

BOROUGH OF GREENCASTLE COUNCIL MEETING MINUTES

January 4, 2021

7:00 P.M.

60 N. Washington Street

MEMBERS PRESENT: Council President Steven Miller, Councilmembers: Larry Faight, H. Duane Kinzer, Matthew Smith, Jeremy Layman. Also present was Assistant Borough Manager Emilee Little and Salzmann Hughes representative Tyler Beaston. Councilmen Joel Amsley, Wade Burkholder and Chief of Police John Phillippy participated via virtual access. Mayor Ben Thomas Jr. was absent.

President Miller called the meeting to order at 7:01 p.m.

An invocation was given by Duane Kinzer.

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

President Miller noted the meeting was being recorded.

On a Faight/Smith motion the Council voted unanimously to approve the proposed agenda for the January 4, 2021 regular Council meeting.

Correspondence

LED light concern – via email – Roger Johnston

As presented in his correspondence, Johnston discussed the Borough's LED light installation project stating the LED lights create a glare and harsh color throughout the town. Johnston stated the glare causes safety concerns due to impaired visibility for pedestrians and drivers. Johnston stated that other communities have solved this problem and requested that installation be stopped until corrective action is taken.

President Miller stated that this LED installation project needs to be halted until West Penn Power can provide the Borough with modifications and/or remedial options.

Sunshine Act & Ethics Act Complaint – via letter – Albert Miller

President Miller discussed a letter submitted by Albert Miller on December 15, 2020. In his letter, Albert Miller cited a possible Sunshine Act violation relating to the virtual platform for the December 7, 2020 Council meeting. Albert Miller also claimed potential ethics violations regarding President Miller and Councilman Faight's personal relationships within the Police department. President Miller stated that Albert Miller's letter was forwarded to the solicitor for review and comment.

President Miller addressed the concerns raised, stating he and Vice President Faight are performing their duties within the Borough Code and State Ethics Standards. Miller stated that Council's December meeting virtual format was within the acceptable state guidelines and allowed residents access to view and participate in the meeting.

Salzmann & Hughes representative Tyler Beaston stated that the Ethic Act defines a conflict of interest as "private pecuniary benefit of himself or a member of his immediate family." Beaston stated that no benefit has been conveyed to an individual but rather to a larger class of people. Beaston discussed Act 15 of 2020, which permits governing bodies to conduct meetings via an authorized telecommunication device requiring a minimum of audio communication and advanced notice of the virtual format. Beaston affirmed the Borough of Greencastle, having followed the procedures of each act, fully complied with both the Sunshine Act and Act 15.

Opportunity to be Heard

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

Albert Miller of 171 Apple Drive discussed the violations he proposed in his letter dated December 15, 2020. Miller stated that the Borough has met minimum ethics standards, not that these practices are right. Miller referenced a group including himself, referred to as "The Five," stating that this group was responsible for Council's decision to not increase taxes and the reduction of the stormwater rate. Miller stated Council is complacent to the violations he acknowledged.

Eddie Baxter of 117 Carowinds Drive questioned if the change in Borough engineer was advertised. Baxter questioned the additional capital police expenses added to the 2021 Budget during the December Council meeting and requested to know who voted in favor of the digital speed sign. Baxter stated to Council that the appearance of honesty is as important as fulfilling their legal obligations.

On a Kinzer/Smith motion, the Council voted unanimously to approve a 2 minute extension for Mr. Baxter. Baxter added that the road along Rt. 11 near Fisher Auto Parts is eroding and could be a severe safety issue. Baxter requested PennDOT be contacted to fix this issue.

Mike Kuhaneck of 85 Homestead Drive stated that residents in Chadwick Estates have received letters from attorney Sharpe & Sharpe representing Greenworth Land stating the plan to extend Vivian Avenue to connect with Homestead Drive. Kuhaneck stated his concerns for the construction of this road including blind spots near driveways, drainage, curbing/sidewalks, and pedestrian safety. Kuhaneck thanked Little for her assistance in this matter and stated he would be notifying other homeowners in the Chadwick development.

Bob Luger of 78 Homestead Drive stated that Chadwick Estates developer and previous Mayor Bob Eberly assured residents of Chadwick that he owns and pays taxes on the property where Vivian Avenue is proposed to be installed and the road would never be installed.

Responses to Public Comments

Faight stated that the digital speed sign was paid for out of the Police department's 2020 budget and not added to the 2021 budget.

Little stated that the vote for the speed sign was a 4-3 vote with Kinzer, Layman, and Amsley opposed.

Miller directed staff to contact PennDOT about the safety issue discussed by Mr. Baxter along Rt. 16.

Miller stated that developers are responsible for all cost associated with road installation and that plans would have to be submitted to the Borough. Miller requested staff contact Antrim Township and Greenworth Land to ensure no construction occurs prior to full plans being approved.

Little explained that Vivian Avenue is a proposed road on Chadwick Estates originally approved land development plans but was never installed. Little stated that if installed the Borough would require the road to be engineered and the developer would need to follow all Borough specifications.

CONSENT AGENDA

Minutes of Previous Meeting:

Borough Council Meeting of December 7, 2020.

Employee Award:

Award each full time employee one additional personal day and each part time employee half a personal day as appreciation for receiving the 2019 No Lost Time Award.

On a Smith/Kinzer motion the Council voted unanimously to approve the consent agenda.

REGULAR AGENDA

Payment of Bills

On a Smith/Faight motion the Council voted unanimously to approve disbursements listed on the December 2020 Disbursement Report in the amount of \$199,668.98.

Kinzer questioned check number 3956 payable to Fredrick, Seibert & Associates, regarding the N. Carlisle Street engineering costs associated with inadequate submitted plans.

Layman stated these services provided are paid by tax payers.

Miller stated that the Borough has a time and material type agreement with FSA not based on deliverables and that we can use what was provided for the new Borough engineer if that is the direction Council votes.

Kinzer stated he would like to see an itemized bill for services performed by consultant Lorraine Hohl.

Little stated this breakdown is not required per Hohl's signed employee contract but that timesheets are submitted bi-weekly.

Layman questioned if Admin & Finance could review this expense.

Miller stated that Personnel will review deliverables.

Reports from Elected Officials

President's Report

President Miller stated, "it is good to be back," and commented on the serious impacts of COVID. Miller thanked staff for their efforts to ensure all business was completed in his absence.

Mayor's Report

As Mayor Thomas was not in attendance, President Miller read the Mayor's submitted report. Mayor Thomas requested Council reconsider requiring staff to pay for dental insurance as was approved in the 2021 Budget. Thomas advocated for employees, stating that this action generates an annual General Fund savings of \$6,586.37 but will cost employees with families almost \$900 annually. Thomas cited the 2020 year end surplus of over \$250,000 and the multiple fund allocation of dental cost as additional reasons for Council to modify the 2021 General Fund budget.

On a Kinzer/Faight motion, the Council voted 0-7 to refer the 2021 dental cost recommendation back to the Admin & Finance committee.

Layman stated the decision to have employees pay for their dental costs has already been vetted by Admin & Finance at the 2021 budget meetings.

Faight stated that at some point staff has to be responsible for some of their healthcare costs.

Burkholder said that funds budgeted and not currently expensed for a Borough Manager would cover the employee dental cost.

Amsley stated this action should not go back to committee as it has already been discussed and acted upon. Amsley agreed that funds not being spent on a Borough Manager could be used to pay for dental insurance for current employees.

On an Amsley/Burkholder motion, the Council voted 2-5, with Layman, Smith, Faight, Kinzer, and Miller opposed, to reinstate 2021 dental coverage to be paid by the Borough of Greencastle.

Chief's Report

Chief Phillippy outlined calls for service, miles traveled, and overtime hours. Phillippy stated that staffing in 2020 was a challenge due to injuries and COVID but should be improved in 2021. Phillippy highlighted notable activities and recent cases.

Manager's Report

Assistant Borough Manager Little provided a COVID-19 update relative to staffing and safety protocols. Little discussed the completion of the ADA ramp project and the progression of the LED light conversion emphasizing possible shielding options. Little stated based on Resolution 2020-10, Stormwater fees were charged on Q4/2020 utility bills. Little presented to Council awards received from PSAB and thanked Donna Zimmerman for her outstanding work, congratulating her for this recognition of exceptional efforts contributed to the Borough.

Committee Action

Administration & Finance:

On a Smith/Layman motion, the Council voted unanimously to adopt Ordinance 2020-04 increasing sewer rates to \$8.86 per 1,000 gallons.

Personnel:

On a Smith/Faight motion, the Council voted unanimously to adopt Ordinance 2020-05 adopting amendment No. 3 to the Borough of Greencastle Non-Uniform Pension Plan, requiring permanent full-time basis designation.

On a Faight/Kinzer motion, the Council voted unanimously to approve the following board/commission reappointments with terms effective immediately and expiring as indicated below:

Name	Board/Commission	Term	Term Expires
J. Edgar Wine	Planning Commission	4 years	December 31, 2024
Jeremy Layman	Shade Tree Commission	5 years	December 31, 2025
Joel Amsley	Water & Sewer Authorities	5 years	December 31, 2025

Public Safety:

No new business.

Public Facilities:

On an Amsley/Faight motion, the Council voted unanimously to appoint ARRO Consulting as the Borough of Greencastle's engineer of record for a 1 year period pending solicitor review/approval and Council President's signature.

Little provided an overview of ARRO Consulting's history with the GAF CWA specifically stating ARRO's excellent work on the N. Carlisle Street Water Main Replacement project. Little stated that ARRO is already involved with and fully aware of the N. Carlisle Street project and is understanding of the Borough of Greencastle's scope of services required. Little explained that because engineering is a professional service, this proposed change in engineering firms is not required to be advertised nor do additional RFP's have to be requested.

Kinzer stated that because the engineering cost will be over \$10,000 this service should be put out to bid.

Faight discussed issues with Fredrick, Seibert & Associates.

Little provided details about recent plans that were submitted by FSA that were not usable due to water lines being shown incorrectly for the N. Carlisle Street project.

Salzmann Hughes representative Tyler Beaston reiterated that professional services do not have to be bid.

Miller stated FSA must provide all records, historical and current, to ARRO Consulting.

Community Development:

On a Faight/Kinzer motion, the Council voted unanimously to approve a subdivision-land development plan to reallocate Parcel 82 to Parcel 80 located on North Linden Avenue owned by Barry and Lori Penrod as recommended by the Planning Commission.

Little stated that this land development plan to consolidate two adjacent lots meets all lot area and setback zoning requirements and has been reviewed by the Planning Commission and approved by Fredrick, Seibert & Associates.

Final Comments

Layman: Thanked public for their attendance in person and virtually, wishing everyone a healthy 2021.

Burkholder: Requested that air purification be installed or the public should be limited to only virtual meeting participation. Miller directed Assistant Manager Little to gather pricing for air purification systems.

Smith: No further comment.

Amsley: "Happy New Year everyone."

Kinzer: Thanked the public and the solicitor for attending the meeting. Kinzer discussed possible development at the previous Sheetz property.

Faight: No further comment.

Miller: Stated that it is Council's desire is to be transparent and as open as possible. Miller thanked the solicitor for attending the meeting.

On a Kinzer/Layman motion, the Council unanimously voted to adjourn the meeting at 9:01 pm.

Respectfully submitted,
Emilee Little
Assistant Borough Manager