

**BOROUGH OF GREENCASTLE
COUNCIL MEETING MINUTES**

December 6, 2021

7:00 P.M.

60 N. Washington Street

MEMBERS PRESENT: Mayor Ben Thomas, Jr., President Steve Miller, Vice President Larry Faight, Councilmen Wade Burkholder, H. Duane Kinzer, Jeremy Layman, and Matt Smith. Councilman Joel Amsley participated via telephone. Also present were Borough Manager Emilee Little, Public Works Manager Bob Manahan, and Solicitor Zachary Rice, Salzman Hughes.

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

Council President Miller arrived at the meeting 15 minutes late.

Councilman Matt Smith gave the invocation.

Vice President Faight led the Pledge of Allegiance.

Vice President Faight stated the meeting was being recorded.

Vice President Faight acknowledged the presence of John Alleman, Chair, Antrim Township Board of Supervisors; Pat Herity, Antrim Township Supervisor; and Administrator Brad Graham.

Vice President Faight stated the agenda would be modified to move the public hearing on the vacating of N. Carl Avenue to the second agenda item to allow full Council input.

Opportunity to Be Heard

Eddie Baxter of 117 Carowinds Drive said he strongly recommended continued police department support and thanked Miller, Faight and Smith for their service to the community. He asked when Michelle Emmett resigned from the Zoning Hearing Board and asked that Council wait to select her replacement. Baxter asked if there were any updates on Buchanan Flats.

Vice President Faight said that a decision had been made to postpone Emmett's replacement until 2022.

John Alleman, Antrim Township Board of Supervisors Chair congratulated the incoming Council members, thanked outgoing members, and looked forward to working together. He also submitted a request for the Old Home Week parade to Council and Chief Phillippy.

Joe Crouse of 41 Edward Drive asked if PennDOT was done with Baltimore Street and if S. Washington and N. Carlisle Street were still state roads.

President Miller said that N. Carlisle Street was a Borough street and S. Washington Street was a state road. He also said the bump outs were a calming measure.

Mayor Thomas suggested that Mr. Crouse contact Representative Schemel and Senator Judy Ward with his concerns.

Larry Pittman of 35 W. Madison Street presented his November report on train issues and the railroad bridge.

Albert Miller of 171 Apple Drive noted that the Secretary was not in attendance and asked if a replacement was appointed. He asked if Doli had accepted the Change Order, and Little said they had. He asked if there were

procedures in place for filling board vacancies and asked that this be looked at in the new year.

Tim Fetterhoff of 180 Baumgardner Drive thanked Council, Borough staff and Chief Phillippy for their hard work. Fetterhoff noted President Miller's many hours spent mapping the Borough for stormwater requirements.

Kendra Phiel of 30 Baumgardner Drive asked about the status of the railroad bridge repainting.

Larry Pittman of 35 W. Madison Street said he wants others to appreciate the railroad noise he hears daily.

President Miller thanked representatives of Antrim Township for attending the meeting and for sharing jointly in discussions that impact the community.

PUBLIC HEARING ON N. CARL AVENUE VACATION ORDINANCE

A public hearing was held regarding the vacation of N. Carl Avenue as petitioned by 215 W. Baltimore Street, LLC.

Community Development

Council opened the discussion on the approval of Ordinance 2021-06 vacating any and all interest held by the Borough in the public street known as North Carl Avenue, from its intersection with West Baltimore Street to its intersection with West Madison Avenue. Said North Carl Avenue will be vacated as a public road, street, alley, or thoroughfare, and shall be closed to all public use and traffic in accordance with the terms of the Vacation Agreement entered into between the owner and the Borough.

Rice began the hearing with a summary of Borough Code regarding street vacating. He stated the advertisement requirements met and that the Ordinance formally vacates any and all interests held by the Borough for N. Carl Avenue. He said there is a vacation agreement which addresses various issues, including a hold harmless for the Borough for any claims, actions or damages that could arise from the vacation.

Little presented a historical timeline of the development to date.

Kinzer asked if the concerns raised by Albert Miller were addressed and Rice said the criteria required by Borough Code were met and the other items requested by Mr. Miller were not legal requirements.

Kinzer said he spoke with Ed Wine, Planning Commission Chair, who gave him questions which Little said had not been presented to her. Kinzer asked if the Ordinance could be approved with Planning Commission still having questions and Little said yes.

President Miller asked to clarify that there were two actions before Council and Rice suggested that they review and approve the Vacation Agreement and then the Ordinance to vacate N. Carl Avenue.

Layman asked if the public would be allowed to comment, followed by Council and President Miller said Council could provide preliminary comments followed by public comment.

Mayor Thomas asked if the applicant wanted to give a presentation and Andrew Benchoff spoke on behalf of the developer, 215 W. Baltimore Street, LLC.

Albert Miller of 171 Apple Drive asked what the execution date of the Ordinance was, and Little said the Ordinance was not yet passed. He asked if letters were sent to property owners, and Little said the sole property owner was notified and the vacation agreement waived the requirement for another notification of vacation.

Miller asked if PennDOT, the auto parts store, and S. Carl Avenue properties were notified, and Little said no as this was not a legal requirement. Miller said the advertisement was consolidated and did not meet legal notification requirements.

Rice said as there was no petitioning party seeking a hearing on the vacation, there is no additional requirement for notification. There is also no legal issue with consolidated advertising.

Andrew Benchhoff of 215 W. Baltimore Street, LLC said that Miller is assuming residents on S. Carl Avenue, W. Madison Avenue, and Baltimore Street have standing and he and Atty Rice agree that no one else has legal standing.

Rice agreed with Benchhoff's comments and said that consolidation of advertisements is commonly done.

President Miller asked if the scenario by Albert Miller is a legal issue and Rice said he's not ever seen property owners treated as adjoiners in a vacation process. Rice stated the Borough is in a solid legal position.

Mayor Thomas asked if legally the right-of-way at the northern end of N. Carl Avenue stops at W. Madison Street and Rice referred to the exhibit.

Albert Miller of 171 Apple Drive asked if the auto parts store would have access to all of Madison Street and Rice said he didn't believe Council's intent was to vacate half of W. Madison Street.

Kinzer asked if any data was gathered on the taxes paid on the six properties owned by Eby and Little said she had not. Little said she doesn't know what the estimated tax valuations are.

President Miller said that there is no basis for tax estimates as nothing has been submitted to the county.

Atty Benchhoff said that section 1731(b) of the Borough Code defines adjoining properties and strongly indicates that the properties referenced by Albert Miller are not adjoining.

Jan Shafer of 142 Carowinds Drive asked what the appraisal values were. Little replied that the professionally appraised value of N. Carl Avenue was \$15,450 and the negotiated value the Borough would receive from the developer is \$50,000.

Burkholder stated the negotiated value was three and a third times higher than the appraised value and that the appraisal firm was highly reputable. Kinzer asked to confirm the appraisal values, Little confirmed.

Charles Stockslager of 241 E. Madison Street asked if N. Carl Avenue will become private property once vacated and who would be responsible. Rice said that per the agreement the property owner acknowledges (as of the date of the agreement), sole obligation and control of maintaining N. Carl Avenue and that the Borough's duties cease. Benchhoff said that temporary cones would be placed to ensure there is no ingress/egress on N. Carl Avenue and Eby said that access from Madison Street will be blocked off.

Kinzer asked about the utilities on N. Carl Avenue, and Little said there are utilities which Sheetz has proposed relocating and that the Borough would retain necessary utility easements. Kinzer asked if this information was in writing, and Little said it was and Rice said would be recorded with all legal documents.

Vice President Faight stated that the developer would still need to follow Borough Code regarding snow

removal, grass and weed control.

Eddie Baxter of 117 Carowinds Drive asked what the completion date was and Eby said it would be about a year and a half. Baxter then asked if sidewalks would be installed and Eby said all plans would meet PennDOT and Borough requirements before moving forward.

Joe Crouse of 41 Edward Drive said that meetings need to be advertised outside the Echo Pilot because most people don't read it.

President Miller said that the Borough must meet legal requirements and any requests for changes should be directed to Senator Ward and Representative Schemel.

Tim Fetterhoff of 180 Baumgardner Drive said that the Sheetz project would benefit downtown residents by providing jobs and a shopping source within walking distance additionally it would clean up this area of town.

Vice President Faight said that residents have expressed their need for a nearby shopping source.

Jan Shafer of 142 Carowinds Drive said she had spoken with Shawn Hardy and that online legal notices are not being posted.

Vice President Faight asked if that was an issue with online newspapers or the Borough website and Shafer said it was with online local newspapers.

Layman said he wanted to remind Council that once the ground is given away, it can't come back, and it creates a bad example to other investors and is a bad move going forward.

Burkholder said that Sheetz would meet current standards and be a great business.

Vice President Faight asked Eby if he would continue to own the property. Eby confirmed he would.

Fred Young of the Antrim Township Board of Supervisors said the PA State Association of Townships and the PA State Association of Boroughs has been trying to change the advertising requirements for print media for at least 15 years to allow for websites and internet postings. He said Council is posting per legal requirements and the issue would be a good topic to take to legislature.

Burkholder stated that there is a powerful union in the print media and removing legal advertising revenue could end local papers.

On a Faight/Burkholder motion, Council voted 6-1, Layman opposed, to approve the vacation agreement as presented conditional to the approval of Ordinance 2021-06 vacating N. Carl Avenue..

Rice asked that he be given a physical copy of the signed agreement and that Council authorize execution of the agreement subject to the enactment of Ordinance 2021-06.

On a Burkholder/Faight motion, Council voted to appoint Emilee Little as Assistant Borough Secretary allowing Little to sign on behalf of the Borough Secretary in her absence.

Kinzer asked if a notary was required, and Little said it was not.

On a Faight/Burkholder motion, Council voted 6-1, Layman opposed, to approve Ordinance 2021-06 hereby vacating any and all interest held by the Borough in the public street known as North Carl Avenue from its

intersection with West Baltimore Street to its intersection with West Madison Street, and said North Carl Avenue shall be vacated as a public road, street, alley or thoroughfare, and shall be closed to all public use and traffic in accordance with the terms of the Vacation Agreement entered into between Owner and the Borough.

Layman asked if N. Carl Avenue will be deeded over to the new owner. Rice said the Vacation Agreement requires that N. Carl Avenue be consolidated into the entirety of the lots. Benchhoff said there is no traditional deed. To the extent that the Borough adopts the Ordinance it abandons any right, title, or interest in N. Carl Avenue. Within six months pursuant to the Vacation Agreement, Eby's LLC must capture that either through another property as a lot addition or do a perimeter description capturing the entirety of the lot.

Layman asked who is going to take over responsibility of the property and pay taxes on the parcel and Benchhoff said Eby will be responsible, and the property will be added to the Borough tax base.

Amsley asked if the lot will be assessed a stormwater fee. President Miller said it would.

President Miller and Little signed the Vacation Agreement and Rice confirmed no further action was needed.

CONSENT AGENDA

On a Smith/Kinzer motion, the Consent Agenda was unanimously approved by Council with a correction to the November 10th minutes as noted below.

- Borough Council Meetings of November 1st, 10th, and 15th, 2021

Kinzer stated the November 10 minutes reflect the meeting called to order at 7:05 p.m. and it should be 5:05 p.m.

- Accept the employment of Haley Allshouse to fulfill the position of Administrative Receptionist.
- Accept the resignation of Michele Emmett from the Zoning Hearing Board effective December 31, 2021.

Kinzer asked why the November minutes were not posted to the website and where the Borough Secretary was. Little stated the minutes are not posted to the website until they are approved and would verify what has been posted to date. President Miller stated that the Borough Secretary was not in attendance due to a medical situation.

Payment of bills

On a Faight/Smith motion, Council voted unanimously to approve the disbursements listed on the November 2021 Disbursement Report in the amount of \$116,855.72.

Layman asked Little to review the payments to ARRO. Little reviewed all the payments to ARRO.

Layman asked about the agenda item regarding ADA ramps which Little said the Borough was not accepting the received bids for the ramps. Layman asked why the bids were being declined and Little said the bids received were all over the grant funding allocation.

