

**BOROUGH OF GREENCASTLE
COUNCIL MEETING MINUTES
September 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 (via telephone), Jeremy Layman and Matthew Smith. Also present was Borough Manager Emilee Little and Chief of Police John Phillippy.

Council President Miller called the meeting to order at 7 p.m.
An invocation was given by Councilman Matt Smith.
President Miller led Council, Staff and guests in the *Pledge of Allegiance*.
President Miller stated that the meeting was being recorded.

President Miller noted that Councilman Kinzer was participating via telephone and that an Executive Session was held prior to the council meeting to discuss a personnel matter.

On an Amsley/Burkholder motion, Council unanimously approved the agenda for the August 2, 2021 meeting.

Kinzer said asked if the minutes of the prior meeting were being discussed and President Miller said they would be covered at the Consent Agenda.

OPPORTUNITY TO BE HEARD

Larry Pittman, 35 W. Madison Street, stated his continued noise impacts from Norfolk Southern trains sitting on the tracks. He appreciated the work being done by the Borough on his behalf.

Mayor Thomas said the Borough had sent a letter to Congressman John Joyce. The Mayor will follow-up with Congressman Joyce's staff and suggested Mr. Pittman do the same.

Bob Luger, 78 Homestead Drive, asked if any responses had been received regarding Vivian Avenue and the Executive Session.

Little said there had been no decision at this time and she would follow-up when more information was available.

President Miller said that Vivian Avenue is blocked due to safety concerns and is not available for traffic until issues surrounding it are resolved.

Jan Shafer, 142 Carowinds, said she reviewed the website and asked what the Borough Secretary's role was, if the position was a legal or administrative position. She said she saw an Ordinance posted on the website under former management that is unnumbered, unsigned, and undated.

President Miller said the Borough Manager and Secretary would address the concern.

Albert Miller, 171 Apple Drive, referenced calculations sent to Little for Council regarding Carl Avenue. Miller stated the street should not be sold now or never. He referenced alternatives such as joint ventures or leasing to the developer. He thanked Borough police and emergency staff for their response to a recent emergency.

President Miller echoed Miller's comments regarding first responders.

CONSENT AGENDA

Minutes of Previous Meeting: Borough Council Meeting of August 2, 2021

Kinzer asked why the August minutes did not state that no Executive Session was held.

Little stated that the absence of a reference to an Executive Session indicates it did not take place.

President Miller said it was his judgement that a meeting was not required for Vivian Avenue as the issues were discussed publically.

Accept the year end December 31, 2020 Audited Financial Statements as prepared by Boyer & Ritter LLC.

Accept the Police Department and Non-Uniform 2022 Minimum Municipal Obligation Memorandum as prepared by the Chief Administrative Officer.

Accept the Act 44 Disclosure for the Borough's Non-Uniform and Police Department Pension Plans as presented.

Declare September as National Recovery month in the Borough of Greencastle, authorizing purple lights to be placed around Center Square and purple ribbons to be placed throughout the downtown as requested by the Franklin-Fulton County Drug and Alcohol Commission.

Authorize the Halloween Parade to take place on October 29th beginning at 7:00p.m. to follow the traditional route as requested by the Greencastle Exchange Club.

Approve the Chamber of Commerce's Heritage Christmas request as follows:

Authorize free parking downtown from November 5th through December 31st

Placement of the Holiday House onto the NW corner of the Square by November 15th

Road closure from 6pm to 8pm on November 19th

No parking covers distributed around the square on November 19th, December 3rd, and December 10th

Usage of square electricity and lights throughout Heritage Christmas

Consider the approval of the Greencastle Christmas Parade to be held at 9:21a.m. on November 20th to follow the traditional route and authorize no parking and road closures as outlined in the correspondence received August 13th from VerStandig Media.

Appoint Benson Mwaipaja to the Zoning Hearing Board to a term expiring on December 31, 2023.

President Miller thanked Mr. Mwaipaja for volunteering his time and energy to a very important function of the Borough.

On a Smith/Burkholder motion, Council unanimously approved the Consent Agenda.

REGULAR AGENDA

On an Amsley/Faigh motion, Council unanimously approved payment of the disbursement listed on the August 2021 Disbursement Report in the amount of \$132,642.43.

President's Report

President Miller said he appreciated the efforts and energy by the Mayor, Vice President Faight, and Chief Phillippy during his vacation. He said he attended a virtual meeting of the FCATB as the Council representative and he stated that future Council would need to appoint a member.

Mayor's Report

Mayor Thomas said that *Recovery Month* is important to recognize as the issue affects every community. He mentioned Borough events honoring the 20th anniversary of 9/11, encouraging a weekend of unity. He said the Disaster Declaration for Tropical Storm Ida was a cautionary measure and thanked staff for their actions to protect the borough. Mayor Thomas talked about an interview with Antrim Township Administrator Brad Graham regarding future planning, potentially restarting the D.A.R.E. program, Dunkin Donuts, and MS4. The complete report is available at www.greencastlepa.gov.

Chief's Report

Chief Phillippy presented his report for the month of August which included *Coffee with a Cop* and thanked the staff at Sunny Way for their help with the event. Chief said the ENRADD unit was used frequently for traffic control on E. Baltimore Street. He thanked the Greencastle Sportsman's Club for use of their property for *Fish with a Cop* and recognized the death of Officer Sepot of FL who lost her life to COVID. The complete report is available at www.greencastlepa.gov.

Amsley asked if there was a report of how many citations were issued on Baltimore Street and Chief said there was not. President Miller asked Chief to prepare a summary report for Council by the end of the year on the effectiveness of the ENRADD system, how it's being used, and if there are any recommendations for improvements.

Manager's Report

Little presented her monthly report and reviewed current construction projects in the Borough. Little stated that the inlets installed to date on N. Carlisle Street performed well with Tropical Storm Ida and that the full project is expected to finish in early November. Little stated the Besore Library BMP project was awarded to Kinsley Construction for \$45,800 and is expected to be complete by mid-October. Little reviewed the 2020 audit report and results of the survey work completed regarding shade trees on S. Washington Street. Little thanked the Public Works department for their excellent work in preparing for Tropical Storm Ida. The complete report is available at www.greencastlepa.gov.

President Miller asked if an event could be organized upon the completion of the Besore Library BMP.

Mayor Thomas suggested Senator Ward attend a ribbon cutting for the project.

Committee Action

Administration and Finance

On a Burkholder/Faight motion, Council unanimously voted to approve a budgeted donation of \$1,800 payable to the Chamber of Commerce to fund the deployment and removal of the town Christmas tree.

On a Faight/Smith motion, Council voted 6-1 (Kinzer opposed) to approve staff to work with attorney Hubert Gilroy of Martson Law Offices as conflict counsel for the Vivian Avenue roadway situation.

President Miller stated that the Borough has spent approximately \$5,000 to date on Vivian Avenue for safety and SALDO requirements.

Kinzer said he doesn't feel it necessary to do anything further with Vivian Avenue beyond blocking the road, further stating the Borough doesn't need to spend any more money.

On an Amsley/Smith motion, Council voted unanimously to approve a COSTARS quote from Mr. Rehab to complete sewer pipeline maintenance and relining rehabilitation services in the amount of \$81,577.94.

Little said this expense was within the annually budgeted amount for sewer line rehabilitation.

On a Smith/Burkholder motion, Council voted unanimously to authorize T. Byers Contracting to complete the identified sewer main repairs and restoration on S. Jefferson and S. Carlisle streets for the total proposed cost of \$14,680.00.

On a Faight/Smith motion, Council voted unanimously to authorize final payment to PSI Pumping Solutions in the amount of \$32,895.00 for their work on the S. Carlisle Street Waste Water Pumping Station.

President Miller said this was a major investment by Council in Borough infrastructure.

Mayor Thomas said that media could be invited to highlight staff and improvements.

On an Amsley/Faight motion, Council voted unanimously to approve the completion of budgeted parking area and driveway repairs, sealing, and enlargement at the Waste Water Treatment Plant for a cost of \$21,123.90 payable to Ganoe Paving and \$15,963.10 for materials supplied by the Borough.

Little stated that this item is about \$7,000 over budget due to increases in material costs from the previous year, as requested by Kinzer, but sewer account 08.429.600 was still under budget for the year.

Personnel

On an Amsley/Smith motion, Council voted unanimously to accept the employment of Rick Gearhart as a full-time employee with wages and benefits to be shared between the Greencastle Area, Franklin County, Water Authority and the Borough of Greencastle Public Works department based on hours worked.

Little said that two positions were combined to support WTP maintenance and Public Works and reviewed tasks this employee would be responsible to complete. Little stated the estimated costs to the Borough would \$22,712.00 including wages and healthcare. The Water Authority will pay the remaining estimated cost of \$30,728.00.

President Miller said he appreciated the creative effort and good critical thinking between the Water Authority and staff to hire skilled staff.

Kinzer asked if the position would be full-time and Little said it would. Kinzer said he agreed with Amsley and President Miller.

Layman asked how cost would be allocated and Little stated the cost would be allocated based on actual hours worked.

On an Amsley/Miller motion, an agenda item was added to offer Borough Manager Little the COLA increase for 2022.

On an Amsley/Smith motion, Council voted unanimously to approve a COLA increase for Little in 2022.

President asked the audience members if there were any questions on the matter and there were none.

Public Safety

On a Faight/Smith motion, Council voted unanimously to accept the Declaration of Disaster Emergency Proclamation related to Tropical Storm IDA effective September 1, 2021.

President Miller explained that a Disaster Declaration enables the Borough to execute emergency measures quickly.

On a Faight/Amsley motion, Council voted 6-1 (Kinzer opposed) to approve the enactment of Ordinance 2021-05 as advertised, abolishing the Shade Tree Commission and reverting the care, custody, and control of shade trees to the Borough Council.

Little said the Ordinance return responsibility over the shade tree canopy to Council.

President Miller asked when the Ordinance becomes effective, Little stated the Ordinance would be in effect once Council approves. Miller thanked Layman for his work on the Shade Tree Commission. Miller said the Ordinance will allow the Borough staff to perform the functions of shade tree management that hereto were not authorized. Faight said he agrees with President Miller's statement.

Public Facilities

No report.

Community Development

On a Smith/Amsley motion, Council voted 5-2 (Miller, Kinzer opposed) to authorize William G. Bowen, Inc. to complete a professional appraisal to determine the value of N. Carl Avenue at a cost not to exceed \$2,750.

Little said the Planning Commission reviewed a sketch plan submitted at their August meeting consolidating six parcels and included a request to vacate N. Carl Avenue. Little summarized that the Borough is legally allowed to negotiate financial compensation for the roadway so a value needs to be determined.

Amsley asked if a street is considered real property in Pennsylvania. Mayor Thomas said he doesn't have an answer given that it is a public street. Amsley asked if this situation has happened at any point in any other Pennsylvania municipality and if there is a precedence.

Faight answered that the Borough had a similar situation in Greencastle with Findley Street which was vacated.

Charles Eckstine, 64 Williamson Avenue (former Council President), stated that the Borough negotiated vacating Findley Street in exchange for a right turn lane at the intersection of Routes 11 and 16.

Mayor Thomas directed Amsley to PA Code Section 1561 regarding damages, Section 1731 regarding

procedure, and Section 1732 regarding receiving the petition.

Layman asked if the Borough could get the street back after it was vacated, and President Miller said it would depend on the terms, but not likely. He said the nature of that entire property is going to change.

Miller said he respects that the street has value, but the redevelopment of the property is long needed. He said he would prefer to deed the property for one dollar to Sheetz and that the site will have a major positive economic impact to the community.

Burkholder asked if Council should be discussing real estate development publically and President Miller said that he is not; he is expressing his concerns.

Albert Miller asked if he could comment as an attendee of the Planning Commission meeting and President Miller said no, that there is no public comment. Albert Miller proceeded to speak over President Miller. President Miller called Albert Miller out of order. Albert Miller proceeded out of order to state that Council and the Borough Manager were telling two truths or two lies regarding promises to the developer that N. Carl Avenue would be vacated. President Miller said that no commitments were made to developers. Little confirmed that no commitments had been given to the developer.

Kinzer asked that Council look at Albert Miller's submitted Plan B including leasing the property. Kinzer said that he is concerned that anyone would spend the amount of money the developer has spent and failed to come to the Borough regarding this street.

Layman asked when information would be presented in response to the questions raised by Amsley. Little said she has discussed street vacating with the Solicitor and the Borough is allowed to vacate a street. Little said she assumes the street is considered real property but would confirm that assumption. Kinzer said he feels the street is real property.

President Miller said Albert Miller has offered his opinion and that legal input would provide answers to the questions raised.

Kinzer asked if William G. Bowen had experience and Little said this company was referred to the Borough by several other appraising firms based on their experience with commercial appraisals.

Smith asked if the Borough could say they weren't going to vacate, Little answered yes. Layman asked why the Borough would do an appraisal if it's not confirmed as real property. President Miller said the street will have real value to the developer and Layman said he's trying to justify spending \$2,700.

Mayor Thomas said that if Council decides to consider vacating, they must adopt an Ordinance which potentially adds two additional months. He said a deed would have to be drawn up for the sale of real estate. His concern is that the Borough doesn't know the real value and the estimates provided are based on real sales and speculative sales. Thomas said his experience was to always get an appraisal.

President Miller said he feels there is wisdom in seeking an appraisal rather than having estimates or opinions presented. He said that he emphatically state clearly for the record that he personally has not, and he has no knowledge of anybody on Council or Borough staff that has had outside discussions or contact in any way with any party on this matter. He said it's egregious to accuse the integrity of this Council and the Borough Manager.

Larry Faight told Albert Miller that he was offended by his comments in accusing Council and staff of lying, saying that he, Kinzer and Layman learned of the project through a Community Development meeting. He asked Steve Eby if he at any time offered him anything for his development and was told no by Mr. Eby. Faight asked Kinzer and Layman if they made any offers to the developer and both said no. Faight then told Albert Miller not to accuse him of any wrongdoing in the Borough, saying he will not lie for him or anyone else in the community or that no one on Council or staff was lying.

Amsley stated that President Miller used the word renegotiate which would predispose that there was a negotiation which probably was not correct. President Miller stated that using that word was an error.

Correspondence

Little stated that a citizen complaint was received for weeds and the Code Enforcement Office addressed it the following day and the matter is resolved.

Final Comments

Layman: Said he appreciated President Miller's comments on the Shade Tree Commission and he wanted to thank the many people who were part of the Commission and the hard work they did for the public.

Burkholder: He said he prefers not making any comments.

Smith: No comments.

Amsley: As a citizen I want to thank the Chief for speed control on Baltimore Street.

Kinzer: Since Eddie Baxter was not present at the meeting, he said he would like to thank the Chief and his staff for what they do for Greencastle and he is sorry they cannot be paid what they're worth stating they are an asset to the community. He said he thought it was with gratitude and graciousness that people came forth to make Kaley Field happen and he hopes everyone has an opportunity to see that improvement. Kinzer asked if Little included comments from the public for follow-up in the minutes, Little stated that information was sent with the agenda packet.

Mayor Thomas: He welcomed Chamber Director Debbie Cunningham and congratulated Benson Mwapaja for his appointment to the Zoning Hearing Board. He said that Mike Hoover will be traveling to Greencastle, Ireland that was visited by former President Frank Mowen years ago.

Vice President Faight: No comment.

President Miller: He asked for a sidebar with Layman and Smith after adjournment.

On an Amsley/Smith motion, the meeting adjourned at 8:43 p.m.

Respectfully submitted,
Donna E. Irons-Zimmerman
Borough Secretary