

**STATEMENT TO MEMBERS OF COUNCIL AND THE CITIZENS
BOROUGH OF GREENCASTLE, FRANKLIN COUNTY, PENNSYLVANIA
MONDAY, JUNE 3, 2019**

On Thursday evening, May 30, 2019, members of Council voted by majority to approve AN ORDINANCE AMENDING CHAPTER 166, STORMWATER MANAGEMENT, BY ADDING A NEW SECTION, ARTICLE IX, STORMWATER UTILITY, TO THE CODE OF THE BOROUGH OF GREENCASTLE.

In accordance with the Commonwealth of Pennsylvania, Borough Code, § 3301.3 (a) Approval by mayor – (1) Every ordinance enacted by council shall be presented to the mayor for the mayor’s approval. Presentation to the mayor shall be deemed to mean delivery to the mayor by hand delivery, etc.

(2) (i) If the mayor approves the ordinance, the mayor shall sign it. (ii) If the mayor does not approve the ordinance, the mayor shall return it with objections, which shall be entered upon the minutes, to the council at its next scheduled meeting occurring at least ten days after the meeting at which the ordinance was enacted by council.

I do appreciate how Council has acted in good faith, research, and Committee deliberation and public meetings. I especially thank retired Engineer Steve Miller for your due diligence that has saved our citizens thousands of dollars in this endeavor. I appreciate looking at Gettysburg’s model and finding savings that actually lowered the budget as presented last Thursday evening. I am also so appreciative to our citizens who have been engaged at public meetings; expressing their opinions; expressing the impact. I thank the staff for the public outreach even though members of our community still are unaware of this UNFUNDED MANDATE.

The Ordinance was created in lieu of either forming a storm water authority or our current Greencastle Water and Sewer Authority from taking on this UNFUNDED MANDATE.

I, Ben Thomas, Jr., Mayor of the Borough of Greencastle cannot support this Ordinance without Council passing a Resolution that I will propose and otherwise will return it with objections in accordance with Pennsylvania Consolidated Statutes Title 8. My objections are as follows:

1. The Ordinance establishes a funding model for the “ongoing maintenance responsibility of the publicly owned municipal storm sewer system and to protect the health, safety and public welfare of the citizens and property owners of Greencastle.”
2. The Ordinance also establishes a funding system for capital improvements and to protect the health, safety and public welfare of the citizens and property owners of Greencastle.
3. How are we better protected by this Ordinance?
4. There is NO mention as to why the Ordinance is necessary. I understand this is not a legal requirement, however, we must place a statement on the record.
5. According to the Chesapeake Bay Foundation 2017 Report in the latest Pa. Dept. of Environmental Protection permit round (2015 thru 2018 letters and permit received by PA DEP) where over 330 Phase II municipal separate storm sewer systems were now a part of Pennsylvania’s portion of the Chesapeake watershed. Small MS4s (included Greencastle) and required reduction loads of nitrogen by three percent, phosphorus by five percent, and sediment by 10 percent over five years to meet the Bay’s Blueprint goals. These facts have been stated in many public meetings and written reports.

6. The Mayor is willing to sign the Ordinance if Council reviews and adopts the following Resolution that commits to our community, in writing, why this Storm Sewer Utility is being created and we will pro-actively seek grant funding relief. Otherwise, the Ordinance shall be vetoed:

RESOLUTION 2019-02
BOROUGH OF GREENCASTLE, FRANKLIN COUNTY, PENNSYLVANIA
(SEE ATTACHED)

***MAYOR'S STATEMENT REGARDING A MAJORITY OF COUNCIL'S APPROVAL OF
RESOLUTION 2019-01 ESTABLISHING A STORM WATER POLLUTANT IMPACT FEE:***

As publicly explained at the May 30, 2019 Special Meeting, the Mayor does not vote on Resolutions. The Mayor does, however, vote if there is a tie by Council. Had there been a tie, the Mayor would have voted no.

The fees cannot be a “means of revenue-producing” and must be “reasonable” according to our Solicitor’s memorandum dated June 8, 2018. I firmly believe the adopted fee is not reasonable as too many assumptions are built into a brand-new budget that has changed numerous times since its original adoption by Council in December, 2018. In three budget years we would have staff costs of nearly \$300,000? I again repeat today’s fee rate payers should not pay for tomorrow’s capital costs (capital emphasized). I disagree that Council should set rates higher now so you would not have to raise them again in the future. No one knows what the capital costs will truly be until you near the time to fully engineer and bid. Staffing needs years from now are also unknown. Municipal Intergovernmental partnerships are the key to financial savings success as is being done in Chambersburg and surrounding townships (plural). Capital expenses should then be amortized over the life of the project as has been done in the past and is the norm for capital sewer and water projects. This is now being discussed for the Orchard Circle Development storm water improvements. No one wants to borrow money, however, if you’re considering borrowing for one project, then consider a holistic general obligation approach to reduce the fees and amortize over the useful project life. Government loans are lower in interest rates and are tax free. I encourage you to look at all options including free consultations from PFM Financial Management as I’ve been involved with PFM on a variety of capital government projects. Sometimes the municipality moved forward with PFM; Sometimes they did not.

If you agree and research, I encourage Council to revisit the budget assumptions and fee structure to lower the rate. By Resolution, the fee may be adjusted any time.

The fees as adopted have the potential to inflate the cost of living in Greencastle across the board; be it your school and Borough real-estate taxes; buying groceries; commodities; truck roll-backs; church tithing needs; and general day to day items. Greencastle businesses compete every day with internet purchases and the big box stores such as Wal-mart, Lowes, Home Depot, and others.

The Mayor often authors reports to support and buy local (in Greencastle-Antrim). Our businesses must be financially competitive to do this. Our businesses don’t raise their prices to

pay for capital costs because they know they'll price themselves out of business. They amortize their capital expenses over the life of the product. We should do the same. Regarding business costs? Where do you buy your gas? If you go to Maryland, why is that?

Now...we must seek outside grant funding for this unfunded mandate. We've encouraged our citizens and business owners to write letters to Pa. and Federal officials. Put in your letters that we need funding to bring our fees into sustainable amounts. Do you remember approximately 15 years ago when the Borough sought and received a sizable grant thanks to the hard work of the Pa. State Representative Pat Fleagle? This allowed a capital storm sewer project to proceed down South Allison Street, across the Otterbein Church property, across South Washington Street, and proceed paralleling Danco Products down to Route 11 using the former railroad siding and the former railroad crossing on Route 11. This successful project all but eliminated the flooding at the bridge overpass on South Antrim Way (as long as PennDot keeps the storm grates free of debris at that location). This also was a successful partnership to thanks to the mentioned property owners and others who gave the rights of way for this project.

To Council President Miller. You have been heavily engaged in this effort along with your fellow Council persons and staff. Let us continue that engagement. I recommend you establish a STRATEGIC FUNDING TASK FORCE PARTNERSHIP (stakeholders) to include citizens and business owners and work as a community team in meeting with our elected State and Federal officials researching and, with approval of Council, applying for grants for this new MS4 utility to financially support this wonderful community.

Respectfully submitted:

Ben Thomas, Jr. Mayor

RESOLUTION 2019-02
BOROUGH OF GREENCASTLE, FRANKLIN COUNTY, PENNSYLVANIA

WHEREAS, in 2014 Pennsylvania enacted a Chesapeake Bay Watershed Agreement that outlined the requirements for municipalities within the Chesapeake Bay Water shed to reduce sediment loads from non-point storm water discharge; and

WHEREAS, the Borough of Greencastle received written notices in 2015, 2016, and 2017 naming Greencastle to submit information for a pollutant reduction plan as part of the Phase II Small municipal separate storm sewer system mandate to reduce sediment by 10 percent, nitrogen by three percent, and phosphorus by five percent; and

WHEREAS, the Pa. Dept. of Environmental Protection issued Greencastle an MS4 permit in May, 2018 with a five year window to complete the total sediment reduction which is mandated without providing necessary funding otherwise known as an unfunded mandate.

NOW, THEREFORE, BE IT RESOLVED, Ordinance 2019 - 04 was approved on May 30, 2019 creating a Storm Sewer Utility which allows setting a fee structure for implementation and operation of the Storm Sewer Utility without funding assistance at this time from either Federal or State governments. We urge our Commonwealth of Pennsylvania and Federal elected officials to seek grant funding to assist the citizens of Greencastle in achieving the MS4 and Chesapeake Bay goals of sediment, nitrogen, and phosphorus reduction and hereby create a STRATEGIC FUNDING (STAKEHOLDERS) TASK FORCE PARTNERSHIP to pro-actively research funding.

APPROVED this ____ day of June, 2019.

BOROUGH OF GREENCASTLE

(SEAL):

Eden Ratliff, Borough Secretary

Steven J. Miller, Council President

BOROUGH OF GREENCASTLE
THE MAYOR'S MAY, 2019 REPORT OF ACTIVITIES
June 3, 2019:

I was honored to represent the Borough of Greencastle at the following programs:

May 4: Penn State – Mont Alto Commencement.

May 11: Chambersburg Area Kennel Club Dog Show held locally at the American Legion Picnic Grounds.

May 15: Greencastle VFW sponsored a Dinner for GAHS Class of 2019 Seniors who have enlisted in the United States Armed Forces and their families. This was the first of what will be an annual event.

May 16: G-A Chamber Breakfast with guest speaker Gene Barr, Executive Director, Pa. Chamber of Business and Industry.

May 27: Attended the Memorial Day Parade and Ceremony at Cedar Hill Cemetery with guest speaker Lieut. Colonel Rachel Ott Chancey (USAF), a native of G-A.

May 29: Along with Police Chief Phillippy, met with 13th District Congressman John Joyce regarding illegal drug activity / consequences in the area. We also discussed MS4.

May 30: Was the guest speaker at the Chambersburg Kiwanis Club (Noon group) where my topic was "The Magic of Greencastle with Old Home Week."

June 1: Attended GAHS Class of 2019 Commencement Ceremony where the guest speaker was my friend Retired Admiral Michael Rogers whose last assignment was the head of the National Security Agency. Admiral Rogers Naval career spanned a period of 37 years. Congratulations to the 200 (now alumni) of GAHS Class of 2019 and my very best wishes to each and every one regarding your future education, military service, or joining the work-force!

Attended various Council and Committee meetings.

A reminder that June 6th (Thursday) is the 75th Anniversary of D-Day (June 6, 1944), the invasion and landing in Normandy by United States Armed Forces and allied troops.

QUESTIONS / COMMENTS:

Status of Emergency Management Agency Coordinator position?

Status of discussions with Antrim Township re: SR011 bridge / road closure at World Kitchens?

Reviewing signage enforcement with the Police Chief re: trucks on local roadways.

Reviewing 3D crosswalks (install one for review) subject to cost factor.

Single trash / recycling vendor contract for Borough residents.