Reports from Elected Officials

President's Report

President Miller said that it's been a good term and he appreciated being chosen to serve as President. He said Little has done yeoman's work on preparation for the new Council, far more than previous members received, and he appreciates her effort. He stated that the community is growing, and he appreciates the work being done with other communities and he wishes the new Council well.

Mayor's Report

Mayor Thomas thanked the Antrim Township officials for their attendance and talked about the holiday events in the Borough. He thanked the Chamber of Commerce, fire police, the Police Department, and Ledo Pizza for their support of the local food pantry. Mayor Thomas spoke with Rescue Hose regarding grant writing and spoke on the E. Baltimore Street crosswalks that are covered by grant monies in a joint venture with the Greencastle-Antrim School District. He suggested further review of the stormwater runoff at the Eckstine property on N. Carlisle Street, is working on grants for the license plate reader, and his continuing efforts to address the train idling on Madison. He expressed his support of the N. Carl Street vacation ordinance. *For the complete report, please go to www.greencastlepa.gov.*

Chief's Report

Chief Phillippy presented his report for the month of October 2021 including total calls received, overtime hours, and noteworthy activities including the destruction of fresh sidewalks, a dangerous dog citation, and reminded residents to be aware of safety during the Christmas season. He thanked Cunningham's Towing Service for their assistance with a disabled tractor trailer. He acknowledged the number of lives lost within the police community, including those lost to COVID. *For the complete report, please go to www.greencastlepa.gov.*

Manager's Report

Manager Little presented her monthly report including the status of N. Carlisle Street and a review of the 2022 budget. Little encouraged residents to meet the new Administrative Receptionist and stated the Borough is hiring a part-time Billing and Program Coordinator. She thanked those Councilmen who were leaving for their support and their service to the community. *For the complete report, please go to www.greencastlepa.gov.*

Layman asked Little if the Borough was making payments to Doli. Little replied that no payment applications have been submitted to date. Layman said that he didn't see any storm drains listed on the N. Carlisle Street punch list. Little stated the punch list had not been compiled yet and that the storm box will be filled in and completed by December 17. She added that ARRO will be going over the punch list with their inspector on all items.

Layman asked if property owners were notified that sidewalk repairs and not replacements were to be done and Little said that was not yet discussed. Little reviewed the concrete resurfacing compound called Ardex which is approved by PennDOT and was put on a test panel on N. Carlisle Street. She stated the Borough's insurance denied the claim for the damaged sidewalks and she resubmitted the claim as a liability issue with no response as of the meeting.

President Miller agreed that a letter should be sent to N. Carlisle Street residents regarding the intent of sidewalk repairs and thanked Layman for his comments.

Kinzer said he feels Doli's insurance should pay for the damaged sidewalks. Manahan said the sidewalks were barricaded off with plastic construction fence and caution tape. Burkholder asked why the parents of the children who did the damage shouldn't pay.

Kinzer said he's had a private contractor do sidewalk repair for him and his contractor came and checked on the sidewalk for any vandalism. He asked when Doli worked and Little said they worked four, ten-hour days.

Committee Action

Administration & Finance:

On a Kinzer/Faight motion, Council voted unanimously to adopt the 2022 Municipal Budget as advertised.

Little stated that the budget was legally eligible for action as advertised. She said the Council preliminarily approved the budget 30 days prior and an advertisement announcing the proposed budget was posted 10 days prior to the December meeting thus meeting all legal requirements.

On a Kinzer/Burkholder motion, Council unanimously approved Resolution 2021-04 setting the 2022 tax rate at 15 mills.

On a Faight/Smith motion, Council voted 6-1, with Kinzer opposed, to Resolution 2021-05, amending the Stormwater Pollutant Impact Fee rate to \$0.75 per 100 square feet of impervious area.

On a Kinzer/Burkholder motion, Council unanimously voted to delay the approval of the 2022 meeting schedule pending verification of dates.

On a Smith/Burkholder motion, Council unanimously voted to approve the 2022 holiday schedule.

Kinzer asked why the Borough doesn't close at noon on Christmas Eve and Little said the employee handbook lists it as a full holiday.

On a Smith/Faight motion, Council unanimously voted to approve the Franklin County Area Tax Board 2022 Operating Budget.

On a Kinzer/Faight motion, Council voted to table the appointment of a representative and alternate to the Franklin County Area Tax Board for calendar year 2022.

President Miller said this issue could be deferred to January and that the Borough Manager could be appointed.

On a Faight/Smith motion, Council considered the selection and appointment of a candidate to fill the Zoning Hearing Board position with a term expiring December 31, 2024.

President Miller said that there were two interested candidates for the Zoning Hearing Board, and he felt this should be brought before Council.

On a Kinzer/Faight motion, Council voted to table the selection and appointment of a candidate to fill the Zoning Hearing Board position with a term expiring December 31, 2024.

Burkholder asked if there were other committee or board openings that could be considered in January. Kinzer said the openings must be advertised and Little said legal and classified ads are not the best option, that the website and Facebook would potentially be viewed more. Burkholder said that the Echo Pilot would probably run something under Public Service announcements.

President Miller said future Council must consider a process on how to select candidates for board/committee positions.

Personnel:

On a Kinzer/Burkholder motion, Council voted 6-1 with Faight recusing himself, to approve the disbursement of the annual staff Christmas bonuses in the amount of \$100.00 to full-time employees and \$50.00 to part-time

employees.

President Miller thanked staff for their work in 2021 and recognized their efforts.

Public Safety:

On a Faight/Smith motion, Council voted 6-1 with Miller opposed, to the creation and advertisement of an ordinance amending Chapter 190-27 of the Borough Code designating no parking on the south side of E. Madison Street between N. Allison Street and Spring Grove Avenue.

Kinzer said to Little that residents needed to be notified. Little stated that letters were sent to all impacted residents in October with one resident in favor of the restrictions and five residents against. Kinzer said that other municipalities have implemented systems where parking is alternated monthly and asked if that could be considered for the Borough. Chief Phillippy said an alternate parking system was done in Chambersburg and it was a nightmare. Mayor Thomas said that the south side has less driveways than the north side and that the current proposal makes the most sense.

President Miller said there is a proposed development that links to the east of Madison Street and Council should be prudent with any decisions regarding traffic as it could be changed in the future. Kinzer said that Council is improving the street now.

President Miller asked to confirm that there were more residents opposed than in favor of the no parking changes. Little said that was correct and stated the various concerns raised in the community responses.

Faight said he recognizes resident concerns and said that the south side of Madison is always the first street blocked off if there is an issue or event downtown. Burkholder said Faight is raising a valid concern. Layman said the motion is for an advertisement and Kinzer said Council is stating their position on the proposed Ordinance.

On a Faight/Smith motion, Council voted 6-1 with Layman opposed to the creation and advertisement of an ordinance amending Chapter 190-27 of the Borough Code designating no parking on the west side of S. Jefferson Street 55 feet going north of the intersection with Dahlgren Street.

Phillippy said that this Ordinance is in response to an ongoing problem with parking and for better access for emergency services vehicles.

Public Facilities:

On a Kinzer/Faight motion, Council voted unanimously to not accept the contractor bids as submitted by November 15, 2021, for the 2016 CDBG ADA Ramp Improvements Project based on all submitted initial bid prices exceeding the approved grant allocation.

On a Kinzer/Faight motion, Council voted unanimously to approve the re-advertisement to bid the 2016 CDBG ADA Ramp Improvements Project with a project cost not to exceed the grant funding amount of \$51,800.00 as recommended by the Administration and Finance Committee and the Public Facilities Committee.

Little said the project was being rebid because only two contractors came to the pre-bid meeting and the new advertisement will eliminate the pre-bid meeting attendance requirement which will hopefully encourage more competitive contractor bids.

Smith asked if there is still money within the CDBG grant and Little said this project would still be covered.

Layman asked who did the ADA ramps previously and Little said Ganoë had completed the 2020 ADA ramps on Baltimore Street. Layman asked to confirm that only about \$40,000 of the grant was available for the ADA ramps and Little said that was correct and the bids would be reviewed by Public Facilities.

Kinzer asked if the bid would be put out in January, and Little said bids would go out mid-December.

