

**BOROUGH OF GREENCASTLE
COUNCIL MEETING MINUTES
July 6, 2020
60 N. Washington Street**

MEMBERS PRESENT: Mayor Ben Thomas Jr., Council President Steven Miller, Councilmembers: Joel Amsley, H. Duane Kinzer, Matthew Smith, Jeremy Layman, and Wade Burkholder. Council Vice President Larry Faight participated via phone. Also present was Borough Manager Lorraine Hohl, Finance/HR Manager Emilee Little, and Chief of Police John Phillippy.

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

An invocation was given by President Miller followed by a moment of silence.

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

President Miller noted the meeting was being recorded and that Council held an executive session prior to this meeting.

On an Amsley/Smith motion the Council voted unanimously to approve the proposed agenda for the July 6, 2020 regular Council meeting.

Opportunity to be Heard

President Miller invited Borough citizens to address Council with specific issues of concern, reminding them of the public comment policy.

Bud O'Mara of 185 Orchard Circle represented the Besore Library and thanked the Borough for past support. O'Mara clarified that the library approved plans in August of 2017 for bio retention, but the proposed raingarden is beyond the scope of the approved plan. O'Mara stated that the library does not support the raingarden project.

Eddie Baxter of 117 Carowinds Drive questioned sidewalks planned on Williamson Avenue. Baxter expressed that the Borough's Right to Know Request Form should provide the requester with the option to receive a copy of the desired information and stipulate the copy fee of 25 cents per page. Baxter also thanked the Chief Phillippy and the Borough police officers for their service.

Stephanie Harbaugh of JCH Associates thanked Council and Borough Manager Hohl for their hard work in obtaining the MS4 waiver. Harbaugh expressed that a one-time rebate check is the most feasible and practical method of refunding the Stormwater funds. Harbaugh questioned the status of the Rescue Hose funding request.

John Henson of 680 Osbourne Avenue stated the meeting should be adjourned due to lack of social distancing. Henson questioned the functionality of alternative meeting formats including Cisco Webex. Henson stated that the Borough should combine with Antrim Township and that Police should be defunded.

Albert Miller of 171 Apple Drive presented several questions pertaining to the Stormwater Fund including what is the goal to reduce stormwater and how, what is the goal to reduce sediment and how, and how much sediment reduction has been measured. Miller stated that the Stormwater Fund should not have an annual budget of \$215,000 if no reduction efforts are being made or quantified.

CONSENT AGENDA

Minutes of Previous Meeting:

Borough Council Meeting June 1, 2020.

Resignation:

Accept the resignation of Stephen Bryan from the Shade Tree Commission effective June 5, 2020.

Correspondence:

Approve ELM request for no parking for metered spaces 132-139, closing the NE corner of Center Square from July 10 to July 11.

On an Amsley/Burkholder motion the Council voted unanimously to approve the consent agenda.

REGULAR AGENDA

Payment of bills

On a Smith/Layman motion the Council voted 5-2, Kinzer and Layman opposed, to approve disbursements listed on the June 2020 Disbursement Report in the amount of \$92,354.39.

Layman questioned the expense for curb spraying, Hohl explained this is an annual contracted service that due to licensing the Borough cannot provide.

Previous Meeting Minutes

On a Burkholder/Amsley motion the Council voted 6-1, Kinzer opposed, to approve the minutes from the Borough Council Special Meeting on June 23, 2020 and Borough Council Special Meeting on June 30, 2020.

Kinzer stated he would like the June 23, 2020 meeting minutes to include the addition of the question, "do you want to read it or do you want me to read it," asked by Council President Miller pertaining to Mr. Kinzer's email. Kinzer also requested that applause be noted in the June 23, 2020 meeting minutes. Kinzer stated that after he read his email, it was no longer in violation of the Sunshine Law.

Miller informed Kinzer that the violation of the Sunshine Law took place when the email was sent. Miller asked Council if they felt the minutes accurately reflected what transpired in the June 23, 2020 meeting.

Burkholder stated the minutes were very clear.

Reports from Elected Officials**President's Report**

President Miller stated the purpose of the executive session held prior to the regular meeting, was to discuss the pension plan. Miller explained that there would be a statement prepared for the public with further details.

Mayor's Report

Mayor Thomas emphasized the importance of Stormwater related public education and suggested initiating a community program to further inform citizens. Thomas thanked the Chamber of Commerce and Borough Public Works staff for their involvement with the Hometown Hero banners.

Chief's Report

Chief Phillippy outlined calls for service and summarized cases of note. Phillippy thanked the Greencastle community for their continued support during this time.

Manager's Report

Borough Manager Hohl summarized the proceedings from the Stormwater workshops and current Public Facilities topics including the Burning Ban and a single trash hauler. Hohl also discussed legal action involving Conrad owned properties at 0 Spruce Lane and 0, 37, and 45 W. Franklin Street. The Borough did not pursue code

violations and legal actions related to the garage property on Jefferson Street due to a defensible non-conforming use argument.

Miller stated progress is being made with the 4 properties that were in violation and there is a clear timeline for abatement of all related violations.

Kinzer asked if the previous Council made an error in not pursuing the garage property and questioned the expense associated with enforcing these violations.

Hohl stated that full Council decided not to pursue legal action with the garage location due to the non-conforming use and legal fees amount to \$30,000.

Smith stated Council decided to only pursue the 4 properties in order to achieve a more guaranteed favorable outcome.

Faigt confirmed the business was grandfathered in. Faigt stated that instead of spending resident's money on something the Borough may not win, the other indisputable violations were pursued.

Committee Action

Personnel:

On a Smith/Amsley motion, the Council voted 5-2, Kinzer and Layman opposed, to adopt Resolution 2020-06 establishing guidelines for interaction between Elected Officials, Appointed Commission, Board, or Authority Members and Borough Management and Staff.

Kinzer questioned what generated the need for this resolution, if a solicitor prepared it, and who requested this action.

Smith stated this resolution is to ensure that employee time and wage cost is not being used to handle questions that are not pertinent or have formerly been addressed.

Miller stated this topic was originally discussed in the Personnel committee. The solicitor was involved and drafted the resolution. Miller stated this resolution is similar to what other municipalities have in place and this will help to clearly establish appropriate lines of communication and the chain of command within the Borough.

Public Safety:

No new business.

Community Development:

Kinzer stated there has not been a recent meeting, but the committee is working on Greencastle Downtown Inc and developing the property on Baltimore Street across from the Post Office. Kinzer suggested a grant writer be contracted by the Borough.

Administration & Finance:

On a Burkholder/Amsley motion, the Council voted unanimously for Ordinance 2019-04 to remain in effect.

Hohl stated Ordinance 2019-04 created the Stormwater utility and allows the Borough to bill.

Layman asked if the shut off of water was included in Ordinance 2019-04.

Miller stated that shut offs are not outlined in Ordinance 2019-04 and shuts off are not on the agenda.

On a Burkholder/Smith motion, the Council voted unanimously that a total of \$417,908 of the Stormwater Fund shall be rebated back to utility payers, contingent upon the Lilian Besore Library's finalized support to conduct the rain garden facility with a deadline not to exceed July 31, 2020, using the following guidance:

1. Rebate amounts shall be calculated using the SPIF calculator tool, as to be based upon previously paid impervious area on record.
2. Rebate shall be issued in the form of a one-time check, mailed by USPS. No pay-forward credits shall be issued nor shall funds be transferred to a separate utility fund.
3. All rebates will be processed by September 30, 2020 with priority of issue to be by monetary value from highest to lowest previously paid.
4. Any unclaimed rebates will be retained in a separate account awaiting rebate and/or disposition in accordance with governing Pennsylvania statutes.

Hohl outlined how the refund amount of \$417,908 was calculated. Hohl stated communication from the library expressed support including a recent Memo of Understanding for a joint raingarden project. With eliminating the raingarden expense of \$60,000, Hohl confirmed the refund amount will be \$417,908 unless the library board confirms by July 31, 2020 that they do want to move forward with this joint venture.

On an Amsley/Kinzer secondary motion, Council unanimously voted to allow for public comment.

Bud O'Mara representing the Besore Library Board, stated that this raingarden design was not coordinated with any member of the Board and that the Board never had a meeting on this topic. O'Mara stated that the Borough has an obligation, outlined in a Memo of Understanding from 2017 signed by Eden Ratliff, to fund a bio retention plan for stormwater management at the library in return for an easement on the property.

Miller stated the Borough is trying to refund as much money as possible in a timely manner, because this is not definite the Borough will proceed with the refund amount of \$417,908 and revisit this project at a future date.

Kinzer stated the easement was originally acquired for a pipe to run on library property, but Public Facilities had decided to route the piping a different direction; therefore, the Borough has no need for the easement.

Mayor Thomas stated that the library has an approved land development plan with a bio retention basin and questioned if the proposed raingarden was being confused with the approved bio retention basin.

Hohl replied that the bio retention basin was adapted to look more natural in the form of a raingarden.

On an Amsley/Burkholder motion, the Council voted unanimously to task the Public Facilities Committee to consider viability of the Eastern Area Stormwater Project and the Besore Library Project.

On an Amsley/Smith motion, the Council voted unanimously for Borough staff to develop recommendations to obtain a new Stormwater utility engineer.

On a Kinzer/Burkholder motion, the Council voted unanimously to demonstrate capability to support continued and future efforts to obtain MS4 waivers and if possible, relief from all MS4 requirements indefinitely.

On a Smith/Burkholder motion, the Council voted unanimously to approve Resolution 2020-07, amending the Stormwater Pollutant Impact Fee rate to \$1.83 per 100 square feet of impervious.

On a Burkholder/Smith motion, the Council voted unanimously to authorize the billing of the Stormwater Pollutant Impact Fee to commence with quarter four 2020 utility billing.

On a Kinzer/Amsley motion, the Council voted unanimously to approve Resolution 2020-08 for the sale of the 2003 Ford Super Duty F350 Pickup Truck.

Public Facilities:

On an Amsley/Kinzer motion, the Council voted unanimously to authorize the installation of two street lights on Ronald Drive as recommended by the Public Facilities and Administration and Finance Committees.

Hohl stated the street light installation is in response to a citizen request to mitigate low visibility and the lights will increase the Borough electric bill by \$15 to \$20 per month.

Final Comments

Layman: Stated it was very difficult to understand and participate in the June 23rd Stormwater Workshop through the Cisco Webex system and requested a different option for remote communication going forward.

Layman also stated that he hopes the Stormwater fee is reduced in the future when there are more actual numbers to evaluate.

Burkholder: Stated he attended every Council meeting in 2015 when he was on Council and he never heard the term MS4 even though there is communication stating that the Borough was notified in August 2015 about MS4. Burkholder questioned why the Borough Manager and/or Council President at the time didn't share this information with all Council.

Smith: No further comment.

Amsley: No further comment.

Kinzer: Stated the original letter regarding the Borough's MS4 requirements was lost. Kinzer thanked the Police department. Kinzer stated that he is on record as, "not wanting to do the raingarden."

Mayor: Stated he has been very clear about his disagreement with Council but he thanked Council for bringing this refund process to a conclusion in one month. Thomas thanked all the men and women serving around the world.

Faight: Reiterated Burkholder's comments about being on Council in 2015 and not hearing about MS4 at that time. Faight stated that former Council President and management were aware of MS4 and took no action. Faight expressed the MS4 divided our Borough, but tonight we are united.

Miller: Thanked Councilmembers Smith and Faight for handling his duties while he will be out of town. Miller thanked the community for their comments, stating, "This is our town."

On an Amsley/Burkholder motion, the Council unanimously voted to adjourn the meeting at 8:47 p.m.

Respectfully submitted,
Lorraine K. Hohl
Borough Manager