

MAY 2, 2018  
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:

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

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager  
Chad Rooney, Administrative Services Coordinator  
Dan Sheffler, Zoning-Code Enforcement Officer  
Kevin Grubbs, Head of Engineering Services  
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)  
S. Leiter Pryor, Director of Utilities  
Jim Sourbier, Police Chief

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

**PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS:** Mayor Starliper presented a Proclamation to members of the A.B.A.T.E. of PA organization designating May, 2018 as Motorcycle Safety Awareness Month.

**EXECUTIVE SESSION:** President Mumma noted that Council held executive sessions on 05/01 to discuss real estate issues, and prior to this meeting to discuss code enforcement and litigation issues. They will hold another executive session at the conclusion of this meeting to continue those discussions.

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

**PERSONNEL COMMITTEE:** Councilman Cermak made a motion to hire Steven Simmons, Jr. as a Summer Maintenance Worker with the Maintenance Department at the rate of \$7.45/hour. Councilwoman Rolls seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve the hiring of Nicholas Fahrney as a Summer Maintenance Worker with the Maintenance Department at the rate of \$7.25/hour. Councilwoman Rolls seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve the hiring of additional Northside Pool staff, per the updated list provided. Councilman Knott seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve the appointment of Fawn Reid to the Recreation Board, filling the unexpired term of Dade Royer (said term to expire on 12/31/2019). Councilwoman Rolls seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for Melinda Knott to salary level 14E, effective 04/20/2018. Councilwoman Rolls seconded; the motion passed 5-0 (Councilman Knott abstained).

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** No report.

**STREET COMMITTEE:** Councilwoman Rolls noted that the Street Committee met on 04/26 and discussed various items.

- July 4<sup>th</sup> Parade - Councilwoman Rolls made a motion to approve the request by the Brothers of the Brush to hold the July 4<sup>th</sup> parade at 10:30 a.m. Councilman Knott seconded; the motion passed unanimously.
- Car & Truck Show - Councilwoman Rolls made a motion to approve the request by Mainstreet Waynesboro, Inc. to hold the Car & Truck Show on 06/16 from 9:00 a.m. to 3:00 p.m. (Main Street to be closed from 7:00 a.m. to 4:00 p.m.; Church Street will remain open with Fire Police assisting with traffic control.) Councilman Cermak seconded; the motion passed unanimously.
- Request for Speed Limit Signs on Sunnyside Avenue - Councilwoman Rolls noted that a request was received from a resident on Sunnyside Avenue to install 25 mph speed limit signs on Sunnyside Avenue between E. Main Street and Roadside Avenue. Results of a speed study conducted by the Engineering Department in 2018 were compared to those from 2015, indicating a marginal increase in speed on that section of street. Councilwoman Rolls made a motion to install four (4) 25 mph speed limit signs with breakaway posts on Sunnyside Avenue between E. Main Street and Roadside Avenue, with total approximate costs to the Borough of \$381.00. Councilman Royer seconded; the motion passed unanimously.
- Upgrades to W. Third Street & Cleveland Avenue Crosswalks - Discussion was held at the meeting regarding crosswalks at the intersection of W. Third Street and Cleveland Avenue. Councilwoman Rolls made a motion to update the two (2) current crosswalk signs on both sides of the W. Third Street crosswalk, and install/angle two (2) additional signs on both sides of the Cleveland Avenue crosswalk. Councilman Royer seconded; the motion passed unanimously.
- Traffic Concerns at Fairview Elementary School – School Board representatives were in attendance and discussed issues around that school and the ongoing traffic concerns for parents dropping off and picking up their children at the rear parking lot on W. Third Street. They will continue to work with the School District and ask the public for their ideas on easing traffic at that location, including the

feasibility of walking community programs to encourage people to walk their students to/from school, the addition of a school crossing guard and/or more crosswalks.

- Downtown Parking – There was also a lengthy discussion about parking in the Downtown Business District including the issues of enforcement, parking ticket fees, changing the length of time on the meters for downtown businesses, the availability of free public parking and promotion of the location of existing parking areas. Individuals interested in being part of future discussion on this issue were invited to attend the next Street Committee meeting (which will be held on 05/24 at 6:30 p.m.)

**ECONOMIC DEVELOPMENT COMMITTEE:** No report.

**FINANCE COMMITTEE:** No report.

**RECREATION BOARD:** Councilman Royer noted that the Recreation Board met on 04/25 and discussed the following –

- Adopt-a-Park Program – Chad Rooney reported that the program proposed by our former Jr. Councilpersons is mostly complete, and is being reviewed by the Solicitor with regard to liability waivers, etc. It will then be returned to the Recreation Board for recommendation to Council.
- Rotary Park – The bridge built by Ethan Kauffman (as an Eagle Scout project) is completed. A ribbon-cutting ceremony is scheduled for 05/07 at 6:30 p.m. Council and the public were invited to attend.
- Park Signs – Park signs with new rules/regulations passed recently have been ordered and will be posted in the near future.
- Memorial Park – Jason Stains will give an update later in the meeting. Mr. Royer thanked Wayne Bartholow for conducting research on the 77 veterans who were killed in World War II (32 of which were from Waynesboro). Plaques for the Waynesboro veterans will be redone.

The next Recreation Board meeting will be held on 05/23 at 6:30 p.m. (meeting in Borough Hall's second floor conference room and reconvening at Northside Pool).

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

- On April 19<sup>th</sup>, I attended a meeting of Franklin County Mayors.
- On April 19<sup>th</sup>, I attended the Chamber's mixer at the Patriot Federal Credit Union.
- On the 19<sup>th</sup>, I attended the Waynesboro Beneficial Fund Association meeting.
- On April 21<sup>st</sup>, I attended the ribbon cutting for the Antietam Humane Society Adoption Center.
- On April 24<sup>th</sup>, the Cumberland-Franklin County Boroughs' Association held their meeting with Chief Sourbier as the speaker.
- On April 25<sup>th</sup>, I attended the annual meeting of Mainstreet Waynesboro, Inc.

- On April 28<sup>th</sup>, I attended the Earth/Arbor Day celebration at Renfrew and presented them with a Proclamation in honor of Tree City for the fifth year, as well as a Proclamation for the planting of a red oak tree from WaynesboroFest in honor of Waynesboro's 200 years.
- On May 1<sup>st</sup>, I swore-in our newest member of the police force, Cody Davis.
- On May 2<sup>nd</sup>, I had Coffee with Cops and citizens of Waynesboro.

**SOLICITOR'S REPORT:** No report.

**DIRECTOR OF UTILITIES' REPORT:** Mr. Pryor reported the following –

- The Waynesboro Borough Authority held a special meeting last night to discuss and finalize the Engineering Services Proposal for the Water Treatment Plant Upgrade. Several areas in the scope of work for the project required clarification from Gannett Fleming Engineers. Jon Fleagle and myself had a conference call with Gannett Fleming this afternoon to clarify the final scope of work for the project, and the WBA will be executing the agreement during their May 22<sup>nd</sup> meeting.

**MANAGER'S REPORT:** Mr. Stains reported the following –

- Right-to-Know requests were completed for the following:
  - (a) Claudine Anague – Requested every structural, electrical, plumbing, mechanical, demolition, solar, HVAC and gas permits in a permit log for the last ten years. This request was denied.
- Our redesigned website launched over the weekend.
- I request that we remove the award of Memorial Park bids from tonight's Consent Agenda, as the project engineer is still reviewing references and has questions for the apparent low bidder. I anticipate that we will be able to take further action at our next meeting.
- The Mandatory Sewer Connection Ordinance has been referred to the Utilities Committee to review the implementation schedule.

Mr. Stains advised that the contractor will begin in either late-spring or early-summer on the Memorial Park Project. Chronologically, the restrooms will be completed first, followed by the tennis courts, pickle ball court and then the basketball/volleyball court.

Wayne Bartholow, 35 N. Grant Street – Mr. Bartholow noted that he looked over the Borough's new website and saw no mention of the Recreation Board. Mr. Stains noted that the staff is currently reviewing the contents to ensure that everything was transferred correctly from the previous site. He will ensure that the Boards & Commissions are all listed appropriately.

**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:**

A. J. Benchoff, 100 Walnut Street – Mr. Benchoff was in attendance representing Ray Adkins, 800 E. Main Street. They had submitted a letter to Borough Council, the Mayor and Dan Sheffler regarding the Notice of Violation/Notice to Connect received subsequent to adoption of the Borough's new Mandatory Sewer Connection Ordinance. For reasons delineated in the letter, it is quite a financial hardship to the owners, and he requested that Council consider waiving the requirement for connection for Mr. and Mrs. Adkins. He explained that it is 370' from their home to a manhole on Main Street, and they have received an estimate of \$25,000-\$50,000 for the required connection. As an alternate to the waiver, they are requesting any and all assistance to pay for the cost of this undertaking. Mr. Benchoff also suggested that Council could adopt its own exemptions for properties with an adequate on-site septic system as of the effective date of the ordinance. He added that the Adkins' are working with Antrim Septic to get a report confirming that their septic system is in good working order.

Solicitor Wiser questioned what Mr. Benchoff and/or his clients would consider an adequate septic system, to which Mr. Benchoff replied that a system in good working order would accommodate in an appropriate way the use of the property in question. The Adkins' home is single-family, in excess of three (3) acres, and approximately 370' feet from the home to the manhole at the corner of N. East Avenue and E. Main Street.

As will be asked of other affected property owners, Mr. Wiser questioned if Mr. Adkins has pumping records (similar to what is required by neighboring townships). Mr. Adkins replied that he does not, as that was not previously required. However, he stated he has had no problems with the system to date and is attempting to contact previous owners to determine if they had any issues. He stated there is no leakage, no seepage and no smell.

Solicitor Wiser noted that the Borough Code does not prescribe any exemptions, but he agreed that Borough Council could adopt their own exemptions if they so choose.

President Mumma noted that this matter will be reviewed further by the Utility Committee.

Clinton Barkdoll, 9 E. Main Street – Mr. Barkdoll was in attendance representing Nancy Funk, 118 Myrtle Avenue, who is also one of the property owners affected by this ordinance. He echoed sentiments raised by Attorney Benchoff, adding that (obviously) all these properties are unique. In Ms. Funk's case, she has lived at this residence for 40+ years and does not have a washing machine, dishwasher or garbage disposal. She has also met with Antrim Septic to get an opinion on the adequateness of her septic system, but has experienced no problems since she has lived there. He also requested that Council consider a sort of accommodation for Mrs. Funk. The quotes she has received for compliance with this ordinance are in excess of \$20,000, which is an extraordinary financial burden. He added that, per the terms of the ordinance, the

required completion date for this work would be 05/31. Contractors are stating that it could take months to get the work done, and at a minimum, Mr. Barkdoll asked that the enforcement date be suspended.

Solicitor Wiser noted that Council had indicated at their last meeting that, as long as someone is making a good faith effort to comply, no enforcement action would be brought against that person.

Mr. Barkdoll suggested that, as Council and the Utility Committee review this matter further, there are solutions that could be considered such as a grandfathering, making the requirement effective upon a change of use, or placing a lien against the property in order to get the work done.

Craig Mahrle, 84 and 92 W. Main Street – Mr. Mahrle agreed with the concerns already raised regarding time constraints and the financial burden being placed on the affected property owners. He stated his opinion that the ordinance in question was not legally enacted because Council did not obtain approval from the Department of Labor and Industry -- he cited sections from the Uniform Construction Code, the PA Construction Code Act and the International Plumbing Code in this defense. He noted that criteria required for Department of Labor and Industry approval includes that an ordinance may be proposed/enacted to equal or exceed the minimum requirements of the UCC, and a copy of the proposed ordinance shall be filed with the Department at least 30 days prior to a public hearing. He stated that this ordinance should be rescinded and the Borough must follow PA state law if it wishes to enact it again.

Solicitor Wiser asked when the last time Mr. Mahrle's septic system was inspected, or has he also contacted Antrim Septic for an inspection? Mr. Mahrle advised that he was here to make a public comment and counsel is free to depose him if they choose to do so. Solicitor Wiser commented that, while he appreciates Mr. Mahrle's level of research, he is "comparing apples to prunes" – the Borough is not required to seek approval from the Department of Labor and Industry for amendments of the Building Code, because they specifically have authorization under the Borough Code to adopt a mandatory connection ordinance.

Darwyn Benedict, 410 N. Grant Street – Also a property owner affected by this ordinance, Mr. Benedict noted that most homes have more use than his building at 410 N. Grant Street (which has 2½ baths and a kitchen). In addition, as his is a historical building, anything done inside or outside must follow strict historical requirements and receive various approvals. He noted that when the ordinance was adopted, no one knew what properties were affected; and no letters were sent indicating that certain properties were affected. Mr. Benedict advised that his septic system was inspected 1½-2 years ago when he purchased the property. He added that it is a "huge" system, as it was designed for the original use as an armory. He provided the definition of an on-lot septic system ... one that has a separation of solids and liquids (the solids are kept/pumped out every 3-5 years and the liquids go into the ground), much the same as

a public sewer system, except that it is maintained on a single property. Mr. Benedict also noted the financial burden this requirement places on residents affected.

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

- A. Approve Minutes as Presented – April 4, 2018 (regular meeting) and April 18, 2018 (regular meeting)
- B. Pay Bills – Check Detail(s) dated 04/25 and 04/30

Councilwoman Rolls seconded; the motion passed unanimously.

### **UNFINISHED BUSINESS**

#### **RESOLUTION NOS. 2018-06 THRU 2018-12 AUTHORIZING EXECUTION AND SUBMISSION OF APPLICATIONS FOR TRAFFIC SIGNAL APPROVAL TO PA DEPARTMENT OF TRANSPORTATION FOR VERIZON SMALL CELL ANTENNAS:**

Mr. Stains presented resolutions which require Council's authorization for application submissions to PENNDOT for the Verizon small cell project. Councilwoman Rolls made a motion to approve all seven (7) resolutions (one for each intersection where the antennas are to be located). Councilman Knott seconded; the motion passed unanimously.

