

**BOROUGH OF GREENCASTLE
COUNCIL SPECIAL MEETING
MINUTES
May 30, 2019
842 S. Washington Street**

MEMBERS PRESENT: Mayor Ben Thomas Jr., Council President Steven Miller, Councilmembers: H. Duane Kinzer, Frank Webster Jr., Larry Faight, Joel Amsley, and Wade Burkholder. Matt Smith was absent. Also present were Borough Manager Eden Ratliff and Assistant Borough Manager Lorraine Hohl.

President Miller called the meeting to order at 7:00p.m.

Councilmember Webster gave the invocation.

President Miller led the Council, staff and audience in reciting the pledge of allegiance.

President Miller noted that the meeting was being recorded by staff for the purposes of recording the meeting.

On a Webster/Faight motion the Council voted unanimously to approve the proposed agenda for May 30, 2019 Special Council Meeting.

On a Webster/Faight motion the Council voted 5-1 to allow public comment to be 3 minutes in length for each commenter. Kinzer opposed.

Presentation:

Ratliff provided a thorough presentation on the Stormwater Utility and Stormwater Pollutant Impact Fee that is attached to the minutes. Ratliff also referenced public documents disbursed at the meeting.

Public Hearing:

Proposed Ordinance Establishing a Stormwater Utility

President Miller invited Borough citizens to address Council specific issues concerning the Stormwater Utility and Stormwater Pollutant Impact Fee reminding the public of the public comment policy.

Tim Martin of 49 W. Dahlgren Street discussed history, people moving out of town, and announced his write in campaign for Council.

Chris Reibsome of 304 E. Grant Street asked about citizen involvement with developing the credit program.

Mayor Thomas gave a thorough history on the Municipal Separate Storm Sewer System (MS4) program.

Kinzer asked about sending letters to legislatures.

Paul Clopper of 784 S. Allison Street representing 150 N. Antrim Way expressed frustration about the fee and recalled the difficulty of repairing a stream behind his home when it came to state and federal permitting. Clopper noted that other communities do not have a similar fee. Clopper stormed out of the meeting.

Charlie Eckstine of 64 Williamson Avenue asked is the Borough would get credit for street sweeping. He also noted concerns about paying for the full year fee in 6 months. He also compared the Borough to the state of Maryland and asked about staff costs to administer the program.

Pastor David Rally of Otterbein Church asked about raid barrels as a way to reduce sediment and costs.

Louise Kemper of 29 N. Jefferson Street asked about credits on the bill and requesting a property to be remapped.

Brian Harbaugh of Precision Manufacturing located at 3155 Buchanan Trail West noted that the program was being implemented by higher levels of government. He encouraged everyone to reach out to state and federally elected officials and "raise hell."

Dan Reynolds of Danco Inc. located at 411 S. Cedar Lane noted that contributions to sediment is also a farming issue and raised concerns about no till farming. He noted the creek rises when it rains which was not the case many years ago.

Stephanie Harbaugh of Precision Manufacturing located at 3155 Buchanan Trail West noted that the fees were hard to take for small businesses and encouraged the Borough to get ahead of it.

Mike Stinger of Lumber Direct located at 10 E. Walter Avenue said the fees are going to hurt and did not understand them compared to other municipalities. He requested the fees be divided more equally amongst all businesses.

Tim Fetterhoff of 180 Baumgardner Drive asked for more information about the credit budget.

Kendra Phiel of 30 Baumgardner Drive raised concerns about the Stormwater Utility funding projects not related to MS4. She asked the Borough to live within its means. She also asked the ordinance not be passed until the federal government responds.

Gerry Pool of 145 Oak Lane stated that he believed credits will not be available to homeowners and that the program does not help downstream.

President Miller responded that his assessment was incorrect.

Richard Wright of 325 E. Madison Street asked for the mapping data for all properties.

Councilmember Duane Kinzer stood at the podium and announced that he moved from Baltimore Street to Celestial Terrace where the taxes are higher. Kinzer thanked the audience for their participation and said the program was unfair and that Maryland was not doing their part. He further said Pennsylvania should not take threats from Maryland.

On a Webster/Faigh motion the Council voted unanimously to grant each citizen an additional 3 minutes to make a public comment.

Charles Eckstine of 64 Williamson Avenue asked for clarification on rain barrels.

Bill & Susan Little expressed that cisterns should give credit when it comes to calculating stormwater runoff.

Richard Wright of 325 E. Madison Street asked for liberal rain management and said the Borough needs to be aggressive and proactive.

Louise Kemper of 29 N. Jefferson Street asked about the aerial photographs and about permitting for rain barrels,

Paul Miller of 335 E. Madison Street discussed the impacts of metal roofs.

Pastor David Rally of Otterbein Church asked if gravel is impervious.

Tom Lundquist of 493 S. Carlisle Street asked if the rain barrels will need to be inspected.

Councilmember Duane Kinzer stood at the podium and announced that the drainage on Baltimore Street is terrible.

Harry Duffy of 54 Homestead Drive asked about retention basins and driveway runoff.

President Miller wrapped up public comment by stating that the mapping and billing process ensures everyone pays their fair share.

At 8:55p.m. President Miller adjourned the Council to recess to return momentarily.

At 9:03p.m. President Miller reconvened the meeting gave Council and Mayor an opportunity to engage the topic of the Stormwater Utility and Stormwater Pollutant Impact Fee.

Mayor Thomas expressed deep concern about the Stormwater Utility and Stormwater Pollutant Impact Fees. He recommended a 'whereas' statement be added to Ordinance 2019-04:

WHEREAS: the Borough Council of the Borough of Greencastle that 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 to pro-actively research funding.

Faigt motioned to approve the amendment. The motion failed due to a lack of a second.

Burkholder thanked the staff and team of professionals who put together the product being considered. He noted that he did not feel like he knew enough having only been appointed to Council February and would not support the ordinance or fee. He announced his no vote was not a snub.

Amsley asked if there was an analysis on only collecting half of the annual fee in 2019 and the impact on the future years.

Ratliff reviewed the analysis and that it would significantly increase fees in 2020 and 2021.

Webster stated it was important Council not kick the can down the road.

Kinzer stated he hoped for attention from the federal government.

Ratliff stated that the program being rolled out was based on the guidelines in statutory and case law.

Miller noted that the community either pay now or pay later.

Faigt said the whole thing sucks.

REGULAR AGENDA

1. Administration & Finance:

On a Webster/Amsley motion the Council voted 4-2 on a roll call vote to adopt Ordinance 2019-04 establishing a Stormwater Utility.

Burkholder: No
Webster: Yes
Amsley : Yes
Kinzer: No

Faight: Yes
Miller: Yes

Burkholder stated a federal mandate should come with funding.

Kinzer raised concerns about being fined.

Mayor Thomas stated he had a difference of opinion. He does not believe the taxpayers of today should pay for services of future taxpayers. He encouraged the Council to consider a different model including debt service and assigning a staff member to seek grant funding. He desires to keep fees reasonable and also emphasized public private partnerships.

Mayor Thomas noted that the resolution incorrectly stated that it would be adopted by the Council and Mayor when the PA Borough Code notes resolutions do not require Mayor action.

On a Webster/Faight motion the Council voted unanimously to amend the resolution removing "and Mayor" from the proposed resolution.

Miller noted that though the projects the utility are capital expenditures they are actually operational requirements of the program and debt service would be inappropriate as it would be needed every 5 years. He explained that the budget and revenue plan were thoroughly scrubbed by the Administration and Finance Committee.

On a Webster/Amsley motion the Council voted 4-2 to adopt Resolution 2019-01 establishing a Stormwater Pollutant Impact Fee in the amount of \$5.36 per 100 square feet of impervious area on 83% of the total impervious area on all developed parcels in the Borough of Greencastle condition upon the successful adoption of proposed Ordinance 2019-04. Burkholder and Kinzer opposed.

2. Personnel:

3. Public Safety:

4. Public Facilities:

Amsley noted there would be a Public Facilities Committee in a few weeks to discuss the credit program.

5. Community Development:

6. Correspondence:

On a Webster/Burkholder motion the Council voted unanimously to adjourn at 9:44p.m.

Respectfully submitted,
Eden R. Ratliff,
Borough Manager