

MAY 18, 2016
WAYNESBORO, PA 17268
REGULAR MEETING

Council President C. Harold Mumma called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:30 p.m. with the following in attendance:

Council Members – Delmos Oldham, Patrick Fleagle, Niccole Rolls, C. Harold Mumma, Chad Rooney and Michael Cermak

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager
Denny Benshoff, Maintenance Superintendent
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Sam Wisner, Borough Solicitor (Salzmann Hughes, PC)
Shawn Adolini, Fire Chief
John Beck, Assistant Fire Chief

PLEDGE OF ALLEGIANCE: Mayor Starliper led those present in the Pledge of Allegiance.

EXECUTIVE SESSION: Council adjourned to executive session to discuss a potential litigation matter. They reconvened to regular session at 8:04 p.m.

COMMITTEE REPORTS AND VOTING ON ITEMS FROM COMMITTEE REPORTS (AS NEEDED)

PERSONNEL COMMITTEE: Councilman Cermak noted that he received favorable performance evaluations for Jody Sanders, Kerry Smith and Stacy Stine, however no action was required.

Councilman Cermak made a motion to approve a step increase for Denny Benshoff to salary level 21E, effective 05/06/2016. Councilman Rooney seconded; the motion passed unanimously.

Councilman Cermak made a motion to hire Tina Rideout as Pool Custodian. Councilman Rooney seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve the hiring of the following Northside Pool staff:

Lifeguards

Abigail Hinkle, Alexandra Correll, Anita Denisenko, Cassidy Brandes, Christian Reed, Cody Frey, Courtenay Lesniak, Dominick Wiesniewski, Eli Leggett, Emily Chilcutt, Gabrielle Greco, Hannah Brandes, Jacob Foster, Jacob Smith, Kira Beeler, Lindsey Frey, Logan Bohn, Max Roberts, Morgan Marshall, Timothy Correll, John Foreman, Elizabeth Farmer, Trevor Jones, Aidan Campbell, Cameron Geis and Mya Giasamo.

Cashiers

Marcus Cooley, Alexandra Stoops, Ethan Kart, Jenna Harne, Virginia Cooley, Charles Thomas, Michaela Shover, Vicki Baker, Jordan Barling, Kelly Lesher and Bethany Barkley

Councilman Cermak made a motion to accept the formal retirement notice for Police Corporal Kurt Wagaman, effective 07/31/2016. Councilman Oldham seconded; the motion passed unanimously.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report. The next Property Committee meeting will be held on 05/19 at 6:00 p.m.

STREET COMMITTEE: No report. The next Street Committee meeting will be held on 05/25 at 9:00 a.m.

INTERGOVERNMENTAL COMMITTEE: Pursuant to receipt of correspondence (received on 05/09) from the Waynesboro Area School District advising that they will begin charging the Borough 50% of the costs associated with printing/distributing the per capita tax bills (at a cost of \$3,155), Councilman Fleagle made a motion authorizing the Borough Manager and Solicitor to send correspondence to the Waynesboro Area School Board expressing concern regarding the following: (1) minutes of the School Board meetings do not reflect that this matter was voted on (and if it was voted on, documentation of such vote is requested); (2) the Borough's budget is on a calendar year basis and is already set for the year 2016 (it was the general consensus that Council would be willing to consider this expense for next year's budget); (3) there is no agreement in place that would allow the Borough to pay the School Board; and (4) an audit would be requested for the last five (5) years on collection of those bills. Councilman Cermak seconded; the motion passed unanimously.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Fleagle noted that assurances have been given that an appointment to the Manager's position at Mainstreet Waynesboro, Inc. will be verified the following week. The second annual BrewFest will be held on Saturday (05/21); tickets are available from the MSW office and the Beer Shed.

The next Downtown Revitalization Committee meeting will be held on 06/07 at 10:00 a.m.

