

SEPTEMBER 29, 2020
WAYNESBORO, PA 17268
SPECIAL MEETING

Council President C. Harold Mumma called the special meeting (telemeeting via the Zoom computer platform) of the Waynesboro Borough Council to order at 9:53 a.m. (following an executive session) with the following in attendance:

Borough Council Members -- Patrick Fleagle, Jon Fleagle, C. Harold Mumma,
Dade Royer and Michael Cermak (Jarred Knott was absent)

Borough Staff – Jason Stains, Borough Manager
Sam Wiser, Borough Solicitor

Public in Attendance – Stephen Monn, 126 W. Main Street

Solicitor Wiser noted this meeting was duly advertised and posted on the Borough's website. He reviewed the Telemeeting Rules of Decorum for those individuals wishing to participate in the meeting.

President Mumma deferred public comments until after the business portion of the meeting.

Mr. Wiser noted there are some vacancies that Council needs to fill with respect to the RCI Board – one is the vacancy of Bob Benchoff (nominated by the trustee and appointed by the Borough), who resigned in July of 2020; and the other is the vacancy of Greg White (also nominated by the trustee). He explained that the Borough will receive formal nominations from the trustee (M & T Bank) for Council's action. So those two (2) vacancies cannot be acted on at this time. In addition, there are also two (2) Borough-appointed seats that need to be filled – those were held by Annie Gomez-Shockey and A. J. Benchoff. Councilman Royer made a motion to accept the resignations of Bob Benchoff, Greg White, Annie Gomez-Shockey and A. J. Benchoff with regret and gratitude for their service on the RCI Board. Councilman Cermak seconded; the motion passed unanimously.

Mr. Wiser noted that Council initially took action to fill one of the vacancies at its last meeting, but with the occasion of the new vacancies, Council may wish to reconsider that ... he reiterated their action was to authorize the nomination of Doug Parks (who currently holds a Borough seat) to fill the remaining term of Bob Benchoff's seat (a trustee seat). Councilman Royer then made a motion to rescind the prior motion of Council authorizing a modification of Doug Parks' seat and the appointment of C. Harold Mumma to the vacant Borough seat. Councilman Cermak seconded; the motion passed unanimously.

Regarding the two (2) vacant Borough seats that need to be filled, Councilman Royer made a motion to appoint Michael Cermak to fill the seat vacated by A. J. Benchoff;

term to expire on 12/31/2021. Councilman Mumma seconded; the motion passed unanimously. Further, Councilman Royer made a motion to appoint C. Harold Mumma to fill the seat vacated by Annie Gomez-Shockey; term to expire 12/31/2024. Councilman Cermak seconded; the motion passed unanimously.

Mr. Wisner noted (as Council, RCI, members of the public and stakeholders are aware), the Borough has been discussing a Successor Lease Agreement with RCI. As previously discussed, the prior agreement hadn't been modified or significantly reviewed in several decades. A Collaboration Committee between RCI and the Borough has been working on a draft of that document. The document has undergone some revisions and updates, and the Collaboration Committee has recommended approval of the lease to both Borough Council and RCI. Councilman Royer made a motion to authorize approval of the Successor Lease Agreement between the Borough of Waynesboro and Renfrew Committee, Inc. (RCI). Councilman Cermak seconded; the motion passed unanimously.

Public comments were now requested. Stephen Monn noted his concern about the actions expressed by Borough Council in a recent newspaper article attempting to terminate Renfrew Institute in favor of a combined operation. He gets the impression that Council's intent is to terminate the Institute and asked if that is correct. President Mumma noted the Borough is asking the Institute to meet to discuss the matter, but they have never responded back to arrange a meeting. In the interim, the Institute has sent out a letter to their members and friends with several comments that are concerning to the Borough.

Mr. Monn asked why, after 30 years of successful operation with the two organizations cooperating and coordinating everything they do, do you (Council) find it necessary to terminate that arrangement and force the two organizations into one? He asked if Council is aware of the potential funding that could be lost by forcing these two (2) organizations together. There are people who donate to one but not the other, for particular reasons of their own, and he fears that the volunteer funding that goes into that organization will not completely merge in with the new organization.

Mr. Monn noted there has been some attempt to express this as a legal problem, but he can't imagine any legal problems with this cooperative arrangement as it has been going on for 30 years. It was also expressed to him that Council is concerned about fulfilling the requirements of the will. There are no descendants who are going to take the property back because you are not operating it the way the donor indicated it should be operated. What is the reason for this whole process that seems to be occurring spontaneously after 30 years? There were no comments from Council at this time.

Mr. Monn questioned if representatives of the Institute were invited to attend this meeting today. Mr. Mumma noted that they have not responded to any requests from the Borough to meet. Mr. Monn noted that he will do what he can to facilitate such a meeting. He added that it might have helped if they had been invited to this meeting today, and speculated that very few people knew about the meeting since he is the only member from the public who requested to participate.

Councilman P. Fleagle asked Mr. Monn to restate his original question to Council. Mr. Monn asked again ... why, after 30 years of cooperation of two organizations, in a very successful manner, benefitting the public at large over several states, have you suddenly decided to change the arrangement and instead of having two cooperative organizations (one primarily dedicated to the maintenance and continuation of the physical plant and the other dedicated to presenting all sorts of programs and learning activities to young and old alike from environmental activities to entertainment functions that happen year after year after year) ... why, after all this time, has Borough Council decided that that successful cooperation of two organizations can no longer exist? Councilman P. Fleagle asked President Mumma that he or his designee give Mr. Monn an answer.

President Mumma responded that this began by a letter that the Institute put out that they were raising funds to build a building on the Renfrew property. First off, the formality is that the property belongs to the Borough and approval must be obtained from Council to build or move anything physically on the property before it is done. Secondly, the Borough is renewing leases with different organizations and realized that the lease between RCI and the Borough was very old and contained some legal items that needed to be updated. In addition, the will specifically states that there is "one Renfrew" not two.

Mr. Monn asked what legal issue there is with one organization sponsoring activities for the good of the general public on the property of another organization. The Institute is not the only organization that uses the Renfrew property ... they are one of many. Why does Council have a specific problem with the Institute? If they announced that they wanted to build a building on Borough property and you weren't properly consulted, he understands that could be an issue. However, he suggested that the response could have been to explain the proper procedure and discuss the plan with them to determine if it can come to fruition. Mr. Monn cautioned Council that they are setting themselves up to be villains in the public's eye. In his opinion, he feels that the Institute's programs touch more people than the Renfrew property does on its own. He believes that Council is making a very terrible mistake.

Mr. Mumma agreed that all of Council understands the value of the Institute to Renfrew, but the problem now is that they won't agree to sit down with the Borough, which is what they had originally requested. Mr. Monn stated that to say October 18th is the deadline for two diverse groups of people to get their schedules aligned to sit down together for a discussion is a very short deadline. Mr. Stains offered clarification ... the Borough originally tried to work out a meeting with a committee of Council, RCI and the Institute; but the Institute was not agreeable to that format. They sent a letter requesting to sit down with members of Borough Council for further discussion. A letter was then sent to the Institute, c/o Jim Fleagle and Tracy Holliday (via email and USPS), advising that Council was willing to meet with them. At this point in time, the Borough is waiting for a response from the Institute; and it is his understanding that Borough Council is still willing to meet with them. Mr. Monn asked if that meeting is to take place "between now

and October 18th, as that is when their lease is terminating. Mr. Stains agreed that that was Council's action.

Mr. Monn stated that he would like to see continuing attempts to communicate with the Institute. He noted his disappointment that at least one representative wasn't invited to this meeting. He will make an attempt to see if he can get them to respond to Council's request for a meeting.

Discussion followed regarding the timeline of correspondence back and forth. Mr. Stains noted that a letter was sent to both organizations on 09/04 and he believes that the lease was terminated prior to that (sometime in August). The Collaboration Committee meetings began in June or July with RCI about their lease; and a meeting was held with Jim Fleagle, Tom Beck, Mr. Mumma and Mr. Stains in August. Mr. Monn noted, however, that if leases were discussed at that time, that is a whole different thing than merging the two organizations together.

Mr. Stains explained that the Institute was operating on a lease between themselves and RCI. So when the new lease was approved by Council, it terminated the existing lease between RCI and the Institute. Mr. Monn asked why this means that the Institute also has to be terminated and what would be the advantage of this? Mr. Stains commented that the will mentions a seven (7) member board that runs Renfrew on behalf of the Borough ... if you take members of both the Institute and the existing RCI and merge them into one board, that is the managing board ... and both the Institute and RCI would be represented on that board. Mr. Monn again commented that the Institute makes more utilization of the property and has effect on more of the population of the area in participation than Renfrew itself does. By taking this action, he feels that Council is jeopardizing that situation and instead of enhancing the use of the property in the manner that the donor wished, you will be decreasing the utilization of the property and as a result, going against the wishes of the donor.

Moving on to other business, Mr. Stains reported that the Waynesboro Area School District requested a street closure on 10/07 between 7:00 and 10:00 p.m. on E. Second Street between Virginia and Enterprise Avenues for a movie in front of the High School. Mayor Starliper has approved that request, and the School District has added the Borough as an additional insured on their insurance policy for the event.

Mr. Stains also announced that Susquehanna Municipal Trust has awarded the Borough a \$1,000 grant which will be used for the purchase of CPR training equipment.

There were no further comments. The meeting adjourned at 10:40 a.m. on a Fleagle/Royer motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary