

SEPTEMBER 21, 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 and Dade Royer (Michael Cermak was absent)

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager
Kevin Grubbs, Head of Engineering Services
Sam Wiser, Borough Solicitor (Salzmann Hughes)
S. Leiter Pryor, Director of Utilities
Matt Schmidt, Zoning-Code Enforcement Officer
Chris Devers, Fire Chief
Jim Sourbier, Police Chief

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

PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS:

- **Presentation of “Academy of Music” Retirement Plate to John Baumgardner** – Manager Stains recognized John Baumgardner for his retirement after 38 years of dedicated service in the Borough’s Maintenance Department.
- **Presentation by Chief James Adams, Executive Director of PA Chiefs of Police Accreditation Program** – Chief Adams publicly recognized the efforts put forth by the Waynesboro Police Department for accreditation. He explained the process of achieving accreditation status, including 370 standards and best practices that must be met and subscribed to. Assessments, ride-alongs and interviews are conducted to confirm compliance; and an extensive report is then prepared and submitted to the Commission for consideration. After this review, Chief Adams advised that the Commission voted unanimously to grant the Waynesboro Police Department with full accreditation status with the PA Chiefs of Police Association.

In order to maintain this status, Mr. Adams noted that a yearly report must be prepared and submitted by the Police Chief for two (2) years; and on the third year, a complete reassessment will be conducted again. Benefits of

accreditation are assurance that the Police Department is following best practices, lawsuits are significantly reduced and payouts (in the case of any lawsuits) are significantly lower. Additional information regarding the accreditation program may be found on the PA Chiefs of Police webpage.

A certificate acknowledging accreditation was then presented to Chief James Sourbier on behalf of the Waynesboro Police Department and the Borough of Waynesboro.

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: None.

STAFF COMMENTS AND WRITTEN REPORTS

MAYOR: The Mayor's Report was as follows –

- On August 18th, I hosted the Franklin County Mayors' Association, with Representative Paul Schemel as our guest.
- On August 31st and September 21st, I attended the Franklin County Commissioners' meetings.
- On September 3rd, I attended the PA State Mayors' Association meeting via Zoom.
- On September 9th, I was interviewed at Station WRGG in Greencastle for Franklin County Mayors' Month.
- On September 15th, I attended the ribbon cutting for the Beautifully Designed Shop.

RENFREW MUSEUM AND PARK: Becky LaBarre, Executive Director & CEO, provided Council with a written report of the organizational activities of Renfrew Museum and Park for the month of September, 2022. (COMPLETE COPY IS ON FILE AT BOROUGH HALL.) Councilman Royer provided highlights of the report in her absence.

BOROUGH SOLICITOR: Solicitor Wisner noted that he has circulated a model Fireworks Ordinance for Council's information and future discussion, as a result of the adoption of Act 74 broadening municipalities' ability to regulate fireworks. In addition, newly-adopted Act 54 requires municipalities to adopt an ordinance authorizing the real estate tax collector to waive additional penalties that may occur on a tax bill when a property is sold in mid-tax year and the property owner (for whatever reason) does not receive the tax bill. Action will need to be taken by the end of this year.

DIRECTOR OF UTILITIES: Mr. Pryor provided the following written report –

- Water Treatment Plant Upgrade – A new project manager has been assigned to the project. The general and electrical contractors are continuing with work on finalizing punch list items. The main focus during this period was the testing of the raw water flow meter, as it appeared to be reading incorrectly. It was determined that the raw water meter is in error and that it will need to be repaired or replaced. The masonry contractor notified Gannett Fleming and the Authority that they are unable to fully stop the leaks on the back side of the building. After some discussions with the Engineer and the Authority, it was determined that the best course of action is to terminate the contract with Spotts Brothers and obtain pricing from PSI to finish the leak repair and masonry restoration. There is a high probability that the Authority will need to file a claim with the bonding company.
- Water & Sewer Plant Staffing – We are finally up to full staffing at both plants. Both new employees (Brian Diller – Water and John O’Rorey – Sewer) are enrolled in their respective courses working toward their PADEP certifications.
- Sewer Plant Update – Work continues on the NPDES permit renewal. WETT testing has been completed and we are awaiting final results for submission to DEP. The required chemical analysis for pollutant groups 1-6 has begun and should be completed by mid-October. Replacement of the underground hydronic piping for heat in the main control building is scheduled to begin in two weeks. The lead time on the material for this project was eight (8) months.

BOROUGH MANAGER: Mr. Stains provided the following updates –

- Northside Pool Grants - The GTRP Grant for Northside Pool (\$250,000) was not successful. However, \$1,000,000 was received for the Northside Pool Project from DCNR. In addition, the Borough has been recommended through DCNR to the federal government for the National Park Service Grant for additional funding for Northside Pool.
- Emergency Services Building – The architect has met with the Fire Chief, Police Chief and Wellspan; and they have provided the architect with a list of items to be included in the project. The architect will be providing a rough draft design for review, which will provide better insight as to whether the existing building and helipad locations will need to be adjusted.
- Pedestrian Safety Grant Amendment – An amendment was presented for the scope of work to include changing the light heads along Main Street between Franklin Street and Fairview Avenue; and to do some work in Alley #1 North, along Walnut Street and the Rotary parking lot. Notification was received today that the amendment was approved with the exception of Rotary parking lot.
- Safety Grants – Scott Crum and the Borough’s Safety Committee have applied for some small grants through the Borough’s insurance companies. Susquehanna Municipal Trust (who handles the workmens’ compensation

insurance) has awarded us a \$500 grant for the purchase of first aid kits for the vehicles.

- Minimum Municipal Obligation (MMO) Report – We are still having “growing pains” with staffing in our bookkeeping firm and do not have solid numbers to present at this meeting. Mr. Stains noted that he will be providing that information to Council before 09/30 in accordance with Act 205.

Mr. Stains requested that “Award Contract for Engineering Services for the HVAC System at Borough Hall” be added to this evening’s agenda, as the proposals submitted have now been thoroughly reviewed. Councilman J. Fleagle made a motion to add this item to the agenda. Councilman Royer seconded; the motion passed unanimously.

AWARD CONTRACT FOR ENGINEERING SERVICES FOR HVAC SYSTEM AT BOROUGH HALL: Mr. Stains noted that the proposals submitted have been reviewed and it is the staff’s recommendation to award the contract to L.S. Grim Consulting Engineers of Hagerstown, MD, for their proposed cost of \$54,950. It is further recommended that an agreement be made with them that the drawings would be retained as property of the Borough. Councilman P. Fleagle made a motion for approval. Councilman J. Fleagle seconded; the motion passed unanimously.

EXECUTIVE SESSION: Mr. Stains noted that Council will meet in executive session at the end of the meeting to discuss issues related to litigation. No voting is expected afterward.

OFFICE MANAGER: Melinda Knott reported that all past meeting minutes have been transcribed and presented to Council for approval this evening. They are now up-to-date and a plan has been put into place so that they won’t fall behind again.

FIRE CHIEF: A written report was included in Council’s meeting packets and Chief Devers provided explanation of some of the data contained therein. He reported that the three (3) candidates at the Fire Academy have completed their EMT school and will begin their fire school later this week. All are doing well. He noted that the Fire Department will hold an Open House at the Potomac Street Station on 10/15 from 11:00 a.m. to 1:00 p.m. for Fire Prevention Week. Many partner agencies will be in attendance to provide community safety information and there will be giveaways for the children.

Chief Devers congratulated the Police Department on their accreditation, as that status is difficult to attain.

Councilman P. Fleagle discussed the volume of EMS calls responded to by Fire Department personnel, and he asked the Fire Chief to keep this at the forefront when planning for future resources.

POLICE CHIEF: A written report was included in Council's meeting packets. Police Chief Sourbier noted that accreditation belongs to the municipality as well as the Police Department, and he appreciated Chief Adams' attendance at this meeting and presentation to everyone as a whole. He thanked the consultants who assisted throughout this endeavor, and he suggested that they are the way to continue to maintain the accreditation status. As there is money left from the initial grant from the Department of Justice (enough to pay their fee for the next two years), he will meet with a DOJ representative later this week to file a request to modify the scope of work to allow for the money to be expended in this manner. The DOJ representative has noted that this seems to be a prudent use of the remaining funds, and feels there should be no problem with gaining approval.

Additionally, Chief Sourbier discussed the ballistic vests currently in use in the department, noting that they are the highest quality, first rate vests that can be purchased at \$1,000 each ... and 50% of that cost is reimbursed back from a DOJ grant. However, even though those vests are of high quality, they cannot protect the officers from much of what is being used in the world today. He mentioned several different options, the best of which would be a separate vest weighing approximately 10-15 pounds and could be worn in addition to their ballistic vest as needed. It is his plan that these be purchased for each of the marked vehicles, for each investigator, and two (2) additional to be kept on station for chief officers' use. Ten (10) such vests will cost around \$8,000 and he will figure out where to get the money for this purpose. Mayor Starliper noted that he will purchase one (1) vest for the department provided that donations are permitted ... Solicitor Wiser noted that donations are absolutely allowed.

AMBULANCE SQUAD CHIEF: A written report was included in Council's meeting packets.

CODE ENFORCEMENT/ZONING OFFICER: A written report was provided to Council in their meeting packets.

HEAD OF ENGINEERING SERVICES: Kevin Grubbs reported on the following –

- **Street Projects** – He was notified by the contractor for the Multi-Modal Fund Project (Virginia Avenue between Main Street and Second Street) and the CDBG Projects (W. Third Street from Cleveland Avenue to Fairview Avenue, and Westview Avenue between Fairview Avenue and the alley intersection) that they will not be done this year. He explained the reasons for this include seeking additional fund from DCED due to the increased project costs, and the fact that the recycling process cannot be done in cold weather. The contractor has agreed, however, to honor their bid price into 2023 and will plan to complete the work as soon as school lets out.
- **Alley Paving** – All 13 alleys on the scheduled list have been and/or will be completed this year, plus several additional. He noted they are currently dealing

with some drainage issues in several alleys near Third Street, but they anticipate those to be done in the near future as well.

APPROVAL OF ROUTINE ITEMS: Councilman P. Fleagle made a motion to approve the following routine items –

- A. Approve Minutes as Presented – March 23, 2022 (regular meeting), April 20, 2022 (regular meeting), May 18, 2022 (public hearing #1), May 18, 2022 (public hearing #2), May 18, 2022 (regular meeting) and August 17, 2022 (regular meeting)
- B. Award Contract (Traffic Signal Maintenance Services) – Signal Service, Inc. of West Chester, PA

Councilman Knott seconded; the motion passed unanimously.

COMMITTEE REPORTS AND VOTING ON ITEMS FROM COMMITTEE REPORTS

A. Personnel Committee

(1) Acknowledge and Approve Personnel Matters as Presented

- Acknowledge favorable performance evaluation for Robert Cole, Meter Reader/Maintenance Worker
- Acknowledge favorable performance evaluation for Nicholas Shank, Driver/Operator-Laborer
- Acknowledge favorable performance evaluation for Darryll Wagaman, Water Plant Operator.

B. Property and Public Safety Committee – No report.

C. Street Committee - Councilman J. Fleagle noted that the Street Committee met on 09/01. From that meeting, the following items need Council's approval:

(1) Request for Reserved Accessible Parking Space at 54 E. Fifth Street - Councilman J. Fleagle made a motion for approval as recommended by the Engineering Department. Councilman P. Fleagle seconded; the motion passed unanimously.

(2) Request from Mainstreet Waynesboro, Inc. to Hang Banners and Scarecrows in Accordance with Banner Policy, as follows –

- a. Banners Honoring Local Veterans from mid-October to mid-November
- b. Scarecrows for Contest from September 26 to early-October

Councilman J. Fleagle made a motion for approval, as presented. Councilman Knott seconded; the motion passed unanimously.

(3) Request to Close Main Street from Clayton Avenue to Potomac Street for Market Day on Saturday, October 1, 2022 from 7:30 a.m. to 5:00 p.m.

- Councilman J. Fleagle made a motion for approval, as presented. Councilman Knott seconded; the motion passed unanimously.

(4) Request from Waynesboro Area School District Student Council for Homecoming Parade on E. Second Street on Friday, October 7, 2022 from 5:30 p.m. to 6:00 p.m. –

Councilman J. Fleagle made a motion for approval of the Homecoming Parade, contingent upon the School District providing certified flaggers for traffic control if the Waynesboro Fire Police are unable to assist with the event. Councilman P. Fleagle seconded; the motion passed unanimously. Mayor Starliper advised he has been notified that the Fire Police will not be available to assist.

(5) Request for Street Closures for Tree Lighting Ceremony on Friday, November 18, 2022 from 5:00 p.m. to 8:00 p.m. (Ceremony to be held at 5:30 p.m.) –

Councilman J. Fleagle made a motion for approval of the Tree Lighting Ceremony on November 18, 2022 from 5:30 p.m. to 7:30 p.m.; and further, to close East and West Main Street between Walnut Street and Potomac Street, and N. Church Street between Alley No. 1 North and Main Street from 5:00 p.m. to 8:00 p.m. Councilman Knott seconded; the motion passed unanimously.

(6) Request for Street Closures for the Christmas Parade on Saturday, November 19, 2022 from 1:30 p.m. to 4:00 p.m. (Parade to be held at 2:00 p.m.) –

Councilman J. Fleagle made a motion for approval of the Christmas Parade on November 19, 2022 from 2:00 p.m. to 3:30 p.m., and to close Main Street between Fairview Avenue and Enterprise Avenue from 1:30 p.m. to 4:00 p.m. Councilman Knott seconded; the motion passed unanimously. Discussion followed regarding a proposed change in route so that disbandment does not interfere with the hospital. Kevin Grubbs will follow-up with Bill Kohler regarding the matter. The motion and second were amended to include approval if route plans are modified in this manner. The amended motion passed unanimously,

D. Economic Development Committee – Councilman P. Fleagle noted that the Economic Development Committee met on 09/06 and discussed the following:

- Open Container Review (Carlisle Ordinance) – Susan Armstrong – Had extensive conversation with committee and Susan Armstrong, Borough Manager of Carlisle, regarding the development of Carlisle amendments to their open container ordinance. Armstrong suggested that a pilot program was successful for them and suggested that any changes Waynesboro

makes be on such a basis. Committee requested Bill Kohler bring together restaurants, local brew pub and distillery businesses to ascertain their wishes for any changes that would improve their businesses and attract new business.

- New Businesses/21 E. Main/137-139 W. Main Updates – Bill Kohler advised For the Love of Dogs business opening as a pet boutique. Kohler anticipates ground breaking for 21 E. Main Street before year end. Re-bids came in lower. Contractor picked. 137-139 West Main Street: J. Stains advised he spoke to owners of the property and they are approximately 45 days from an engineering rendition of the design. Stains will provide committee with latest rough design submission.
- Main Street Lighting/Walnut Street Lighting Plan – Cobra light parts are on order. Expected to be placed by year end. Walnut Street lighting plan revision still at DCED.
- Marketing and Branding – Discussion of branding of downtown as an entertainment and dining venue.
- Memorial Park – Discussion of Memorial Park stage as an entertainment venue that would bring in genre of people from outside community that would provide economic impact when visiting events.

Discussion ensued regarding donations from the public for the Memorial Park Stage Project. It was noted that additional security cameras will be needed for these added amenities.

E. Finance Committee

- (1) **Pay Bills** – Councilman Knott made a motion to approve the payment of Check Details dated 08/17, 08/23, 08/31, 09/12 and 09/20. Councilman J. Fleagle seconded; the motion passed unanimously.

- F. Recreation Board** – Councilman Royer noted that the Recreation Board met on 08/24. At that time, the Northside Pool Feasibility Study was presented, which is a requirement of the program. In addition, a group of representatives of the Northside Dog Park were in attendance and made several suggestions for the facility. Some of those suggestions have already been implemented and they have offered funding for several more to be pursued.

- (1) **Request to Use Memorial Park for Waynesboro Area Middle School Walkathon on Friday, September 30, 2022 from 10:30 a.m. to 1:00 p.m.** – Mr. Stains noted that this is an annual request and there have been no

problems in the past. Councilman J. Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

UNFINISHED BUSINESS

RESOLUTION NO. 2022-15 APPROVING NORTHSIDE POOL FEASIBILITY STUDY:

Mr. Stains noted that Council approved the Northside Pool Feasibility Study at their last meeting, but closeout of the project requires a resolution. Councilman P. Fleagle made a motion for approval. Councilman J. Fleagle seconded; the motion passed unanimously. (COMPLETE COPY ON FILE AT BOROUGH HALL.)

CONSIDER PROPOSED ORDINANCE AUTHORIZING AN AMENDMENT TO THE WAYNESBORO BOROUGH AUTHORITY'S ARTICLES OF INCORPORATION TO EXPRESSLY CONFIRM THE AUTHORITY'S POWER TO SELL, CONVEY, AND OTHERWISE DISPOSE OF PROPERTY DEEMED SURPLUS BY THE AUTHORITY AND AMENDING SECTION 12-3 OF THE CODE OF THE BOROUGH OF WAYNESBORO TO PROVIDE CONSISTENCY WITH THE AUTHORITY'S ARTICLES OF INCORPORATION:

Mr. Stains noted that this proposed ordinance has been duly advertised for Council's consideration at this meeting. Councilman Knott made a motion for approval. Councilman P. Fleagle seconded; the motion passed unanimously. (COMPLETE COPY ON FILE AT BOROUGH HALL.)

NEW BUSINESS

PRELIMINARY LAND DEVELOPMENT PLAN AND SEWAGE FACILITY PLANNING MODULE (HOSS LAND COMPANY):

Mr. Grubbs presented a preliminary Land Development Plan for the Hoss Land Company for nine (9) townhouse units on the northeast corner of Madison and Hamilton Avenues. The Waynesboro Planning Commission reviewed and recommended approval on 08/08, contingent upon several revisions (all of which have been completed). The plans meet all requirements of the applicable ordinances. Mr. Grubbs noted that the developer will now have 12 months to submit a final plan. Councilman Knott made a motion for approval. Councilman J. Fleagle seconded; the motion passed unanimously.

Fire Chief Devers noted he was given the opportunity to review the plans and expressed concern regarding the scarcity of fire hydrants in this location. He requested the addition of possibly two (2) more hydrants in order to provide adequate fire protection. Council members agreed and Councilman Knott amended his motion to include the addition of two (2) fire hydrants as recommended by the Fire Chief. Councilman J. Fleagle seconded; the amended motion passed unanimously.

Leiter Pryor also noted that the Waynesboro Borough Authority reviewed the utility plan for this development at their meeting held on 09/13. They have determined that there is sufficient capacity to serve the proposed new construction and that no facility overloads exist or are anticipated within the next five (5) years. They are recommending execution of the sewage facility planning module for this Land Development Plan

consisting of nine (9) townhomes (9 EDU's) at 314 Hamilton Avenue. Councilman J. Fleagle made a motion for approval of the sewage facility planning module, as presented. Councilman Knott seconded; the motion passed unanimously.

REQUEST FOR BOND REDUCTION (ARMORY ESTATES): Kevin Grubbs presented a request from Craig McCleaf, developer of Armory Estates, for a reduction in the bond (to \$23,754.50) currently being held by the Borough. Mr. Grubbs explained that the Borough is holding \$74,230, as there is an area on Grandview Avenue that still needs milling and asphalt from the utility work that was done. Discussion followed regarding the increase in material costs, and Council decided they would be more comfortable with an amount of \$30,000 still being held. Councilman J. Fleagle made a motion as such. Councilman Knott seconded; the motion passed unanimously.

FOR INFORMATION ONLY

MINIMUM MUNICIPAL OBLIGATION REPORT: As mentioned earlier in the meeting, Mr. Stains asked Council to acknowledge that he will provide them with the Minimum Municipal Obligation (MMO) Report prior to the end of September, as soon as the bookkeeper can address errors in the projected salaries for 2022.

APPROVE TRANSFER FROM REVENUE LOSS MONIES TO THE GENERAL FUND IN THE AMOUNT OF \$1,000,000: Mr. Stains noted that this item was removed from the agenda at last month's meeting and a policy is still being developed regarding this matter. Once the policy has been reviewed by the accountant and auditor and their opinions considered, a draft will be presented to the Finance Committee for consideration and recommendation to Council.

PRESS QUESTIONS: None.

COUNCIL COMMENTS: Mayor Starliper noted that the Fire Police will be assisting at the Blue Ridge Fire & Rescue Company's Carnival from September 13-17.

Having no further business to discuss, Council adjourned to executive session at 8:04 p.m. to discuss code enforcement and ordinance enforcement matters. They reconvened at 9:30 p.m. and took no further action. The meeting adjourned at 9:31 p.m. on a Fleagle/Royer motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary