

DECEMBER 19, 2018
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 and Mya Graves

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)
Kevin Grubbs, Head of Engineering Services
Chad Rooney, Administrative Services Coordinator
Matt Schmidt, Zoning/Code Enforcement Officer
S. Leiter Pryor, Director of Utilities
Jim Sourbier, Police Chief
Shawn Adolini, Fire Chief
Mike Benshoff, Maintenance Foreman
Richard Doll, Truck Driver/Laborer

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

PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS: Manager Stains presented an “Academy of Music” plate to Richard Doll, who is retiring on 12/31/2018.

EXECUTIVE SESSION: President Mumma noted that Council will hold an executive session at the end of this meeting. No voting is anticipated afterward.

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

PERSONNEL COMMITTEE: Councilman Cermak acknowledged receipt of a favorable performance evaluation for Donald Kaiser. No action was required.

Councilman Cermak made a motion to approve a step increase for Craig Myers to Contract Step #3, effective 10/03/2018. Councilman Royer seconded; the motion passed unanimously.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: No report. Councilwoman Rolls noted that the Street Committee meetings in 2019 will be held on the second Thursday of each month at 9:00 a.m. in Borough Hall's second floor conference room.

ECONOMIC DEVELOPMENT COMMITTEE: No report. Councilman Fleagle noted that the Economic Development Committee's January meeting would fall on 01/01, so it has been rescheduled to 01/08.

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: Mayor Starliper welcomed Lilly Eberhardt from a civics class at the Senior High School.

The Mayor's Report was as follows –

- On December 6th, I attended the Chamber's mixer at Renfrew Museum and Park.
- On December 11th, I attended the Waynesboro Fire Police meeting.
- On December 14th, along with Chief Sourbier, I attended the Franklin County Safe Schools meeting at the 9-1-1 Center.
- On December 15th, I attended and presented a certificate to Kelly Michael Hiatt for his Eagle Scout Advancement. Kelly is a member of Troop 97 at Trinity Church.

SOLICITOR'S REPORT: No report.

DIRECTOR OF UTILITIES' REPORT: Leiter Pryor reported that 30% drawings for the Water Treatment Plant Upgrade project were received today. The Borough Authority will be working with staff to review those for return to Gannett Fleming for submission of the Water Supply Permit Application in mid-January.

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

- Right to Know Requests were completed for the following:
 - (a) Chris Lanphear, on behalf of Deltek, Seattle, WV – requested “A list of every vendor term/annual contract with a future expiration date that has been awarded through the BID/RFP process. The information we are looking for to be included in the list is as follows: Title/Description, Expiration Date, Awarded Vendor Name, Additional Details that are easy to include (Example: contract start date, contract renewal terms, pricing information).” An example of a preferred format was also included. This request was denied as the information requested is not kept in the format requested.

- (b) Kevan Anschuetz, Gettysburg, PA – requested “The pay scale and insurance contributions for the water department employees.” The request was granted and our 2018 pay scale, the starting wages for the various water department positions, and language from our employee handbook related to health insurance benefits was provided.
- PENNDOT has sent notification that they are in receipt of our Highway Occupancy Permit request and a final determination should be provided by January 4, 2019 for the street light project.
 - We have submitted all of the final requested documents for the Memorial Park Project and are awaiting our letter from DCNR to proceed with work. Received letter from DCNR to proceed with work.
 - We launched a button on our website homepage to allow for public reporting of street light outages. It is located near the social media buttons at the bottom of the homepage. We have publicized this on social media and have begun receiving requests for repairs.

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:

Clint Barkdoll, 9 E. Main Street (counsel for The American Legion) – Mr. Barkdoll made Council aware that the American Legion has filed a letter with the Zoning Hearing Board asking for 120-day extension to coordinate unforeseen items that have arisen regarding zoning and land development for this property. The one (1) year anniversary of the Legion’s fire is next week; and under ordinance and codes, once that date is passed, loss of certain non-conforming uses can be triggered.

Secondly, they are asking for waiver of the \$12,000 land use development fee due to the Borough. He explained that the plans, as currently drafted, do expand the square footage of the Legion by approximately 400’, which triggers a land development plan, etc. However, he felt it was important to note that the expansion of that square footage is entirely in the back area where there were outdoor freezers and cooling equipment.

Ray Harbaugh, 13124 Red Bud Court (representing Callas Contractors) – Mr. Harbaugh noted that the Legion’s request for Council to consider waiving the \$12,745 land development fee was presented at Council’s last meeting. Their concern is the amount of the fee and the “supporting efforts of the Borough that would necessitate that fee”. He noted their confusion with understanding all the implications of the reconstruction, as well as their frustration in attempting to coordinate the tasks that need to be accomplished.

Solicitor Wisner reported that correspondence was sent to the American Legion on 04/12 to notify them that if the footprint would be expanded at all, a land development plan would need to be submitted. To his knowledge, the Borough hasn’t seen any plan (not even a sketch plan); and so there is generally not a way to lay a path forward until you

know what is going up. He suggested that a sketch plan be prepared and presented to the Planning Commission, who can then provide guidance on how to move forward.

Ronald Martin, 66 State Hill Road – As the American Legion has been supportive of the community, Mr. Martin suggested that the American Legion pay the \$12,000 fee and then Council could make a donation back to the American Legion. Manager Stains commented, however, that the Borough's 2019 budget includes the fee amount as proposed revenue.

Solicitor Wisner asked Council if they intend to donate back to every non-profit entity that applies for a permit from the Borough. The uniformity of a fee is destroyed if they start donating the fee back to certain entities. Mr. Wisner added that Council considers donations only at budget time, and they need to be cautious of setting a precedent.

William Hoover, 947 Quail Run Drive – Mr. Hoover asked if this is the way Council treats a non-profit veterans organization that has donated over \$400,000 to this town in the past two (2) years.

Don Kauffman, 307 W. Seventh Street – Mr. Kauffman stated there won't be many non-profit organizations that will donate that amount of money to the community. President Mumma added his understanding that, by law, they are required to donate 60% of their gambling proceeds to the community.

Councilman Fleagle commented that Mr. Martin's request may have some validity, but he suggested that the Solicitor review the potential ramifications.

Councilwoman Rolls stated that Council has had to cut donations to many non-profits that have been served for many years. Even though they are appreciative of the work the Legion does for the community, they are also appreciative of what the other organizations do (i.e. the Community and Human Services' food bank, clothing bank and in-home nursing services; and the Wayne Band when they perform for free to the public). Other entities' fees have not been waived, even though the schools educate our children and the hospital cares for our sick. How does Council justify that they pay the fees, but the fees are going to be given back to the American Legion?

Councilman Cermak noted that his son received a tuition grant from the Legion many years ago, for which he is very grateful. He asked to be excused from Council and, speaking as a citizen, he offered to match any donations made to the Legion's fee up to \$6,000. Ronald Martin also offered to match \$6,000. Mr. Cermak then returned to his Council seat. The gentlemen were thanked for their donations.

Solicitor Wisner reminded Council and those in attendance that a land use permit can't be issued until there is an approved land development plan. Mr. Harbaugh noted that that is his understanding.

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

- A. Approve Minutes as Presented – November 14, 2018 (regular meeting)
- B. Accept Reports of the Police Chief, Fire Chief and Code Enforcement/Zoning Officer for the month of November, 2018
- C. Pay Bills – Check Detail(s) dated 12/06 and 12/11

Councilwoman Rolls seconded; the motion passed unanimously.

UNFINISHED BUSINESS

ADOPTION OF 2019 FINAL BUDGET: Mr. Stains announced that the Borough's proposed 2019 budget has been duly advertised and on public display, and is before Council this evening for consideration. Councilman Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

CONSIDER ADOPTION OF PROPOSED ORDINANCE RE: 2019 TAX RATE: Mr. Stains noted that the proposed 2019 Tax Ordinance has also advertised for Council's consideration at this time, with tax rates of 21.18 mills for general Borough purposes, 1.5 mills for fire purposes, 2.0 mills for street lights and 5.0 mills for street improvements. Councilman Fleagle made a motion for approval of the proposed ordinance, as presented. Councilman Knott seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, COMMONWEALTH OF PENNSYLVANIA, fixing the tax rate for the fiscal year 2019.

Complete copy on file at Borough Hall.

APPROVAL OF NON-SPECIFIED SIGN FEES: Matt Schmidt noted that this matter was discussed at Council's last meeting. He provided a recommendation for a flat fee of \$25.00 plus \$1.00 for each additional incurred cost, based upon the square footage and cost of the proposed sign. Much discussion followed. The matter was tabled and referred to the Planning Commission for input and further discussion.

NEW BUSINESS

DISCUSSION RE: CHANGING CIVIL SERVICE AIR MILE RESIDENCY REQUIREMENTS FOR POLICE AND FIRE EXAMINATIONS: Mr. Stains presented a recommendation from the Fire Chief for Council to consider waiving the Civil Service Commission's Rules and Regulations regarding the current 15 air mile residency requirement for Fire Apparatus Drivers. The Police Chief suggested 30 air miles for Patrolperson applicants. Collective Bargaining Agreements with both associations will need to be reviewed/coordinated if any such changes are made. President Mumma referred the matter to the Personnel Committee for recommendation.

APPOINT REPRESENTATIVE AND ALTERNATE REPRESENTATIVE TO THE FRANKLIN COUNTY EMERGENCY SERVICES ALLIANCE: Mr. Stains noted that a representative and alternate need to be appointed to the Franklin County Emergency Services Alliance each year ... currently they are Pat Fleagle (representative) and Jody Sanders (alternate). Councilman Knott made a motion to continue with the same appointments in 2019. Councilman Cermak seconded; the motion passed unanimously.

FOR INFORMATION ONLY

ACKNOWLEDGE AGREEMENT BETWEEN FRANKLIN COUNTY EMERGENCY SERVICES ALLIANCE AND KEYSTONE COMMUNITY MEDICAL SERVICES, LLC FOR CONSULTING SERVICES: Council acknowledged receipt of this information. No action was required.

CHRISTMAS TREE COLLECTION: Mr. Stains reported that Waste Management will collect Christmas trees during the week of 01/21 to 01/25 on residents' normal collection day.

NOTICE OF 2019 MEETINGS: Council members were provided with a proposed schedule of meetings for boards/committees for 2019. Hearing no objections, the schedule will be advertised/posted.

PRESS QUESTIONS:

Jennifer Fitch, Herald Mail –

Question – How is the land use permit fee determined ... how was the \$12,000 fee arrived at for the American Legion?

- Matt Schmidt – there is a \$55.00 flat fee and incremental increases based on cost of the project.

COUNCIL AND STAFF COMMENTS

Mr. Stains reported that the Borough celebrated the 200th anniversary of their incorporation yesterday (12/18).

Councilman Royer thanked Michael Cermak and Ronald Martin for assisting the American Legion with their permit fees.

Council and staff members exchanged numerous wishes for “Merry Christmas” and “Happy New Year”.

Bill Kohler (Mainstreet Waynesboro, Inc.) noted that MSW continues to work toward the revitalization of downtown Waynesboro. The holiday pop-up shops in vacant storefronts are being extended on Thursday, Friday and Saturday during the upcoming weekend.

In addition, the New Year's Eve "Boro Blast" will be held from 5:00 to 7:30 p.m. in the Main Street Park, where a giant Waynesburger will be dropped in celebration.

Fire Chief Adolini reported that the Fire Department has been chauffeuring Santa Claus throughout town the last three (3) evenings. He reminded everyone to check smoke detector batteries, and requested that he and the Police Chief be included in any discussions regarding the air mile residency requirements.

Chad Rooney wished Richard Doll well in his retirement.

Solicitor Wiser thanked Michael Cermak and Ronald Martin for their generosity with regards to the American Legion.

For the record, Councilman Fleagle clarified that our town was founded (not incorporated) in 1797. They were incorporated in 1818, unincorporated in 1824 (and were part of Washington Township until 1831), and incorporated as Waynesboro in 1831.

Mayor Starliper suggested that items on the agenda under "Information Only" (and any others that require no voting) could/should be included on the Consent Agenda. In 2019, he asked that Council "step up" with a 5, 10 or 15 year vision plan for the Borough outlining what needs to be done.

Mr. Starliper also announced that Remax, 410 N. Grant Street, will take (and recycle) Christmas trees on January 1st from 10:00 a.m. to 2:00 p.m.

Having no further business to discuss, Council adjourned to executive session at 7:43 p.m. for the purpose of discussing personnel and code enforcement issues. They reconvened to regular session at 9:25 p.m. and adjourned (with no voting) on a Fleagle/Knott motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary