

**BOROUGH OF GREENCASTLE
COUNCIL MEETING MINUTES**

November 15, 2021

7:00 P.M.

60 N. Washington Street

MEMBERS PRESENT: Mayor Ben Thomas, Jr., President Steve Miller, Vice President Larry Faight, and Councilman Matt Smith, Wade Burkholder, Jeremy Layman. Councilman Joel Amsley participated via telephone. Councilman H. Duane Kinzer arrived after the meeting had begun. Also present was Borough Manager Emilee Little, Public Works Manager Bob Manahan, and Solicitor Zachary Rice of Salzmann Hughes.

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

Mayor Thomas gave the invocation.

President Miller led the Pledge of Allegiance.

President Miller stated the meeting was being recorded.

On a Faight/Burkholder motion, Council unanimously approved the proposed agenda for the November 15, 2021 meeting.

Opportunity to Be Heard

President Miller invited Borough citizens to address Council with specific issues of concern or comments on agenda items.

Eddie Baxter of 117 Carowinds Drive asked why Councilmen Amsley and Kinzer were not present. He also said that fines should be issued on the N. Carlisle Street contractor and that no extension should be granted.

Shannon Blanchard of 158 N. Carlisle Street said she was against Change Order 2 for N. Carlisle Street.

Mary Stone of 163 N. Carlisle Street read her statement regarding N. Carlisle Street issues and said that Manahan and Little had been wonderful to her.

President Miller asked staff to contact residents of N. Carlisle Street and create a punch list.

Ashley McCauley of 159 N. Carlisle Street asked if temperatures would support concrete pouring and if there was a warranty on N. Carlisle Street work.

Little said the warranty is for one year after completion of the work. Miller said to include warranty information in the resident mailing.

Jan Shafer of 142 Carowinds Drive asked if meeting was properly advertised.

Little identified that the meeting had to be advertised in the Public Opinion due to printing deadlines.

Charles Eckstine of 64 Williamson Avenue asked how he could start the process to close the eastern side of Chambers Lane.

Rice said the process started with his request and should be followed with a written request to the borough with drawings. Miller said dividing the property would require a survey and Rice said that if the entirety of the property has one owner, a consolidation can be done simultaneous to the vacation.

Charlie asked if it mattered that the street was never ordained and Rice answered it did not.

On a Faight/Smith motion, Eckstine was granted an additional minute to speak.

Eckstine said that water also runs down Chambers Lane and a curb would be helpful.

Jim Thomas of 55 W. Baltimore Street asked how Doli was selected and who was inspecting their work.

Little explained the municipal bidding process and said Doli was the lowest quality bidder. Additionally Little noted that the inspection is done by ARRO Consulting.

Albert Miller of 171 Apple Drive asked if license readers were still in the budget and advised that the precedence for street closures be monitored carefully.

CONSENT AGENDA

Minutes of Previous Meeting:

Borough Council Meeting of October 4, 2021

Borough Special Council Meeting of October 14, 2021

Community Events:

Consider the approval of a temporary block closure on N. Washington Street in front of the Veteran's Memorial on November 11th to allow for the Veterans Day Commemoration as requested by VFW Post 6319.

Approve the Chamber of Commerce's Heritage Christmas request to move Santa's Mailbox to its traditional position during the week of November 15th.

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

REGULAR AGENDA

On a Kinzer/Faight motion, Council approved disbursements listed on the October 2021 Disbursement Report in the amount of \$102,278.75.

Committee Action

On a Faight/Smith motion, Council approved a one-time special dispensation to Officer James Bradley to pay medical costs incurred not covered by insurance not to exceed \$5,000 pending signed written acknowledgement prepared by Salzmans Hughes.

Kinzer asked if a hold harmless agreement was included and Little confirmed that language was included.

Administration and Finance:

On a Faight/Burkholder motion, Council approved the preliminary adoption and advertisement of the 2022 Municipal Budget.

Little summarized the proposed budget and President Miller said Admin/Finance brought the license plate reader to full Council and they approved it with the caveat that outside funding must be applied for first.

On a Faight/Smith motion, Council voted 5-2 with Kinzer and Layman opposed, to approve the creation and advertisement of an ordinance to vacate N. Carl Avenue.

Little said the request was made by Eby for the proposed Sheetz development and vacation requires advertising prior to adoption of an ordinance which could be done at the December meeting.

Rice stated a public hearing was required and that the vacation agreement includes a hold harmless for the Borough releasing it from any damages or claims.

Mayor Thomas asked if a special meeting would need to be held to adopt the budget and Little said yes potentially and it would be on or after December 15.

Kinzer asked when the value of N. Carl would be made public and Rice said at the time Council considers adoption of the ordinance.

Vice President Faight stated that Kinzer's comments were part of an Executive Session and could not be discussed. Rice agreed.

On a Faight/Smith motion, Council approved a COSTARS quote from Mr. Rehab to complete sewer pipeline maintenance and relining rehabilitation services in the amount of \$9,900.00.

On a Kinzer/Faight motion, Council authorized payments one and two to Kinsley Construction Inc. for the total contract amount of \$45,800 for their work on the Besore Library Bio-Swale Project.

Public Facilities:

On an Amsley/Faight motion, Council approved the motion to approve Change Order No. 2 authorizing a time extension to Doli Construction for the completion of the N. Carlisle Street Rehabilitation Project provided that actual damages/costs, as recorded by Borough management, will be assessed as delineated in the Section 2.3 of the July 6, 2021 executed contract with Doli Construction.

Little presented three options for Council to consider: (1) to deny the authorization and assess liquidated damages; (2) deny and terminate the contract with cause; or (3) approve the Change Order and assess actual damages which Doli would be responsible for.

Amsley asked what recourse residents had and Rice said that the contractor would be responsible for any damages resulting from defective work or missed deadlines and such costs would be deducted from the final payout.

Amsley asked how resident issues would be remedied. Rice said a best estimate would need to be applied.

Kinzer asked if Albert Miller could comment and President Miller said no. Kinzer asked if property owners were being taken care of and Little said the contract covered any damages from Doli.

Vice President Faight asked what the consequences would be to N. Carlisle Street residents if the Change Order were not approved and if the project would have benefited from not being delayed a month.

Burkholder asked if there was legal ground to exclude Doli from future work. Rice said municipalities are required to award the contract to the lowest qualified bidder however if fully documented, there would be justification to deem Doli unqualified.

President Miller said Doli needs to complete the contract and at that time performance issues can be addressed.

Layman asked that the minutes reflect that Change Order No. 2 extends substantial completion 59 days through December 17 and extends final completion 184 days through May 6.

On a Smith/Faight motion, Council unanimously authorized ARRO to enact best engineering practices to prevent newly poured concrete from freezing during temperatures below 40°F allowing Doli construction to meet the December 17th substantial completion deadline.

On a Faight/Smith motion, Council voted to allow public comment on the newly added agenda item regarding ARRO enacting best engineering practices to prevent newly poured concrete from freezing during temperatures below 40°F allowing Doli construction to meet the December 17th substantial completion deadline.

Kinzer asked why the ARRO best practices weren't included in the previous motion. Little said the previous motion was approval of the time extension for Doli and the second motion specifically authorizes ARRO to adjust Council's specifications.

Smith asked if the warranty could be extended to two years.

On a Burkholder/Faight motion, Council voted to take a five minute recess.

President Miller allowed for a second public comment period and asked those in attendance if they had any matters of concern to bring before Council.

Shannon Blanchard said there needs to be a flashing beacon t at the crosswalk on Ridge Avenue and Route 16.

Vice President asked if PennDOT installed that cross walk and Little said they did.

Eddie Baxter asked why the Borough was not involved in the proposed Inch and Company project.

President Miller said as a citizen he is circulating a petition and any citizen of the Borough or Antrim Township can sign. He read a letter he sent to Senator Ward regarding Buchanan Flats.

Little said no formal plans have been submitted to the Borough or the Township at this time. Little stated the Borough staff has met with the developer and Antrim Township to extend introductions and the developer is aware both municipalities need to approve the project.

President Miller said the project needs to go through the appropriate approval process and the Borough needs the opportunity to air concerns and get an agreement.

Kinzer said President Miller should have written a letter to Antrim Township and that the Borough, Antrim Township, and the school district need to be involved. Kinzer made a motion that Borough Council take a position on the Buchanan Flats matter and that they set up a meeting with all three parties. The motion was seconded by Burkholder.

On a Kinzer/Burkholder motion, Council voted 5-2, Amsley and Layman opposed, to contact Antrim Township and school district leadership for a joint meeting regarding Buchanan Flats.

Layman said the matter should be deferred to a later date.

Mayor Thomas said he previously laid out procedure for submitting land development plans and that there is a Greencastle-Antrim Comprehensive Plan and he recommended a joint Planning Commission meeting with Antrim Township to discuss Buchanan Flats.

On a Miller/Kinzer motion, Council voted 5-2, Amsley and Layman opposed, to have the Borough Manager draft a letter to Antrim Township requesting immediate scheduling of a joint meeting of the two Planning Commissions to discuss Buchanan Flats.

Amsley said that Antrim Township is not acting in a vacuum.

Charlie Eckstine stated that the Antrim Township Planning Commission was meeting November 23.

Albert Miller said if the Borough chooses a single trash hauler all billing should be done internally. He said that there has been more discussion on Buchanan Flats than there had been on Sheetz.

Harold Duffy of 54 Homestead Drive said his concerns about the Buchanan Flats project.

Jan Shafer asked if a letter was sent to residents about the proposed ordinance regarding E. Madison and Jefferson streets and if information was prepared for incoming members.

Little stated the letter was mailed mid-October as requested.

President Miller said the issue raised was tabled and Vice President Faight said the matter had to be on the December agenda.

Charles Stockslager of 241 E. Madison Street said the E. Madison Street parking issue was important and stated it needs to be addressed.

Tim Fetterhoff of 180 Baumgardner Drive asked if the Borough chooses a single trash hauler to keep prices at or below rates residents currently pay and that something needs to be done with the current Sheetz property.

President Miller commented regarding Buchanan Flats, that the police do not provide services beyond Borough limits and this would be an issue for discussion with Antrim Township. Mayor Thomas said the State Police would be the primary respondents for Buchanan Flats and Greencastle police would be secondary responders.

Final Comments:

Layman: No comment.

Burkholder: No comment.

Smith: No comment.

Amsley: No comment.

Kinzer: Asked Little if negotiations had been finalized with Eberly in regards to Vivian Avenue, and Little stated Mr. Eberly has signed the Letter of Intent and the Borough was now waiting on Greenworth Land. He asked if Vivian was still blocked, and Little said it was and would remain blocked until sidewalks are installed. He asked that he be on record as opposing the situation at the Ridge Avenue crosswalk and Manahan said that PennDOT mandated ADA accessibility on both sides.

Mayor Thomas: Stated the Greencastle Police Department is having a canned food drive and donations would be appreciated.

Faight: No comment.

Miller: Said if anyone wanted to sign his petition they could see him after adjournment.

On a Kinzer/Faight motion, the meeting adjourned at 9:36 p.m.

Respectfully submitted,
Donna E. Irons-Zimmerman
Borough Secretary