On a Faigh/Burkholder motion, Council voted unanimously to approve the advertisement to bid the 2017 CDBG South Jefferson Reconstruction Project with a project cost not to exceed the grant funding amount of \$261,038.00 as recommended by the Administration and Finance Committee and the Public Facilities Committee.

President Miller thanked Little for her responsiveness in expanding the project to include a greater portion of Jefferson Street and working with Franklin County for additional funding.

Layman asked to confirm that engineering is not included in the \$261,038 number and if it was included in the previously approved payments. Little said that everything the Borough pays for the project will be reimbursed by Franklin County up to the \$261,038 funding amount including engineering. Layman asked for the project parameters, and Little said the entirety of S. Jefferson Street from Baltimore Street to Dahlgren Street would be included but any work already done to Code will stay.

Little presented the results of the Single Waste Hauler and Burn Ban Survey. She said that 157 responses were received with 51% supporting a single hauler and 49% against. Additional details include: 77% currently have home collection; 48% said they would opt out; 56% do not support the burn ban. Little asked Council to provide direction on what the next steps would be.

President Miller said that the incoming Council would need to address this issue and he acknowledged the work of Public Facilities in providing public education and input. Council agreed that no action is required.

Correspondence:

On a Kinzer/Faigh motion, Council approved the reduction in sewer charges as requested for 270 E. Baltimore Street in the amount of \$282.96 due to a water leak that did not enter the Borough's sewer system.

Little stated that this is a standard request, and the refund amount is based on averages of the previous four quarters which equates to 15,000 gallons or \$282.96.

President Miller said an additional piece of correspondence that was received by Council which will be discussed at the January meeting.

Final Comments:

Layman: "I would hope that the new televisions could be used more in the new year." He thanked Matt Smith for his years of service and wished everyone happy holidays.

Burkholder: He thanked everyone for their years of service and hoped to see them back in the audience or on a committee. He said it was great working with everyone and he wished everyone a Merry Christmas.

Smith: He said that 30% of his life was spent on Council and he's felt privileged that the community trusted him to be a Council member for twelve years. Smith said, "We are elected for a reason and are trusted to make the right decisions for the community with no room for egos, agendas, or pettiness; there should be one common goal to do the right thing for the community and to keep the town safe, beautiful, and a great place to live. The incoming Council should remember it's a common goal, not for the individual."

President Miller: He said the Smith is a quiet powerhouse and he is the epitome of what it is to be a public servant. He said it was an honor to serve with Smith.

Kinzer: He said that Smith was more than busy hiring several Borough Managers. Kinzer thanked Faight for the years together. Kinzer stated *“now Mr. Miller, I’ve never in my 16 years of being part of this Council have been treated like I’ve been treated by you the last two years. Ok. I want you to know that. Demoralizing as you did to me publicly at a meeting and you also did the same thing to Mr. Layman over here regarding the tree commission.”*

Mayor Thomas: He wished everyone a Merry Christmas and commented to Matt, Larry, and Steve, “we didn’t agree on everything but we worked it out to the best interest of the community.” Thomas stated he is hoping they will continue their service to this great community.

Vice President Faight: He said to residents of Greencastle it has been an absolute pleasure. Faight said he has done many things in his life, and this has been by far the most rewarding. “I wish those coming on board the best, those that are here the same. We have a great staff; treat them well.” Faight noted the Township’s attendance and applauded their business sense and growth. Faight said the Smith, “You are truly a fantastic administrator, spiritually and mentally. It’s been great.” Finally Faight noted the joy he has gotten out of serving in this position.

President Miller: “I’ve enjoyed my experience on this Council. The Lord has brought to me to be a catalyst for a number of things, and I appreciate the support that this Council provided as a whole and is consistently the reason why I sit here. Council as a whole voted against individual Council members and that was fully supported by Council. All actions taken were done with the full support and majority of Council. This is our community. We all live here. We’re all going to stay here. It will be better because we work together to achieve that common end.”

On a Kinzer/Faight motion, the meeting adjourned at 9:52 p.m.

Respectfully submitted,
Donna E. Irons-Zimmerman
Borough Secretary