FINANCE COMMITTEE: Council members received financial statements for the month of April. Questions are to be directed to Jason Stains. Mr. Stains reported that the Fraternal Order of Eagles has given money to the Borough for the purchase of an “Expression Swing” at Memorial Park.

RECREATION BOARD: Councilman Rooney reported that he met recently with Ethan Hanesek, who is building six (6) book houses for the Borough as part of his Eagle Scout project. Approval/authorization from the Boy Scouts for this to be done will take approximately one (1) month. He will then begin obtaining prices for the materials, with the possibility of locating sponsors to cover those costs.

The next Recreation Board meeting will be held on 05/25 at 6:30 p.m. in Borough Hall's second floor conference room.

MAYOR'S REPORT: The Mayor's Report was as follows –

“On May 5th, as a representative of the Borough and member of the Waynesboro Beneficial Fund, I presented five (5) members of the Class of 2016 with awards.

On May 7th, along with a lot of individuals and with the leadership of Councilperson Rolls, we improved areas of Waynesboro by picking up trash. We encourage all of Waynesboro residents to do this on a regular basis.

On May 10th, along with Chief Sourbier, I attended the Fire Police monthly meeting.

On May 11th, the Chief and I attended the Town Hall Meeting presented by District Attorney Fogal on the dangers of drug overdose.

On May 12th, Chief Sourbier and I attended an appreciation dinner for Tyler Weatherly by the Trinity House for his honesty in returning a wallet to its rightful owner. The Chief and I also presented him with a Good Citizens Certificate. We need many more individuals of his character.

On May 15th at Rotary Park, I had the honor of presenting a Certificate of Achievement to Logan Weibley for attaining the Boy Scouts of America Award of Eagle. Logan, for his eagle project, built and installed 12 bird houses at Rotary Park. We thank him and congratulate him.

On May 16th, the Presbyterian Senior Living Organization held a ground-breaking ceremony for their newest assisted living facility, Parker House.

On May 18th, along with Chief Sourbier, current and retired officers and Kim Green, we hosted a breakfast in honor of the National Police Officers Week.”

SOLICITOR’S REPORT: No report.

PUBLIC COMMENTS – AGENDA ITEMS: Visitors desiring to comment on a particular agenda item will be recognized by the President to speak when the topic is being discussed.

PUBLIC COMMENT – NON-AGENDA ITEMS:

Jocelyn Pentz, 204 Ridge Avenue – Ms. Pentz relayed her recent experience as the result of unpaid snow removal fines for a rental property they own. A PA State Constable came to their home and arrested her husband. Until that time, they were unaware of the issue. She was informed by the District Court that mailed notices had been “returned to sender”; and she suggested that they verify records to ensure that correct addresses are on file. She met with Representative Paul Schemel regarding the process and he suggested that she present her experience to Borough Council. Ms. Pentz asked that, when attempting to resolve these types of issues, the appropriate authorities remember they are dealing with people and families.

Debra Rager, 419 W. Fifth Street – Ms. Rager asked the status of the inter-municipal agreement with the Borough of Chambersburg regarding health inspections. Solicitor Wisner advised that the agreement had been transmitted to Chambersburg’s Solicitor, but he has not received any comments back yet.

CONSENT AGENDA: Councilman Rooney made a motion to approve the Consent Agenda, as follows –

A. Award of Contracts – None

B. Routine

(1) Approval of Minutes – None.

(2) Pay Bills – Check Details dated 05/03, 05/09 and 05/16

(3) Accept Reports of the Code Enforcement Officer, Police Chief and Fire Chief for the month of April, 2016

C. Previously Discussed Items – None.

Councilwoman Rolls seconded; the motion passed 5-0 (Councilman Cermak abstained).

UNFINISHED BUSINESS

PRELIMINARY APPROVAL FOR MULTIMODAL FUND: Amy Kauffman (GMS Funding Solutions) provided an update on the Multimodal Transportation Fund grant approved in 2014, in the amount of \$500,000, for the reconstruction of Fairview Avenue and Welty Road. Bids were very competitive, but cannot be awarded until a fully executed grant agreement has been received from PENNDOT. That has been received and is before Council for authorization this evening. As part of the process, a resolution approving the project and authorizing execution must again be approved (as the previous one was more than 60 days prior to receiving the grant agreement from PENNDOT). Councilman Cermak made a motion to approve Resolution No. 2016-14, as presented. Councilwoman Rolls seconded; the motion passed unanimously.

RESOLUTION NO. 2016-14 Duly Adopted May 18, 2016

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WAYNESBORO,
FRANKLIN COUNTY, PENNSYLVANIA, AUTHORIZING THE EXECUTION OF A
MULTIMODAL TRANSPORTATION FUND GRANT AGREEMENT, AS THE
GRANTEE/SPONSOR OF THE FAIRVIEW AVENUE AND WELTY ROAD
IMPROVEMENTS PROJECT.

Complete copy on file at Borough Hall.

Further, Councilwoman Rolls made a motion to authorize staff to issue a Notice of Intent to Award the contract to Valley Quarries, contingent upon authorization from PENNDOT to proceed with the bid, in which case a Notice of Award and Notice to Proceed will be issued to Valley Quarries. Councilman Fleagle seconded. It was noted that discussion will be held at the next Street Committee meeting regarding proposed speed humps on Fairview Avenue. The speed humps were included in the contract documents as an alternate item, to be designed by PENNDOT specifications (22' long, with 6' transitions and a 10' level spot). Clarification was given that "staff" means the Borough Manager or whoever he directs. The motion passed unanimously.

NEW BUSINESS

WEED ORDINANCE: Code Enforcement Officer Dan Sheffler advised that the Borough's current Weed Ordinance was written in 2009, and he requested Council's authorization to pursue its revision. Current regulations provide that a citation cannot be issued (or a contractor hired to mow the property) until 10 days after grass/weeds reach a height of 10", which he feels is excessive. Large vacant lots are not exempted, regardless of their location, and Mr. Sheffler suggested that the regulations should apply to lots within 25' from residential property lines.

Solicitor Wiser noted that he is currently drafting a grass/weed ordinance for another municipality; and if Council so desires, he could provide a copy to Mr. Sheffler for review

and recommendations. Discussion followed regarding modifying the ordinance in the same manner as the recently-modified Snow Shoveling Ordinance (for a ticket-type structure). Mr. Sheffler explained the process; and as further explanation pursuant to concerns voiced earlier in the meeting by resident Jocelyn Pentz, it was noted that notices are mailed by the District Court to the owner of record at the Franklin County Courthouse. If an individual does not respond with a guilty/not guilty plea (whether or not they received the mailed notice), it is the Court's job to find the person who didn't respond.

Council instructed the Solicitor and Mr. Sheffler to provide recommendations for revision at the June 15th Council meeting.

RESOLUTION NO. 2016-13 FOR RECORDS DISPOSAL: Mr. Stains noted that a resolution was approved by Council last year for the disposal/destruction of "old" records that have exceeded their useful life and passed the statutes required by law for retention (those were destroyed by OSI at a cost of \$700). He added that there have been massive amounts of records stored over the years at the Borough's maintenance facility; and our intern has inventoried additional records in storage for disposal. Councilman Oldham made a motion to approve Resolution No. 2016-13, as presented. Councilwoman Rolls seconded; the motion passed unanimously.

RESOLUTION NO. 2016-13

A RESOLUTION OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY,
PENNSYLVANIA AUTHORIZING THE ADMINISTRATIVE STAFF TO DESTROY AND
DISPOSE OF ADMINISTRATIVE, LEGAL AND FINANCIAL RECORDS IN
ACCORDANCE WITH PENNSYLVANIA LAW REGARDING THE DISPOSAL OF
UNCLAIMED PROPERTY

Complete copy on file at Borough Hall.

FOR INFORMATION ONLY

PROPOSED AMENDMENT TO PSAB CONSTITUTION: Council was provided with information regarding a proposed amendment to the Pennsylvania State Association of Boroughs' Constitution. Comments should be forwarded to Mayor Starliper prior to 06/03, as he is the Borough's delegate at the upcoming PSAB conference.

PRESS QUESTIONS

Jennifer Fitch, Herald Mail

Question: Regarding the contract for Fairview Avenue and Welty Road, was that awarded to Valley Quarries or New Enterprise; and what was the amount?

- Kevin Grubbs – it was awarded to New Enterprise Stone & Lime Company (new name for Valley Quarries) in the amount of \$523,000.

Question: When Councilman Fleagle was talking about the letter from the School District, was the \$3,155.55 mentioned the Borough's share of the costs?

- Councilman Fleagle – the cost associated with 6,106 per capita bills would be \$3,155.55 in 2016/2017. For clarification purposes, Mr. Fleagle noted he will provide a copy of that correspondence to Ms. Fitch.

COUNCIL AND STAFF COMMENTS: Mr. Stains reminded Council that Northside Pool opens on 05/28. He attended the Franklin County Council of Governments meeting this morning and learned that the County has re-established their Recycling Committee with a focus on electronic recycling and a resolution to that issue. Judge VanHorn was a guest at the meeting and discussed various judicial topics, including the importance of trial. A representative from the Chesapeake Bay Foundation was also in attendance and discussed the importance of trees upstream from the Bay and encouraged municipalities to become "Tree Cities" (which Waynesboro has already done). Mr. Stains also attended a meeting of the Mont Alto Borough Council (at their request). Washington and Quincy Townships were also invited to discuss the per capita issue raised by the School District and are all discussing ways to respond. They voiced disappointment at the last-minute notice and demand for payment. Mr. Stains noted that this comes after the School District stated they wanted better working relationships with the municipalities.

Councilman Cermak pointed out that the School District does the tax billing regardless of whether or not the per capita tax is included, and they have never indicated an issue with that before. He feels this is placing an additional burden on the citizens of the Borough for this payment.

Councilman Oldham thanked the public for their attendance.

Councilwoman Rolls thanked individuals who participated in the "Spring Clean Our Town" event last weekend. She estimated that the 50-60 individuals present were able to dispose of three (3) pick-up trucks full of garbage from the Borough. She will present a videotape of the project at Council's next meeting. Ms. Rolls also congratulated Cy McCleaf for receiving his Eagle Scout designation.

Mayor Starliper commented that criticisms have been voiced in the past regarding emergency personnel who take time to eat meals (other than in-house at the Fire or Police Station), but several employees had to leave their meals behind this morning (at the Police Officers' breakfast mentioned earlier) to respond to an emergency call. Mr. Starliper added that the Fire Police will be assisting the Harbaugh Cemetery Association on 05/29, at the Mont Alto Carnival and Mega Gun Drawing in June, and St. Andrews' Walk on 05/29.

Manager Stains presented information received that Grove-Bowersox Funeral Home has submitted their operating permit (for their on-site crematorium) for renewal to DEP. Comments, if any, should be submitted within 30 days.

President Mumma noted that the School Board's minutes do not reflect that the per capita tax issue was ever discussed or acted on by the Board. Clarification on this matter will be requested.

Having no further business to discuss, Council adjourned to an executive session at 9:00 p.m. to discuss a potential litigation matter. They reconvened to regular session at 9:45 p.m.; and at that time, Councilman Cermak made a motion to authorize the Solicitor to create and advertise an ordinance for Eminent Domain for the walking trail. Councilwoman Rolls seconded; the motion passed 5-1 (Councilman Oldham opposed).

Having no further business to discuss, the meeting adjourned at 9:47 p.m. on a Fleagle/Oldham motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary