

SHIPPENSBURG BOROUGH COUNCIL

January 3, 2019

6:01 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

No public comment.

CITIZEN APPEALS

None.

REGULAR BUSINESS MEETING

Councilperson Hockersmith asked if Council would consider a consent agenda? President Lage stated that they can consider it but she has not seen it work in the last 17 years because they end up having various things that they want to talk about that are on there. Councilperson Hockersmith stated that they would have their consent agenda if they want to hold any of the items for discussion they can and just approve the rest of the items. President Lage stated that normally that is done with the presumption that they have had a working session that they have talked about it and are then ready to vote and the problem is that they do not tend to work in that sort of order.

CONSIDERATION TO APPROVE THE MINUTES OF THE DECEMBER 18, 2018, MEETING

Councilperson Keith Swartz moved to approve the minutes of the December 18, 2018, meeting as presented. Motion seconded by Councilperson Sandra Mailey. Motion carried 6-0.

CONSIDERATION TO APPROVE RESOLUTION 19-001 TO ESTABLISH 2019 EVENTS FOR THE SHIPPENSBURG FIRE POLICE

Councilperson Bruce Hockersmith moved to approve Resolution 19-001. Motion seconded by Councilperson Sandra Mailey. President Lage stated that there is a new addition that they have added some general language that states if it is a D.O.I.T. or Chamber event that they are permitted events. Motion carried 6-0.

CONSIDERATION TO APPROVE RESOLUTION 19-002 TO ESTABLISH HANDICAP PARKING AT 454 EAST KING STREET

Councilperson Sandra Mailey moved to approve Resolution 19-002. Motion seconded by Councilperson Keith Swartz. Motion carried 6-0.

CONSIDERATION TO APPROVE RESOLUTION 19-003 THAT UPDATES THE SEWER TAPPING FEE TO \$3,414.97

President Lage explained that this tapping fee increase represents the improvements that they have done to the plant since 2010 and following the guidelines set forth in Act 57 this is the figure that is produced. Councilperson Burrows asked how often they will run into this? President Lage stated that because they are mostly built out it doesn't come up very often. Councilperson Keith Swartz moved to approve Resolution 19-003. Motion seconded by Councilperson Mitchell Burrows. Kevin Plasterer asked if they could round it off to \$3,415 if possible. Solicitor Wiser stated that you can round down but you cannot round up and you cannot charge more than what the study dictates even if it three cents. Motion carried 6-0.

CONSIDERATION TO APPROVE PAY APPLICATION NW21 FROM PACT TWO FOR WORK RELATED TO CHANGE ORDER 23

Solicitor Wiser reported that the engineer has reviewed this and they have certified the pay application as appropriate. Councilperson Bruce Hockersmith moved to approve pay application NW21 for Pact Two for Change Order 23. Motion seconded by Councilperson Sandra Mailey. Motion carried 6-0.

DISCUSSION REGARDING REQUEST FROM TED WISER TO ALLOW NO PARKING SIGNS IN THE 100 BLOCK OF KING STREET FOR A CAR SHOW TO BENEFIT THE HANDICAPPED CHILDREN OF SHIPPENSBURG ON SATURDAY, MAY 18, 2019

President Lage stated that Kevin Plasterer has presented a list of challenges to Council regarding this request. Kevin stated that he has stopped to see Mr. Wiser on two occasions but they have been closed because he wanted to run everything by him to see what his thoughts were but he hasn't been able to do that at this point. Mr. Plasterer went on to explain that he is not opposed to working through

the issues but he is not sure what Mr. Wiser would like to do and if he would like to go through all that is required for a one day event. Kevin asked if the Borough would have to provide the insurance for the event or would he have to? Solicitor Wiser asked if they do it for anyone else? Kevin stated that they do it for parades. Councilperson Burrows stated that for Drop the Anchor they ask the Rotary Club to cover the insurance liability coverage. Councilperson Burrows went on to state that some organizations have blanket policies to get more bang out of their buck but if you have one event it is going to be rather expensive. Mitchell went on to explain that he looked at the map and there are a number of places that are right outside of that area that would be applicable and he would love to see a car show in downtown Shippensburg. Councilperson Hockersmith stated that the Church of God on Prince Street has a good amount of parking and they do allow that area to be used during the Corn Festival. Councilperson Swartz suggested blocking off Earl Street between King and Orange Streets and give them one full block. Keith stated that Earl Street is wide and also downtown. President Lage stated that Mr. Wiser was looking at having it by his business with the other alternative being having them park in parking stalls. Council members felt that the option to park in the parking stalls would not be the best option. Mayor Coy stated that the Church of God is very proactive in community things right now and she feels if he would approach them to have it there she feels there is a high possibility that it would go through. Jeffrey Stonehill explained that Chambersburg Borough has a special event permit process that is defined by local law which takes care of all of the things that they are discussing. Mr. Stonehill stated that there are a set of rules and people have to make an application and provide proof of insurance to indemnify the Borough, they have to pick a location if it is on a state highway they have to provide the application to PennDot for the detour with the map, and for every permit they issue they give a credit towards police coverage of \$100 and then they bill them for the rest which is police coverage and the special event monitors is another bill. Mr. Stonehill further stated that they have come up with the infrastructure because they want to encourage street events. Councilperson Mailey stated that she feels it may be a good idea for Council to establish a policy as well. Councilperson Burrows stated that he feels that would be a good idea. Mr. Stonehill stated that having the system is a good idea because people want to have events and if they have a system then they have to conform to it. Council members discussed possible streets that could be used. Mr. Stonehill recommended having Kevin talk to the applicant before taking any action because these are complicated issues and giving him the opportunity to go over them with applicant without making a decision might be the best option. President Lage stated that it sounds like to her that we are leaning toward trying to encourage him to not close down King Street and chose an easier place to start and in the meantime work on a special event policy.

EXECUTIVE SESSION

President Lage stated that Council does have an executive session to discuss personnel matters. Council went into executive session at 6:16 p.m. and returned at 7:00 p.m.

CONSIDERATION TO APPROVE REVISED ENGINEERING PROPOSAL FROM DENNIS E BLACK FOR WWTP/BIOSOLIDS OPERATIONS CONSULTING

The President explained that Dennis Black engineering currently performs the WWTP/Biosolids operations consulting for us and we are looking to update that to be more specific in what they are providing given our current needs and there is a bit of a reduction in the services that they are providing giving the current status of our plant and employees. Councilperson Hockersmith asked if this has been reviewed? Solicitor Wisner stated that he has not reviewed it but he did review the base agreement prior and he doesn't believe it to be any different other than dollars. Councilperson Bruce Hockersmith moved to approve the revised engineering proposal from Dennis E. Black for the WWTP/Biosolids Operating Consulting. Motion seconded by Councilperson Keith Swartz. Motion carried 6-0.

OTHER BUSINESS

Kevin Plasterer reported that he would like to discuss the ADA ramps downtown with Council. Mr. Plasterer went on to report that PennDot is telling him again that they have to replace the ramps that do not belong to the State and he is wondering if those ramps belong to the Borough or the property owners? He stated that if they belong to the property owners then they would have to bring them up to code. Mayor Coy asked which ramps he is referring to? Kevin stated that they would be the ones on all of the side streets. Kevin explained that for example, at the ramp going from NAPA to the VFW the ramps are sitting back off of King Street but they have to do half of their sidewalk to bring it up to code so the other half needs done while they are there he is assuming. Mr. Plasterer stated PennDot is telling him that we have over 30 ramps that need updated and 15 that we share with PennDot that need updated with a quote of over \$200,000 that we need to come up with. Kevin stated that he has found through Cumberland County Redevelopment Authority that we can get some money to help offset some of the costs to upgrade the ADA ramps but he is not sure it will be enough to do the entire length. He went on to state that years ago things used to go from right of way to right of way and that would cover all side street ramps, traffic light loops and everything but now it is just curb to curb which the lady from PennDot made very clear to him at a meeting. Kevin went on to explain that anything past that curb which still ties into the main street curb needs replaced. Councilperson Swartz asked what happens if we don't do anything? Solicitor Wisner stated that with accessibility requirements they could get sued. President Lage stated that for the Borough to do it separately would incur the engineering costs and make it more expensive than this opportunity where they are going to do it for us where we would be paying time and materials cost and some engineering but lower than what we have paid on other intersections to do the same thing. Mr. Plasterer stated that when they repaved King Street on the Franklin County side they did all of those and we didn't pay a dime and they repaved from Morris Street to the Greyhound Restaurant. President Lage stated that the challenge with grants is that the project is this summer so to get money for this summer is going to be difficult. Kevin stated that Kate Molinaro from Cumberland County said they should apply now because there may be some funding left over from other people's projects or we could do it in phases where we would have to pay for it upfront and then 2019 we get reimbursed for some and then reimbursed for some in 2020, etc. President Lage stated that that seems odd to her because they normally do not allow you to apply for

projects that are completed. Solicitor Wisner stated that he pulled up the Borough Ordinances as well as the Borough Code and there are a few options. The Solicitor went on to explain that the ordinance states the following: "abutting property owners shall be responsible for paving and curbing sidewalks and for keeping sidewalks and curbs in good repair and safe condition and not permit hazards to either pedestrian or vehicle traffic to exist. From time to time the borough council of the Borough of Shippensburg may exempt areas of the borough where sidewalks and curbs shall be required." Solicitor Wisner went on to explain that it goes on to reference construction specifications and references by incorporation the PennDot standards and then talks about the Borough being able to establish the line and grade of sidewalks and curbs and that the borough can compel the construction of those items. He explained that the Borough Code also says "any borough made by ordinance layout and established sidewalks, curbs, gutters, surface water drains, along any street and with the consent of the Secretary of Transportation along any state highway and the borough may also require owners of a property abutting on any street or state highway to grade, construct, drain, pave and repave the sidewalk, curb, or gutter and keep them in repair and safe and usable condition along the property at the grades and under the regulations and specifications as Council may prescribe." The Solicitor stated that they do have the authority to require that the construction, re-construction, repair of sidewalks and curbs and if the property owner does not comply there is an option then to, in the absence of compliance, to do the work and collect the cost and assess a lien against the property if not paid. Solicitor Wisner stated that there is also another option for the improvement within a right of way which is that the borough can do the cost and assess the cost to adjoining property owners with a very specific assessment provision in the Borough Code that allows for in a linear front foot basis or on a percentage of the project basis for the owners who abut the improvements. Mayor Coy stated that these costs could be very detrimental to some property owners which concerns her. President Lage asked Mr. Stonehill what has happened in Chambersburg in the past? Jeffrey Stonehill stated that the last couple of times that PennDot has done any projects through their community they have paid for all of the state highway ramps to be done. Mr. Stonehill stated that as for non-state highway curb ramps the borough has used a significant portion of their CDBG allocation on the annual basis to move systematically through the community doing ADA ramps so they would not be in a position where they would suddenly have a problem. Mr. Stonehill went on to explain that when it comes to paving if they are doing a local paving and not a state highway paving project, they include in those costs for the curb ramps which they pay for but do assess any other repairs to curbs and sidewalks that are required to the adjacent property owners with the offer to do payment plans. Jeffrey stated that in the end it is important to remember that whether the borough pays for it or these particular property owners pay for it the citizens of Shippensburg will be paying for it with just a question of whether it is the specific adjacent property owners or the entire community that pays for the improvements. Councilperson Burrows stated that they could make the argument that because they are a walkable community you would like ADA ramps everywhere and that should be reflected on everyone. Mr. Stonehill said that they could always appeal the decision of PennDot and see where it goes. He also stated that if they do not have the resources as a borough they can borrow from PennDot and pay it back to them over time. Solicitor Wisner recommend that Kevin contact the project manager and tell her that he would like to request a meeting and have the district executive to be there and plead their case. Mr. Stonehill recommended taking an elected official along because they respond well to those as opposed to staff.

Mr. Plasterer stated the he has received numerous emails and phone calls on drainage issues in the Park Place area. Kevin stated that the residents feel it is the borough's fault from water coming from the park. He explained that there are storm catch basins on King Street that divert one pipe down Hosfelt Lane behind the stadium which goes down to the first softball field and makes a left hand turn and goes right out on to Park Place and then down towards Volvo. Mr. Plasterer went on to state that he was directed to contact HRG to look into the situation and he met Bill Kick there one day when it was pouring down raining and sump pumps were running continuously. Kevin further explained that Bill Kick sees what the issue is but according to his two page report he feels there is nothing we can do because it is a 3-mile radius that is part of the park and then goes out to Kaphoe Development and Volvo area and it is also the lowest part of town. Mr. Plasterer further stated that Mr. Kick explained that with the amount of rain that we have had the water table is tremendously high and Volvo has a retention basin that they have never seen water in that they do now and all that water has come from Volvo and not from the park or anywhere else but has just been filling up because of the ground water table. He went on to explain that they have discussed installing a retention basin and Carl Bert has informed him that it is nothing but rock and Bill Kick stated that it would not help the problem but possibly shift the problem to the other portion of Park Place East to those homeowners. Kevin stated that all of the rainwater that is coming from Rt. 11 is surface water and going past the Park Place residents because it is all black top so what water they are pumping out of their basements is being pumped from the ground water table. Kevin asked if Council feels he should mail the report from HRG to the residents on the lower street to give them some satisfaction that we have been looking into this matter. Councilperson Swartz stated that he would just give them a summary and not the entire report because they will ask questions of him about the report or call HRG which will incur costs to us. President Lage stated that she would agree that a fairly brief memo that outlines the findings and that we did have the engineer look at it. Councilperson Alosi asked if the school district has done an environmental impact statement on the stadium area because the water is going to be flowing down from there as well? Kevin stated that he is waiting for them to apply. Councilperson Alosi stated that he was wondering if when they go into construction if this is going to cause flooding while the construction is going on or if the borough requires a flood management study to be part of the land use? Solicitor Wisner explained that they would have to submit a stormwater management plan as part of their land development plan submittal. Councilperson Alosi stated that if they are using artificial turf or the rubber pellets in particular and they wash into the watershed in Middle Spring does it have any effect on fishing, etc., and he feels it should be addressed. John also stated that it has been discussed that they plan to use port-a-pottys at that area and he thought public facilities had to meet the American's with Disabilities Act. Solicitor Wisner stated that it will be up to the Code Official to determine the level of permanent facilities required to service the use. President Lage stated that the regulations are already there in the subdivision and land development ordinance and there are certain standards that they will have to meet for stormwater but at some point they may want to revisit our ordinances and bring them up to date because they are not reflective of best management practices. Solicitor Wisner stated that they are going to have to manage the stormwater and the question is how they effectively manage it and some of the new ordinances have newer practices that are permitted to manage the stormwater but either way they are going to have to manage that water on site.

Kevin Plasterer stated that Kate Molino also informed him that she does have funding available to help with the water line project for home owner's service lines. He also reported that the screens at the Wastewater Treatment are operational today and tomorrow will be training. President Lage explained that the screens are called headworks screens which are at the beginning of the wastewater treatment process and one of the things that we have done as part of our upgrade is to put in new screens that are finer so it takes out bigger particles which should make the whole process go a bit more smoothly because one of the things they had an issue with was having large particles getting through and clogging some of our other parts of our system. The President went on to explain that while it was an expensive upgrade it was one that was essential to the functioning of the upgraded plant.

Councilperson Hockersmith asked if we could have PennDot put some cold patch on the pot holes on King Street? Kevin stated that he can call his representative tomorrow morning.

Councilperson Mailey asked what the street cleaning policy is throughout the winter? Kevin Plasterer reported that we are very lucky that we are sweeping now because normally we do not sweep from December on but the warm weather has allowed us to do it now. He went on to state that it is hard to say if we will be able to in February or March but cars still need to be moved. Councilperson Mailey stated that one of her neighbors indicated that they are going to clean up their leaves and place them in the street and she told her that she is not permitted to do that. Kevin stated that Donna will be making rounds this week or next to see who will need to receive letters about leaf piles in the street.

Mayor Coy reported that she has the Franklin County Emergency Services Alliance dues to give to someone for payment. The Mayor also presented Kevin with a publication she received from UGI which is on pipeline safety and land use. Mayor Coy informed Council that she received a letter from Middle Spring Presbyterian Church that they are praying for the Council and wanted to pass that along.

ADJOURNMENT

There being no further business Councilperson Mitchell Burrows moved to adjourn the meeting. Motion seconded by Councilperson Bruce Hockersmith. Meeting adjourned at 7:32 p.m.