

**BOROUGH OF GREENCASTLE
COUNCIL MEETING MINUTES**

June 7, 2021

7:00 P.M.

60 N. Washington Street

MEMBERS PRESENT: Mayor Ben Thomas, Jr., Council President Steve Miller, Council Vice President Larry Faight, Councilmen Joel Amsley, Wade Burkholder, H. Duane Kinzer, and Jeremy Layman. Also present was Borough Manager Emilee Little, Chief of Police John Phillippy, Public Works Manager Bob Manahan, and Nate Merkel of ARRO Consulting. Councilman Matthew Smith was absent.

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

An invocation was given by Pastor Barbara Barry of Trinity Lutheran Church.

President Miller led Council, Staff and audience members in the Pledge of Allegiance.

President Miller stated that the meeting was being recorded.

President Miller explained to those in attendance that prior to the meeting an Executive Session was held to discuss a personnel matter. He also thanked Vice President Faight and Council for their work on the previous meeting in his absence.

On an Amsley/Layman motion, Council voted unanimously to approve the proposed agenda for the June 7, 2021 regular Council Meeting.

Opportunity to be Heard

President Miller invited Borough citizens with specific issues or concerns to address Council following public comment policy guidelines.

Beth Hagar, 201 N. Allison Street, spoke about traffic on N. Allison and Grant streets and requested the Borough use traffic calming measures and photo ticketing to slow vehicles and eliminate or reduce the number of water trucks in that area.

President Miller noted that radar ticketing is illegal in Pennsylvania and asked if the Police Department would place the speed monitoring sign on Allison Street, Chief Phillippy stated this would be done. President Miller directed the Public Safety Committee to review the data collected and then provide Public Facilities with any initiatives to implement.

Mayor Thomas thanked Hagar for her comments and noted that N. Allison Street is a state highway which limits Borough authority to regulate issues. He also suggested patrol saturation on Allison and Grant and that the Water Plant could direct trucks to specific streets.

Karin Johnson, 38 N. Linden Street, commented on increased traffic on Linden as a result of road work and asked for some relief from the traffic and water trucks, including a speed table on the corner of Madison and Linden. She also asked that open burning not be banned without a yard waste collection program and stated she supports increased communication with the Shade Tree Commission.

Amsley commented that the last discussion by Public Facilities regarding open burning was that they would not ban the burning of limbs and yard waste until they had an alternate program in place, as part of a single-hauler contract.

President Miller thanked Johnson for her comments and asked that the traffic concerns be added to the Allison/Grant Street monitoring plan and that the Shade Tree concerns would be reviewed by Chairman

Layman for follow-up as appropriate.

Ashley McCauley, 159 N. Carlisle Street, questioned why curbs and sidewalks needed replaced and what the cost would be, questioning why the code changed. She also asked for an update on the repairs to her landscaping.

Little responded that the contractor will be replacing the tree that was lost and working on repairing her landscaping. Merkel added that he would follow-up with DOLI to see what the status was for this repair.

Eddie Baxter, 117 Carowinds Drive, thanked the Chief and the Police Department for their service to the community and Councilman Faight for the open dialogue at the May meeting. He then thanked Little for reaching out to him regarding his waste hauler concerns and again asked Council to consider an ordinance change to address noise. Lastly, he stated the every property owner should be equally required to have and maintain curb and sidewalks throughout the Borough as stated in the Ordinance.

President Miller thanked Baxter for requesting a fair and equal standard for curb and sidewalks. Amsley stated that new construction (of curbs or sidewalks) is on hold per Council vote.

Jan Shafer, 142 Carowinds Drive, stated that the Borough website posted two jobs with no deadline for submissions, asking if there was one. She stated the "Public Works Department Plant Operator" doesn't indicate being part-time. Shafer also asked when Chief of Police Reports are posted. Shafer then stated that the budget reports were re-titled and asked why. Lastly, she asked why there are Ordinances with a re-upload date of past three weeks and asked why that was.

Little explained that job postings are open until they are filled as stated on all current listings. Little added that the part-time Public Works position is not yet listed; what is posted is the Water Authority position, which is a full-time position. She then added that the CCR Report has been sent for printing and will be delivered to residents by July 1. The budget documents are the same; there are no changes. Irons-Zimmerman, Borough Secretary, explained that the Ordinances Shafer referred to were recently added to the website to bring it in line with administrative files.

Kendra Pheil, 30 Baumgardner Drive, asked if there was any resolution to the issue of salvaging brick sidewalks which she supports.

President Miller stated that the issue would be discussed later in the meeting as an agenda item, including a council vote on grandfathering brick sidewalks in the borough.

Joe Degrange, 266 N. Carlisle Street, stated that it's unnecessary to replace curbs and sidewalks with cracks in them and questioned how residents will pay for them in such a short timeframe. He referred to a PA regulation that requires 60 days-notice for such projects and suggested alternate ideas for beautifying the area. Lastly, he spoke about litter from Industrial Pallet and asked if a fence could be installed.

President Miller stated that the trash issue with Industrial Pallet should be investigated by the borough to see if fencing can be required. Little explained that she is meeting with the company regarding the N. Carlisle Street project and will add the litter issue to the discussion.

Mike Longacre, 274 N. Carlisle Street, wanted to reiterate the comments from Degrange and that he asks for common sense spending with regard to infrastructure projects.

President Miller responded that Council would be looking at properties eligible for cost-sharing of curb and sidewalk replacement fees.

CONSENT AGENDA

On an Amsley/Faight motion, Council unanimously voted to approve the May 3, 2021 Council Meeting minutes.

Kinzer asked if the *Opportunity to be Heard* respondents from the May meeting were responded to and Little responded that those with actionable items were.

REGULAR AGENDA

Payment of Bills

On an Amsley/Faight motion, Council unanimously voted to approve the disbursements listed on the May 2021 Disbursement Report in the amount of \$110,652.57.

Layman asked if check 4253 to ARRO for \$25,490 encompass what was budgeted and Little stated that it was; further, there is \$50,000 remaining in the budget.

Reports from Elected Officials

President's Report

President Miller offered his congratulations to the Primary winners and offered that he hopes Council would be available to transition new members into their roles.

Mayor's Report

Mayor Thomas expressed his gratitude for the opportunity to participate in the Memorial Day Service at Cedar Hill Cemetery. He then provided an overview of his report as submitted to Council and audience members. Regarding Dunkin Donuts, he stated that several remedies have been suggested but the owners have not responded to his request for a meeting. With multiple road projects in the area and it being summertime, he reminded those in attendance that there is a lot of pedestrian and bicycle traffic out which requires added safety and precaution.

Chief's Report

Chief Phillippy provided a summary of the Police Department statistics for May as provided in his monthly report, noting some key arrests that included apprehension of a felon, a kidnapping charge, and a fugitive from justice arrest. He then thanked the VFW and local businesses for hosting a dinner honoring the Police Department, saying that his department serves an incredible community.

President Miller stated that the Moss Springs community has commented on the increased visibility of police at it is very much appreciated.

Amsley asked if Chief could provide a monthly total of miles driven per unit and Chief said he would.

Kinzer asked if the Police Department could place a cruiser at the Dunkin Donuts lot and Chief stated there is no room to do so. Mayor Thomas said Dunkin Donuts needs to get involved to help with the queuing problem.

President Miller offered that if a letter is needed to add weight to the Mayor's position he would co-sign.

Manager's Report

Little presented an overview of the major construction projects currently underway in the Borough which

involve road closures and traffic control measures in various areas. N. Carlisle Street and Route 16 will be summer projects and the Memo of Understanding (MOU) with Besore Library is ready to be signed. Little encouraged those in attendance to review her Manager's Report on line for more timeline details. Other items discussed were The American Rescue Plan Act (ARPA) funding that has been submitted which will give the Borough \$417,211.48, the upcoming budget season, and current open positions with the Borough.

A resident asked if they would be notified prior to sidewalks and curbs being installed. Little explained that the construction schedule requires the work be completed in a unified fashion. Notifications can be sent if Council feels it necessary or residents can call the Borough for updates.

Vice President Faight asked if Route 16 work would be done at night and Little said the milling would.

President Miller thanked Little for her report and reminded the public that the information would be posted to the website.

Burkholder thanked Little for the detailed expense-revenue information for the Finance Committee.

Layman also thanked Little for the detailed information provided to the Finance Committee and asked if the information could be given to all Council and Little said the current report would be with quarterly reports going to members thereafter.

Mayor Thomas explained to the audience that the Borough is considered a non-entitlement municipality and only were given five days to apply for the ARPA funds which speaks well of the financial management of the Borough. He thanked Little for getting the application completed so quickly. Miller noted that this demonstrates Little's talents for the job.

Committee Action

Administration & Finance

On a Burkholder/Kinzer motion, Council unanimously voted to approve the annual Jerome King Playground Association donation of \$3,000.

On a Faight/Burkholder motion, Council voted unanimously to approve bids for the sale of two 500-gallon water tanks for \$269.98 and \$198, respectively.

Layman asked if there were any other tanks and if they were being used for tree watering; Little said they were not and these tanks had been used to store fuel.

On an Amsley/Kinzer motion, Council unanimously voted to approve the fourth progress payment to PSI Pumping Solutions in the amount of \$124,204.95 for the S. Carlisle Street Waste Water Pumping Station project.

Little stated that the station was to be put online that day and it should be fully operational soon with some minor cosmetic repairs and control adjustments to be completed. Little outlined that the referenced payment is primarily for demolition of the old pumping station and electrical work at the new station.

President Miller suggested that an article be written on the project once it is completed to highlight the completion of this infrastructure project.

On a Faight/Burkholder motion, Council unanimously voted to authorize the creation of a Pennsylvania Local Government Investment Trust (PLGIT) account for the deposit and management of the ARPA funds.

Little stated this action creates a separate, interest-bearing account for the ARPA funds which provides oversight for auditing. President Miller added that this provides full visibility of the funds and shows good fiduciary accountability for the Borough. Layman asked if the account would be a line item and Little said it would.

On an Amsley/Faight motion, the Council voted 4-1, with Kinzer opposed and Layman abstained, to authorize the expense for the Borough to pay the cost of curbing and sidewalks to be installed during the N. Carlisle Street Rehabilitation Project at identified properties that meet the following criteria:

- a. All the Borough required work on the curb and/or sidewalk was completed;
- b. A Borough issued permit was requested and approved to complete the necessary repairs and/or installation; and,
- c. The work previously completed encompasses greater than 50% of the total curb and sidewalk area of the identified property.

Little reviewed a list of properties that met the requirements for cost-sharing, the estimated costs per property, and the process to confirm eligibility as approved by the Admin/Finance Committee. Little advised that curbs and sidewalks damaged during the GAFSCWA phase of the N. Carlisle Street project which will be the financial responsibility of the Authority. The total costs shown, worst case, would be approximately \$94,335.

President Miller stated that cost-sharing was approved in Admin/Finance.

An unnamed resident asked what the cost-sharing criteria was President Miller again reviewed the three points. Little stated that, if approved, she would communicate with effected residents.

An unnamed resident then asked if something catastrophic happened in the future would the same criteria apply and President Miller stated he cannot speak to future council action but the intent is to have forward thinking planning in place for such circumstances.

Layman stated he is going to abstain from the vote because he owns properties on N. Carlisle Street.

Kendra Pheil, 30 Baumgardner Drive, asked why replace sidewalks for the convenience of a construction company.

President Miller stated that the project is being done to create infrastructure that will remain for the next twenty years. Miller reviewed that a six-inch curb reveal is a standard requirement that will unify all Borough roadways and address longstanding stormwater issues.

Kinzer asked about installing underground electricity on N. Carlisle Street as was suggested two years prior and President Miller stated that is beyond the scope of the current project.

President Miller asked that Layman provide a statement addressing his abstention to Little.

On an Amsley/Faight motion, the Council voted 4-2, with Kinzer and Layman opposed, to approve the option of payment plans with a no interest, 3 year term for the cost of curbing and/or sidewalks to be installed during the N. Carlisle Street Rehabilitation Project.

Amsley asked if the Borough has determined the maximum exposure. Little stated it would be approximately \$245,000 for curbing and \$284,000 for sidewalks if all property owner participated. Layman asked if this includes all curbing and Little said yes.

On an Amsley/Faigh motion, the Council voted 4-2, with Kinzer and Layman opposed, to approve the financing proposal as submitted by F&M Trust for a 20 year, maximum of \$1,000,000.00 draw down note with a 15 year fixed rate of 2.05% and subsequent variable rate capped at 3.75%.

President Miller explained that this is a drawdown construction loan with a maximum amount of \$1,000,000 available if needed during the construction project and the 15-year period will mitigate any future millage increases.

Little added that F&M was approached directly based on the recent market research completed with the Water Authority project and there is an existing deposit relationship. Little advised that the proposal was reviewed by the Solicitor.

Layman asked about a letter provided by F&M that states there is no commitment to lend. Little explained the Borough has an option to back-out if it chooses; the proposal is valid for thirty days.

On an Amsley/Burkholder motion, the Council voted 4-2, with Kinzer and Layman opposed, to adopt Resolution 2021-03 as drafted by Salzmann Hughes to declare the intention to reimburse expenditures for the N. Carlisle Street Rehabilitation Project with proceeds of the 20 year, maximum of \$1,000,000.00 draw down note.

Personnel

President Miller stated that there is a personnel matter which he will make Councilman Smith aware of separately as he is not in attendance. Smith will review the matter for the Personnel Committee which may result is a special Executive Session of Council.

Public Safety

Council unanimously voted to approve a motion to authorize staff to acquire quotes for property surveying services to be performed at 168 S. Washington Street and 196 S. Washington Street relative to the Shade Tree Commission Right-of-Way designation.

Little stated that there was a the meeting between Public Safety, the Shade Tree Commission Chairman, Mr. Hollingshead, and Ms. Keller to discuss Shade Tree Commission activities. During the meeting it was decided that the Hollingshead and Thorne properties would be professionally surveyed.

Vice President Faigh noted that it was a consensus among the Public Safety Committee members that a profession survey was the right thing to do. Faigh stated that the all participants also agreed to accept the findings of the surveyors.

Layman added that he presented a summary of issues raised with the Shade Tree Commission previously and hoped that Council has taken the opportunity to review. Layman further stated that while he didn't like the taxpayers having to bear the expense of the surveys, if it put an end to the concern, he is all for it. Layman added that the Shade Tree inventory completed in 2019 confirms the information from 2010.

Public Facilities

On an Amsley/ Kinzer motion, Council unanimously approved the execution of the proposed updated Memo of Understanding (MOU) between the Lillian S. Besore Memorial Library and the Borough of Greencastle related to the proposed stormwater management improvements project as defined in the MOU.

Amsley asked if the language regarding liability was addressed. Little stated that the indemnification language in the first draft of the updated MOU is removed; the new MOU outlines maintenance and the Borough's future stormwater responsibilities.

On an Amsley/Faight motion, Council unanimously approved the authorization of Salzman Hughes to draft a non-exclusive franchise agreement with Shentel for fiber-based broadband services within the Borough.

Little explained that Shentel would be providing an alternative to Comcast services through a non-exclusive agreement that would pay franchise fees to the Borough, saving about \$10-15,000 annually. This would be in addition to Comcast and available to all Borough residents.

President Miller said he has often had comments from residents asking for an alternative to Comcast and this is a great addition to service that should be beneficial.

Mayor Thomas added that Shentel should be a great to work.

On a Faight/Amsley motion, Council voted 4-2, with Kinzer and Layman opposed, to authorize ARRO Consulting to proceed with awarding DOLI Construction Corporation, the lowest responsible bidder, the initial contract price of \$964,973.25 for the N. Carlisle Street Rehabilitation Project.

President Miller explained that he invited Merkel to the meeting as he did the technical review of the two bids received for the N. Carlisle Street Rehabilitation Project. He asked that Merkel and Little provide an explanation of the bid process and results.

Little explained the awarding process and reviewed the two bids as received from New Enterprise and DOLI Construction. Little reviewed that the Borough is required to approve the lowest qualified bidder which DOLI is. Little outlined the funding accounts stating that the Borough will use about \$250,000 from Liquid Fuels, GAF CWA will pay approximately \$70,000 for the paving of Walter Avenue leaving about \$650,000 that the Borough will be responsible for; 82% of which is curb and sidewalk repair, some of which will be rebilled. Little stated that contingencies are not included in the awarded contract price and that speed tables are not included per Council's request and community input.

President Miller asked if the T-Trench repair would be implemented on Walter Avenue, Little answered that Walter will be a full repaving. Little noted that the Borough requires utility repair are replaced in kind and that GAF CWA would do that.

Merkel added that the bid package listed unit prices and that the Borough would only be billed for the amounts actually used which shows the importance of having an RPR on site.

President Miller noted that the cost for just the curb and sidewalk repair is bid significantly lower by DOLI so that if Council selects an alternative proposal, the cost for that portion for property owners would be significantly higher.

Little stated that sidewalk cost per square yard under DOLI is \$125 and \$200 for New Enterprise and curbing is \$65 per linear foot under DOLI and \$100 for New Enterprise.

President Miller asked Merkel that in good faith if he reviewed the DOLI proposal and if DOLI is qualified. Merkel confirmed that ARRO received positive references when solicited. Miller requested Little have DOLI provide testing of the concrete to ensure the quality of the product. Merkel said that would be done, and Little added that per the contract all batches of concrete would be PennDOT approved with certifications provided to the Borough.

Burkholder asked how the concrete is tested, Merkel stated samples would be sent out for testing.

Tim Fetterhoff, 180 Baumgardner Drive, stated that the adverse effects of bad concrete are visible at the sidewalks on Walter done in 2016. Miller noted that this is one of the reasons specific standards were put into the bid.

Layman asked if the Public Works Manager will be involved and Little stated that a full-time RPR through ARRO will be there while the contractor is working, Public Works will be present but will not be tasked with inspecting. Layman also asked if line items 20-31 and 35 are not included in the project cost and what if those need to be done. Merkel confirmed that they were not and Little said they were contingency items that could be billed for if needed in addition to the contract cost. Layman asked if the higher curbs and sidewalks would impact water access for water connection, Merkel answered no, that the new water lines took this into account and are adjustable for access.

Amsley asked what the remedy is for concrete that fails testing, Merkel said it would be replaced using the delivery tickets to identify the pour.

On an Amsley/Faigh motion, Council voted 4-2, with Kinzer and Layman opposed, to authorize ARRO Consulting to issue a Notice of Intent to Award letter to DOLI Construction Corporation for the North Carlisle Street Rehabilitation Project.

On an Amsley/Faigh motion, Council voted 4-2, with Kinzer and Layman opposed, to authorize President Steve Miller to sign a contract with DOLI Construction Corporation for the North Carlisle Street Rehabilitation Project pending review by ARRO Consulting, Borough Council and Salzman Hughes.

On an Amsley/Faigh motion, Council voted 4-2, with Kinzer and Layman opposed, to authorize ARRO Consulting to issue a Notice to Proceed letter to DOLI Construction Corporation for the North Carlisle Street Rehabilitation Project after contract documents are executed and provided DOLI's documents meet all necessary requirements.

Community Development

Vice President Faigh had nothing to report.

Correspondence

None.

Final Comments

Layman: Showed a book, *A Town Grows in Antrim*, by William P. Conrad that referenced sidewalks in 1982.

Burkholder: Expressed concern about ransomware threats. Little stated that GAFCWA looked at this issue and the water plant is offline and considerably secure. Within the Borough offices, the IT provider backs-up all

systems, ensuring that all available precautions are in place.

Amsley: No comments.

Kinzer: Reviewed that the state redid the grate on both sides of his sidewalk and he believes the back side will sink. *Little said that the Borough would look at it.* Kinzer requested the Borough should advertise for a Grant Writer who would be paid on what is obtained. *Little stated that ARRO has underwriters and that can be investigated.*

Mayor Thomas: Recognized that Little has worked hard to obtain CDBG money for past and future projects. Behind the scenes, Little has not forgotten about MS4 and he has just gone through a federal environmental audit. Thomas suggested a committee meeting to provide updates and stressed that the Borough must obtain a second waiver.

On a Kinzer/Faight motion, Council unanimously voted to adjourn the meeting at 9:26 p.m.

Respectfully submitted,
Donna E. Irons-Zimmerman
Borough Secretary