

**BOROUGH OF GREENCASTLE  
COUNCIL MEETING MINUTES  
August 2, 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 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 Pastor Fred Keener of Greencastle Church of the Brethren.  
President Miller led Council, Staff and guests in the *Pledge of Allegiance*.  
President Miller stated that the meeting was being recorded.

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

Kinzer said he had changes to the July 6, 2021 minutes and President Miller replied that they would be addressed during the Consent Agenda discussion.

**OPPORTUNITY TO BE HEARD**

Eddie Baxter, 117 Carowinds Drive, thanked the Police Department for their continued efforts and asked Council not to defund the department. He asked what was being developed at the former Jim's/Sheetz, why Trick or Treat was not held on October 31 and gave his support to the single trash hauler plan.

President Miller stated he's not aware of any Council discussions to defund the Police Department. He said the Sheetz property is a private matter and Little stated that a Planning Commission meeting would be held on August 9 at 7 p.m. and invited those interested to attend. Trick or Treat has historically been on the Thursday before the 31<sup>st</sup> and Little added that Thursday has less traffic.

President Miller said he appreciates the tracking being done on any actionable issue or question.

Larry Pittman, 35 West Madison Street, asked why the property at 43 W. Madison is not being addressed by the Code Enforcement Officer as there are high weeds and garbage in the back yard.

Chief Phillippy said that he is not aware of any recent complaints, but was aware of previous actions by the Code Enforcement Officer at this location. Mayor Thomas said that the Code Enforcement Officer would complete an inspection. President Miller thanked Pittman for bringing the issue to Council.

Jan Shafer, 142 Carowinds Drive, stated her concern to Council regarding the MS4 waiver. She stated that the Mayor said at the July meeting that he had attended a stormwater meeting in Antrim Township and asked why the Borough didn't have a brochure similar to the Township's.

Mayor Thomas stated it would be up to Council to schedule the next MS4 Committee meeting. Little confirmed that the Borough does have an MS4 pamphlet. Mayor Thomas said that the Borough is not currently an MS4 community and Council is aware of preparations required to maintain the waiver status. President Miller suggested the Borough's pamphlet be updated as necessary, reviewed by the MS4 Committee and posted to the website.

Burkholder commented on additional requests of staff and he has no problem with that, but then the same people are also saying keep expenses down.

Amsley asked Mayor Thomas if anything has changed within Pennsylvania's waiver requirements, Mayor Thomas replied no. Mayor Thomas said the Borough needs to keep in mind that, going forward with another waiver, we need to do all we can to get MS4 points.

Ashley McCauley, 159 N. Carlisle Street, asked if there was an ordinance regulating the number of adults over age eighteen that can occupy a single dwelling home.

Little stated the Borough does not do rental or building inspections and that there is no inspector on staff but there are local resources available if interested in pursuing the matter.

Amsley stated that the International Construction Code (ICC) governs rental properties. Vice President Faight suggested that Clem Malot be contacted and that it might be good to look at having a Building Inspector on staff as in the past. President Miller asked Vice President Faight and Little review the International Building Code with the Public Safety committee meeting.

Kinzer provided a public comment to Council saying if you want to talk about Borough Code, you need to talk about ordinances first. He said the borough is not enforcing ordinances, starting with weeds. Kinzer asked if Pittman needed to come into the Borough office to report issues at 43 W. Madison. He asked Little to confirm that the salary of an enforcement officer was increased, Little confirmed that Council approved the promotion. Kinzer then stated he wanted to discuss an agenda item on page two, Public Safety.

President Miller ruled Kinzer out of order to discuss an agenda item at this time. Kinzer said he wants every Council member to know the ordinances to help Little enforce them and that he will discuss the matter further later.

Albert Miller, 171 Apple Drive, stated that DOLI bid with HDPE pipe and he was curious as to why the bid was being changed to reinforced concrete pipe. He said he suspected the reasoning was due to material shortages. He said DOLI is facing liquidated damages and that they should have brought the issue up during the pre-bid conference and that DOLI should eat the costs. Miller asked why the Borough doesn't have standardized contracts to save on legal review fees. Regarding the Shade Tree Commission (STC), Miller cautioned the Council of moving hastily in abolishing the STC.

President Miller said that there was a pipe shortage and the Borough needed to move forward with the project. Council was polled on the change order and there were no additional engineering costs. He said standardized contracts is an interesting question and he suggested the Admin/Finance Committee consider this for discussion.

President Miller stated that the survey guidance was given in the contract, should be compiled within the next several weeks, and that the information will be a matter of fact. Regarding the debate on the STC and policies, President Miller said the matter has been before Council since November 2020, so there has not been a haste to judgement. There has been a petition, a workshop, and due diligence.

Michael Kuhaneck, 85 Homestead Drive, thanked Council and Little for supporting efforts on Vivian Avenue to make sure the roadway is put in safely and mindful of area residents. He asked, given that the contractor has continued to proceed with roadway installation absent the Borough's permission, what does this mean to residents or will the road open pending an agreement.

President Miller said that there will be an Executive Session after the council meeting and that the

Borough has retained a separate Solicitor for the matter for which council has authorized funding.

Bob Luger, 78 Homestead Drive, thanked Little for going out to Vivian Avenue many times and Kinzer who comes out periodically. He said residents have a major situation: the road has no sidewalks. Chadwick is an elderly community and he said they're going to have problems.

Kinzer asked Luger if the base coat is in and Luger said it was. Kinzer then asked if the curbs that are installed are to Antrim Township specs and Luger said they were. Kinzer asked Little if the curbs were not to Borough specs and she said they were not.

Kendra Pheil, 30 Baumgardner Drive, recognized Kinzer for his work with the Boy Scouts saying it was great to see the program going strong. She said she understood the N. Carlisle Street project was going to cost \$300,000-plus and that changes suggested by Albert Miller reduced costs a little but then the Borough approved a loan for one million dollars to subsidize the project. She agreed with Albert Miller that the Borough shouldn't be hasty regarding the STC, that trees would get put on the back burner.

President Miller stated that the Borough did not take out a loan, but a line of credit. Little stated that the contract price for DOLI is about \$965,000, considerably higher than \$300,000. Little provided a cost breakdown noting that Liquid Fuels will cover the majority of the project. Little said the Borough did take a draw down construction line of credit to cover the full amount of the project. President Miller said the amount was never \$300,000. He said that he appreciated the input from Albert Miller, but his recommendations added to the cost of the project.

Mayor Thomas reaffirmed that N. Carlisle Street was always being paid for partially out of the General Fund, with a significant amount out of the Liquid Fuels Fund (which has been budgeted over a period of years), along with a partnership with the GAFCWA and Columbia Gas Corporation.

### **CONSENT AGENDA**

At the request of Kinzer, President Miller moved the approval of the minutes of the previous meeting to the Regular Agenda.

Trick or Treat will be held on Thursday, October 28, 2021 from 6 to 8 p.m. with a rain date of Friday, October 29, 2021 from 6 to 8 p.m.

The resignation of Ralph Burdick from the Planning Commission was unanimously accepted effective August 1, 2021.

Kinzer asked how long Mr. Burdick had served and Little stated it was over ten years. Kinzer asked if the Borough would send a letter of thanks which Little said would be done.

On a motion by President Miller, Council unanimously voted to approve the Consent Agenda.

### **REGULAR AGENDA**

On an Amsley/Faight motion, Council unanimously voted to approve the minutes of the July 6, 2021 Borough Council meeting.

Kinzer requested the minutes be changed regarding his comments during the Shade Tree Commission Workshop to reflect that he believed the discussion should have been held in a private committee

meeting or Executive Session.

Also Kinzer requested the minutes be changed under Administration and Finance, where it is written *Burkholder asked Kinzer and Layman how they would handle funding*. Kinzer requested the minutes be updated to show that he offered to answer Mr. Burkholder's questions.

Burkholder said he thought that his actual statement was "stating that while no one wants to increase debt, I know of no other option available."

Little stated that the actual text would be verified from the recording. Layman pointed out that regarding the Public Safety Shade Tree designation survey motion, he was "for the survey." Little again stated the text would be verified using the recording. Kinzer and President Miller noted that Layman had voted opposed and that the vote cannot be changed.

On a Smith/Amsley motion, Council unanimously approved payment of disbursements listed on the July 2021 Disbursement Report in the amount of \$167,515.78.

### **President's Report**

President Miller thanked Smith for acting Council while he and Vice President Faight were on vacation. He appreciated the reminders sent out regarding the upcoming budget meetings.

### **Mayor's Report**

He thanked Little for joining him in a meeting with Mr. Patel at Duncan Donuts and provided updates on the proposed changes being offered to alleviate traffic concerns. As noted in his monthly report, Mayor Thomas spoke of upcoming activities with the Police Department, September 11 programs and the 54<sup>th</sup> *Sidewalk Days*. He thanked Mr. Baxter for his comments regarding the Police and congratulated the G-A 11 and 12-year-old Little League Team on their Second-Place victory in the Pennsylvania State Little League Championship. The complete report is available at [www.greencastlepa.gov](http://www.greencastlepa.gov).

### **Chief's Report**

Chief Phillippy reviewed his report for July as submitted to Council. Highlights include: no overtime for the month, his participation in the Crisis Intervention Team instructor training which he believes improves officer and community safety. He noted that the fifth annual *Fishing with a Cop* will be held Saturday, September 11. The complete report is available at [www.greencastlepa.gov](http://www.greencastlepa.gov).

President Miller asked Amsley if the mileage data provided was satisfactory, Amsley confirmed it was.

Mayor Thomas said the Chief's report included 57 motor vehicle crashes in the Borough to date and that Code Enforcement has responded to 63 violations.

### **Manager's Report**

Little presented an overview of her report as submitted to Council. Little presented status updates and timelines on current construction projects. The N. Carlisle Street project will begin the week of August 16, by October 31 sidewalks and paving will be finalized with full project completion in early November. The Besore Library BMP is expected to begin in August with substantial construction work done by September 30 and the project finalized October 15. Additionally, Little provided updates from Public Works projects, the Waste Water Treatment Plant team and a recognition of Ralph Burdick's service. Little concluded with the 2021 budget meetings schedule and status of open positions within the borough. The complete report is available at [www.greencastlepa.gov](http://www.greencastlepa.gov).

President Miller said the bollard removal at the Rt 16 and Washington Street intersection was directed

by PennDOT, despite the safety it provided. Little stated that alternate safety measures will be installed upon approval by PennDOT.

Burkholder asked if there is any direction as to what can be done at Washington and Route 16. Little said the Borough is looking at alternatives that will meet PennDOT standards. Kinzer asked Little if a steel beam could be put in and she said PennDOT has specific requirements related to the breakaway strength of materials at intersections. Kinzer asked if trucks on S. Washington Street could be cited and Mayor Thomas said they could be and Chief Phillippy said they had been.

Mayor Thomas thanked Little for the extremely thorough report and suggested the Borough add one e-recycling event annually to the single trash hauler bid. He said Little was speaking of a free-standing traffic signal for Route 16 and S. Washington. Mayor Thomas then thanked Public Works for putting up the chevron sign which is more visible to trucks.

## **Committee Action**

### **Administration and Finance**

On a Kinzer/Burkholder motion, Council unanimously voted to accept the bid of \$165.00 from Municibid for the sale of retired traffic signal lights.

### **Personnel**

Nothing submitted.

### **Public Safety**

On a Faight/Smith motion, Council voted 5-2, Kinzer and Layman opposed, to abolish the Shade Tree Commission via ordinance change, placing shade tree management under the Borough Manager and Public Works staff.

Kinzer stated he feels Council is jumping the gun to abolish the tree commission that the Borough has an ordinance for and the Borough will spend money to get a certified arborist. Kinzer said that the tree commission is not the real problem and that Council needs to give guidance.

Burkholder said he understood there had been a lady at a previous meeting who was a certified arborist from State College and that maybe she would provide professional advice gratis if asked.

Amsley asked if there existed written operational procedures as to how staff and public works will manage shade trees. President Miller said that with Council action, there will be a transition of information and documentation to the Borough Manager and plans will be developed.

President Miller also stated that the STC is mandated by Ordinance requiring five members which the Borough has not been able to maintain. So, his only alternative may be to ask members of Council to serve. President Miller said that there is no change in what is required for shade tree maintenance, just how the requirements will be managed.

Kinzer said that President Miller suggested that Council members serve and that the public should be told that there is a crisis here and that five people are needed. President Miller stated that the Borough is past that.

Smith asked if Public Works would be able to absorb the responsibilities of tree management and Little said that a position is open that would be primarily responsible for those duties.

Vice President Faight said that the situation needs to be fixed, including getting more volunteers. He said that Council needs to take a long look at what our citizens are saying. Council held a \$900,000 project because of the comments of one individual. This man came in with 75 signatures on a petition, we have to make this right for the community.

On a Faight/Amsley motion, Council unanimously to authorize staff to contract professional services to include a certified arborist and/or tree consultant to provide qualified technical advice as needed and any money to be spent must be preapproved by Council.

Burkholder said that staff should look for services of the individual at no charge as a volunteer and not spend money if we don't have to. Little said that the motion states that services would only be expensed as needed and would be brought back to Council for approval.

On a Faight/Smith motion, Council voted 6-1, Kinzer opposed, to establish a shade tree advisory panel to make recommendations and assist with long-range planning.

Kinzer said this is no more than what Council has been trying to do for the last fifty years and that it would not be possible to get five people.

Amsley asked what the standards would be for panel members and President Miller said it needs to be composed. He suggested people (members) with a strong interest and qualifications.

Vice President Faight told Council of his being the victim of identity theft and told members to be careful of where you give information. Chief Phillippy stated that two Borough employees had been victimized and that Chambersburg Borough had also reported incidents.

## **Public Facilities**

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

Little stated that the Ordinance was approved for advertisement in July and includes a change at Chambers Lane being one way from N. Carlisle to N. Washington Street and N. Church Lane one way heading North from E. Baltimore to E. Madison Street. There are additional updates including directional changes and current alley naming.

On an Amsley/Faight motion, Council voted 5-2, Kinzer and Burkholder opposed, to ratify the approval of Change Order No. 1 for a total cost increase of \$1,933.20 authorizing DOLI Construction to use reinforced concrete piping for the stormwater infrastructure on the N. Carlisle Street Rehabilitation Project.

Little stated that there are material availability issues in the construction industry. The bid specs call for 18-inch HDPE piping for the stormwater infrastructure and acquisition of that specific piping has a 10- to 12-week delay. This delay would put the project start in November with completion in 2022 which precludes the use of Liquid Fuels money. ARRO confirmed the concrete product offers the same functionality and is available. The motion before Council ratifying the polling previously completed where Council supported the change.

Burkholder said that he had expressed concern whether the alternate would be as good as what the original was, and was told it would be. Little said the Engineer confirmed that it would function the same. President Miller said concrete is an equivalent material. Miller stated it was a valid change in good faith.

Kinzer asked Little if there is a completion date and Little said the Borough would have to extend DOLI's contract if the HDPE pipe was required. Kinzer asked why, stating it's DOLI's problem that the piping is not available for the projected timeline. Little said the problem was that the material is not available to which Kinzer said the contractor should eat the cost. Vice President Faight said the issue is not with the contract. Kinzer said he's trying to save dollars. Layman said that materials are hard to source right now and he hopes that this isn't going to be a continuance moving forward. President Miller asked Little to have ARRO validate the materials with DOLI.

On a Layman/Faight motion, Council unanimously voted to support allowing resident Albert Miller to make public comments during the Regular Agenda.

Albert Miller, 171 Apple Drive, said he recommends approving the Change Order for \$0 and it should state that it's for saving of costs of the delay, that the supply of that particular material, in lieu of the liquidated damages for them not finishing on schedule. They did not bring it up at the pre-bid which they should have. This issue is not a six-weeks-old problem, this was a 7, 8 and nine-month-old problem. There should be a change order for \$0; approve the pipe for \$0. Little said that the availability of this pipe was discussed as a concern at the pre-construction meeting, but not of the pre-bid meeting.

Burkholder stated that what Mr. Albert Miller stated was very valid and that he was involved with local government years ago and they would have followed that line of thinking.

On a Kinzer/Amsley motion, Council unanimously voted to accept ARRO Consulting's recommendation to proceed with awarding Kingsley Construction Inc., the lowest qualified bidder, an initial contract price of \$45,800 for the Besore Library BMP Construction Project.

On a Kinzer/Faight motion, Council unanimously voted authorize ARRO Consulting to issue a Notice of Intent to Award letter to Kingsley Construction Inc. for the Besore Library BMP Construction Project.

On a Burkholder/Kinzer motion, Council unanimously voted to authorize Council President to sign a contract with Kingsley Construction Inc. for the Besore Library BMP Construction Project, pending review by ARRO Consulting, Borough Council, and Salzman Hughes.

On a Faight/Kinzer motion, Council voted unanimously to authorize ARRO Consulting to issue a Notice to Proceed letter to Kingsley Construction Inc. for the Besore Library BMP Construction Project after contract documents are executed and provided all documents meet necessary requirements.

On a Kinzer/Burkholder motion, Council unanimously voted to table the motion to authorize ARRO Consulting to conduct a traffic study for the purpose of installing signage restricting truck traffic on N. Carlisle Street for a cost not to exceed \$5,000.

Layman asked if there had been traffic studies conducted over the past five years and Little stated that in order to ensure the longevity of the N. Carlisle Street project, Public Facilities recommended the study to monitor truck usage. Layman said that he lives on N. Carlisle Street and has witnessed Chief Phillippy installing monitoring apparatus there. Little said the study will be conducted after N. Carlisle Street is completed and the data collected is required for Chief to enforce weight restrictions. Little said the study would be done in the November timeframe and said that the price for the study had been

negotiated down to \$5,000. She said she had met with Chief and that the speed sign could potentially be used to collect data, too. Layman asked if ARRO had to be used and Little said that quotes could be solicited. Kinzer suggested the motion could be tabled and Little said it could be since the work will not be scheduled until November.

Ashley McCauley, 159 N. Carlisle Street, asked what the difference is between local traffic and traffic from Industrial Pallet.

President Miller said that for Chief Phillippy to have enforcement authority, a qualified study is required by PennDOT.

Mayor Thomas said that PennDOT requires weight and structural integrity standards for streets and he felt it appropriate to get quotes for a traffic study, however local traffic will still be able to use N. Carlisle Street.

Kinzer asked if Industrial Pallet was asked to use Walter Avenue and the Mayor said it was. Mayor Thomas said that the point of the traffic study was to provide the strength to enforce the use of Walter Avenue as opposed to N. Carlisle Street. Kinzer asked if speed tables were discussed at the Playground and was told that they were taken out of plans based on Council's vote.

## **Community Development**

Vice President Faight said that the Planning Commission would be meeting on Monday, August 9 and there would be a discussion on proposed development. He urged that anyone interested should attend.

## **Correspondence**

Little directed Council to their information packet which included two sewer refunds.

On a Kinzer/Faight motion, Council unanimously voted to approve a sewer refund of \$4,843.88 to the property owner of 46 Jeffrey Drive due to a meter malfunction.

Little discussed meter issues at 46 Jeffrey Drive leading to this substantial reimbursement request. Little said this is not a common issue and the meters are sound.

On a Kinzer/Amsley motion, Council unanimously approved the reduction on sewer charges in the amount of \$141.76 due to a water leak that did not go through the sewer system.

On an Amsley/Kinzer motion, Council unanimously voted to allow Larry Pittman to address Council during the Regular Agenda regarding documentation of Norfolk Southern trains idling in the Borough.

Larry Pitman, 35 West Madison Street, said that trains stop across from the shed and sit idling for four to six hours to two days causing vibration disturbances, noise and odors. He said this has been an issue since February and presented a detailed timeline of events with pictures to Council.

Burkholder asked Pittman if he had been given a reason why the trains were sitting in Greencastle, and he said that back in 1992 that area of track was a passing lane and not a parking lane. Kinzer said there was only one route going forward.

Chief Phillippy said that he had spoken with a contact at Norfolk Southern who suggested he call the Government Relations Office (GRO). Chief reached out via email to the GRO suggesting that the trains



could travel a quarter mile north. Kinzer said the trains need to stop at the train station where there are two rails. Chief had not heard from the railroad as of the meeting. Mayor Thomas suggested that Council wait until a response is received by Chief Phillippy and if no response is received, the Borough should contact Representative Joyce and then develop an action plan.

Vice President Faight asked Mayor Thomas if the Borough could ordain an anti-idling regulation and he said they could, but the industry is federally regulated and any ordinance would not supersede state or federal law.

On a Kinzer/Burkholder motion, Council unanimously voted to support Mr. Larry Pittman's request to address the Norfolk Southern train idling issue.

### **Final Comments**

Layman: Thanked all the volunteers on the Shade Tree Commission for their service.

Burkholder: Thanked President Miller for allowing the audience to be more participatory in things that are transpiring. He said he thought it would have been fair to allow Mr. Kinzer to respond. He wasn't trying to be confrontational or argumentative. He was trying to be educated because he didn't know of any alternatives and, since they voted differently than he did, they could glean some information that he didn't have and get that opportunity.

Smith: Nothing.

Amsley: Nothing.

Kinzer: Asked Mayor Thomas and Chief Phillippy if the D.A.R.E. program could be restarted, saying that he thought it was worthwhile.

Mayor Thomas: Congratulated the 11 and 12-year-olds who came in second in the Commonwealth of Pennsylvania Little League Championship and a special thanks to the small town of Conyngham who were great hosts. He also mentioned the Pennsylvania Transportation Revenue Auctions Commission Report, abbreviated, to remove the gas tax which will be reviewed over the next several years.

Vice President Faight: Nothing.

President Miller: Thanked citizens for coming and dedicating their time to come and work on community business.

On an Amsley/Faight motion, meeting adjourned at 9:26 p.m.

Respectfully submitted,  
Donna E. Irons-Zimmerman  
Borough Secretary