

DECEMBER 15, 2021
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, Jon Fleagle, C. Harold Mumma, Dade Royer and Michael Cermak

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager
Kevin Grubbs, Head of Engineering Services
Chris Devers, Fire Chief
Sam Wisner, Solicitor (Salzmann Hughes, PC)

Others – Delaney Stains (Job Shadow – Salzmann Hughes)

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

AUTHORIZE ADVERTISEMENT OF PROPOSED ORDINANCE RE: AMENDING CHAPTER 213 OF THE CODE OF ORDINANCES OF THE BOROUGH OF WAYNESBORO TO INCLUDE PROVISIONS REGARDING THE REGISTRATION AND LICENSING OF RESIDENTIAL RENTAL DWELLING UNITS: Council President Mumma noted that this item (Item 9H) will be moved forward on the agenda for discussion at this time.

Borough Manager Stains first noted that staff had inadvertently advertised this proposed ordinance, so it appeared that Council had already voted on it for advertisement and consideration at this meeting. He clarified that Council *has not* voted on advertising it yet ... and that is the action that Council would be taking this evening if they are so inclined to move forward with this program.

Mr. Stains stated that the ordinance has been drafted to allow for rental registrations, which was discussed during the 2022 budget process. At that time, Council had decided on a \$50/year fee per building or tax parcel for registration, which would be collected during the course of 2022. There is language in this ordinance to allow for rental inspections, which will be discussed and created by the Economic Development Committee. There is also language in the ordinance that Borough staff would obtain the names of everyone who lives in rental units, which would be very cumbersome to all parties involved. Code Enforcement Officer Matt Schmidt has mentioned that Council might want to consider including single-family dwellings, condominiums and boarding

houses offered for rent under these requirements. After speaking with several landlords, Mr. Stains noted their concern about turning in names to the Borough (depending on the type of rental property they manage), the amount of time that this process would take to constantly update, and the actual inspection program at some time in the future.

Kristyn Martin, 8020 Hidden Valley Lane -- Ms. Martin noted she has not had a lot of time to review the proposed ordinance, but stated several of her concerns as follows:

- The inspection requirement will be approved by this ordinance, even though the actual process has not been established.
- After application for registration is made, the Borough has 30 days to issue a license, which seems like an exorbitant amount of time.
- What would it look like to display the license on the property?
- Occupants' rights with respect to Borough officials' access to property.
- What units will this apply to ... according to Code Enforcement Officer's comments, it may apply to all rentals.

Craig McCleaf, 626 N. Grant Street – Mr. McCleaf noted his concerns as follows:

- Unsure if he can legally give the Borough names of his tenants, due to privacy matters.
- Yearly renewal might be problematic for Borough staff, and he suggested that a mailing could be sent out for fee submissions.
- A guidebook should be provided to landlords to ensure they are aware of required standards for their properties.
- Ordinance discusses inspections, even though there is no procedure yet for those.
- Notice (at least 24 hours) should be given to residents prior to allowing Borough access to the properties.
- What will be done if a tenant causes a violation (i.e. a broken window) and how will it be handled if the tenant doesn't want to pay for it?

Dan Sandy, 32 W. Main Street – Mr. Sandy noted his concerns as follows:

- Objective should be to encourage individuals to purchase and improve properties in Waynesboro, but feels that won't happen if there is an inspection program.
- Feels that Waynesboro should work on perfecting the current program regarding the inspection of properties when they are sold/transferred to another owner.

Travis Buffington, 8977 Wayne Highway - Mr. Buffington also noted concern as follows:

- Inspection program is not defined clearly.

Sally Sussman, 32 W. Main Street – Ms. Sussman added that the value of multi-family units has been very low for many years, and it is important that people not be discouraged from purchasing and improving them in the future.

Discussion amongst Council members and the public in attendance continued. Manager Stains stated that this is just one of the ways in which Waynesboro is working

to eliminate blight. Council is considering hiring an additional staff member in the Code Enforcement office to assist in these measures.

It seemed to be the consensus of those in attendance that they don't have a problem with the registration process, only the inspection process (as it is not clearly defined). President Mumma suggested that the matter be returned to the Economic Development Committee for further review.

PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS: Representatives from HRG Engineering were in attendance to discuss their efforts to develop long-range goals for the Waynesboro Area Greenway and Community Enhancement Plan and suggested that there are grant opportunities available through Franklin County and Pennsylvania for pursuing projects like this. They would welcome the opportunity to provide additional information if Council would want to pursue the matter further.

EXECUTIVE SESSION: President Mumma noted that Council will hold an executive session following this meeting to discuss litigation, contracts and personnel matters.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: No report.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman J. Fleagle noted that the Street Committee met on 12/02. He reported on the following –

- Mainstreet Waynesboro Special Events – Bill Kohler presented information regarding upcoming special events to be held in 2022. Several dates have been changed and a revised letter of request will be forthcoming.
- Review of New Traffic Patterns on W. Third Street – A meeting was held with Eric Holtzman, Business Manager of the Waynesboro Area School District, to discuss the traffic situation at the Fairview Avenue School, Third Street and Fairview Avenue. A proposal was submitted by the Street Committee for the School District's consideration. Mr. Holtzman noted that he would submit the proposal to the School Board for consideration, but a committee would not be established until after the first of the year due to the recent election of new Board members.
- Multimodal Grant Award for Street Project – It was noted that the Borough was awarded \$360,000 in funding for street reconstruction projects as follows:
 - Virginia Avenue (E. Main Street to E. Second Street) – estimated cost of \$160,562.00
 - Hamilton Avenue (W. Sixth Street to W. Eighth Street) – estimated cost of \$221,197.00
 - W. Fifth Street (S. Church Street to S. Potomac Street) – estimated cost of \$163,724.00

- Update on Street Light Projects – Kevin Grubbs gave a status report on street light projects as follows:
 - Center Square – completed and looks good; trees are in; still need to put in meters for lights (are on backorder)
 - Overhead Street Light Project – work will begin in Spring of 2022; some tree trimming and removal has been done
- Fifth Street Stormwater – Mr. Grubbs noted that engineering for this project is currently being done
- C.V. Avenue Stormwater – Mr. Grubbs reported that design work has been completed for Colorworks on Franklin Street and the Land Development Plan has been submitted to relocate the building. He added that they can build on top of the storm sewer without damaging it.

ECONOMIC DEVELOPMENT COMMITTEE: Councilman P. Fleagle noted that the Economic Development Committee met on 12/07 and discussed the following –

- Proposed Zoning Change – Industrial/Commercial – Discussion on proposal to include Commercial category in current Industrial areas. Committee concurred in making storage units a conditional use. Solicitor will be drafting proposed change.
- Mainstreet Waynesboro Update – Bill Kohler presented an artist rendering of Phase 1B of 21 E. Main Street project showing entire buildout. Kohler advised the project will be bid by the end of this month. Capital campaign will follow. Noted that the theater is going well. Also noted opening of Mason Dixon Creations in Wolff building and a Bath/Body Works. Developer has withdrawn request for variance for 137-139 W. Main Street and is pursuing adjacent properties for parking possibilities.
- Street Light/Tree Update for Center Square – New lights have been installed in Center Square. Trees were planted today. Only remaining issue is placement of meters for lights. West Penn will not allow meters to be placed on buildings; pedestals are needed.
- Economic Development 101 for Elected Officials – Committee viewed approximately 20 minutes of this seminar. Viewing will continue next month. Discussion centered around availability of packages/instructions for developers and availability of adequate utilities in the Borough.
- Waynesboro Vision 2035 – Dan DeDona noted that the committee has been on hiatus and will be reengaging shortly.
- Strategic Management Plan Phase II – Discussion of funding opportunities for specific recommendations from Phase I study. Borough Council will consider a resolution to apply for funding.

FINANCE COMMITTEE: No report.

RECREATION BOARD: No report. Councilman Royer noted that there are no Recreation Board meetings held in November and December. The next meeting is scheduled for 01/26.

RENFREW MUSEUM AND PARK REPORT: Becky LaBarre, Executive Director & CEO, presented a summary of her report dated October 15th. (Complete copy is on file at Borough Hall.) She added that there is an upcoming vacancy on the RCI Board and they are currently considering candidates.

MAYOR'S REPORT: Mayor Starliper reported as follows –

- On November 18th, I attended the Franklin County Mayors' meeting.
- On November 19th, I was given letters of appreciation from a fifth grade class at Mowrey Elementary School for my service to my country as a veteran.
- On the 19th, I participated in the lighting of our Christmas tree and also on the 20th, participated in the Holiday parade. Many thanks to Mainstreet Waynesboro for their organization of these events.
- On December 1st, I met with two members of the public who are looking to volunteer in the community.
- On December 2nd, I attended the Chamber's mixer at Renfrew.
- On December 4th, I was invited and attended the Fort Ritchie Community Center's Tree Lighting ceremony.
- On December 8th, along with members of the community, I celebrated the retirement of John Frantz from the Renfrew organization.
- On December 14th, I had the privilege of reading to the kids at our own library.
- On December 15th, I performed the marriage of Elmer Hercules and Karle Zetns.
- All the best to everyone this holiday season.

SOLICITOR'S REPORT: No report.

DIRECTOR OF UTILITIES REPORT: S. Leiter Pryor reported as follows –

- Water Treatment Plant Upgrade – Filter 2 is back online and performing well. Demolition of Filter 1 began last week and is progressing as expected. There are some outstanding electrical punch list items that still need to be addressed. Painting of the equalization basin will commence as soon as Filter 1 is back online. I would like to commend the staff at the plant for their continued support during our staffing shortage. Currently we are looking for two (2) operators and we have not received many applications to date.
- Antietam Dam Update – The design for the auxiliary emergency spillway is 95% completed and all permits have been applied for. The WBA received notification from DEP that they received a grant from PEMA in the amount of \$213,070. This grant is a pass-through federal grant from FEMA. As a sub-recipient of the grant, the funds will be utilized for planning and design of the new spillway.

BOROUGH MANAGER'S REPORT: Jason Stains provided Council members with Waste Management's report on the electronic equipment recycling event held on 10/22. He also noted that the Fire Department will be escorting Santa around town in the upcoming week.

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:

John Poniske, 150 E. Second Street – Mr. Poniske discussed the need for access to the public restrooms outside Borough Hall, especially during special events. He is aware that the restrooms were closed several years ago due to continual vandalism, but he urged Council to consider repairing and reopening them for the public's use. He also provided information on ways to prevent future vandalism.

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

- A. Award Bids – Sale of Vehicles (2001 Chevrolet Dump Truck and 2005 Ford Ranger Pick-up Truck to Roger Mong)
- B. Approve Minutes as Presented – July 21, 2021 (regular meeting)
- C. Accept Reports --
 - (1) Police Chief – November, 2021
 - (2) Fire Chief – November, 2021
 - (3) Ambulance Chief – November, 2021
 - (4) Code Enforcement/Zoning Officer – November, 2021
- D. Pay Bills – Check Detail(s) dated 11/16, 11/22, 11/30 and 12/06
- E. Acknowledge and Approve Personnel Matters – Recommended by the Personnel Committee
- F. Reaffirm the Vote of Council on October 27, 2021 Awarding the Trash and Recycling Contract to Waste Management of PA, Inc. (Motion by Councilman Royer, Second by Councilman Knott)
- G. Reaffirm the Vote of Council on November 10, 2021 to Refinance General Obligation Note, Series 2019, in the Amount of \$427,433 from Adams County National Bank to F&M Trust for a Ten (10) Year Tax-Exempt Fixed Rate of 1.85%; Following Ten (10) Years, a Variable Floating Interest Rate Equal to 79% of the U.S. Prime with a Tax-Exempt Floor Rate of 2.48% and a Tax-Exempt Cap Rate of 5.80% (Motion by Councilman J. Fleagle Second by Councilman Cermak)

Councilman Royer seconded; the motion passed unanimously.

UNFINISHED BUSINESS

CONSIDER ORDINANCE FOR ADOPTION RE: ALLOWING FOR A PRE-RETIREMENT DEATH BENEFIT TO THE SURVIVING SPOUSE OF A VESTED EMPLOYEE THAT DIES PRIOR TO RETIREMENT: Mr. Stains noted that this ordinance will bring the employees' pension plan in-line with the death benefits for the newly-established 401(a) retirement plan for new employees. The ordinance will be amended to provide that "If a vested participant dies prior to retirement, the participant's surviving spouse (if any) shall receive a monthly pension beginning at the participant's normal retirement date equal to the amount the spouse would have received if the participant had terminated on the date of death, survived to his normal retirement date, retired and elected a joint and 100% survivor benefit with his spouse named as the survivor annuitant, and died on that day."

Councilman J. Fleagle made a motion for approval. Councilman Royer seconded; the motion passed 5-0 (Councilman Knott abstained).

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING THE EXISTING BOROUGH OF WAYNESBORO MUNICIPAL EMPLOYEES PENSION PLAN AS ORIGINALLY EFFECTIVE JANUARY 2, 1964, AS AMENDED, AND RESTATED EFFECTIVE JANUARY 1, 2008, TO ALLOW FOR A PRERETIREMENT DEATH BENEFIT TO THE SURVIVING SPOUSE OF A VESTED EMPLOYEE THAT DIES PRIOR TO RETIREMENT

Complete copy on file at Borough Hall.

CONSIDER ORDINANCE FOR ADOPTION RE: ELIMINATING THE WAYNESBORO MEMORIAL PARK ASSOCIATION: As explained at Council's previous meeting, this ordinance will eliminate the Memorial Park Board. It was noted that the remaining members of that Board have voted to purchase equipment for Memorial Park with the funds remaining in their account. Councilman Cermak made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING ARTICLE I OF CHAPTER 41 OF THE CODE OF ORDINANCES OF THE BOROUGH OF WAYNESBORO TO ELIMINATE THE WAYNESBORO MEMORIAL PARK ASSOCIATION

Complete copy on file at Borough Hall.

NEW BUSINESS

ADOPTION OF 2022 FINAL BUDGET: Borough Council authorized a tentative budget at their last meeting and the budget has been on public display (very few comments on the budget have been voiced from the public). Mr. Stains noted that there was an omission in the Sewer Fund regarding the ARPA funding in 2022 ... the correction will be made in the final budget. As Council already voted to approve this funding, this is a clerical change only. In addition, there will be several adjustments made in terms of fire service, due to the current situation with Washington Township. Fire Chief Devers has recommendations on some cost savings to offset the revenue loss.

Councilman J. Fleagle made a motion for approval. Councilman P. Fleagle seconded; the motion passed unanimously.

CONSIDER PROPOSED 2022 TAX ORDINANCE FOR ADOPTION: Mr. Stains noted that the proposed Tax Ordinance has been on public display. Tax rates for fiscal year 2022 will be as follows –

- 22.18 mills for general Borough purposes
- 3.0 mills for fire purposes
- 0.50 mill for rescue service purposes
- 3.0 mills for street lights
- 0 mills for street improvements
- 6.75 mills for dedicated debt service purposes

Councilman P. Fleagle made a motion for approval. Councilman J. Fleagle 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 2022

Complete copy on file at Borough Hall.

APPROVAL OF PROPOSED RESOLUTION NO. 2021-22 (2022 SCHEDULE OF FEES): Mr. Stains noted that the Schedule of Fees is updated on an annual basis and reflects necessary changes in accordance with the adopted budget. Councilman P. Fleagle made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

APPROVAL OF PROPOSED RESOLUTION NO. 2021-23 ADOPTING FEES FOR REFUSE COLLECTION: In accordance with Waste Management's contract for refuse/recycling collection, residents' refuse rates will increase to \$58.35/unit/quarter, \$3.00/container for refuse in excess of the maximum weekly container limit, and \$3.40/unit/year for electronic recycling collection. Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

APPROVAL OF PROPOSED RESOLUTION NO. 2021-24 (SETTING MISCELLANEOUS COMPENSATION FOR BOROUGH PART-TIME, SEASONAL AND CONTRACT EMPLOYEES, AND OTHER MISCELLANEOUS EXPENSES, TO BE EFFECTIVE JANUARY 2, 2022): Mr. Stains noted that this resolution is passed on an annual basis to define various compensation amounts in accordance with the budget. Councilman P. Fleagle made a motion for approval. Councilman Royer seconded; the motion passed unanimously.

APPROVAL OF PROPOSED RESOLUTION NO. 2021-25 AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR ACCEPTANCE OF TA SET-ASIDE FUNDS (STREET LIGHT PROJECT): Mr. Grubbs noted that this resolution will authorize acceptance of TA Set-Aside funds from PENNDOT in the amount of \$475,000 to be used for the overhead street light project for crosswalks and intersections on Main Street between Broad and Franklin Streets. Councilman P. Fleagle made a motion for approval. Councilman J. Fleagle seconded; the motion passed unanimously.

APPROVAL OF PROPOSED RESOLUTION NO. 2021-26 AUTHORIZING THE SUBMISSION OF A STRATEGIC MANAGEMENT PLANNING PROGRAM APPLICATION AND COMMITTING RESOURCES OF THE BOROUGH TO SUPPORT A COMPREHENSIVE MUNICIPAL SOFTWARE MANAGEMENT PROJECT FOR THE BOROUGH OF WAYNESBORO AS OUTLINED IN THE FINANCIAL PLAN COMPLETED BY THE PENNSYLVANIA ECONOMY LEAGUE IN 2020: Mr. Stains noted that this is a 50/50 matching grant of up to \$200,000, and the match would come from Capital or Administrative Reserve funds. Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

AUTHORIZE ADVERTISEMENT OF PROPOSED ORDINANCE AMENDING CHAPTER 91 OF THE CODE OF THE BOROUGH OF WAYNESBORO RELATING TO ALCOHOLIC BEVERAGES: Mr. Stains noted that this ordinance will “clean up” the current ordinance to allow businesses to sell alcohol on private property in accordance with the Liquor Control Board’s Rules and Regulations. Councilman Knott made a motion to authorize advertisement of the proposed ordinance, as presented. Councilman J. Fleagle seconded; the motion passed unanimously.

AUTHORIZE CIVIL SERVICE COMMISSION TO CONDUCT EXAMINATION FOR POLICE PATROLPERSON: Mr. Stains noted that the Police Chief has requested that the Civil Service Commission conduct another examination for Police Patrolperson. Two (2) individuals have conditional offers of employment, but there is some question about whether they will be attending the Academy. (This will be discussed further in executive session.) Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

PURCHASE A CHASSIS FOR THE WAYNESBORO AMBULANCE SQUAD IN THE AMOUNT OF \$51,161 (THE WAYNESBORO AMBULANCE SQUAD WILL THEN

REIMBURSE THE BOROUGH OF WAYNESBORO FOR THE PURCHASE): This matter was tabled.

AMEND AGENDA TO INCLUDE ADDRESSING A PROPOSED RESOLUTION REGARDING PARTICIPATION IN THE OPIOID SETTLEMENT AGREEMENTS WITH THREE (3) PHARMACEUTICAL DISTRIBUTORS: Councilman Knott made a motion to amend the agenda to include this item for discussion. Councilman P. Fleagle seconded; the motion passed unanimously.

Solicitor Wisner noted that he was contacted by the County's Solicitor regarding settlements negotiated by the PA Attorney General's Office with several opioid distributors and with Johnson and Johnson. The settlement includes a combined maximum value to the Commonwealth of Pennsylvania of \$1,070,609,642 (of which the County's share will be approximately \$3,000,000.) The Borough's participation will assist in maximizing the value of the settlement for the citizens of PA. The funds will be used for opioid remediation in local communities and will cover a wide range of programs and initiatives.

Councilman Cermak made a motion for approval of Resolution No. 2021-27 to participate in the Opioid Settlement Agreements with McKenison, Cardinal Health, Amisourcebergen, ("Distributors") and the opioid manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, "J&J"). Councilman Knott seconded; the motion passed unanimously.

FOR INFORMATION ONLY

ACKNOWLEDGE RECEIPT OF REVISED 2022 MINIMUM MUNICIPAL OBLIGATION FOR MUNICIPAL EMPLOYEES PENSION PLAN: Mr. Stains provided Council members with an update to the 2022 MMO ... the actuarial has noted that, based on the wealth of the pension plans, the Borough will not receive an allocation from the state in 2022.

NOTICE OF 2022 MEETINGS: Council members were provided with a draft of the 2022 Meeting Schedule. This will be advertised and posted on the Borough's website in accordance with provisions of Pennsylvania's Sunshine Act (65 Pa.C.S. §§701-716).

2022 HOLIDAY SCHEDULE: Council members were provided with a list of the 2022 Holiday Schedule for Borough employees.

CHRISTMAS TREE COLLECTION: Mr. Stains noted that Christmas tree pick-up throughout the Borough will take place on residents' normal trash collection day during the week of January 17th through January 21, 2022.

PRESS QUESTIONS: None.

COUNCIL AND STAFF COMMENTS: Councilman J. Fleagle reported that the following projects are planned for 2022 –

- Two (2) major stormwater projects
 - Fifth Street and Hamilton Avenue
 - C.V. Avenue and W. King Street
- Major street light project for the crosswalks and intersections on Main Street
- Five (5) major street projects
 - Virginia Avenue
 - Hamilton Avenue
 - Westview Avenue
 - Third Street
 - Fifth Street
- Paving of five (5) alleys
 - Three (3) alleys in the neighborhood between Third and Pen Mar Streets
 - Alley between Cleveland Avenue and Grant Street
 - Gay Street between Walnut and Church Streets
- Sanitary sewer lines I & I (\$100,000 budgeted)
- Water line leak detection (\$25,000 in budget for new equipment)
- Water main replacement on W. King Street

Mayor Starliper noted that the veterans' memorial at Memorial Park needs cleaned very badly.

Manager Stains thanked Council members for their hard work and dedication throughout the year. He welcomed Delaney Stains, a freshman at Waynesboro Area Senior High School, who is in attendance this evening to job-shadow the Solicitor as a requirement of her College and Career Readiness class.

Mr. Stains also reminded Council and the public that the reorganizational meeting will be held the first Monday of the new year (January 3rd) at 6:30 p.m. The Honorable Mary Beth Shank will be in attendance to perform the swearing-in of newly elected Council members, and staff appointments will be made during that meeting.

Council members and staff gave wishes for a Merry Christmas and a Happy New Year.

Having no further business to discuss, Council went into executive session at 8:58 p.m. to discuss litigation, contracts and personnel matters. They reconvened at 9:43 p.m. and adjourned with no further action.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary