

OCTOBER 19, 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 (absent)

Borough Staff – Jason Stains, Borough Manager
Kevin Grubbs, Head of Engineering Services
Sam Wiser, Borough Solicitor (Salzmann Hughes)
S. Leiter Pryor, Director of Utilities
Chris Devers, Fire Chief (via Zoom)
Jim Sourbier, Police Chief

PLEDGE OF ALLEGIANCE: Councilman Royer led those present in the Pledge of Allegiance.

PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS:

- **Presentation by Janet Smedley** – Janet Smedley presented Borough Council members with a check in the amount of \$2,000 toward the building of a bandstand/stage at Memorial Park. Council members thanked Ms. Smedley for her generous donation.

EXECUTIVE SESSION: Council held an executive session prior to this meeting to discuss code enforcement, litigation, personnel and contract matters with uniformed employees.

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: No report.

RENFREW MUSEUM AND PARK: Councilman Royer reported that the Grist Mill Project at Renfrew is progressing and utilities are currently being installed, a new roof is

being installed on the Fahnestock House by Bonded Applicators, and the recent Oktoberfest fundraiser raised approximately \$11,000.

BOROUGH SOLICITOR: No report.

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

- **Water Treatment Plant Upgrade** – The general and electrical contractors are continuing with work on finalizing punch list items. The raw water flow meter was tested and it was determined that it is not reading correctly. The instrumentation vendor is proposing to recalibrate the meter using a certified offset so that it will match the other recently calibrated process meters in the plant. This work is scheduled for the week of October 17th. The masonry contractor, his sub-contractor, Gannett Fleming and Borough staff met on-site on October 6th to discuss an equitable resolution to the contract dispute. The WBA will agree to termination of the contract as long as the contractor accepts the certified values presented by the engineer. If a resolution is not agreed upon by the next WBA meeting, the Authority will proceed with submitting a claim to the bonding company. Unit pricing has been obtained for completion of the contract by an alternate contractor.
- **Sewer Plant Update** – Work continues on the NPDES permit renewal. WETT testing has been completed and the results for both aquatic species were acceptable. The reports have been submitted to DEP. The required chemical sampling for pollutant groups 1-6 has been completed and we are awaiting results from the laboratory for submission to DEP. The hydronic piping for the heating system at the main plant is scheduled to be installed the week of October 17th. Repair parts for the Third Street Pumping Station have been ordered; unfortunately the lead time for the pump volute is March of 2023! We do have the capability to bypass pump at this location as a last resort, if needed.

BOROUGH MANAGER: Mr. Stains reported that he spoke with Mayor Starliper today. He is currently at a rehabilitation facility in Mechanicsburg, but he is in good spirits and hopes to be home soon,

Mr. Stains then provided the following updates –

- We are working on several additional Right-to-Know Requests.
- Below is the status of open grant submissions
 1. Franklin County ARPA – Stormwater Infrastructure Project
 - a) Scope: N. Franklin Street and King Street Stormwater Replacement; C.V. Avenue Stormwater Improvements; and Associated Street Reconstruction
 - b) Request Amount: \$500,000

