach it with everything being based on the new completed plan. He stated that at this point they just have to wait on EPA and they will hopefully get favorable responses on both. Lance also stated that they will have to do another headworks analysis in two and half years but it should be much quicker and cost effective which will be a review of what we have done and a re-submission. President Lage asked if that changes how we look at pretreatment permits? Lance state yes, it does and ultimately upon the acceptance of the headworks analysis through EPA they will then have to go back and revisit the pretreatment ordinance, put in the new local limits, change up all of the wording and revise the ordinance. President Lage asked if he had a time frame for all of this to happen? Lance stated it would all depend on when they receive approval of their headworks analysis but he would suspect somewhere late this year to the end of this year. He further reported that as soon as they get the approval it will green light them to go ahead and make the revisions to the ordinance, run it past Council and have everything taken account for and get it finalized. President Lage asked if he anticipates that it will create major changes to the existing permit holders? Mr. Hoover stated no, and the reason for that is the additional capacity that is being gained at the plant but they will have to revise all of the permits because some of our local limits will change and in some cases some of the contaminates actually go away. He stated that they will probably do with the current permit holders is to issue them an interim permit and just carry it through and establish everybody to get a final permit on a specific date in 2017 which would bring everyone back into a five year cycle right at the same time. Mr. Hoover reported that Industrial User out of Harrisburg has contacted him to see if we would have

any credits that we project being for sale at the end of this year. He stated that the reality is that they will not have nitrogen but will have phosphorous credits, probably somewhere in the neighborhood of 1,300 to 1,500 credits that we could potentially consider selling. Lance stated he wanted to give Council a heads up on that and that he thinks it is a good idea to bring some money back into the budget, and it would also be money that would go by the wayside because we cannot store them or keep them and if at the end of the year we have credits that go unused they simply go away. Lance further explained that it could be a long term thing that they could potentially look at as well as they are not going to build a facility or make the steps to treat it themselves but instead look for credits. He stated that they have provided him with a draft of an agreement that they have done with some other municipalities. Lance stated that DEP does make us keep a decent amount in the event that something crazy happens then they are covered. Joe Hockersmith asked if this is something that they should make a blanket motion to allow management to deal with the credits as they see fit. Solicitor Wiser stated that Council will ultimately have to authorize the Council President to execute the agreement so it will come back to Council once the agreement is finalized. President Lage stated that they could go ahead and show their approval of the process by authorizing investigation and negotiation of a deal that would allow for the selling of the credits. John Alosi asked if there is a deadline as far as making the decision to sell the credits or not? Lance stated that our year runs until October and in our eyes there is plenty of time and in Industrial User's eyes they have a large amount of credits and are actively in the market trying to secure everything they need for their year, but did notify him that they would like to have something finalized by August/September. Lance went on to state that his hope is that once the plant is finished and they are running as an enhanced plant and a very solid BNR Plant that they may even have nitrogen credits for sale, which has been the goal all along. He stated that phosphorous will always be available because the plant has done well because they chemically treat so they can determine what their residuals are and are not.

Joe Hockersmith moved to allow management to continue to explore and negotiate the sale of phosphorous credits. Motion seconded by Angie Facchinei. President Lage stated that one thing they will have to think about is whether they will have to formalize anything with CFJMA or is simply as an operation of the plant? Solicitor Wiser stated that he feels it would fall under plant operations, but that a one year deal would be the way to go this year since DEP has changed and credit calculations have changed, and the values of the credits could change. Mr. Hoover also stated that one thing they will have to consider very carefully as they move forward is making sure that our costs as a seller covers our costs to produce. He explained that in the phosphorous market it is very easy to drive it to nothing but that gets very expensive and currently we try to economically manage a good spot so that we are comfortable but then also they will have some for sale. Lance stated that this particular deal that they have struck with other municipalities would more than cover the cost that the Borough has expended. Motion carried 4-0. Joe Hockersmith asked if we will be ok with the storage issue that they are experiencing? Mr. Hoover stated that he is not sure. Lance stated that they have the temporary storage pad at about 60% full and that probably doesn't leave him enough room for another bed, should they need it, but will effectively be out of storage again by the second week of August and the problem is, is that they are struggling now trying to find a farmer that is going to have some wheat or something off to allow them to apply. Mayor Hockersmith asked what the alternative would be? Lance stated it would

be taken to the landfill. Joe Hockersmith asked if it has been budgeted for the landfill because in the past it was always a big cost. Lance stated that an average storage pad to go to the landfill is going to be in the neighborhood of \$25,000, and we spend just shy of \$3,000 to haul it to a farm. Joe asked if there is any way to do temporary storage pads? Lance stated that, that is what they are currently doing, where they have dedicated an area just adjacent to the bio-solids building to a temporary storage which is jersey barriered off and there is mulch, it is 60% full and lime stabilized and covered. He further stated that DEP will not allow them to call it temporary after they have used it a couple times and this is their second time, however the long term plan would be to build a storage pad that would give them ability to hold maybe two or three and they just make two mass applications, one in the Spring and one in the Fall and cover both winter and summer when they are empty. Lance stated that they have talked about with the joint committee and have go as far as having an engineering proposal in to do some design work on it and that is as far as they have gotten. President Lage stated they did want to bring that up this evening because it is a urgent issue and they have seen what an engineering cost would be for the design of this which was right around \$20,000, and what they are looking for at some point is whether Council is willing to support that and then we can go to CFJMA to state that Council is supporting it. President Lage explained that the joint committee is generally in favor of this. Solicitor Wisner stated that the alternative was a \$500,000 digester and this is much more economical than that and Lance will have more utility with the storage area than the digester. President Lage wondered if Council is willing to entertain the notion to discuss the idea of doing the engineering study? Joe Hockersmith asked if they have another choice? President Lage stated no. Joe stated he feels they should entertain the notion of the engineering study. President Lage stated that they will have to pay for the building of the pad but the initial cost is \$20,000 to an engineering firm to get that.

Joe Hockersmith moved to support going forward with the engineering study. Lance Hoover stated that he feels it is safe to say that CFJMA will participate in those costs as well. Motion seconded by Sandra Mailey. Motion carried 5-0.

Joe Hockersmith asked Lance how things are coming with the Chamberlin/Wingert issue and wondered if they are making headway? Solicitor Wisner reported that the line has been plugged based on Mr. Chamberlin's representation that he would not be discharging anything to the Borough. Mr. Wisner reported that Mr. Chamberlin has hired counsel who has requested to review various documents which have been provided to him and at this point we have not heard back from him. Joe asked if with the line being plugged, has our issue been mitigated? Lance stated that the plant has stabilized tremendously and feels it is very safe to say they are not receiving discharges of that magnitude anymore and their numbers do reflect that. Joe stated that Lance's report states we are operating at 50% capacity and wondered if that will be fine through the summer months at that capacity? Lance stated yes, the plant is doing very well and they are well within compliance for the month again and will be at 50% capacity until probably November so as they approach September they need to keep their fingers crossed that there are no hurricanes or anything bad that cause some issues. He went on to state that the reason they are at 50% is because they have two tanks that are out of service but the concrete walls have been poured in those tanks and are not waiting on screens and stainless steel piping and blowers, etc. to show up and the contractors are projecting that they will have those two trains

finished and available for service somewhere around the beginning of August. He went on to state that they will have a week or two to switch over and then go back to 50% on the other side.

Lance explained that a few council meetings ago he made a presentation on their I & I Program and nothing much has changed as far as their steps they are just continuing to progress through each of those items with the assistance with GHD and trying to work with DEP in finalizing the mitigation plan. He stated at that meeting he also requested that Council consider the notion of purchasing a closed circuit TV system rather than us paying and bidding out to have all of our line work bid. Lance went on to state that at that meeting he indicated that he would reach out to three specific manufacturers and ask for some additional information, go over everything one last time, and request a finalized proposal from each. Lance stated that all three of the companies are Costars so that eliminates our need to actively bid and they can chose which one they feel is best suited for them. Mr. Hoover stated that when he printed this information late today Cues International, had not still provided their proposal, but he has it now which is \$182,128. Lance stated that the numbers are a little higher than what he presented a month ago but in working with each of the companies and selecting the equipment, etc., the prices have gone up just slightly. Lance stated that it is safe to say that they will be doing between 70,000 and 90,000 ft. of their system. Lance provided Council with the breakdown to video the different amounts of pipe with the following amounts: 50,000 ft.: \$170,000; 70,000 ft.: \$238,000, 90,000 ft.: \$306,000, and do to the entire system which is what they would do if they had their own camera truck would be 114,900 ft.: \$390,660. He also stated that he feels there are a lot of benefits for the Borough to consider purchasing their own truck and that those prices he just gave were for a single video only. Lance explained that as they complete repairs and find other things they will have to go back and video those repairs to make sure they are suitable and have held and corrected the problem which is a very strict DEP requirement. He stated that purchasing the truck will save them a lot of money up front but ultimately somewhere down the road it can also start to pay for itself where we could get to a point where we could loan our services out to adjoining municipalities or even in our own storm lines.

Lance reviewed the prices for the three bids that where submitted with Council. He explained that while EnviroSight is the lowest bid it is the least suited for our needs and is a very light unit which would be good for short runs or single runs but we will be looking at doing 1,000 ft. at a time and go multiple directions which is with the flow and against the flow. He reported that the other two units are much heavier and will give them the ability to do that. Lance stated that they have looked at all three units a few times and in talking at length with his staff and doing their homework they found that there are definitely some benefits with the Rausch system but it is also the most expensive of the three. He stated that the headquarters and repair shop is 15 minutes away in Chambersburg which is a huge plus and the King Street project that Utility Services just did used a Rausch system which gave them a lot of first had experience with watching it and seeing how it worked, etc. Lance stated that taking from his staff which has had some hands on time with both systems they are more comfortable with the Rausch system. He went on to state that they did talk at length about the repair system and he would like to hold off on that for now because he feels their first and foremost goal should be to video the things that need to be videoed, get them logged and to the engineer, and make a good sound determination on how to best fix it. Joe Hockersmith asked what the additional cost was on the repair system? Lance

stated it was \$13,000 and is an add on that can be purchased at any given time. President Lage stated that in prior discussions Council had questioned whether or not he felt he had the personnel to handle it and at that time he said yes and would like to know if he still feels that way? Lance stated yes, he does and they are looking at doing 800 ft. of pipe per week which is not a large amount and is basically two runs pipe a week, so their goal will be to be 1200 ft. per week and looking at it that way they will be just shy of a year having everything videoed. Joe Hockersmith asked what happens after the initial work through of the system and how often they go back to continue to make sure things are right? Lance stated that their goal with the flow meters is to keep them in indefinitely so they will always be the first indication if something is starting to come back or get worse but the reality is, is that most places that set up a program like this will do so many feet of their system every year. He went on to state that we are broken into 5 basins so they could easily do one basin every year from here forward and run them on a 5 year schedule. Joe Hockersmith stated that the need for the truck really never goes away. Lance stated that no it does not and is certainly an investment if they are allowed to make that they should use as much as physically possible. Bruce Hockersmith asked what the Manager's recommendation is? Manager Epley reported that he has spoken many times with Lance regarding this and would agree with Lance. He went on to state that while it is a major investment that will pay for itself and as we go along after we get past our own issues we can look at expanding out to other municipalities that could use the services like we do with our street sweeping. Mr. Epley stated that he feels that Lance is very capable if running the program, running the vehicle and equipment and he would recommend that Council authorize the purchase of the vehicle and the camera equipment. Solicitor Wiser stated that the quote states, "to be mounted in Authority provided Nissan Van", and wanted to be sure that the quote would include the vehicle? Mr. Hoover explained that if they go with Rausch system that is selected they would make two purchases, one being the specified Nissan Van from the fleet dealer and then all of the camera system equipment would be mounted inside that vehicle, including the cabinetry, etc., so the \$196,189.63 is the total vehicle, which would include the carrier vehicle, system, install, etc., but not the repair system. Joe Hockersmith asked what the turn around would be on it until we take delivery? Lance stated he was told 60 days.

Joe Hockersmith moved to approve the purchase of the Nissan Van, the Rausch system, both Costars for a total of \$196,189.63. Motion seconded by Angie Facchinei. Motion carried 5-0.

CONSIDERATION TO ENTER INTO AN AGREEMENT BETWEEN THE REDEVELOPMENT AUTHORITY OF CUMBERLAND COUNTY (GRANTEE) AND THE BOROUGH OF SHIPPENSBURG (SUB-RECIPIENT) TO ADMINISTER 2016 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE FAYETTE STREET POCKET PARK AND RESTROOM UPGRADES AT VETERANS MEMORIAL PARK

Manager Epley reported that these items were not in Council's packets because as of the date the packets are delivered we had not received the agreements. He stated that the Solicitor has had an opportunity to look them over and there are two sub-recipient agreements here but the one should have been referred to the 2014 CDBG funds which are for the locker room/restroom upgrades. He stated that Kevin has gotten the quotes that he needs and he believes he is in a position that as soon as these are signed by the Borough and the County he can get that project started. Mr. Epley stated that it

would not only include the restroom renovations but also the lower façade of the concrete bleachers. President Lage asked if the Park and Recreation Authority are fully aware of these upgrades? Mr. Epley stated yes and they have all agreed that they are going to let the Borough proceed with these two projects so that they do not have to get in the middle and cause any delays. Manager Epley stated that the second sub-recipient agreement is for what we are going to be calling the Branch Creek Park using the 2015 CDBG funds, for a total of \$10,000. Mr. Epley explained that they are hoping to start the walking trail next week, and through funds raised by Becky Myers, and the Gates Family they are able to also purchase three sand diggers, install benches, and repaint the sandbox area, install some tree plantings, a sign thanking the Corn Festival that will be mounted to the gazebo, and a sign being constructed recognizing this as the Branch Creek Park and it will have some additional information and thanking the contributors for making it a really great park. Joe Hockersmith asked if there will be any type of ribbon cutting ceremony? John stated that we have not gotten that far. Becky Myers stated, yes, eventually. She also reported that there are a lot of contributors and they are waiting on one more so after that they will work on a plaque. Mr. Epley also reported that they will be creating two handicapped parking spaces at the back corner of the parking lot that will have immediate access to the walking trail. Becky Myers stated that she would like to thank Lance, John and Kevin because they have pushed this forward and it's been 5 years in the making. Bruce Hockersmith stated that he feels that restrooms should be something that they should consider. President Lage asked Becky if the contributors are primarily people that remembered the old park or more broad? Becky stated that individuals remember the old park and the individuals who are on the corporate boards remember also.

Angie Facchinei moved to authorize the execution of the agreements with the Redevelopment Authority of Cumberland County and the Borough of Shippensburg to administer block grant funds for what will become the Branch Creek Park and the upgrades at the Memorial Park. Motion seconded by Joe Hockersmith. Motion carried 5-0.

#### UPDATE/ALTERNATES TO THE SHIPPENSBURG CIVIL SERVICE COMMISSION

Manager Epley stated that they have not received any applicants for the position of alternate to the Civil Service Commission. He stated that it is on the website at the beginning of the month, and an ad in the newspaper but no interest at this point. Mr. Epley stated that if he gets any applicants he will bring it to Council for review.

#### CONSIDERATION TO APPROVE THE RECOMMENDATION FROM THE HISTORIC ARCHITECTURAL REVIEW BOARD (HARB) FOR THE FOLLOWING:

##### REPLACEMENT OF EIGHT (8) WINDOWS AT 110 & 112 NORTH PRINCE STREET (RHINEHART-SNYDER INVESTMENT GROUP);

Joe Hockersmith moved to approve the application of Rhinehart-Snyder Investment Group for their property located 110 & 112 North Prince Street. Motion seconded by Sandra Mailey. Motion carried 5-0.

REPLACEMENT OF WOOD PORCH FLOORING WITH COMPOSITE PORCH FLOORING AT 14 SOUTH QUEEN STREET (CODY GREGORY).

Joe Hockersmith moved to approve the application of Cody Gregory for his property located at 14 South Queen Street. Motion seconded by Sandra Mailey. Motion carried 5-0.

PLACEMENT OF FREE STANDING SIGN AT 130 WEST KING STREET (VFW POST 6168).

Sandra Mailey moved to approve the application of the VFW Post 6168 for their property located at 130 West King Street. Motion seconded by Joe Hockersmith. Motion carried 4-1, with Andrea Lage voting No.

REPLACEMENT OF HALF ROUND GUTTERS WITH K-5 BOX GUTTERS AND DOWNSPOUTS AT 40 NORTH EARL STREET (STEVEN HAASE)

Joe Hockersmith moved to approve the application of Steven Haase for his property located at 40 North Earl Street. Motion seconded by Angie Facchinei. Motion carried 5-0.

CONSIDERATION TO APPROVE FUTURE IMPROVEMENT PROJECTS AT BRANCH CREEK PLACE BY MESSIAH LIFEWAYS (PENDING GRANT FUNDING).

President Lage reported that Messiah Lifeways would like to install a new hot water heater for the men's and women's restroom, install formica sheeting on the walls within the kitchen area, installation of an awning above the ramped side door, and the installation of three (3) light switches within the Billiard Area. Manager Epley stated that they do not want to keep coming back for each repair so this is in anticipation of receiving the funding. Joe Hockersmith moved to grant the approval to move forward with the improvements contingent upon receiving the grant funds. Motion seconded by John Alosi. Motion carried 5-0.

CONSIDERATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE FRANKLIN COUNTY CONSERVATION DISTRICT AND THE BOROUGH OF SHIPPENSBURG TO ENSURE THAT BEST MANAGEMENT PRACTICES (BMPs) ARE IMPLEMENTED TO CONTROL ACCELERATED EROSION, PREVENT SEDIMENT POLLUTION, MAINTAIN, RECLAIM AND RESTORE WATER QUALITY TO THE EXISTING AND DESIGNATED USE OF THE WATERS OF THE COMMONWEALTH

Solicitor Wiser stated that this is pretty much what we do now but just a memorialization of that. Joe Hockersmith asked if we have the same agreement with Cumberland County? Sam stated yes, he believes we do. Joe Hockersmith asked if this is just for erosion control at construction sites, etc.? Solicitor Wiser stated yes. Manager Epley stated that Solicitor Wiser did recommend that we make a few minor changes so the version that they have may be slightly different from the original. Sam stated

that they are mostly clerical changes. Sandra Mailey moved to approve the memorandum of understanding. Motion seconded by John Alosi. Motion carried 5-0.

Solicitor Wiser stated that in regards to the Alternate to the Civil Service Commission, at some point they do need to amend the ordinance because it is inconsistent with the Borough Code. He went on to state that it currently states that two constitutes a quorum and the Borough Code now says three constitutes a quorum and it would be good to allow for alternates if someone steps forward and does want to serve. He stated that in the local code it does not allow for that and the meetings provision is an incorrect statement of the law because it says the meetings are open to the public at the discretion of the Commission, but that is not quite accurate because there are some exceptions but they are spelled out in the law. He also stated that the minutes and records portions need to be clarified as well. President Lage asked if there is any way to write a blanket statement that says state law requirements will be followed instead of having to change it? Solicitor Wiser stated that the language that he would propose that they would incorporate would say, "except as otherwise required by Subchapter J of the Borough Code". President Lage asked if they need to direct that a new clean copy be made for the proposed changes to the ordinance? Sam stated yes and it should be very simple because he has already outlined what needs to be changed. Bruce Hockersmith asked if they need alternates? Sam stated that he feels they do because right now a quorum is all the members of the Commission so if one of the members would have a medical issue and not be available for any reason they cannot meet so it would be a very good idea to have some alternates. President Lage stated that Sam is directed to bring back the changes at the next meeting.

#### EXECUTIVE SESSION (CONTRACTUAL & PERSONNEL MATTERS)

President Lage stated that they will have an executive session to discuss various contractual and personnel matters. Borough Council went into Executive Session at 8:15 p.m., and returned from Executive Session at 9:45 p.m. President Lage stated that there is no action coming out of executive session.

#### OTHER BUSINESS

Manager Epley stated that last year Fogelsanger Bricker had an escrow check and a security agreement sent to the Borough for their project and it was messed up from the beginning by their attorney. John explained that their attorney listed F & M Bank as the escrow agent and the bank refused to do so and it sat waiting for additional action on their part and the check that they had given the Borough for the escrow had expired. Mr. Epley reported that they got to the end of their project and informed the Borough that they do not want to spend any more money on the project so they do not want to do the as built that the Borough is requiring and our check is expired and you can't hold the money against us. John stated at that point he informed Fogelsanger Bricker that we will not be issuing their certificate of occupancy which generated a meeting with all parties. Mr. Epley stated that after some discussion with Carl Bert and the Herb's they agreed to signing the agreements and reissuing a check to move forward. John stated that he took the original agreements that listed F & M Trust and

replaced it with the Borough of Shippensburg, so we are saying we are accepting the escrow and will put it in the bank and when they ask for it back and we verify that they do the as built plan we will release the money back to them. Mr. Epley stated that Mr. & Mrs. Herb came in yesterday and signed both the agreements and issued another check in the amount of \$14,445.08, so now everything is in order and all we need to do is have Council approve the escrow agreement and security agreement and we can get the check deposited and move on. Joe Hockersmith moved to approve the two agreements with Fogelsanger Bricker Funeral Home and accept the check for \$14,445.08, for the escrow so the project can move forward. Motion seconded by Sandra Mailey. Motion carried 5-0.

Manager Epley stated that he and the Solicitor were supposed to get together to discuss the one-way issue on Penn Street for the trucks. Mr. Epley stated that Sam was going to look into whether they have to do a traffic study or not.

Mr. Epley stated that received a letter from Cumberland County stating that we have not submitted an Oath of Office form for the Tax Collector, which we do not have. He stated that he called the Clerk of Courts Office but is still waiting for a return call. Solicitor Wisner stated that there is a provision in the local tax collection law that states if there is no elected tax collector the Borough can assume those responsibilities which is the way that we have done it for the past few years. Solicitor Wisner stated that we certify a name but it is in the Borough position not individually. Nicole Bard stated that she thinks we have a letter on file from the County from when this all began in 2012 that we can send to them.

Bruce Hockersmith stated that himself, Manager Epley and Kevin Plasterer attended the Cumberland County Planning Outreach Committee today at Dickenson Township and received some pointers at the meeting.

#### ADJOURNMENT

There being no further business, Joe Hockersmith moved to adjourn the meeting. Meeting adjourned at 9:55 p.m.

  
Secretary