

FEBRUARY 16, 2022
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
S. Leiter Pryor, Director of Utilities
Sam Wisner, Solicitor (Salzmann Hughes, PC)
Matt Schmidt, Zoning/Code Enforcement Officer
Jim Sourbier, Police Chief
Chris Devers, Fire Chief

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

PUBLIC HEARING TO APPEAL SNOW REMOVAL TICKET: Solicitor Wisner noted that Borough Council received a request for appeal of a snow removal ticket.

Amber Beachley, 611 Maple Street – Ms. Beachley noted that she is a first-time homeowner and was unaware of the requirement to clear snow/ice from sidewalks within 24 hours after the cessation of a storm. She had attempted to remove the snow, but it was solid ice and she was awaiting assistance with the removal. Accordingly, she requested that the ticket be reduced to a warning. She assured that snow/ice will be cleared within the required timeframe in the future.

Councilman Cermak suggested that Council members discuss the matter and render a decision at a later date.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED ORDINANCE TO AMEND THE BOROUGH'S ZONING ORDINANCE AND SUBDIVISION & LAND DEVELOPMENT ORDER AS FOLLOWS:

- Amending the Borough Zoning Map to Rezone the Industrial (I) District as Industrial Commercial (I/C) District thereby Eliminating the Industrial Commercial (I/C) District; and

- **Amending Various Provisions of Chapter 250, entitled “Subdivision and Land Development” and Chapter 295 entitled “Zoning” of the Code of the Borough of Waynesboro to Provide for Greater Consistency and Clarity in Code Requirements**

President Mumma noted that this public hearing has been postponed until Council’s next meeting, which will be held on 03/23.

PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS: Mayor Starliper presented a proclamation designating the month of February as “I Love Downtown Waynesboro Month” and calling on public officials, residents and all the people of the Waynesboro area to observe this month to celebrate the diversity our downtown has to offer, including food and retail, and to recognize the important role a vibrant downtown plays in the greater Waynesboro area. He also called on citizens to show their love for their downtown by supporting local businesses through purchases and visits as well as sharing positive feedback on social media when warranted.

EXECUTIVE SESSION: President Mumma noted that Council will hold an executive session at the end of this meeting for the purpose of discussing potential litigation and personnel matters. No action is anticipated afterward.

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

PERSONNEL COMMITTEE: The Personnel Committee met on 02/08 and there are several items on the agenda for discussion and action.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman J. Fleagle noted that the Street Committee met on 02/03 and there are a number of items that need to be discussed and/or acted upon as follows –

- **Request for Reserved Accessible Parking Space** – Councilman J. Fleagle made a motion to approve the request for a reserved accessible parking space on Philadelphia Avenue for the property located at 46 W. Third Street. Councilman Cermak seconded; the motion passed unanimously.
- **Request to Upgrade to Reserved Accessible Parking Space** – Councilman J. Fleagle made a motion to approve the request to upgrade the existing General Accessible Parking Space to a Reserved Accessible Parking Space at 203A Elder Avenue. Councilman Cermak seconded; the motion passed unanimously.
- **Request to Remove General Accessible Parking Space** – Councilman J. Fleagle made a motion to approve the removal of the General Accessible Parking Space in front of 234 W. Second Street. Councilman Cermak seconded; the motion passed unanimously.

- LED Street Lights – Councilman J. Fleagle noted that the Borough received a \$300,000 DCED grant for these lights. To date, replacement of the lights between Broad and Franklin Streets has been completed, the Center Square project has been completed, and replacement of the lights between Broad Street and Clayton Avenue has been completed.

As there is still money remaining in the grant to do additional work (and the consultant recommended spending it in its entirety), the following work is also being proposed –

- Councilman J. Fleagle made a motion to approve replacement of the lights (with LED) from Franklin Street to Fairview Avenue. Mr. Fleagle noted the total cost is estimated at \$35,000. Councilman Cermak seconded; the motion passed unanimously.
- Councilman J. Fleagle made a motion to approve replacement of the lights (with LED) in the Rotary parking lot, for a total estimated cost of \$23,000. Councilman Cermak seconded; the motion passed unanimously.
- Councilman J. Fleagle made a motion to approve replacement of the lights (with LED) on Walnut Street between Second and Third Streets, at a total estimated cost of \$73,000. Councilman Knott seconded; the motion passed unanimously.
- Councilman J. Fleagle made a motion to approve a lighting upgrade in the alley behind the Main Street Park, in conjunction with Mainstreet Waynesboro’s plan for the area. Councilman Knott seconded; the motion passed unanimously.

Councilman J. Fleagle also noted that an estimate will be prepared by the Engineering Department to hang lights on the side of the library because the alleyway is very dark.

At this time Kevin Grubbs presented information regarding stormwater and street reconstruction projects that can be funded through the American Rescue Plan Act (ARPA), for a total estimated cost of \$958,489. Those projects include the following –

- Stormwater Projects
 - N. Franklin Street & King Street \$256,735
 - W. Fifth Street \$285,750
 - Cumberland Valley Avenue \$180,525
 - \$723,010
- Street Reconstruction Project
 - King Street (N. Grant Street to West of C.V. Avenue) \$235,479

Solicitor Wisner noted that a ruling was issued recently regarding the use of ARPA funding, and he suggested that Council meet to develop a spending plan before any projects are approved. Borough Manager Stains added that the Borough has also requested that Franklin County consider these projects when determining how they plan to expend their ARPA monies as well.

ECONOMIC DEVELOPMENT COMMITTEE: Councilman P. Fleagle noted that the Economic Development Committee met on 02/01 and discussed the following –

- Proposed Zoning Change – Industrial/Commercial – Ordinance change allowing Commercial in Industrial zones voted to advertise by Borough Council.
- Rental Registration Ordinance – Reviewed changes requested at last meeting for presentation to Borough Council to advertise. Noted that boarding houses and B&B's are covered by different ordinances and do not fall within the purview of this proposed ordinance.
- Mainstreet Waynesboro Update – No report.
- Economic Development 101 for Elected Officials – Committee viewed third segment of this seminar. Viewing will continue next month.

Councilman P. Fleagle noted there was discussion held at the end of the committee meeting regarding the Walnut Street area. He suggested that the Committee review the Downtown Master Plan before lights, etc. are installed in this area. In addition, he noted that discussions were held in the past regarding the possibility of placing utilities underground in the area of the alley behind the Main Street Park. This should also be considered before lights are installed at that location.

FINANCE COMMITTEE: No report.

RECREATION BOARD: No report. The next Recreation Board meeting will be held on 02/23 at 6:30 p.m.

RENFREW MUSEUM AND PARK REPORT: Becky LaBarre, Executive Director & CEO, presented a summary of her report dated February 11th. (Complete copy is on file at Borough Hall.)

MAYOR'S REPORT: Mayor Starliper reported as follows –

- On January 21st, I attended the ribbon cutting for the Goodwill Store in Rouzerville.
- On January 22nd, I officiated the wedding of Elissa Redd and Joshua Hartfield.
- On January 31st, along with community leaders, I attended the meeting held by the School District.
- On February 1st, I attended and gave a proclamation for Mainstreet in honor of "I Love Downtown Waynesboro Month".
- I also gave a proclamation for Arbor Day for the Borough of Waynesboro.
- On February 2nd, I officiated the marriage of Jessica Cline and Brian Carlson.

- I have attended Franklin County Commissioners' meetings (during which CDBG money was allocated to Greencastle).
- On February 16th, I attended the Waynesboro Chamber of Commerce meeting.
- On February 22nd, I attended the Birthday Party for Alexander Hamilton at the Burns Hill Cemetery, followed by refreshments at the Library.

SOLICITOR'S REPORT: No report.

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

- Water Treatment Plant Upgrade – The garnet sand and garnet gravel arrived on-site Monday and samples were delivered to the lab for analysis. A representative from the filter supplier is scheduled to arrive on February 21st to observe the media installation on the last filter. A job meeting is scheduled for February 28th to discuss the outstanding project items and punch list, and to revise the project schedule.
- Antietam Dam Update – We have received a completeness letter from both Adams County Soil Conservation District and DEP for the required NPDES permit application, and this application is currently under review.
- Sewer Plant Update – The NPDES permit for the sewer plant will expire in September of 2023. We will begin work on the renewal application in the upcoming months. As you know, extensive chemical and biological analysis is required as part of the application process and the renewal packet is due 180 days prior to the expiration of the existing permit.

BOROUGH MANAGER'S REPORT: Jason Stains reported as follows –

- Right-to-Know requests were completed for the following:
 - a. Lindsey Connolly – Apex Companies, LLC, Rockville, MD
 - a. Requested any records related to a parcel of land located on N. Grant Street, parcel number 25-5A00.-000000) such as storage tanks, fires, releases, wells, septic tanks, or any other items of environmental concern. This was approved.
 - b. Sheneetra Scroggins – The Planning & Zoning Resource Company, Oklahoma City, OK
 - a. Requested land development plans, any major renovations/demolitions, previous structures, site occupants, presence of aboveground storage or underground storage tanks which hold/held hazardous substances or petroleum products, activity and use limitations recorded on the property, spill responses/cleanups, compliance or enforcement actions, remedial actions, and permits for 25 N. Potomac Street. This was approved.
 - c. Jason Piatt, Esq., Waynesboro, PA
 - a. Requested proof showing sufficient ownership of Police patrol vehicle #4, 2017 Ford Interceptor (black) with tag MG5303K

- b. Requested document(s) which indicate insurance coverage and insurance limits for this vehicle as well.
 - c. Requested records of vehicle crashes for police vehicles in the last five (5) years. A 30-day extension for legal review was provided.
- We have submitted and received draw requests for Community Development Block Grant funds in the amount of \$20,000.
- We have received Transient Vendor License applications for the following companies since our last meeting:
 - Fryzaholic – Smithsburg, MD
 - Rollin’ Smoke Meats N Sweets – Hagerstown, MD
 - Brentwood Smokers BBQ and Catering – Hagerstown, MD
- Mr. Stains requested that Council consider adding three (3) items to the agenda for consideration this evening. Councilman Cermak made a motion to approve adding the following to the agenda. Councilman Royer seconded; the motion passed unanimously.
 - Change Orders for Center Square Street Lighting Project
 - Land Development Plan for ZIGM Enterprises at 217 N. Franklin Street
 - Time Extension Request for Otterbein Ministries

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:

Ronnie Martin, 66 State Hill Road – Mr. Martin reminded Council and the staff that it would be beneficial for property owners to receive notification when rezoning will be done that affects their property.

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

A. Accept Reports --

- (1) Police Chief – January, 2022
- (2) Fire Chief – January, 2022
- (3) Ambulance Chief – January, 2022
- (4) Code Enforcement/Zoning Officer – January, 2022

B. Pay Bills – Check Detail(s) dated 01/31 and 02/07

C. Acknowledge and Approve Personnel Matters (excluding Item #6) – Recommended by the Personnel Committee

Councilman Royer seconded; the motion passed unanimously.

Police Chief Sourbier presented a letter of resignation from Travis Carbaugh, effective 02/25/2022, and he wished him well in his new position with the District Attorney's Office. Councilman J. Fleagle made a motion to approve the resignation, as presented. Councilman Cermak seconded; the motion passed unanimously.

UNFINISHED BUSINESS

CONSIDER ORDINANCE FOR ADOPTION RE: AMENDING THE BOROUGH ZONING MAP TO REZONE THE INDUSTRIAL (I) DISTRICT AS INDUSTRIAL COMMERCIAL (I/C) DISTRICT THEREBY ELIMINATING THE INDUSTRIAL COMMERCIAL (I/C) DISTRICT, AND AMENDING VARIOUS PROVISIONS OF CHAPTER 250, ENTITLED "SUBDIVISION AND LAND DEVELOPMENT" AND CHAPTER 295 ENTITLED "ZONING" OF THE CODE OF THE BOROUGH OF WAYNESBORO TO PROVIDE FOR GREATER CONSISTENCY AND CLARITY IN CODE REQUIREMENTS: This item was postponed until Council's next meeting.

CONSIDER ORDINANCE FOR ADOPTION RE: APPROVING AND AUTHORIZING THE INCREASE OF THE INDEBTEDNESS OF THE BOROUGH OF WAYNESBORO BY DIRECTING THE ISSUANCE OF A GENERAL OBLIGATION NOTE IN THE MAXIMUM PRINCIPAL AMOUNT OF \$489,111.86 TO PROVIDE FUNDS FOR THE REFINANCING OF ITS GENERAL OBLIGATION NOTE, SERIES OF 2019 AND DIRECTING THE ISSUANCE OF A GENERAL OBLIGATION NOTE TO THE WAYNESBORO BOROUGH AUTHORITY IN THE AMOUNT OF \$425,000.00 TO PROVIDE FUNDS FOR THE PURCHASE OF COMMUNICATION AND RECORDING EQUIPMENT: Solicitor Wisner noted that this ordinance will enable the Borough to refinance the current loan with ACNB to F&M Trust, and to borrow funds from the Waynesboro Borough Authority for communication devices for the police and fire departments. He reviewed terms of the loans and noted that the ordinance has been duly advertised. Councilman Cermak made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

COMPLETE COPY OF THIS ORDINANCE ON FILE AT BOROUGH HALL.

NEW BUSINESS

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 RENTAL UNITS: Mr. Stains noted that the Economic Development Committee has reviewed the draft ordinance and is recommending advertisement. Discussion ensued regarding commencement of the registration program and, based on Council's comments, Solicitor Wisner suggested that the proposed ordinance be amended to include a 2022 start date and a yearly renewal date of July 31st of each year. Councilman Royer made a motion to authorize advertisement of the proposed ordinance, with amendments as recommended by the Solicitor. Councilman P. Fleagle seconded; the motion passed unanimously.

CONSIDER REQUEST FROM ROUGH EDGES BREWING (91 W. MAIN STREET) RE: COVERED ADA RAMP: Zoning Officer Matt Schmidt noted that Rough Edges Brewing would like to do a façade improvement, to include an ADA ramp which would extend 2' into the public right-of-way. Councilman P. Fleagle made a motion for approval, with the understanding that in the event the Borough would need to utilize that portion of the right-of-way in the future, the ramp would be removed at no expense to the Borough. Councilman Royer seconded; the motion passed unanimously.

CONSIDER REQUEST TO PLACE BLACK BALLOONS WITH REMEMBRANCE PLACARDS ON THE PARKING METERS AROUND CENTER SQUARE FOR OVERDOSE AWARENESS DAY (MARCH 6, 2022): Councilman Cermak made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

CONSIDER REQUEST FROM MAINSTREET WAYNESBORO, INC. AND THE CONNECTION TO HANG 20 BANNERS (MID-MARCH TO MID-MAY): Councilman Knott made a motion for approval. Councilman J. Fleagle seconded; the motion passed unanimously.

CONSIDER REQUEST FROM SOCCER SHOTS FOR USE OF GREEN SPACE AT ROTARY PARK FOR THE UPCOMING SPRING SOCCER SEASON (MARCH 28, 2022 THRU MAY 16, 2022): Mr. Stains noted that the Recreation Board has recommended Council's approval of this request. Councilman P. Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

CONSIDER REQUEST FROM SUMMER JUBILEE COMMITTEE TO HOLD THE 2022 SUMMER JUBILEE AT MEMORIAL PARK AND WAIVE THE ALCOHOL PROHIBITION FOR THE EVENT: Mr. Stains noted that the Summer Jubilee Committee met recently with the Recreation Board, and the Board has recommended the use of Memorial Park for the July 4th Summer Jubilee event. It was noted that a Certificate of Insurance naming the Borough as an insured will be required. Councilman Cermak made a motion for approval. Councilman J. Fleagle seconded.

Police Chief Sourbier stated that he doesn't like the idea of alcohol being permitted on public property. After further discussion regarding the matter, Councilman Cermak withdrew his motion. Councilman Royer then made a motion to approve the request (including waiving the alcohol prohibition). Councilman Knott seconded.

Discussion continued and Fire Chief Devers stated that the "fenced-in" area for alcohol consumption will need to be reviewed, and a plan for evacuation in case of an emergency must be in place.

Councilman Royer amended his motion to include a design/plan for tearing down of any fencing utilized for the event. Councilman Knott seconded the motion; the motion passed 5-0 (Councilman P. Fleagle abstained.)

APPROVE 2022 BUDGET MODIFICATION OF “SALARIES OF POLICE OFFICERS” BY MOVING \$4,000 TO “POLICE GENERAL EXPENSES” FOR THE PURPOSE OF PAYING UP TO \$1,000 IN MOVING EXPENSES FOR NEW HIRES MOVING TO THE BOROUGH OF WAYNESBORO TO WORK FOR THE WAYNESBORO POLICE DEPARTMENT:

Mr. Stains noted that the Police Chief presented this proposal to the Personnel Committee in an attempt to attract more candidates to Waynesboro, as they currently have four (4) vacancies. The Personnel Committee has recommended Council’s approval. Councilman J. Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

RESOLUTION NO. 2022-02 EXPRESSING COMMITMENT TO THE PURCHASE OF A NEW FIRE APPARATUS AND AUTHORIZING THE PREPARATION AND SUBMISSION OF A GRANT APPLICATION REQUESTING FUNDS FROM THE COMMONWEALTH FINANCING AUTHORITY (“CFA”), STATEWIDE LOCAL SHARE ACCOUNT (“LSA”) PROGRAM TO SUPPORT THE PROJECT:

Mr. Stains noted that a request of this nature would typically have been reviewed first by the Property Committee for a recommendation to Council, however this grant opportunity was discovered and due to close shortly prior to this Council meeting. He stated that the Fire Department has an aging fleet and they have relied in the past on the Volunteer Department to purchase new vehicles. However, few opportunities come around for this type of need. The request is for up to \$750,000, but notes that the Borough will seek additional private, local, state and federal funding sources for the project; and in the event that the Borough receives LSA grant funding but does not receive full matching funds from other sources, the Borough will provide the remaining funds to ensure the project’s completion.

Chief Devers explained the type of vehicle he is looking to purchase if this grant application is successful. Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

COMPLETE COPY OF RESOLUTION NO. 2022-02 ON FILE AT BOROUGH HALL.

RESOLUTION NO. 2022-03 EXPRESSING COLLECTIVE SUPPORT FOR THE BOURNS HILL CABIN RESTORATION PROJECT, AND AUTHORIZING THE PREPARATION AND SUBMISSION OF A GRANT APPLICATION FOR GRANT FUNDING THROUGH THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION’S KEYSTONE CONSTRUCTION GRANT PROGRAM, AS THE APPLICANT, AND DESIGNATING OFFICIALS TO EXECUTE ALL GRANT DOCUMENTS:

Mr. Stains noted that this request is for restoration work needed at the Bourns Hill Cabin. This application is for up to \$10,000 and the cost estimate for the work has come in at \$17,250 (the required 50% match would be \$8,625). Councilman Cermak made a motion for approval. Councilman Royer seconded; the motion passed unanimously.

COMPLETE COPY OF RESOLUTION NO. 2022-03 ON FILE AT BOROUGH HALL.

APPROVE EMPLOYEE HANDBOOK (REVISED FEBRUARY, 2022): Mr. Stains noted that the Employee Handbook is updated every two (2) years to incorporate any changes in policies or benefits since the last revision. Councilman Knott made a motion to approve the February, 2022 revision. Councilman J. Fleagle seconded, but questioned if a gifting policy should also be included. Solicitor Wisner stated that would be covered by the PA State Ethics Act, but it was agreed that the definition of a gift should be considered when the next revision is prepared. A vote was called and the motion passed unanimously.

CHANGE ORDERS FOR CENTER SQUARE STREET LIGHTING PROJECT: Kevin Grubbs presented two (2) change orders from GRC General Contractor, Inc. for the Center Square Street Lighting Project. He explained the additional work that was required, which totaled \$9,320. This increased the total contract price to \$64,360, which is still under the original estimated cost of the project. Councilman J. Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

LAND DEVELOPMENT PLAN FOR ZJGM ENTERPRISES AT 217 N. FRANKLIN STREET: Mr. Grubbs presented a Land Development Plan for ZJGM Enterprises at 217 N. Franklin Street (the former Wayne Tool Company property). The Waynesboro Planning Commission reviewed the plan on 01/10 and the requested revisions have been completed (but not in time for Council's last meeting). Their recommendation for approval was contingent upon receipt of the appropriate financial sureties, stormwater fees, developer's agreement, stormwater agreement, and the addition of notes on the plan to indicate that the property owner is responsible for maintenance and repair of the Borough-abandoned 42" storm sewer pipe at the property. Councilman P. Fleagle made a motion for approval. Councilman Royer seconded; the motion passed unanimously.

TIME EXTENSION REQUEST FOR OTTERBEIN MINISTRIES: Mr. Grubbs presented a request for a 60-day time extension from Otterbein Ministries in order to receive the required Borough approvals. Councilman J. Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

FOR INFORMATION ONLY

2021 ANNUAL REPORT FROM WAYNESBORO CIVIL SERVICE COMMISSION: Council members received a report from the Civil Service Commission outlining their activities in 2021.

STREET SWEEPING SCHEDULE: Council members also received a copy of the Street Sweeping Schedule which goes into effect on 07/13 thru 07/23.

COUNCIL AND STAFF COMMENTS

Mr. Stains noted that Council's March meeting has been rescheduled from 03/16 to 03/23, and the Recreation Board meeting has been rescheduled from 03/23 to 03/30.

Mr. Stains noted that the staff has not yet received a formal request for the Firecracker 5K, and he has contacted the Race Director to advise that information is required in the very near future in order to obtain the required PENNDOT permits. As there are normally 800+ participants in this event, staff is concerned about any potential plans to stage the event at Memorial Park in conjunction with the Summer Jubilee. He would recommend that the 5K race and parade routes continue to be the same as in the past years, since this is a new location for the Jubilee this year.

Police Chief Sourbier reported that the Police Department's accreditation review is almost complete, with only two (2) more policies yet to be written. He has submitted a request for reimbursement of costs from the grant in the amount of \$12,000.

Councilman J. Fleagle advised that the Street Committee meeting scheduled for 03/03 will be held at 10:00 a.m. (instead of the usual 9:00 a.m.)

Having no further business to discuss, Council adjourned to executive session at 8:43 p.m. They reconvened to regular session and adjourned the meeting at 9:45 p.m. on a Royer/P. Fleagle motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary