

SHIPPENSBURG BOROUGH COUNCIL

April 19, 2016

7:00 p.m.

Present at the Council Meeting: Andrea Lage
Kathy Coy
John Alosi
Joe Hockersmith
Sandra Mailey
Bruce Hockersmith
Sam Wisner

INVOCATION: Mayor Bruce Hockersmith

PLEDGE OF ALLEGIANCE: COUNCIL

REPORTS:

Mayor Hockersmith reported that he has responded to complaints against police officers and the Chief and hopefully as a result of a committee meeting with the personnel committee they seem to be headed in the right direction. Mayor Hockersmith went on to state that one of the things that is coming out of all of this with the police department is that he feels it behooves this Council to notify the Shippensburg Area School District that it would be in their best interest and the interest of all of the students in the district for them to employ a resource officer as we do not have a police force sized large enough to allow us to respond to the multiple incidents that occur in the district in a week's time. President Lage asked if he is referring to non-criminal incidents? Mayor Hockersmith stated yes, non-criminal incidents that are not police matters. Council President stated she feels they are all in agreement that the police force is not meant to be a disciplinary force for the school district. Joe Hockersmith asked why they are even being called if it is non-criminal? Mayor Hockersmith stated that it is because they are so frustrated and do not know what to do. Mayor Hockersmith stated that most of the districts around ours have resource officers. President Lage stated that if the Police Department needs the backing of Council to say that our police force is to be used for criminal matters and not for disciplinary matters they can make a motion. Council President stated that they can do a motion and then the Mayor can send an official letter that has an action of Council behind it.

Kathy Coy moved to notify the School District that our Police Department will no longer respond to non-criminal complaints with a suggestion that they consider a resource officer. Motion seconded by Angie Facchinei. Council President stated that the motion is to write an official letter indicating that the Council supports that the Police be used only for criminal endeavors and not for disciplinary and that we recommend that they find a solution that may include hiring a resource officer. Motion carried 6-0.

President Lage reported that the Personnel has long range plans for a meeting to continue Police negotiations that will be held in May.

Fire Chief Randy O'Donnell reported that their numbers are very good right now with the volunteers and they are planning an active shooter exercise which will involve the School District, Shippensburg University, Shippensburg Police and University Police Departments, Shippensburg EMS, and Fire Departments. He went on to explain that the project is getting bigger than they anticipated so they are looking at getting a contractor to come and do the exercise which will be held on campus over the summer. Randy stated that it will be a live scenario with the sound effects and victims, etc., which is meant to test the Emergency Management Program along with the University and the School District's Emergency Management Program in addition the unified command that should happen with all the resources coming together. He further reported that there is a cost involved and there is a reimbursement available through the Department of Education so they are hoping to get 2/3 of the cost and Shippensburg Township has volunteered to add some funding along with some other municipalities. Randy further stated that this exercise will test their capabilities of where they are at and for training for their unified command.

Chief O'Donnell went on to report that there are more regulations through the EMS side of the house and since 1976 they have provided a medical assist program where they go out and assist the ambulance which has been scaled back to when they are not available or when they are on multiple calls they go out. He stated that the State has since stated that they must have the same licenses, policies and procedures as what the EMS does and if they do not they are not allowed to respond. Randy stated that they developed new policies and procedures, a staffing plan on when the units will be staffed, also to get a medical director so all the same things that EMS has to have the Fire Department has to have to respond. He explained that they are going through that process right now and they should soon have everything prepared to submit to the state for the application.

Randy further stated that Louis Larson provided him with a detail map of the water distribution system which will be very helpful because it will be on their electronic devices in their vehicles and will assist them in knowing where the water lines are and which ones are the larger lines when they are fighting fires.

Heather Franzoni reported that EMS week this year is May 15th -21st, so they have a lot of events planned at all the schools and communities which includes a blood drive on May 21st at the station with giveaways. Ms. Franzoni went on to report that herself, and two others at the EMS station have achieved their masters level pediatric certification which means all of their staff is mandatory of certain pediatric requirements and trainings and mandated to have a certain amount of equipment which includes advanced life support and basic life support. She further stated that they are required to have a certain number of community events each year and they are also looking at advanced training for their providers which will happen in the fall but their plan is to advance all of their staff. Ms. Franzoni went on to state that in March they ran 61 calls in the Borough and in April to date they are already up to 67

calls with a total of 248 so far this year in the Borough. She reported that as a station they are at almost 1,100. President Lage expressed her appreciation for all the work that they do to better themselves.

Borough Manager Epley reported that Jeff Boyer has resigned his position with the Borough as of May 2, 2016; therefore we have started the advertising and hiring process to replace him.

Mr. Epley further reported that he has received the letter for the CDBG Grants for the fiscal year of 2016. He stated that we have received our standard grants which include \$10,000 for Code Enforcement, \$15,000 for the enhanced police patrols, \$15,000 for the ADA improvements for Earl and Neff which is the one that Council voted to move to Earl and Orange Street. Mr. Epley also stated that he had asked for funding toward the I & I Study and have received \$18,500 toward that effort. Kathy Coy asked how much they asked for? Manager Epley stated they asked for \$50,000. He also stated that the Pension Report and the first quarter Uninvest Reports are available for Council to review upon request. Manager Epley explained that they have started the process of getting reimbursement for the winter storm Jonas costs and he has attended his first meeting with PHEMA to start the process. Mr. Epley stated that the Borough is requesting a reimbursement of \$22,648.48, with 75% being reimbursable.

Manager Epley stated that Rowe Road is at a stand-still at this point as they are waiting for the grant agreement, and they are very close to getting their Highway Occupancy Permit. He reported that the senior center is moving forward with fixing up the front of their building which they are paying for with grant money they acquired and are also pursuing a grant to repave the entire parking lot which Kevin has offered to allow them to use some of our equipment and labor to help offset their costs for their match. Council President Lage asked if Council should have formal notification from them since they are doing it to Borough property? Solicitor Wisner stated yes. Manager Epley stated that they are just applying for the grant at this point but they are aware per their lease agreement that they must notify Council first. Mayor Hockersmith reported that Meals on Wheels has given them a grant to put an automatic door on the side of the building where you go up the ramp to get your meals to distribute.

PUBLIC COMMENT: There were no guests present for public comment.

CONSIDERATION TO APPROVE THE MINUTES FROM APRIL 5, 2016

Kathy Coy moved to approve the minutes of the April 5, 2016, meeting. Motion seconded by John Alosi. Motion carried 6-0.

CONSIDERATION TO APPROVE THE REQUEST OF THE SHIPPENSBURG RELAY FOR LIFE COMMITTEE TO PLACE PURPLE RIBBONS ON TREES IN DOWNTOWN SHIPPENSBURG BETWEEN PRINCE STREET AND MORRIS STREET

President Lage stated that the ribbons will be on the posts from Mid-May to June 13, 2016. Joe Hockersmith moved to grant the request. Motion seconded by Sandra Mailey. Motion carried 6-0.

Solicitor Wisner stated that he provided a copy of the Borough of Chambersburg's downtown ceremonial ribbon policy explaining that Chambersburg wrestled with numerous requests to place ribbons downtown and they thought it may be a good idea to have some restrictions because someone may come to the Borough at one point and ask to put up ribbons that contain words, symbols, or messages that people may not find consistent with the intentions of the Borough. Solicitor Wisner stated that his office drafted a policy that places general guidelines on the ribbons and thought it may be something that Council may want to look at for future consideration. Kathy Coy stated that the only issue she can potentially see is the insurance requirement because depending on whom it is or what the organization is they may or may not have the liability insurance. Solicitor Wisner stated that Chambersburg wrestled with that discussion as well and they ultimately were fine with it because the rationale was that even if it is a small organization they can generally partner with a larger organization that would sponsor their use and most non-profits have an insurance policy of at least some nominal amount. He stated that we have restrictions for the banners across the street and feels that it may be good to consider some restrictions for the ribbons as well. President Lage stated that she feels they should have staff review the policy and see if this is something they want to go forward with and if there are any alterations that they would recommend.

CONSIDERATION TO APPROVE THE DEVELOPERS CONSTRUCTION AGREEMENT BETWEEN MCDONALD'S USA, LLC AND THE BOROUGH OF SHIPPENSBURG

Manager Epley reported that this agreement was handled between the representatives of McDonalds and Salzmann Hughes which has went back in forth for several changes but should be in a state now for approval. Solicitor Wisner reported that his office was asked to prepare a developers agreement between McDonald's and the Borough which covers the basic things such as what improvements they are supposed to construct and what those requirements are in addition to addressing stormwater. Mr. Wisner explained that the developer is agreeing to be obligated to complete those improvements and to provide the Borough with financial security and in the event that they do not complete the improvements the Borough has the right to enter the site and complete the site on their behalf. He went on to explain that it the financial security amount is \$97,703.32, for the improvements and the agreement talks about any defaults and what the Borough's rights are in the event of a default, permit fees and costs that they will cover, and it talks about an escrow amount of \$5,000, that the Borough can use to draw against for any costs associated with this project.

Kathy Coy moved to approve the Developers Construction agreement between McDonald's and the Borough of Shippensburg. Motion seconded by Joe Hockersmith. Motion carried 6-0.

CONSIDERATION TO APPROVE THE STOMWATER PIPE REPLACEMENT AGREEMENT BETWEEN MCDONALD'S USA, LLC, AND THE BOROUGH OF SHIPPENSBURG

Solicitor Wisner stated that as part of the McDonald's plan they are required to cut into the PennDot right of way to make improvements to a stormwater pipe that is currently in King Street and PennDot has stated that the Borough has to be the applicant for the Highway Occupancy Permit but

McDonald's agrees to fully indemnify the Borough if they mess anything up and PennDot comes back on the Borough for anything which is what this agreement says and does. Kathy Coy asked if there is a date on that as to how long they have to do it? Solicitor Wiser stated that it is within the confines of the PennDot permit.

Joe Hockersmith moved to approve the Stormwater Pipe Replacement Agreement between the Borough and McDonald's. Motion seconded by Kathy Coy. Motion carried 6-0.

CONSIDERATION TO APPROVE THE OPERATIONS AND MAINTENANCE (O & M) AGREEMENT BETWEEN MCDONALD'S USA, LLC AND THE BOROUGH OF SHIPPENSBURG

Solicitor Wiser reported that the last document is an operation and maintenance agreement for the stormwater facilities because they are making improvements to some of the stormwater pipes and they also some on-site stormwater management facilities and there are certain maintenance things they are required to do to make sure that they continue to operate and convey stormwater properly. Mr. Wiser stated that this agreement says that they will do those items to maintain their stormwater system and if they do not the Borough has the right to go onto their property and maintain the system on their behalf and charge them the cost of any maintenance items. President Lage asked if we have a list of what the best management practices used are and what the maintenance schedule should be? Solicitor Wiser stated that he believes that is on the Land Development Plans.

Kathy Coy moved to approve the Operations and Maintenance Agreement between McDonald's and the Borough of Shippensburg. Motion seconded by Angie Facchinei. Motion carried 6-0.

CONSIDERATION TO APPROVE THE DEVELOPERS AGREEMENT BETWEEN SAMUEL F. CRESSLER (FINAL LAND DEVELOPMENT LAN FOR GANDY MANOR, PHASE 1) AND THE BOROUGH OF SHIPPENSBURG

The Solicitor reported that the first document is the developer's agreement between the Borough of Shippensburg and Samuel Cressler. He stated that Council has talked about this in the past and this is a project that has been around for some time. Mr. Wiser explained that there has been some discussion with the developer following the last re-application of the project as it has sat idle for a little while. He reported that the agreement has been modified somewhat and Council's main concern has been the completion of some of the street improvements and primarily Earl Street and the portions of Garfield and Apple that abut the various phases. Solicitor Wiser went on to report that this was a part of a larger preliminary land development plan that involved 5 phases and this agreement deals specifically with Phase I, but the developers agreement does address the developers requirements for all of the phases going forward. He explained that the most pertinent provisions of this addresses Phase I improvements which would include Earl Street and a small portion of Garfield Street, the developer would be required to complete those improvements no later than two years from the date of the execution of this agreement or prior to the last occupancy permit being issued for the project. Mr. Wiser stated that there is then the four subsequent phases following that and in general, the developer is required to complete the improvements that abut that phase prior to starting the next phase, so the

Phase II improvements have to be completed prior to starting Phase III, and so on, however in no event is the developer allowed to take longer than two years from the start of the phase to the completion of the improvements. Mr. Wisner stated that that schedule is acceptable to the Borough Engineer who reviewed this and is acceptable to the developer as well. He further stated that it does provide for financial security to be in place and we do have an executed, original letter of credit in the amount of financial security that has been approved by the engineer for Phase I for \$72,396.84 and the developer has also remitted a check for the amount of the escrow deposit for the various fees the Borough may incur in connection with this development. Solicitor Wisner stated that he feels everything is in order with the developer's agreement. Kathy Coy asked if on Page 10 where the notation was made if that has been corrected? Manager Epley stated yes, it is taken care of. Solicitor Wisner stated that they have received a clean agreement following the receipt of the one that they have in their packets.

Joe Hockersmith moved to approve the Developers Agreement between Samuel Cressler and the Borough of Shippensburg. Motion seconded by Kathy Coy. Motion carried 6-0.

CONSIDERATION TO REAPPROVE THE FINAL LAND DEVELOPMENT PLAN FOR GANDY MANOR, PHASE 1

President Lage stated that it is her understanding that now that we have a developer's agreement they have to clear things up on a preliminary plan as well as a final plan. Solicitor Wisner explained that when Council approved it a number of years ago it was a conditional approval it was conditioned on a number of things one being complying with all the engineer's comments which he believes the developer has done at this point. Sam stated that the second condition was providing the adequate financial security and we do now have a letter of credit and the third item was the developer's agreement that addressed the various improvements specifically including the street improvements to Earl, Garfield, and Apple which we also have now as well. Mr. Wisner went on to state that the Municipalities Planning Code requires that the document be recorded within 90 days of approval however, there is a gray area in the code and some of the recorders offices in the counties interpret things a little differently and say there is a date and stamped where it was signed years ago and they want a "re-approval" so it is within 90 days of the date of approval, which is why Council has to take action this evening on the preliminary plan that they had previously approved as well as the Phase 1 Final plan that they had previously approved, which would be subject to the same conditions which have already been fulfilled.

Joe Hockersmith moved to authorize the re-approval of the Gandy Manor Preliminary Land Development Plan and also re-approve the Final Land Development Plan for Gandy Manor, Phase I. Motion seconded by Kathy Coy. President Lage asked when we will have clean plans? Manager Epley stated that Mr. Diffenbaugh, engineer for Mr. Cressler, has brought clean plans with him this evening. Motion carried 6-0.

CONSIDERATION TO APPROVE THE RECOMMENDATION FROM HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) FOR THE FOLLOWING: REPLACE 5 WINDOWS WITH VINYL REPLACEMENT WINDOWS @ 316 EAST ORANGE STREET, APPLICATION OF TIMOTHY GRUVER

Kathy Coy moved to approve the permit application of Timothy Gruver for his property located at 316 East Orange Street to install five vinyl replacement windows. Motion seconded by Joe Hockersmith. Motion carried 6-0.

OTHER BUSINESS

Kathy Coy stated that she will not be able to make tomorrow evening's Fire Advisory Board meeting, but wanted to let Council know that they have several policies that they will be going over with one being social media and the body cameras. She explained that they want to re-assure the community that those pictures and films that are taken in a fire or situation are for fire department use only. Fire Chief Randy O'Donnell explained that the fire fighters have helmet cams which are to be used for internal training and not showing victims or being released to the public. He further reported that they have cameras on the apparatus so that they can see the incident as they arrive and their response but they have a very good social media policy so that the right information is being released by the right people.

Mayor Hockersmith reported that the Manager is interested in becoming active with the conference in Hershey for PSAB and when the Mayor was named as the voting representative we did not send the name of an alternate therefore if Council is interested to authorize his attendance we can send his name in as the alternate voting representative for the Borough of Shippensburg. Kathy Coy moved to appoint John Epley as the Borough of Shippensburg alternate voting member to the PSAB conference. Motion seconded by John Alosi. Motion carried 6-0.

Manager John Epley reported that he would like to remind Council of the joint sewer committee meeting on April 26, 2016, at 9:00 a.m., here at the Borough Office. Mr. Epley also stated that the Library Board appointment notice was advertised on the Borough's website and as of today we have received no interest. President Lage asked if we have received a letter of interest from Mr. Diehl? Mayor Hockersmith reported that the Library Board has appointed Josh Diehl to the Library Board itself so they will be recommending someone else for this position.

EXECUTIVE SESSION

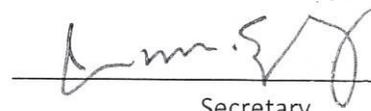
President Lage stated that they will be going to Executive Session to discuss enforcement matters and personnel. Council went into executive session at 7:51 p.m. Council returned from executive session at 8:47 p.m. President Lage stated that during executive session they discussed personnel matters and also enforcement matters with one action to be taken.

Joe Hockersmith moved to authorize the Civil Service Commission to put together a list of qualified candidates for the full time police department position that needs to be filled. Motion seconded by Kathy Coy. Motion carried 6-0.

Mayor Hockersmith reported that the Shippensburg Historical Society, in an effort to clean up their area around the building would like to get rid of the wooden fence between the society and the CV Hose Company building. He went on to state that he believes that the Borough has some surplus chain link fence. President Lage stated that, that fence went to the Park and Recreation Authority. Bruce stated that it was just to be a temporary thing until they could eventually put up the same fencing as on the other side to match the walkway.

ADJOURNMENT

There being no further business, Kathy Coy moved to adjourn the meeting. Motion seconded by Joe Hockersmith. Motion carried 6-0. Meeting adjourned at 8:50 p.m.


Secretary