

**BOROUGH OF GREENCASTLE
COUNCIL MEETING MINUTES**

July 6, 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, Jeremy Layman, and Matt Smith. Also present were Borough Manager Emilee Little, Chief of Police John Phillippy, and Tyler Beaston of Salzman Hughes.

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

An invocation was given by Councilman Smith.

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

Mayor Thomas presented a Proclamation to former County Commissioner and former Mayor of Chambersburg, Sam Worley who he called a great American. Assisting the Mayor in the presentation were Councilman Kinzer and President Miller. Mayor Thomas thanked Sam Worley for his service to the community, his long career in the community, Greencastle, and Franklin County throughout his 100-year journey. Worley received his Proclamation along with a signed copy of *The Life and Legacy of John L. Grove* by Gerald Lute. On accepting his Proclamation, Worley spoke of his appreciation for the recognition and offered his recollections from this life in the area.

President Miller returned to the meeting agenda, noting that the meeting would be recorded.

President Miller stated that two Executive Sessions had been held, prior to this meeting to discuss pending legal matters.

On a Burkholder/Faight motion, the Council voted unanimously to approve the proposed agenda for the July 6, 2021 regular Council Meeting.

SHADE TREE COMMISSION WORKSHOP

President Miller expressed his intention to have an open discussion with the community and Council on matters of concern related to the Shade Tree Commission, noting that for planning purposes, the workshop would be limited to thirty minutes.

On an Amsley/Faight motion, Council unanimously voted to limit the workshop to thirty minutes.

Vice President Larry Faight, Public Safety Committee Chair, explained that it was decided by himself, President Miller, and Little to tie the Shade Tree Commission with the Public Safety Committee due to numerous community complaints.

Little provided copies of a petition circulated by Justin Hollingshead which was signed by 77 property owners regarding the right-of-way determinations and tree tagging. It also requests that the authority of the Shade Tree Commission be put under the auspices of the Borough Administration and Public Works Department. Little indicated there have also been comments from utility contractors who have had unprofessional dealings with the Shade Tree Commission.

Vice President Faight noted West Penn Power trims trees every five years, the cost of which impact residents. The utility intended to plant smaller trees and provide removal vouchers, eliminating the five-year trimming

cycle and reduce costs.

Little stated that staff administration of the shade tree program would allow for more cohesive long-term planning. Faight added that the Shade Tree Commission is an entity of Council, but it works on behalf of itself, and Council cannot get involved in actions once they have been granted authority to proceed. Faight believes that no committee or commission of Council that can run by itself without full Council involvement in its decision making. He supported the Shade Tree Commission being brought back into the confines of the Borough staff for collective decision making.

President Miller informed the audience that the discussion on Shade Tree Commission was based on comments initially received by the community in November 2020 which prompted a review. State law mandates the Borough maintain shade trees and the discussion should include how to manage the operations of the Shade Tree Commission going forward. Layman indicated that there are two vacancies on the Commission. Miller asked what would be required to restructure the Shade Tree Commission and have borough administration its functions. Little stated Council would need to abolish the commission and have Borough administration maintain authority over shade trees planting and maintenance.

Burkholder asked if the Shade Tree Commission is abandoned, could a committee be formed, recognizing Layman's efforts on the Commission. Little stated that a committee that made recommendations to Council would be more favorable.

Beaston, Salzmann Hughes, offered that a committee would not have the authority that the current Shade Tree Commission has and ultimately it comes down to where Council wants the authority to lie. A Committee could make recommendations, but not regulations.

Burkholder reiterated that a committee could make recommendations to full council, as provided by current committees.

Amsley asked if Council would have to be involved in every shade tree decision and Little stated the process would mirror current zoning permitting. Council could appoint members with experience beneficial to the program. President Miller suggested a beautification committee could be created to look comprehensively at borough-wide projects, not just trees.

Amsley asked who would decide what or when trees can be taken down if the Shade Tree Commission is abolished. Faight and Little commented that Borough administration would approve the permit and tree maintenance would be handled by Public Works. Any such action would require an updated Ordinance.

Layman, speaking as Chairman of the Shade Tree Commission, stated that the Commission only enforces the Ordinances of Council. The Commission works at no cost to the Borough and shifting commission duties to Borough administration adds to staff's workload. Layman asked what benefit would such a change produce.

President Miller noted that volunteers support the Shade Tree Commission with a high level of authority. He suggested Burkholder and Administration/Finance develop an estimate of what the cost adjustments would be in the Borough taking responsibility of Shade Trees.

President Miller noted that discussions have been ongoing on this issue since it was first raised in November 2020. Vice President Faight explained that the issue before council is the treatment of residents by the Shade Tree Commission. Faight believes that administrative oversight of the Shade Tree Commission would result in more control and cost savings. Little confirmed to Faight that the Public

Works staff does allocate costs to the Shade Tree Commission budget for wages.

On an Amsley/Layman motion, Council unanimously approved extending the workshop by fifteen minutes. Kinzer stated he would like to hear from the audience.

Justin Hollingshead, 196 S. Washington Street, thanked Council for the opportunity to speak. His concern lies with the tagging of Shade Trees and the right-of-way designations that do not concur with private and utility surveys. Hollingshead supports moving shade tree responsibilities under the control of the Borough as it would provide recourse with tree issues.

Cassandra Godbey, 46 N. Carlisle Street, stated that shifting control of the Shade Tree Commission to the Borough staff would be a big mistake. She suggested the Borough expand the tree canopy and review regulations regarding responsibility, along with education for residents. Additionally, Godbey requested that whomever is responsible for shade trees be educated and trained. Regarding N. Carlisle Street, Godbey stated that the trees were wrongly removed. She encouraged Council to put more money into N. Carlisle Street for trees and maintenance.

President Miller responded that Amsley, Faight and Little met with him to discuss the trees removed on N. Carlisle Street which they had not been informed of. That decision was unilateral, by the Shade Tree Commission. Council must look for a way to have more input into such decisions to avoid similar actions in the future.

Layman stated the trees were removed due to the streetscape construction and that Council has been given a list of the 12 trees which were removed and why.

Cassandra Godbey, 46 N. Carlisle Street, disputed the impact of the streetscape construction, stating that trees do not need to be removed to install curbing, and asked if the Borough is going to water the trees to be installed. Layman said he could not answer that.

Angela Pierce, 306 E. Baltimore Street, stated that Layman told her that the tree on her property could not be removed without her replacing it with \$19,000 worth of new trees. Pierce stated that she had been lied to.

Tim Fetterhoff, 180 Baumgardner Drive, asked who is liable when trees cause damage.

Paul Nemit, 231 S. Washington Street, also asked who is liable when a tree comes down and if a tagged tree is the property of a homeowner or the Borough.

President Miller said it would be looked at.

Charles Stockslager, 241 E. Madison Street, asked whether tagged Shade Tree Commission trees become part of the property deed, if the Ordinance describes who has authority over trees on his property, and what level of education is required to serve on the Commission given their authority.

President Miller responded that his understanding of the Ordinance is that it follows Pennsylvania guidelines on shade trees and has authority for management of trees. He agreed that members should have sufficient knowledge and training to dictate how trees are managed, however homeowners own their own shade trees.

Jayne Keller, 168 S. Washington Street, said she believes the issue is how the right-of-way of the public streets was determined and how the Commission is going to be governed. Keller supported the management of the tree program being similar to current zoning processes.

President Miller thanked participants for their input and reiterated the issue to Council.

Mayor Thomas stated that conflict with citizens and the Chairperson of the Shade Tree Commission has existed for months and he encouraged Council to look at successful programs. He suggested that Council may need to reinvent the Commission and that there will be times when the Borough must rely on a certified arborist.

Kinzer stated “Jeremy Layman is a Council person and I believe he voluntarily took this position. ... because nobody else wanted it. And I feel we done this wrong, sir, tonight. I think we first should have recognized that we had a Council person and we should have had an exec session with the problem with the Council person and had it among ourselves and not publicly. I’m sorry, I don’t agree with the way this is being handled [SIC].”

President Miller responded that within the Sunshine Law, matters of public policy cannot be discussed privately; the matter is not personnel related, but an operational review of the Shade Tree Commission.

OPPORTUNITY TO BE HEARD

Charles Stockslager, 241 E. Madison Street, spoke on the issue of parking on East Madison Street, a safety issue.

Faight stated that this topic would be on the next Public Safety meeting agenda.

Albert Miller, 171 Apple Drive, said he could not hear discussions at the June Council meeting online. He thanked Borough staff for notifying him of excessive water use at his property. He suggested that Council not use mandatory pre-bid meetings for projects and asked for continued updates on Vivian Avenue and N. Carlisle Street. Lastly, he referred to a *Citizens for Transparency* survey that found 80 percent of participants were against single-hauler trash collection. Albert Miller cautioned Council, noting an election is coming up with a change in officials, and Council should be very careful to approve something that is going to be reversed.

CONSENT AGENDA

On a Faight/Smith motion, Council unanimously voted to approve the minutes of the June 7, 2021 meeting.

REGULAR AGENDA

On a Smith/Faight motion, Council voted to approve the disbursements listed on the June 2021 Disbursement Report in the amount of \$180,606.61.

Layman asked if check #4301 was budgeted, Little answered yes.

Presidents Report

President Miller expressed his thanks for prayers as he continues to recover from knee surgery. He stated that Smith would be acting President while he and Vice President Faight would both be vacationing in July.

Mayor’s Report

Mayor Thomas provided a summary of his Mayor’s Report, as provided for record, highlighting an upcoming meeting with Dunkin Donuts; the continued economic development in the Borough; his attendance at an MS4 Workshop at Antrim Township, and ornamental lights on Center Square prior to Old Home Week. He concluded with an update on Marie Eshelman.

Chief’s Report

Chief Phillippy presented his monthly report for June as provided for record, and thanked John Allison Public House for their delivery of pork barbeque to the Department. He noted that Senate Bill 607, the Radar Bill, was

passed and is now with the House Appropriations Committee and he remains optimistic it will pass.

Justin Hollingshead, 196 S. Washington Street, asked if there were AEDs in all police department vehicles, Chief said not all of the police vehicles are equipped with an AED.

President Miller expressed his satisfaction that fireworks were not an issue in the Borough over the July 4th holiday, suggesting police presence throughout various neighborhoods was influential and beneficial.

Manager's Report

Little presented her report which was provided to Council and is available online at www.greencastlepa.gov. Highlights included the Besore Library project pre-bid meeting on July 8 with a proposed construction schedule of August through October. A 2021 Community Development Block Grant has been applied for requesting \$67,000 for 14 additional ADA ramps. Public Works is coordinating with the G-A Chamber of Commerce for the upcoming Sidewalk Days and Third Saturdays. Little also reminded attendees that 2022 budget meetings are being scheduled and that two open Borough positions have been advertised.

Kinzer added that there are two open positions on the Shade Tree Commission, one on the Curb and Sidewalk Board of Appeals, and one for Water Authority. Little said that anyone who is interested in volunteering can contact her for more information.

Committee Action

Administration and Finance

On a Kinzer/Layman motion, Council unanimously authorized progress payment #5 to PSI Pumping Solutions in the amount of \$64,410.95 for their work on the S. Carlisle Street Waste Water Pumping Station.

On an Amsley/Faigh motion, Council voted 5-2, with Kinzer and Layman opposed, to approve the enactment of Ordinance 2021-04, as advertised, authorizing the increase of the indebtedness of the Borough of Greencastle by directing the issuance of a General Obligation Note in the maximum principal amount of one million dollars (\$1,000,000) to be issued by F&M Trust Company to fund the N. Carlisle Street Rehabilitation Project.

President Miller reiterated that this is a technical issue requiring formal Council action and does not mean the full value will be used.

Little added that this is a drawdown construction loan for the N. Carlisle Street rehabilitation project only with a 15-year fixed rate of 2.05% that changes to a variable rate capped at 3.75% for the remaining five years of the loan.

Kinzer asked if the Borough is increasing its debt load by one million dollars. Little confirmed the maximum loan amount, noting that Liquid Fuels would provide the majority of the funding. Burkholder asked Kinzer and Layman how they would handle funding of N. Carlisle Street without the approval of this loan, stating that while no one wants to increase debt, no other options are available.

Burkholder asked, "the individuals who voted no, may I ask how you would handle this? ... No one wants to go into debt but I don't see any other way around it."

Kinzer, to President Miller, stated "I have no problem answering Wade."

President Miller stated that Parliamentary Procedures preclude anyone from explaining their vote.

Personnel

No items to discuss.

Public Safety

On a Faight/Kinzer motion Council voted 6-1, Layman opposed, to authorize staff to proceed with property surveying services at 168 S. Washington Street and 196 S. Washington Street relative to the Shade Tree Commission Right-of-Way designation in the amount of \$1,400.

Little explained that three quotes were received for this work and that the lowest quote was from Shelly, Witter & Fox in the amount of \$1,400.

Amsley asked if either of the two properties being discussed were surveyed by Columbia Gas and Little confirmed that yes both were surveyed by Columbia Gas. Amsley then asked if Council could rely on those surveys to save money.

Miller suggested the use of an independent surveyor was the best solution to this unique situation and would allow a final decision agreeable to all parties involved. Faight added that the Shade Tree Commission does not agree with Columbia Gas which required the independent survey to definitively resolve the issue.

Layman asked if there was a conflict with him voting and President Miller said there was none.

Mayor Thomas asked what the Shade Tree Commission's issue was with Columbia Gas's survey. Layman, as Shade Tree Commission Chair, said he did not have an issue with what C.S. Davidson is doing but disputes their findings with what the Shade Tree Commission's contractor found. Miller concluded that the survey is a mediation under the auspices of this Council to resolve the matter and move forward in a manner satisfactory to all parties.

Faight asked President Miller if he could address Council, Miller approved.

On a Faight/Burkholder motion, Council voted on amending the agenda to add a discussion item for the Shade Tree Commission. A roll call vote was called by President Miller with the results as follows: Amsley - No; Kinzer - No; Faight - Yes; Miller - Yes; Smith - No; Burkholder - Yes; Layman - No.

Based on the 3-4 vote, the motion to amend the agenda failed.

Public Facilities

On an Amsley/Kinzer motion, council unanimously approved the advertisement of Ordinance 2021-03 amending the Code of the Borough, Chapter 190 "Vehicles and Traffic", Section 16, "One-Way Streets."

Little explained this is a housekeeping item that follows Ordinance 2021-01, Alley Naming, and it based on the naming of previously unnamed alleys. The two main changes are Chambers Lane, one way going east from N. Carlisle Street toward N. Washington Street, and N. Church Lane going north from E. Baltimore Street to Madison Street.

Layman asked if S. Cedar Lane is one way from Baltimore Street to Chambers Lane and Little confirmed that it was.

On an Amsley/Smith motion, unanimously authorized staff to work with Salzmann Hughes to begin the process of establishing a single trash hauler.

Little explained that Public Facilities discussed various concerns in the Borough that could be remedied with a single trash hauler such as safety, street deterioration, number of haulers servicing residents, and noise. An RFP will be issued to include weekly trash collection, bi-weekly recycling, bulky items, and yard waste. The bid will include a senior discount and an opt-out choice, however residents desiring trash service will be required to use the Borough's contractor. The approved contractor would be responsible for account maintenance and billing. Salzman Hughes will draft the Ordinance changes for Chapter 162 of the Borough Code and the RFP bid package. Little anticipates several months for review and implementation.

Kinzer asked if the matter can be placed on the website for public comment and Little stated that a public forum would be better since not everyone has access to the website. Kinzer agreed.

Layman asked if the Borough was still going to do a newsletter and Little stated yes, at some point in the future. President Miller expressed that a single trash hauler for the Borough reflects Council's effort to comprehensively increase the level of service.

Mayor Thomas affirmed the need for full public disclosure for how the trash program would work. He stated that his experience was that there are additional services for less money to the consumer, which is his personal goal. If the bids are higher, Council can reject all bids.

Community Development

No items to discuss.

Correspondence

None submitted.

Final Comments

Layman: No comments.

Burkholder: No comments.

Smith: No comments.

Amsley: Regarding the Shade Tree Committee, he would like President Miller to appoint a three-person Committee to review everything from the behavior of the Commission to citizen complaints to engineering drawings for N. Carlisle Street. From his perspective the situation is bigger than turning it over to staff.

Kinzer: Agreed with Amsley and stated that he is disturbed by statements made implying someone is lying.

Mayor Thomas: Thanked citizens for attending and recognized Mr. Worley for his service on Council. He also gave a 'thumbs up' to the now former Greencastle-Antrim Lioness Club who have raised over \$400,000 for the community during their 42 years of service.

Faight: No comments.

On an Amsley/Faight motion, the meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Donna E. Irons-Zimmerman
Borough Secretary