

JANUARY 16, 2019
WAYNESBORO, PA 17268
REGULAR MEETING

Council President C. Harold Mumma called the regularly scheduled meeting of the Waynesboro Borough Council to order at 6:30 p.m. with the following in attendance:

Borough Council Members – Jarred Knott, Patrick Fleagle, Niccole Rolls, C. Harold Mumma, Dade Royer and Michael Cermak

Junior Councilpersons – Jacob Gearhart

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)
Kevin Grubbs, Head of Engineering Services
S. Leiter Pryor, Director of Utilities
Chad Rooney, Administrative Services Coordinator
Matt Schmidt, Zoning/Code Enforcement Officer
Jim Sourbier, Police Chief
Shawn Adolini, Fire Chief
Jody Sanders, Deputy Fire Chief

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

EXECUTIVE SESSION: President Mumma noted that Council held an executive session after the last Council meeting to discuss personnel and litigation issues. There was no voting afterward. Council will hold another executive session at the end of this meeting.

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

PERSONNEL COMMITTEE: Councilman Cermak acknowledged receipt of a favorable performance evaluation for Kyle Grimes and made a motion to remove him from probationary status. Councilman Royer seconded; the motion passed unanimously.

Councilman Cermak made a motion to re-hire Matthew Rosenberry as a full-time Fire Apparatus Driver. Councilman Royer seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for Jason Stains to salary level 23C, effective 02/01/2019. Councilman Royer seconded; the motion passed unanimously.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilwoman Rolls noted that the Street Committee met on 01/20. Complaints had been received regarding sight distance in the area of W. Second Street and Cleveland Avenue, and residents/property owners were notified that this would be discussed and/or voted on at this Council meeting. She made a motion to install a “No Parking Here to Corner” zone beginning at the west curb line of Cleveland Avenue and extending 25’ to the west along the north side of W. Second Street; and further, to install a “No Parking Here to Corner” zone beginning at the east curb line of S. Grant Street and extending 25’ to the east along the north side of W. Second Street. Councilman Cermak seconded; the motion passed unanimously.

Councilwoman Rolls advised that the Engineering Department will perform speed and traffic counts on W. Main Street at the intersection of Fairview Avenue, as there have been complaints regarding speeding of vehicles in that area. A recommendation/request will be forwarded to PENNDOT to consider lowering the speed limit to 25 mph.

The Street Committee has also decided to implement changes in signage, etc. at the intersection of Clayton Avenue/State Hill Road/W. Fifth Street, based on recommendations made during the LTAP (PA Local Technical Assistance Program) study last year. They are hopeful that these changes will assist in making motorists aware of the existing stop sign(s) at that location.

ECONOMIC DEVELOPMENT COMMITTEE: Councilman Fleagle noted that the Economic Development Committee met on 01/08 and discussed the following –

- Martinsburg Drug Landlords Ordinance -- this will be investigated further.
- 21 E. Main Street Developments – Bill Kohler reported that they received a \$20,000 grant from the County, and grant assistance will be pursued for possible paving of the lot at the Main Street Park.
- Vision 2035/Design Committee – Lights (similar to those placed recently on S. Mulberry Street) have been requested for N. Mulberry Street, as well as painting of the pavers.
- Street Light Upgrade (status from Street Committee) – awaiting final approval of the Highway Occupancy Permit from PENNDOT; then the project will be bid.
- Brick sidewalk maintenance/tree strategy – problem areas have been identified, and a suggestion was made to send an outline of maintenance responsibilities to all property owners. Mr. Fleagle requested that any tree modifications made be reviewed/coordinated with the Shade Tree Commission.
- Economic development initiatives was a major part of the meeting – representatives from the Chamber of Commerce, WIDC, FCADC and FCRA were in attendance.
- South Mountain Partnership meeting is scheduled for February 1st in Chambersburg – this is a good networking opportunity.

The next meeting will be held on 02/05.

FINANCE COMMITTEE: No report.

RECREATION BOARD: No report. Councilman Royer noted that the Recreation Board's next meeting is scheduled for 01/23 at 6:30 p.m. in the second floor conference room of Borough Hall.

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

- On December 20th, I had the privilege of uniting in marriage Joe Ausherman and Lacie Stanley. Wish the Aushermans the very best.
- Also on the 20th, I attended the Open House at the Borough of Chambersburg.
- On December 21st, I had the pleasure of reading to the third grade students at Mowrey Elementary in connection with their "Reading Express" event.
- On December 22nd, the Borough held its 200th Anniversary at Renfrew Museum. Many thanks to Manager Stains and also Councilman Royer for the event.
- On January 10th, I attended the ribbon cutting for the Black Sheep business on E. Main Street.
- On January 14th, I attended a meeting for Burns Hill Cemetery.

SOLICITOR'S REPORT: No report.

DIRECTOR OF UTILITIES' REPORT: The Utilities Director's Report was as follows –

- Water Treatment Plant Upgrade – Several members of the WBA and staff met on January 3, 2019 to discuss the 30% project design drawings. A list of requested revisions and clarifications was generated and sent back to Gannett Fleming for review and comment. A Planning and Consultation meeting was held last Wednesday with PENNVEST, DEP and representatives of the WBA, staff and Gannett Fleming to discuss financing for the project. The estimated cost for the project is \$4,100,000. The application for the Water Supply Permit was hand-delivered to DEP yesterday and we will go to bid in mid-March. The plan is to award the contracts shortly after the (hopefully) successful outcome of the June, 2019 PENNVEST meeting.
- Antietam Dam Project – Preliminary findings from the borings at the Dam site indicated that the geology more than likely will be able to support the rock-cut auxiliary spillway. The drilling crew encountered fractured rock close to the existing spillway and more substantial bedrock-like geology further to the west of the primary spillway. The plan is to shift the placement of the new spillway slightly to ensure that geology is acceptable. Due to the fractured nature of the material, it will require less blasting; however, shifting the placement of the spillway will require more excavation for the approach to the new structure.
- Bill and Accounting Software – We are progressing with the Muni-Link billing and accounting software. Muni-Link was able to obtain the data from our existing system and is in the process of converting it to a usable format for their system. We have a Webex meeting tomorrow morning to discuss some of the more

involved commercial accounts and to get an update on the implementation schedule.

- PENNDOT – The WBA received a \$70,000 check for reimbursement of the utility relocation costs associated with the Memorial Bridge project. WBA asked me to convey to Kevin Grubbs their appreciation for taking care of the submissions to PENNDOT.

MANAGER’S REPORT: The Manager’s Report was as follows –

- Right to Know Requests were completed for the following:
 - (a) Craig Mahrle, Waynesboro, PA -- requested “all Borough of Waynesboro insurance policy/policies with Selective Insurance Company of America, or with any insurance with “Selective” in the name”. The request was granted.
- We are preparing to advertise for a Chief Sewer Plant Operator’s position, and will be looking for someone who has a background in industrial waste. The job description will be presented to Council for approval in the near future.
- Staff will be meeting next week with contractors and the Franklin County Conservation District for a kick-off meeting for the Memorial Park project.

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 COMMENTS – NON-AGENDA ITEMS: None.

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

- A. Accept Reports of the Police Chief and Code Enforcement/Zoning Officer for the month of December, 2018
- B. Pay Bills – Check Detail(s) dated 12/11, 12/26, 12/31, 12/31(2), 01/07 and 01/14

Councilwoman Rolls seconded; the motion passed unanimously.

Mayor Starliper pointed out that Public Service Activities for the Police Department totaled over 13,000 last year ... this is approximately 50% more than last year.

UNFINISHED BUSINESS – None.

NEW BUSINESS

FIRE PROTECTION SERVICES AGREEMENT WITH WASHINGTON TOWNSHIP: Manager Stains presented a signed agreement with Washington Township for fire protection services provided by the Waynesboro Fire Department for Council’s approval. The agreement follows the incremental increases and pricing structure from

the previous agreements, and it has been reviewed/approved by the Solicitor. Councilwoman Rolls made a motion for approval. Councilman Fleagle seconded.

Stephen Monn, 126 W. Main Street – Mr. Monn asked if the agreement includes increases (other than inflation), as police and fire services were costs that were presented as a strain on the budget and cause for a needed tax increase. Mr. Stains replied that the agreement includes an increase, which he feels is fair to both parties based on the number of calls in Washington Township.

A vote was called and the motion passed unanimously.

On a related matter, President Mumma asked for an update on the proposed agreement for fire protection services with Quincy Township. Mr. Stains advised that several drafts have been presented, however Quincy Township has not provided a signed copy. Fire Chief Adolini reported that there are a few points in the proposed agreement that they (QT) have expressed concern about. It was noted that Quincy Township has not paid anything to the Borough for fire protection in 2018; and as it currently stands, Waynesboro taxpayers are “footing the bill” for fire protection for Quincy Township residents.

CONSIDER APPROVAL OF SAFETY COMMITTEE BYLAWS AND BOROUGH SAFETY POLICY: Administrative Services Coordinator Chad Rooney noted that the Borough’s Safety Committee was created in 2005 to identify and address safety issues. Each year, we file (and are approved) for recertification with the PA Department of Labor and Industry. The Committee consists of two (2) department heads and seven (7) employees, representing all Borough departments; and representatives of the Ambulance Squad, Volunteer Fire Department and Craig Friedly Potter & Moore Insurance (our local workers’ compensation representative). The Committee meets each month to review initiatives, submit monthly inspections, report on previous month’s injuries, and discuss concerns and identify ways to minimize risks of injury in the Borough’s workplace.

The Committee’s Bylaws and Safety Policy have been updated, and a copy was provided to Council in their meeting packets for review, discussion and approval. Councilman Fleagle made a motion for approval of the documents; Councilman Knott seconded and the motion passed unanimously.

PROPERTY DAMAGE RELEASE FOR U.S. XPRESS, INC. (RRFB CROSSWALK LIGHTS AT 37 W. MAIN STREET): Head of Engineering Services Kevin Grubbs noted that the Borough has been negotiating with U.S. Xpress, Inc.’s insurance company for damages to the RRFB crosswalk lights at 37 W. Main Street. They have agreed on the amount of \$8,491.52 (which is sufficient to purchase and install new lights at this location), and are requesting that the Borough execute this Property Damage Release. The Release has been reviewed/approved by the Solicitor. Councilman Cermak made a motion for approval. Councilwoman Rolls seconded; the motion passed unanimously.

AUTHORIZE AUCTION OF 471 W. FOURTH STREET: Mr. Stains noted that the Borough became the owner of 471 W. Fourth Street last week at Sheriff’s Sale. He

recommended that this property be added to the list to be auctioned with the properties on W. Second Street which were previously approved by Council. Solicitor Wiser noted that the acquisition/disposition of properties is required to take place by resolution.

Accordingly, Councilwoman Rolls made a motion to resolve the following:

- (1) Approving and ratifying the acquisition of the property located at 471 W. Fourth Street at public auction;
- (2) Authorizing the disposition of the property located at 471 W. Fourth Street by public auction; and
- (3) Authorizing the Borough Manager and Borough Solicitor to take actions necessary and proper to provide for the public auction, including engaging an auctioneer, preparing an agreement of sale, and preparing a remedial action agreement for remediation of the property.

Councilman Cermak seconded, but questioned if costs involved in the public auction will exceed the amount received at public auction for sale of the property. Solicitor Wiser noted that a minimum bid can be set, and that should be discussed by Council in executive session.

A vote was then called and the motion passed unanimously.

APPROVAL OF ADOPT-A-PARK PROGRAM: Chad Rooney noted that the Adopt-A-Park Program was an initiative brought to Council (and assigned to the Recreation Board) by former Junior Councilpersons Arianna Taylor and Sophie Van Gilder. The idea is to enhance the community's involvement to care for our parks. The voluntary program allows for businesses, civic and student organizations, and individuals to be accountable for an assigned park and participate in ongoing maintenance in the selected park. The Borough of Waynesboro's Recreation Board will work with the adopting entity to assign a park and outline expectations of the program. Approved organizations will be responsible to be in their assigned park at least once per quarter and will be able to work on assigned tasks by the Recreation Board or areas they have identified that need attention, as well as communicate any significant maintenance concerns that should be addressed by Borough personnel. The Borough's responsibility would be to provide tools, materials and equipment to assist in the completion of duties, communicate specific needs for each park to the adopting entity, publicize the parks available for adoption, and recognize the adopting groups and the efforts they put forth.

The program's Volunteer Waiver has been reviewed and approved by the Solicitor, and is before Council for consideration. Councilman Cermak made a motion for approval. Councilman Royer seconded; the motion passed unanimously.

ANNUAL TATTOO ESTABLISHMENT INSPECTIONS: Zoning/Code Enforcement Officer Matt Schmidt noted that the Borough's ordinance requires annual inspection of tattoo establishments. Wording of the ordinance is such that this requirement falls upon the Code Enforcement Officer, and he had some questions about the process. Since then, he has learned that a third party agency was contracted in the past to conduct

these inspections; and there is currently a pending contract being considered. This matter, therefore, seems as though it is being settled and there is no need for Council's action at this time.

INSTITUTIONAL ZONING SPECIAL EXCEPTION AMENDMENT TO INCLUDE DAY CARE CENTER: Matt Schmidt noted that all day care centers in the Borough are allowed by special exception; aside from that, he received an inquiry from the YMCA for a proposed expansion of the playground for their day care center. In the process of investigating their request, he became aware of the fact that they are in an institutional zone, which does not provide for a day care center. Accordingly, an amendment may be required; and the Solicitor has recommended that this matter be addressed by the Planning Commission and brought to Council at a later date.

APPROVAL OF RENFREW COMMITTEE, INC. BOARD FOR 2019: Mr. Stains presented recommendations for appointments to the RCI Board for the year 2019, as follows –

Representing M&T Bank – Robert Benchoff, Douglas Burkholder and Greg White

Representing the Borough of Waynesboro – Douglas Parks, A. J. Benchoff and Annie Gomez Shockey (one vacancy exists, a recommendation for which will be forthcoming in the future)

Councilman Cermak made a motion for approval of the appointments, as presented. Councilman Knott seconded; the motion passed 5-0 (Councilman Royer abstained).

APPROVAL OF LIBRARY BOARD MEMBERS: Pursuant to recommendation by the Alexander Hamilton Memorial Free Library's Board of Trustees, Councilman Cermak made a motion to approve the appointment of Jared Childers to a term expiring on 02/01/2011 (replacing Timothy Misner) and Jilian Birely to a term expiring on 02/01/2022 (replacing Lucinda Potter). Councilwoman Rolls seconded; the motion passed unanimously.

AMERICAN LEGION REQUEST TO WAIVE STORMWATER MANAGEMENT PLAN REQUIREMENT: Kevin Grubbs noted that the Planning Commission reviewed the preliminary land development plan for the new American Legion building. Several revisions were requested and must be completed for further review by the Planning Commission.

Separate from that issue, however, the Planning Commission made a motion to recommend that Borough Council waive the stormwater requirements under Ordinance #961, based on the following: (1) the footprint of the new building is essentially the same as the old building and the amount of impervious area from the old building to the new has not significantly changed; and (2) the run-off rate for the new building is going to be less than the old building because the old building with the house had a pitched roof that resulted in a faster run-off rate. The run-off rate on the new roof design will be controlled more efficiently.

Solicitor Wiser stated that Section 250-66 of the Borough's ordinance (and the Municipalities Planning Code) allows for modifications of the Subdivision/Land Development Ordinance with the following subprovisions: (1) If the literal enforcement will exact undue hardship because of the peculiar conditions pertaining to the land; and (2) All requests shall be in writing and shall state in full the grounds or facts of unreasonableness or hardship on which the request is based, the provision of the ordinance involved, and the minimum modification necessary.

Legion representatives were instructed to provide this information (questions should be directed to Kevin Grubbs) for Council's consideration at their next meeting.

FOR INFORMATION ONLY

CIVIL SERVICE EXAMINATIONS FOR POLICE PATROLPERSON AND FIRE APPARATUS DRIVER POSITIONS: Mr. Stains noted that there are currently no open positions in either the Fire Department or the Police Department, however there also are no eligible candidates for either list from the last round of testing. Discussion has ensued regarding the residency requirement, and it was suggested that the Civil Service Commission and Personnel Committee meet to discuss recommended modifications to the current Civil Service Rules and Regulations. Solicitor Wiser added that the collective bargaining agreements for both the fire and police associations should be reviewed to ensure consistency with the rules and regulations.

ACKNOWLEDGE RECEIPT OF 2017 BOROUGH AUDIT: Mr. Stains noted that Smith Elliott Kearns & Company has completed the Borough's 2017 audit, and Council members received copies with their meeting packets. They will begin work on the 2018 audit in early-February.

NOTIFICATION OF LIQUOR LICENSE FILING (LAKE HOUSE DISTILLING COMPANY): The Borough has received formal notification from the PA Liquor Control Board that Lake House Distilling Company has filed for their liquor license.

PRESS QUESTIONS:

Jennifer Fitch, Herald Mail –

Question – How is the public auction of properties going to be structured?

- Jason Stains – our goal is to have the auction for all the properties in Borough Hall's Council Chambers on the same day. They will be pursuing the services of an auctioneer in the near future.

Question – Do you know how much Washington Township is paying per call for fire service?

- Jason – the costs/fees are not broken down in that respect.

COUNCIL AND STAFF COMMENTS

Mayor Starliper reminded the public that “if you see something, say something”, adding that it should be done the same day.

Having no further business to discuss, Council adjourned to executive session at 7:22 p.m. They reconvened, with no voting, and adjourned shortly thereafter.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary