

SHIPPENSBURG BOROUGH COUNCIL

June 17, 2014

7:00 PM

Present at the Council Meeting: Andrea Lage
Kathy Coy
Joe Hockersmith
Kerri Burrows
Angie Facchinei
John Alosi
Lance Hoover
Sam Wisner
Bruce Hockersmith

INVOCATION: Bruce Hockersmith

PLEDGE OF ALLEGIANCE: COUNCIL

PUBLIC COMMENT:

Andrea Lage: Is there any public comment tonight?

Ralph Park: Park Garbage service I just wanted to address the bidding on the recycling.

Andrea Lage: I will warn you ahead of time that we have an executive session scheduled before that and it could be lengthy. You are welcome to stay but it could be a while. Anyone else?

REPORTS

Mayor

Bruce Hockersmith: I believe that you have the Chief's report by email and I have nothing else other than to say that the department has been busy over the past several weeks and we continue to meet the challenges. Nothing major in our way.

COMMITTEES

Finance/Budget

Andrea Lage: We need to finalize our budget before the meeting next week. We need to do that.

Employee Relations

Joe Hockersmith: Nothing at this time

Transportation

N/A

Public Works/Property

Kathy Coy: We will meet on Monday if that works for everyone?

Planning/Zoning

John Alosi: The only thing that I have is that Sunoco has resubmitted the petition to declare them Public Utility Committee. They are just re-stating their position.

Technology

Angie Facchinei: We have a meeting for June 18, 2014.

Shippensburg Area EMS

Heather Franzoni: The numbers for May is 81 total calls within the Borough with 7 of those BLS and 34 of them were ALS. The total service calls for the whole department were 279 and 162 of those were BLS and 122 were ALS. Here is our plan for the next 90 days starting with July 1 we will begin providing the additional staffing and we will have the two medics in service in the additional ALS. We are going to try several models. We are going to see what works best. Shawn talked to Deputy Chief Jamie White today from Company 15 to try to get options to having a third bunk at our sub-station in order to put the third provider down there. We need to figure out the locations and which end of town. Some of our part time medics became fulltime this week. Two for sure. We did buy a new chase truck so that is getting detailed. As of yesterday the state approved us to finally have our Advanced Airway Management which is big in the EMS world. They were all trained in Baltimore a couple of months ago. The last thing is with West Shore pulling out we were able to make our membership changes which benefit the community which is part of our tag line from the beginning. We were able to take our membership which covers paramedic service and ambulance service from \$90.00 which was the joint subscription to now \$75.00 so all the community members will be able to get their ambulance subscription membership for \$75.00 which covers medically necessary transport cost which their insurance will not cover. Also, we will make it 18 months instead of 12. Other than that we are pretty much ready to go and put them in-service.

Mayor: Does everybody on Council know what a chase truck is and what a MICU is?

Heather Franzoni: The Chase truck is a separate unit. It chases the ambulance and the MICU is one paramedic and one EMT.

Mayor: MICU stand for

Heather Franzoni: Mobile Intensive Care Unit

Andrea Lage: Any other questions? Thank you very much.

Fire Chief

Randy O'Donnell: Good Evening. You should have a copy of my report. I want to thank Lance, he took Emergency Management and local Emergency Service out to the WWTP and they got an update. That was the first that we have ever been out there so, we are really happy with that. That was a nice visit. We are working on preplanning all the businesses and structure in town and I think we have 50 of them done so far. We are also looking at going to iPad or some type of apparatus on the equipment so we have that readily available. This is to have our mapping on.

Park and Recreation

N/A

Solicitor

Sam Wiser: Just the Borough Code recodification has been passed and the electronic should be available shortly. There were major amendments to the Borough Code in 2012 and the legislature goes through a process of cleaning up loose ends and codifying the statute and that has occurred. I will let you know when there is an electronic version of that so you all can have access to that.

Police Chief

Chief: The Mayor emailed you my report and that is about it for that. Any questions? I have been throwing around for quite a while to put helmets on kids. This weekend on patrol there were 6 – 7 kids and a couple of them were over the age of 12 but none of them had a helmet on. Not a one and I told my officers that any child caught without a helmet on under the age of 12 the parents will be cited. I put a news release out and channel 27 and channel 8 showed up.

Andrea Lage: Well, good for you Chief, the helmets are vital.

Mayor: Yes, despite all of the other activities that are taking place at the police department is occupying we are still concerned about the safety of the youth and it is a state law that a child riding a bicycle under the age of 12 has to wear a helmet.

Kerri Burrows: Or scooter.

Chief: No, pedal cycle.

Mayor: Ok.

Borough Manager

Lance Hoover: I am going to hi-light a couple of things. The Post Office Greenway that has been advertised and we are expecting the bid by next Friday @ 10:00 a.m. I talked to the engineers and they have had a hand full of calls at the office so we expect a pretty good turnout. Then we can move forward. It will be on the July 1 meeting for the update and hopefully action as well. We have sanitation on for an item later on. The ramps at King and Earl are under construction. Right now I would say that they are probably 50 to 60% done. They are starting to reform and put everything back together and they are thinking the last weekend of this month or the beginning of July.

Mayor: They did pour today.

Lance Hoover: The weather is certainly going to help us as long as the storms stay away. We have gotten a few complaints and questions as to when it will be finished.

There is an update on the pool. We are open and running which is a great thing. The restrooms and the locker room and the ticket booth are making a few changes but we expect to have something for everyone to look at the next meeting. We will finish off our grant application and get that submitted and work with the school district as well and start to do some fundraising so we can keep that moving.

The Pocket Park: the study was done and HRG did provide the conceptual plan which various people in departments are taking a look at and then we will provide the comments and update and then they will give us a conceptual plan or master plan so that we can then begin to look for funding.

Grant: a couple of them that I want to hit on is the DCED Greenway Trail and Recreation which is the one for the restrooms and the ticket booth and the locker rooms the deadline for that one is July 16th so as soon as we have the plans we will pull that all together and get it submitted. There is now a recycling grant due August 15th. That is through the county so we will look into that and is possible we will put in an application for some recycling grant funding. The Land Partnership grant that Rebecca Yearick had talked about. It is very likely that I will meet with her tomorrow and we will talk about what possible projects are there but it is very likely that it will come down to a submission for the Pocket Park itself. It is certainly not enough funds to redo the park but she seems to think we have a very good chance. We have not applied for that particular style of grant in the past and our project seems to be of interest since it seems to be the beginning or the end depending on how you look at it. I will provide an update later. Still no word yet on the small water/waste water system grant that we applied for. We expect to hear something somewhere around the beginning of July. If so, what the actual dollar amount may be.

RACP Grant: We are still progressing toward a submission early next year for the Senior Center as well as Katie's Place.

Kathy Coy: Rebecca had also mentioned about the grant for the paint. We talked about that so maybe tomorrow you could say something about that also. Is there something that needs to be done at the Borough's end?

Lance Hoover: Yes, there will be some part that we will play on that.

Andrea Lage: Are there any questions? Alright then we will move on to the business part of the agenda.

BUSINESS

Andrea Lage: First is the executive session of the agenda. We will be discussing the contractual issues and potential litigation.

Sam Wiser: This is regarding construction contracts

Executive Session begins: 7:17 p.m.

Executive Session ends: 9:30 p.m.

Andrea Lage: We are back from executive session during which we talked about contractual issues regarding construction contracts.

CONSIDERATION TO APPROVE THE MINUTES FROM JUNE 3, 2014

Joe Hockersmith: Motion to approve.

Kerri Burrows: Second

Andrea Lage: Any further discussion? Motion carries 6-0

CONSIDERATION TO APPROVE HARB RECOMMENDATIONS REGARDING

- A) 120 East King Street – replacement windows and re-installation of shutters.

Lance Hoover: That is correct when the work done the shutters were not reinstalled however HARB has recommended that they do be reinstalled. So they placed that in front of us for the first part of our consideration.

Kerri Burrows: Motion to approve HARB's recommendation for 120 E King St for replacement windows and reinstallation of shutters

Kathy Coy: Second.

Andrea Lage: Any further discussion? Motion carries 6-0.

- B) 427 East King Street – Installation of new business sign

Kathy Coy: Move to approve HARB recommendation for the installation of the new business sign.

John Alosi: Second.

Andrea Lage: Any further discussion? Motion carries 6-0.

DISCUSSION REGARDING ENERGY SUPPLY RFP AND CONSIDERATION TO APPROVE ENERGY SUPPLIER AND ESTABLISH CONTRACT LENGTH

Lance Hoover: As you are all aware we did put out a RFP for energy supply costs after being made aware of that our rate with Penelec would increase substantially. What you see is the cost to compare at June 1 is at \$0.08816 is currently now. As a result of the RFP we did receive basically we asked for 4 different terms and we received low bids from two companies. Direct Energy and GDF SUEZ depending the term. They did vary. My recommendation at this point is to go with Direct Energy with .073700. Actually I will update that very quickly. The correct number is \$0.0745 per kilowatt hour for an 18 month term. I like the 18 month term because that will end up somewhere around the end of 2015 and according to all the suppliers that I have talked to a winter time bid is much better for whatever reason. I am little hesitating to lock any longer than 18 months.

Joe Hockersmith: Does Penelec have a distribution cost that goes onto this in addition?

Lance Hoover: That would be our full charge.

Joe Hockersmith: That would be the full charge then?

Lance Hoover: Yes. As per the RFP. What you see at the bottom is a savings based on what our increased rate would be. It is certainly a positive for us.

Kathy Coy: I will make a motion to accept the managers recommendation for the Energy Supply for Direct Energy at the .0745 for 18 months.

Angie Facchinei: Second.

Andrea Lage: Any further discussion? Motion carries 6-0.

CONSIDERATION TO APPROVE CONTRACT WITH CVR UNIFORMS

Lance Hoover: Our contract with them will end very soon and they provided us with an updated contract which actually matches prices and some degree is slightly better so I am recommending that we approve that and continue on with our service.

Kathy Coy: Did we eliminate some things?

Lance Hoover: That was done prior to me but in talking with everybody. Everybody seems pleased with what we have and largely it comes down to our rugs and things like that.

Joe Hockersmith: I move to approve the bid.

Kathy Coy: Second.

Andrea Lage: Any further discussion? Motion carries 6-0.

UPDATE REGARDING RECYCLING RFP

Lance Hoover: I know that we have been talking about the recycling RFP for quite a while now. I have been working with Nicole and Kevin pretty extensively on the budgets and where the numbers actually play in. We did request two options and we were provided with cost on two different options. I would like to thank Nicole for doing a lot of work on the budget end and where things actually fit. Part of our problems is that we do have a lot of overhead that carries to various different departments and in doing so in looking at the numbers and pulling everything together essentially the RFP was not going to place us in a better financial position. That was one of the goals. The financial end based on matching our current service would have ultimately ending up costing us additional money and the option also was the single day pick up which would have been a change to our customers would barely have broken us even. So looking at all the numbers and laying it out to contract with an outside source was not going to improve our financial situation which was one of the main goals. I do appreciate all the effort and time put into it. My recommendation is that we have to reject the RFP's and consider looking into other options and figure out ways to improve our service and change and upgrade our service. I would also like to provide to the council that around our June or July 15th I will have another report with an alternate direction because we simply can't not continue to look for other options.

Mr. Park: What do you currently do with your recycling items right now?

Lance Hoover: We collect them and bring them back to our building and then transfer to Chambersburg Waste Paper. That becomes our transfer station if you will.

Mr. Park: Is that type of collection is it co-mingled?

Lance Hoover: We source separate right now.

Mr. Park: Okay, because one of the things we would be interested in doing is that we are building a municipal recycling facility in Hagerstown so we would be interested in whether we could do better in pricing or rebate for the Borough. That is one way that I can see possibility of helping out.

Lance Hoover: That is a very good point. I think one of the things that I have to go back at and look at now is what kind of changes can we effectively make to our system to make it more user friendly so we are generating more material and in generating more material we will probably get more grant funding and maybe better rates on the disposal and hopefully that turns into a reduction of our tipping fees. I think it is a little early because one of the first steps is doing the RFP to see if we can do that outsourcing and to see what kind of benefits it would actually give us and unfortunately it doesn't place us in a better position.

Mr. Park: I know that single stream recycling is definitely the way to go.

Lance Hoover: Well, it is and in our particular case because of our staffing and billing we do carry a lot of costs that do not go away by outsourcing. Transferring those costs around it make one end of the budget look good but then the other end, no so good.

Mr. Park: Would it help if you had us at some of your workshops to help suggest ideas?

Lance Hoover: That may very well happen because we do have some ideas and some thoughts. In order to make some improvements to our system there are costs that go along with that. Over the course of the next month, I will probably reach out to all of you for thoughts.

Mr. Park: Sometimes that helps for someone to bring something out in front of you that you really do not see.

Lance Hoover: What we really have to be cognizant of is all of our ordinances are set up and structured around what we currently do. So we do have to incorporate all of those with changes and pieces to put together to pull it all off. The hope and the desire was that we could do it and save. Nicole looked at the numbers 5 different ways and it just didn't work.

Mr. Park: I would like to add the argument for privatization which would be that our companies are in the business and we are buying equipment all the time so we have that advantage. We have the advantage of the computer running the routes and the dispatch technologies and frankly we have people that are up to date in the recycling innovations and we also have the ability to have a work force that we train very well in the risk management that cause a lot of problems with Public Works in Borough's. The Workman's comp claims, disability claims, etc. We have saved municipalities a lot of money in that area. There is an advantage to privatization and it is your call but we are happy to participate and we believe that there are a lot of savings in these budgets.

Andrea Lage: Thank you. With that Council questions or a motion? The motion would be to accept or reject the proposals at this time.

Joe Hockersmith: I move to reject the proposals at this time.

Kerri Burrows: Second.

Andrea Lage: Any further discussion? Motion carries 6-0.

Dale Heberlig: Could you restate the motion please?

Andrea Lage: The motion was to reject the proposals for recycling services.

DISCUSSION REGARDING PROPOSED ORDINANCE 14-904 AMENDMENT TO CHAPTER 69 – ANIMALS

Lance Hoover: This is a proposed ordinance for consideration included in your packet is what our current ordinance says and then also just some back up emails from some concerned citizens and I know that it came up at our town hall meeting as well. So, what I did was take a look at the various ordinances from our surrounding municipalities, some go to great lengths and some are not quite as up to date as ours is. There are a few issues that we could address. It is on for discussion.

Andrea Lage: Any questions or comments.

Kerri Burrows: The only thing that I have is the second point, all dogs are required to be on a leash when off of the owners or keepers property. Dogs off of the owners/keepers property and not on a leash are considered to be at large. Then you have below it; adding the following, any person who walks any dog within the Borough shall not permit such dog to be unattended. The dog shall be restrained by leash or other appropriate device of control so that it will not stray. To me that seems like you are saying two different things. Up above you are stating that it must be on a leash if it is off of your property and then you go on to say that it must be restrained by a leash or other appropriate device. To me,

Sam Wiser: You almost have to define a leash.

Kerri Burrows: Well, no because there are other devices. You have leash-less leashes. You have electronic collars.

Andrea Lage: I think if you mean to say leash and that is what you want is to see a line going from the owner to the dog then you don't want to bring in....

Kathy Coy: Because the person walking down the street coming without the leash doesn't know that the dog is controlled by another source.

Joe Hockersmith: There are dogs that can be trained and are trained to respond to voice commands and hand commands, it is as effective as a leash so we penalize. People that put that effort into their animal by saying you have to have a leash.

Kerri Burrows: I agree, my dog happens to be one of them that listens without a leash. The issue that we run into is a few spoil it for the rest.

Joe Hockersmith: I understand that but still.

Andrea Lage: How do you know that your dog in every situation will be controlled? You can't guarantee that. I will also say that my dog is on a leash but everyone in a while it has occurred that I haven't had a tight grip and she saw a bird and suddenly she is not attached to me any longer but she is leashed.

Kathy Coy: Or you can have a dog like mine that likes to find a gate and take off and then, you know....there you are.

Andrea Lage: Well then you would be in violation.

Kathy Coy: Yes.

Andrea Lage: There are people who are afraid of dogs and are worried about seeing a dog that is not apparently under control as well as recognizing that we can't have perfect control. To me, that was the purpose of bringing this up. Whether we agree or not, that is another thing. If we are going to change it this muddies the water.

Kerri Burrows: I do not have an issue with other appropriate device of control but I think it would need to be If you are including anything besides a leash it needs to be specific and defined. Otherwise somebody could say, my voice is my control.

Andrea Lage: My only other question is whether or not we really need the section on licensing and vaccinations since that is covered by state law.

Kerri Burrows: Well, then in all honesty a lot of this is covered by dog law.

Andrea Lage: What if it is under control and it just made a bad choice of what they have allowed it to do?

Kerri Burrows: Cumberland County is a little different. You have a different dog warden in Franklin County but our warden in Franklin County, she is on it. Let me just tell you that.

Andrea Lage: The only other thing that I wondered is that if we do keep it in, there is now a medical exception for rabies. You can get a medical waiver.

Sam Wiser: I don't think that the vaccinations or the licensing needs to be in the ordinance. It is established by state law.

Kerri Burrows: It is all established by state law. Except for the whole thing about you gotta pick your dog poop up.

Joe Hockersmith: I don't care where you go in the borough that is unenforceable. I think we already have that in an ordinance?

Sam Wiser: No.

Joe Hockersmith: We don't?

Sam Wiser: Let me tell you what the Borough Code says; To the extent not otherwise prohibited by the Dog Law to destroy dogs found at large contrary to the laws of the Commonwealth to prohibit and regulate by ordinance running at large of dogs, cats or other pets and in the enforcement of the regulations to direct the killing of dogs, cats and other pets or their seizure and prescribing reasonable charges for their seizure and detention and to provide for their sale for the benefit of the Borough and default of redemption by their owners.

Andrea Lage: So we can do a leash law?

Sam Wiser: Yes.

Andrea Lage: The other part isn't mentioned, the vaccinations and licensing.

Kerri Burrows: It doesn't say that we can tell them to pick their poop up.

Sam Wiser: That is part of the running at large I think.

Sam Wiser: It is a health, safety and welfare issue too.

Andrea Lage: Do we want to continue this conversation?

Kathy Coy: Can we just table this until the next meeting?

Lance Hoover: This is just up for discussion; you don't have to act at all. My only question is; are there things that we definitely want to change or take out? The next time that it comes back it is to some degree modified.

Andrea Lage: I would take out section two.

Sam Wiser: Mayor, correct me if I am wrong. I think that the Chief wanted the language that they had to be on a leash? He has an enforcement issue.

Kathy Coy: Yes, he supported that.

Joe Hockersmith: Okay, then let's define leash a little more.

Kathy Coy: So it says on a leash and not other appropriate devices.

John Alosi: I would delete that phrase.

Kathy Coy: I agree.

Mayor: unless an electronic leash?

Kathy Coy: NO, the person coming up the street doesn't know that.

Kerri Burrows: I am not so much worried about that, the issue that I have is that my dog is coming at you and I have him under control and you don't feel like my dog is under control then it is really your problem and not my problem. If my dog is under control then it is under control...the bigger is enforcement.

Joe Hockersmith: It all matters how you define control then.

Kerri Burrows: Is my dog coming at you, is my dog going to get any closer to you then he would if he was on a leash. The answer to that would be no.

Andrea Lage: Some people don't mind if their dog goes up and sniffs another person because they know that their dog is safe and it won't bite.

Kerri Burrows: Those same people are going to be the people who have those 200' extendable leashes on their dogs.

Andrea Lage: One of my questions was whether or not we wanted to define the length of a leash.

If you are going to do it, then you want something that is not open to interpretation.

Kathy Coy: I think it isn't only on a person but it could go up to another dog.

Andrea Lage: Alright, we need to move on.

Other Business

Lance Hoover: I was contacted by Messiah Lifeway's and they wanted me to ask three things. Fundraiser activities that they would like Authority to do. One is they would like to use the park at Corn Fest and another is they would like to do a yard sale in September and the third is Cow Pot Luck. Apparently they quarter off sections in the parking lot and the cow poops is the winner. They raffle off the spots.

KB: I have actually seen this before.

JH: First, as far as parking for the Corn Festival? Who is that promised to now?

AL: Friend of the Pool isn't it?

JH: Is the lease in effect?

LH: It will be once we execute it.

AL: In the past we have always reserved the right to give that over to the Friends. It is theirs and they can do it. We have to apologize to the Friends.

KB: We could give this lot to them.

JH: If the lease is executed it is theirs to use.

AL: It is not yet but I do not think we want to renegotiate.

JH: Same with the cow pot luck.

LH: By the agreement they do have to get authorization for various activities.

KC: If they are cleaning up their own poop and taking it away.

AL: I suppose the cow pie thing is recreation? They need to follow the ordinance.

KC: I do think that we should let the Friend of the Pool know ahead of time.

Andrea Lage: Anything else? Mayor?

Mayor: Jim Nowak, president of the Mayors Association of Pennsylvania requests that we authorize preparation of the resolution requested that the Senate Bill #1340 and House Bill #1272 be enacted to allow local police to use radar.

AL: If we are interested can we have it in our packet for July 1.

LH: We can if Council is interested.

AL: Alright then for July 1. John? Kerri?

KB: Transportation meeting at the end of this meeting. Lance I would like you and Kevin to be there.

AL: Kathy?

KC: Just into Messiah Lifeway's, when we do contractual things and when they do contracting for the building. Do we have any say that it remains local instead of going outside the area? WE have a lot of local contractors.

LH: No, not directly but they do have to all work approved.

KB: In all reality we wouldn't be able to go local if someone came in below.

LH: They are thorough us getting local pricing.

KC: So that is happening? Is that just what we are giving them?

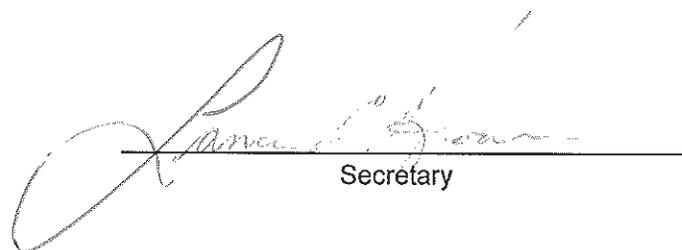
LH: We are getting them the local pricing because we feel it is very important to do so.

KC: That is what I was looking for.

AL: Okay, Joe? Sam?

KB: Motion to adjourn

JH: Second.



Secretary