

**BOROUGH OF GREENCASTLE
COUNCIL MEETING MINUTES
October 14, 2021
5:00 P.M.**

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 (via telephone). Also present was Borough Manager Emilee Little, and Nate Merkel, ARRO Consulting. Councilman Matt Smith was not in attendance.

Council President Miller called the meeting to order at 5 p.m.
An invocation was given by President Miller.
President Miller led Council, Staff and guests in the *Pledge of Allegiance*.
President Miller stated that the meeting was being recorded.

On a Faight/Amsley motion, Council unanimously approved the agenda for the October 14, 2021, Council meeting.

OPPORTUNITY TO BE HEARD

President Miller said that Mr. Albert Miller is in attendance and would be allowed time to address matters before the Council.

CONSENT AGENDA

On an Amsley/Burkholder motion, Council unanimously voted to approve the Halloween Parade to take place October 29th beginning at 7:00 p.m. to follow the adjusted route as stated: begin on Ridge Avenue, right on Leitersburg Street, right on Washington Street, right on Franklin Street, and end on Ridge Avenue.

REGULAR AGENDA

Committee Action

Public Facilities

On an Amsley/Faight motion, Council voted unanimously to approve the settlement agreement as presented by Greenworth Land with revisions to items three and four and pending executed mutual release agreements from the identified property owners subject to review by attorney Hubert Gilroy of Martson Law Offices as conflict counsel for the Vivian Avenue roadway situation.

Little reviewed the proposed settlement agreement for Vivian Avenue and offered the following amendments.

- Item 3: The Borough will remove any signs or barriers.
 - Little suggested Council outline that the Borough will reinstall all barricades after the topcoat paving is completed to ensure the roadway is blocked until the sidewalks are installed per the agreement.
- Item 4: Greenworth agrees to construct five-foot sidewalks along the western side of Vivian Avenue
 - Little stated the UPI numbers should be added to more clearly identify the two parcels over which sidewalks will be installed. Additionally Little suggested language be added to clearly

state the sidewalk will fully connect from Homestead Drive to Delanie Drive.

Amsley asked if there was anything in the agreement that impedes the Borough from putting in speed tables, Little replied no.

Little identified that the agreement being discussed was with Greenworth Land and the Council. The Council could either have a separate agreement with the Kuhanecks and Luger or add their requests into this document. Little reviewed the requests from the Kuhanecks and Lugers including speed tables, signage, and excavation work on the Luger's embankment.

Kinzer said Luger was asking for "a little much." Little said one speed table and signage, would not be of significant cost but Little stated that if the embankment work required any relocation of the identified gas line, the Borough should not agree. Little stated she had a meeting with Columbia Gas scheduled for the next day to review this request.

Kinzer asked if the Borough had a written agreement with Eberly. Little stated that Eberly verbally agreed to sign an agreement for the Borough to ordain Vivian Avenue.

Amsley asked if the Borough has any written communication from Eberly, Little said no.

Council requested a written document be prepared for Eberly to sign so the Borough has his intention to allow the Borough to ordain the roadway and prevent future litigation.

On an Amsley/Faigh motion, Council voted 5-1 (Kinzer opposed) to authorize ARRO Consulting to provide full-time RPR services for the duration of the N. Carlisle Street Rehabilitation Project in an additional amount not to exceed \$5,000 as recommended by the Administration & Finance Committee and the Public Facilities Committee.

Little said this motion addresses concerns raised at the October Council meeting, provides daily oversight of the contractor and ensures the timeline for the duration of the project for an approximate cost of \$5,000 to include closeout.

President Miller asked when it would be effective and Little said Monday, October 18, 2021.

Amsley asked how many additional hours this action would include and Merkel said about ten additional hours per week for a total of about 40 hours weekly.

Kinzer asked why the project was delayed, President Miller stated the agenda was to discuss the inspector. Little said this would help keep the contractor accountable to the timeline.

President Miller asked if compaction, sub-base preparation, and photographs would be included with documentation.

Merkel said that the RPR representative is photo documenting everything and that a third party is doing all compaction testing on the sidewalk and roadway base which was above and beyond specifications.

President Miller asked if the specification parameters were in the contract or an ordinance and Merkel said that the sidewalk ordinance only states "compacted material;" it doesn't state what the specification should be and that roadways follow PennDOT standards.

Kinzer asked if this includes curbing and Merkel said the ordinance doesn't include curb compaction.

Albert Miller said that the ordinance doesn't show compaction at the bottom of the curb, just in front of the curb on the road side and the sidewalk must be compacted but that there is no set a standard.

Merkel recommended the Borough set a standard for compaction, updating the details and specifications, for future contractors.

Amsley asked if the \$5,000 includes the compaction testing and Merkel said this agreement is for ARRO, that compaction testing is in the contact under Section 103, General Standards.

On an Amsley/Faigh motion, Council voted unanimously to authorize DOLI Construction to complete additional base repairs for the N. Carlisle Street Rehabilitation Project as recommended by the Administration & Finance Committee and the Public Facilities Committee at a cost not to exceed \$185,000 using Liquid Fuels funding.

Little reviewed an onsite meeting with Burkholder, Miller and Amsley to look at the sub-base condition. Several areas were viewed with significant damage, particularly from Mifflin Lane and Walter Avenue. Little said the cost would be for additional base repairs to ensure the integrity of the roadway, and includes the full roadway width from Mifflin to Walter and some spot repairs from Baltimore to Mifflin.

President Miller said that the truck traffic on N. Carlisle makes these repairs critical or the base will be compromised and the roadway would need replaced within ten years. Merkel stated that by completely repairing the base there will not be premature failure.

Faigh said that the costs would be covered by Liquid Fuels and Kinzer asked what the cost would be. Little reviewed that total base repair from Mifflin to Walter would be \$166,000 and spot repair from Mifflin to Baltimore would be \$16,800, totaling approximately \$185,000.

Albert Miller asked if DOLI was doing the t-repairs for the Baltimore to Mifflin and Little said yes. He asked if the testing would be done and if there would be records and Merkel said there would be.

Layman asked who is doing the base repair and Little said DOLI. He asked if it was bid out and Little said there was a line item for base repair included in the contract and this would be handled as a change order.

Albert Miller said he mentioned months earlier to look at standardized engineering contracts versus attorney prepared contracts and suggested to Little during a walk through on N. Carlisle Street that if the schedule is not met, DOLI could only be charged liquidated damages of \$1,000 per day. He said that future contracts need to be stronger in that if Liquid Fuels deadline is missed, contractors will be charged actual damages.

Little said the engineer draws up contracts which are then reviewed by the Solicitor. She said the Borough could look at standardized contracts going forward.

Merkel said that DOLI would work as necessary to complete the project on deadline.

On an Amsley/Burkholder motion, the meeting adjourned at 5:45 p.m.

Respectfully submitted,
Donna E. Irons-Zimmerman
Borough Secretary