#### **RESOLUTION NOS. 2018-06 thru 2018-12**

BE IT RESOLVED, by authority of the Waynesboro Borough Council of the Borough of Waynesboro, Franklin County, and it is hereby resolved by authority of the same, that the Borough Manager of said Municipality is authorized and directed to submit the attached Application for Traffic Signal Approval to the Pennsylvania Department of Transportation and to sign this Application on behalf of the Municipality *(for the following locations):*

- Resolution No. 2018-06 – W. Main Street (SR 0016) and Grant Street (SR 0316)
- Resolution No. 2018-07 – Main Street (SR 0016) and Church Street (SR 0997)
- Resolution No. 2018-08 – E. Main Street (SR 0016) and Broad Street
- Resolution No. 2018-09 – E. Main Street (SR 0016), Roadside Avenue and Virginia Avenue
- Resolution No. 2018-10 – E. Main Street (SR 0016), E. Second Street and Mickley Avenue
- Resolution No. 2018-11 – W. Main Street (SR 0016) and Potomac Street (SR 0316)
- Resolution No. 2018-12 – W. Third Street and S. Potomac Street (SR 0316)

**AUTHORIZE STREET OPENING ORDINANCE FOR ADVERTISEMENT:** Mr. Stains noted that the Street Committee reviewed the proposed ordinance at their last meeting and recommended minor changes to Sections 3 and 5 (which he explained). Councilwoman Rolls made a motion to approve advertisement of the proposed Street Opening Ordinance for consideration at the June 20<sup>th</sup> Council meeting. Councilman Knott seconded; the motion passed unanimously.

## **NEW BUSINESS**

**SURVEYING FOR MAIN STREET LIGHTING PROJECT:** Mr. Stains advised that special surveying for the Main Street street light project will not be required ... they will rely on PENNDOT's designs for application purposes. No action is required at this time.

**AUTHORIZE ADVERTISING FOR LINE PAINTING CONTRACT:** Mr. Stains requested Council's authorization to advertise for bids for the line painting contract (which was emailed previously to Council for review). Councilman Royer made a motion to approve the advertisement. Councilwoman Rolls seconded; the motion passed unanimously.

**REQUEST FOR SUMMER JUBILEE AND FIRECRACKER 5K RACE:** Mr. Stains noted that he received a request for the Summer Jubilee and Firecracker 5K race to be held on 07/04 at 7:30 a.m., utilizing the same routes as in the past. Councilman Royer made a motion for approval. Councilwoman Rolls seconded; the motion passed unanimously.

## **PRESS QUESTIONS:**

Dustin Haluska, Record Herald – Mr. Haluska reported that his last day at *The Record Herald* will be 05/04, and thanked everyone for their assistance during the last four (4) years. He introduced Ben DeStephen, who will be his replacement.

**COUNCIL AND STAFF COMMENTS:** Many congratulatory comments were voiced to Dustin Haluska. Several councilmen also thanked individuals who spoke regarding the sewer issue.

Chief Sourbier reported that building a website for public outreach was not cost-effective, so they will be utilizing the Crime Watch platform at a substantial savings. He noted that it is very user-friendly and informative/interactive for the public, and it will be updated on a daily basis. Utilizing Google, residents will go to "Crime Watch PA", choose "Waynesboro" and subscribe.

Bill Kohler (Mainstreet Waynesboro, Inc.) noted that the first Senior Movie was held on 04/23 at the Waynesboro Theatre. As attendance (115 people) was so successful, they have solicited additional sponsors for four (4) more matinee movies. He thanked Mayor Starliper, Jason Stains and Councilman Knott for attending MSW's annual meeting last week; and thanked Chief Sourbier, several officers and the Mayor for "Coffee with



Cops” held earlier today. Mr. Kohler also advised that the upcoming 10K Race through the Parks and BeerFest will be held on 05/19.

Mayor Starliper reported that a “Drug Take Back” box is located in the Police Department’s lobby during regular business hours on Monday thru Friday. Over the last four (4) years, they have received an average of 350-400 pounds per year, as well as 12-15 gallons of needles, sharps, etc. Mr. Starliper also commented to the individuals who spoke regarding the Mandatory Sewer Use Ordinance that he did not sign that ordinance (when Council adopted it) because he didn’t believe it was right.

President Mumma again thanked individuals for their comments, and reiterated that the sewer connection issue will be reviewed further by the Utility Committee and brought back to Council for any necessary action.

Having no further business to discuss, Council adjourned to an executive session at 8:40 p.m.

Respectfully Submitted,

Melinda S. Knott  
Borough Secretary