- c) Application was submitted in August, and we are awaiting a response to our request
2. TreePA Bare Root Program
 - a) Scope: 10 Canopy Trees for Mt. Airy Park
 - b) We were awarded 5 Honey Locust and 5 Red Oak trees
 - c) Pick-up date is November 7, 2022 in Hershey, PA
 3. Northside Park Pool Grants
 - a) PA DCNR GTRP – We are working with Wallover Aquatics and GMS to complete the closeout documents for reimbursement.
 - b) PA DCNR C2P2 – Application submitted on 04/06/2022
 - (1) Requested \$800,000
 - (2) Awarded \$1,000,000
 - c) Land and Water Conservation Fund through National Park Service
 - (1) PA DCNR has recommended us for a grant through this program
 - (2) We will be working to finalize requested information by December 16, 2022
 - (3) We have been informed that we should not proceed with project activity until we have received approval from the National Park Service. This could push the project into 2024.
 4. Early Intervention Program/Strategic Management Program
 - a) We currently do not have a project in this program. I have been asked if Borough Council would consider applying for Phase II of STMP to update the Borough's Comprehensive Plan. The recommendation is that they are updated every ten years. Ours was last updated in 2009.
 5. Commonwealth Finance Authority LSA Grant Program
 - a) We requested \$750,000
 - b) Purpose: Fire Engine
 - c) We have been working with Representative Paul Schemel on advocacy for this grant. Additionally, the Fire Chief and I are attempting to meet with key officials in Harrisburg to advocate for this grant. We anticipate a November decision.
- Emergency Services Building – Our architect is currently working on the initial layout and hopes to schedule a meeting with the stakeholders soon. In addition, we are working to find out if WellSpan has a survey of the property.
 - We were contacted by another solar company regarding leasing the former golf course. They have sent a proposal to us, which is being reviewed by the Solicitor. In addition to this option, the Property Committee is open to considering other options for the property. I have reached out to HRG Engineering to discuss adding the golf course and Rotary parking lot into the concept plan they presented to Borough Council last December.

OFFICE MANAGER: No report.

FIRE CHIEF: A written report was included in Council's meeting packets and Chief Devers reported that the three (3) probationary Firefighters are progressing well at the Fire Academy. They are on target for graduation on 11/18 and will start shift work on 11/20. The Open House held at the S. Potomac Street Fire Station on 10/15 was successful, with approximately 60 participants from the community. He is hopeful that the event can be "scaled up" over the next several years, but he felt it was a good start for something that hasn't been held for many years. The Fire Department also worked recently with the Waynesboro Area School District to conduct supervised fire drills. They went well, but he will be working with them in an attempt to expedite the process.

POLICE CHIEF: A written report was included in Council's meeting packets and Chief Sourbier reported that the two (2) cadets are still doing well. They are expected to graduate from the Police Academy the second week in December and will then begin their in-house training ... they should be ready for full duty by June of 2023. He noted that an advertisement has been published to solicit applications for additional vacancies, and he looks forward to discussion later in the meeting regarding the Mental Health Co-Responder's position as well.

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 noted he has nothing additional to report aside from items on the agenda for discussion later in the meeting.

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

- A. Approve Minutes as Presented – September 21, 2022 (regular meeting)

Councilman Royer 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 Scott Crum, Chief Draftsman/Inspector
- Acknowledge favorable performance evaluation for Justin Fogle, Driver/Operator-Laborer

- Acknowledge favorable performance evaluation for Gerald Smith, Driver/Operator-Laborer
- Approve a step increase for Peggy Martin, Clerk-Accounting, to salary level 9C, effective 09/17/2022 (retroactive pay will apply) – passed unanimously on a Royer/Cermak motion
- Approve a step increase for D'Lynn Scheeler, Receptionist/Data Processor, to salary level 10C, effective 09/17/2022 (retroactive pay will apply) – passed unanimously on a Royer/Cermak motion
- Approve a step increase for Michael Ely, Mechanic, to salary level 13C, effective 10/15/2022 (retroactive pay will apply) - passed unanimously on a Royer/Cermak motion
- Approve the hiring of Nathan Biesecker as a PT Firefighter - passed unanimously on a Royer/Cermak motion
- Approve the reappointment of Jonathan Walters to the Planning Commission; new term to expire on 10/20/2026 - passed unanimously on a Royer/Cermak motion

(2) Appointment of Devin Wynkoop as Junior Councilperson for the 2022-2023 School Year – Council members received information in their packets regarding Devin Wynkoop. Councilman Royer and Mr. Stains will meet with him on 10/20 and he will begin attending Council meetings in November. Councilman Royer made a motion to approve his appointment. Councilman Cermak seconded; the motion passed unanimously.

(3) Consider Approval of Contract between the Borough of Waynesboro and the Waynesboro Police Association – Mr. Stains noted that negotiations have been held since August with the Waynesboro Police Association, and he believes they have agreed on a fair contract. Councilman Royer made a motion for approval of the proposed contract. Councilman Cermak seconded.

Mr. Stains explained that, in lieu of the 8% salary increase granted to non-uniformed/non-exempt employees in 2021, the Borough has agreed to grant police officers a 5% increase for the remainder of 2022. Councilman Royer amended his motion for approval to include this increase. Councilman Cermak seconded.

Mr. Stains further explained that the starting salary for police officers was low compared to the two (2) competing departments in Franklin County (Washington Township and the Borough of Chambersburg). Accordingly, the starting salary will now be increased to \$55,000 (with or without Act 120 certification). Councilman Royer amended his motion for approval to include this change as well. Councilman Cermak seconded; the motion passed unanimously.

(4) Consider Approval of Job Description for Mental Health Co-Responder – Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

(5) Authorize Borough Solicitor and Appropriate Borough Officials to Enter into Contract with Franklin County for Mental Health Co-Responder Program – Councilman Royer made a motion for approval. Councilman Cermak seconded. Although there were questions regarding some of the language in the contract, Solicitor Wisner noted that Franklin County is “inflexible” when it comes to making modifications. Chief Sourbier explained that the contract will provide for 50% reimbursement for costs to maintain the Co-Responder as an employee of the Borough. The Co-Responder’s start date by contract is November 1st and they are working to make that happen. He further explained that federal law provides funding to be distributed to municipal police departments to deal with mental health issues, so he feels there is little risk of the funding being rescinded. A vote was then called and the motion passed unanimously.

(6) Consider Approval of Paid Time Off (PTO) Policy for New Non-Uniformed Employees Hired Beginning on October 20, 2022 - Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

B. Property and Public Safety Committee

(1) Authorize Borough Solicitor and Borough Staff to Take Necessary Steps to Advertise the Sale of a Section of the Ridge Avenue Property Owned by the Borough of Waynesboro; and Authorize Obtaining an Appraisal for Value of the Property Prior to Sale – Councilman Cermak made a motion for approval. Councilman Royer seconded.

Solicitor Wisner noted that the assessed value of the property is approximately \$10,000, but an appraisal will give a more realistic value of what it is worth. Mr. Stains explained that if a non-profit organization is interested in purchasing the property, a sale can be negotiated directly with them; and if that is not the case, the property can be sold by either sealed bids or auction. Possible interested parties are Luminest (for inclusion in their homeowner program similar to what was done recently on Second Street) and Habitat for Humanity. Either way, Councilman J. Fleagle noted he feels that the Borough should receive fair market value for the property.

A vote was then called and the motion passed unanimously.

C. Street Committee - Councilman J. Fleagle noted that the Street Committee met on 10/06. From that meeting, the following items need Council’s approval:

(1) Request for Reserved Accessible Parking Space at 301 W. Main Street -

Councilman J. Fleagle noted that, although the requesting individual's address is on W. Main Street, the reserved parking space will be located on Franklin Street. He made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

(2) Request to Remove General Accessible Parking Space at 215 Ridge Avenue -

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

Councilman J. Fleagle reported that approval has been granted for the new street lights on Walnut Street between Second and Third Streets. The Engineering Department will be working on a design for layout of the lights, and he noted that he feels the lights should be somewhat different than those located on Main Street. He asked the Economic Development Committee to consider the matter and give their recommendations. It was noted that curb and sidewalk will also be included in the Engineering Department's design. Councilman Royer suggested that some type of signage be placed on Main Street to direct patrons to the retail area on Walnut Street.

In addition, Councilman J. Fleagle reported that approval has been granted for street lights in Alley #1 (in the area behind Main Street Park). Mainstreet Waynesboro, Inc. was instructed to work with the Engineering Department on location of the lights, which will then enable night-time events to be held at the park.

Councilman J. Fleagle commended Borough staff on the number of alleys they were able to pave this year. He is hopeful that additional alleys, as well as some streets, will be able to be completed next year.

D. Economic Development Committee – Councilman P. Fleagle noted that the Economic Development Committee met on 10/04 and discussed the following:

- Rental Registration – Jeff Mace, Jr., owner of several multi-family dwellings in the Borough, noted to the committee that he thought the method of calculating the fee for rental registration was not fair and should be changed to a per unit system instead of per parcel. His contention was that smaller units were paying a larger proportionate fee than large parcels. Matt Schmidt noted that the registration was approximately 85% done, and it was the consensus of the committee to wait until the initial registration was finished to re-evaluate the method of fee calculation.

*Jeff Mace, Jr. was in attendance at the Council meeting to reiterate his opinion to Council for consideration.

- Open Container Review – Shippensburg Borough Councilman Keith Swartz, the architect of Shippensburg's current Open Container Ordinance, reviewed

the process his Borough went through to formulate the current ordinance. Swartz noted that no significant police incidents have occurred since the ordinance has been in place. Open container permission is allocated on certain weekends with a required Friday/Saturday combined parameter. Paul Gunder noted the difficulty of opening a restaurant in Waynesboro with the allocation and cost involved with PA Liquor Control law.

B. Kohler presented the committee with a draft of proposed changes to the current Open Container Ordinance drafted by a collaborative effort with Casey Phebus, owner of Rough Edges. The draft will be reviewed by Borough staff before presentation to Borough Council for comments and review. Consensus of the committee was to continue the event-specific exemptions to the ordinance rather than changing the ordinance.

*Bill Kohler and Casey Phebus were in attendance at the Council meeting to discuss their request for a pilot test for their upcoming Holiday Sip 'n Stroll on 12/17 from 1-5 p.m. Following discussion regarding the planned event and others being considered for the future, Police Chief Sourbier expressed his opinion that any exemption(s) to the current Open Container Ordinance must be event-driven and approved by Borough Council. In addition, Solicitor Wisner advised that specific expectations should be outlined in writing so there is no confusion or misunderstanding.

Councilman P. Fleagle then made a motion to approve the Holiday Sip 'n Stroll event on 12/17 from 1-5 p.m., with authority being granted to the Borough Manager to work with the Police Chief to develop regulations for the event, as requested. Councilman Cermak seconded; the motion passed unanimously.

- New Businesses/21 E. Main/137-139 W. Main Updates – Kohler noted that bids were high for construction and Mainstreet is waiting on results of grant applications.
- Main Street Lighting/Walnut Street Lighting Plan – Cobra light parts are on order. J. Stains noted that due to PENNDOT concrete pour date cutoffs, lights will probably not be placed until spring. The Walnut Street light request was approved through a grant amendment request to DCED.
- Memorial Park – Concrete slab for stage has been poured. Discussion of possibility of alcohol use with restrictions at park.

E. Finance Committee

- (1) **Pay Bills** – Councilman Knott made a motion to approve the payment of Check Details dated 09/28-29, 10/04 and 10/10. Councilman Cermak seconded; the motion passed unanimously.

F. Recreation Board – Councilman Royer noted that the Recreation Board met on 09/28. The majority of discussion at this meeting centered around Northside Pool. The Recreation Board will be reviewing rates for the 2023 season at their next meeting, and discussion was held regarding proposed changes at the Dog Park. The next meeting will be held on 10/26 at 6:30 p.m. at Borough Hall.

UNFINISHED BUSINESS: None.

NEW BUSINESS

TIME EXTENSION REQUESTS FOR LAND DEVELOPMENT PLANS: Kevin Grubbs presented the following time extension requests for Council's consideration --

- **ZIGM Enterprises (James McCleaf)** – Land Development Plan for a commercial building on N. Franklin Street was approved on 02/16/2022. The current 180-day time extension with contingencies will expire on 11/13/2022. The new time extension request is for an additional 180 days, beginning on 11/13/2022 to 05/12/2023. Councilman J. Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.
- **Sharon Gunder** – Land Development Plan for one (1) duplex unit on N. Broad Street, which is currently under final review with Borough Council. The current 180-day time extension will expire on 11/10/2022. The new time extension request is for an additional 180 days, beginning on 11/10/2022 to 05/09/2023. Councilman J. Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

LAND DEVELOPMENT PLAN REVIEW (TRINITY UNITED CHURCH OF CHRIST):

Kevin Grubbs presented a Land Development Plan for Trinity United Church of Christ, located at 30 W. North Street. They plan to construct a small addition at the rear of the church, with an attached drive-thru canopy. The Waynesboro Planning Commission reviewed the plans on 10/17 and recommended approval. Councilman Knott made a motion for approval. Councilman J. Fleagle seconded; the motion passed unanimously.

APPROVE RESOLUTION NO. 2022-16 AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM:

Mr. Stains presented proposed Resolution No. 2022-16 for the FY 2022 CDBG program. The Borough proposes to use this funding (in the total amount of \$171,891.00) for street improvements (Philadelphia Avenue from Third to Fourth Streets) and general administration. He added that Philadelphia Avenue will be a multi-year activity and will include funding from the FY 2023 CDBG program. Councilman Cermak made a motion for approval. Councilman J. Fleagle seconded; the motion passed unanimously. (COMPLETE COPY ON FILE AT BOROUGH HALL.)

APPROVE RESOLUTION NO. 2022-17 APPROVING THE PROGRAM MODIFICATION TO THE FY 2020 COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS (CDBG-CV) PROGRAM:

Mr. Stains noted that the Borough was notified in 2020 that they qualified for a grant under the FY 2020 CDBG-CV Program to address the effects of the COVID-19 Virus by funding activities that will prevent, prepare for, and respond to the coronavirus. They established a Small Business Assistance Program, however feedback received from businesses was that it wasn't worth the effort involved in applying and adhering to all regulations imposed by the federal government for only \$5,000. Accordingly, since the money has not been used, it must be reallocated.

Accordingly, the Borough is proposing to modify the budget for the 2020 CDBG-CV Program Year by creating a line item for the Waynesboro Community and Human Services' Food Bank for rent and utility payment assistance and the purchase of PPE. Councilman Cermak made a motion for approval. Councilman Knott seconded; the motion passed unanimously. (COMPLETE COPY ON FILE AT BOROUGH HALL.)

APPROVE RESOLUTION NO. 2022-18 NOTIFYING ALL RESIDENTS ABOUT FAIR HOUSING RIGHTS:

Mr. Stains noted that this is an annual requirement of the CDBG program. Councilman J. Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously. (COMPLETE COPY ON FILE AT BOROUGH HALL.)

APPROVE STATEMENT OF MWBE GOALS (NATIONAL PROGRAM FOR MINORITY AND WOMEN BUSINESS ENTERPRISE EXECUTIVE ORDER 11625):

Mr. Stains noted that this is also a requirement of the CDBG program. Councilman Knott made a motion for approval. Councilman J. Fleagle seconded; the motion passed unanimously. (COMPLETE COPY ON FILE AT BOROUGH HALL.)

PRESS QUESTIONS: None.

COUNCIL COMMENTS: Councilman Cermak gave recognition to Borough Manager Stains for his excellent leadership over the past several years. Mr. Stains noted that the Borough has a great staff and Council as well, and the many projects and accomplishments completed have been a result of team efforts.

Having no further business to discuss, the meeting adjourned at 7:59 p.m. on a P. Fleagle/J. Fleagle motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary