

NOVEMBER 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

Junior Councilperson – Devin Wynkoop

Borough Staff – Jason Stains, Borough Manager
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:

- **Oath Administered to Junior Councilperson** - Mayor Starliper administered a Loyalty Oath to Devin Wynkoop for his position as a Junior Councilperson for the 2022/2023 school year.
- **Presentation by GMS Funding Solutions** - Amy Kronenberg and Kira Wright of GMS Funding Solutions presented their 2022 Funding and Grants Management Report. (Copy on file at Borough Hall.)
- **Presentation by SEK** - Craig Witmer and Taylor Rote of SEK gave a presentation on the 2021 Borough Audit. (Copy on file at Borough Hall.)

EXECUTIVE SESSION: President Mumma noted that an executive session will be held at the end of this meeting to discuss real estate, contracts and litigation.

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:

Terry Sebold, Pennersville Road – Ms. Sebold was present to discuss her concern regarding the length of time it has taken to repair/replace the school flashing light (which was damaged in a vehicle accident several months ago) on E. Main Street near the YMCA. She noted this is a safety concern for the school children as well as the crossing guard at the nearby intersection. Mr. Stains advised that they are having difficulty in obtaining the parts required for repair, as well as payment from the responsible party's insurance company. He assured that the staff is working on this.

STAFF COMMENTS AND WRITTEN REPORTS

MAYOR: The Mayor's Report was as follows –

- On November 1st, I performed the wedding of Heather Kefauver and Jody Pendleton. Best wishes to the Pendletons.
- On November 5th, I attended a Zoom meeting for the Pennsylvania State Mayors' Association.
- On November 9th, I attended the Chamber meeting.

RENFREW MUSEUM AND PARK: Becky LaBarre, Executive Director and CEO, provided Council with a written report. (COMPLETE COPY ON FILE AT BOROUGH HALL.)

She gave a brief update on the Mill and Fahnestock Farm Roof Projects; and mentioned upcoming programs and events including Christmas in Early America: Holiday Traditions During our Nation's Firsts 100 Years, 1776-1876 on 11/22, Christmas on the Farm on 12/02 and 12/03, and Historic Wreath-Making Workshop on 12/10. Additional information may be found on their website at www.renfrewmuseum.org.

BOROUGH SOLICITOR: No report.

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

- Water Treatment Plant Upgrade – There are several outstanding items remaining on the punch list and all are being addressed by the general and electrical contractor. Gannett Fleming is working on a resolution to the raw water pump #2 capacity issue and the telephone system. The WBA received a favorable settlement from Spotts Brothers' masonry contractor and has issued notice-to-proceed to an alternate contractor to complete the leak repair and block work on the back side of the plant. Gordon Cruickshanks and I will be attending a DEP workshop on November 30th in Harrisburg regarding the new lead and copper rule requirements.
- Sewer Plant Update – Work continues on the NPDES permit renewal. The permit application is being compiled and will be submitted to DEP in the near future ... well ahead of the 180-day submission deadline. The hydronic heat line

installation at the main plant has been completed and the boiler is up and running. The replacement emergency disconnects have been installed on the bio-tower of the pump station. The new plant staff members are progressing well with their certification course work.

- Budget 2023 (Water and Sewer) – The WBA will be reviewing the proposed 2023 Water and Sewer budgets during their regular meeting on November 15, 2022. It is anticipated that a sewer rate increase will be necessary to sustain adequate operation of the system and satisfy the debt service covenant with F&M Bank.

Mr. Pryor advised that the WBA adopted both budgets at their meeting the previous evening, as well as a resolution for a 15% sewer rate increase effective 01/01/2023.

BOROUGH MANAGER: Mr. Stains noted that the staff is still reviewing bids received for 2023 materials, supplies and contracted services. He recommended tabling those until Council's special meeting scheduled for November 30th.

His written report follows –

- We are working on several additional Right-to-Know Requests.
- Emergency Services Building – Our architect presented a rough draft to the Property Committee, Police Chief and Fire Chief. Feedback has been presented to the architect and we are awaiting another draft. Additionally, we are waiting on WellSpan's feedback for the first draft.
- I have a meeting scheduled with HRG Engineering to discuss adding the golf course and Rotary parking lot into the concept plan they presented to Borough Council last December.
- I have spoken to Washington Township's Manager and the Waynesboro Area School District's Superintendent regarding a Joint Comprehensive Plan. Informally, both parties are interested in pursuing an update to the 2009 Joint Comprehensive Plan.
- I spoke with Washington Township's Manager regarding connecting Renfrew Park to the Township's trail system. We are going to speak with the Franklin County Planning Department, as we have both been contacted by them asking about making this connection.
- Over the last year and a half, I have mentioned that I was working on my credentialing through the International City/County Management Association. I submitted my final documents this week and will now go through the review process with the credentialing board. There are currently 34 credentialed managers in Pennsylvania.

OFFICE MANAGER: No report.

FIRE CHIEF: A written report was included in Council's meeting packets. Chief Devers reported that the three (3) probationary Firefighters will tentatively graduate on Friday (11/18) and will start shift on Sunday (11/20). The Fire Department will then be at full staff.

POLICE CHIEF: A written report was included in Council's meeting packets. Chief Sourbier reported on the Co-Responder's October statistics and the Drug Take-Back Program, and noted that the grant award for body cameras which was previously placed on-hold has been re-authorized in the amount of \$29,632.00. In addition, he will be expending remaining funds in the accreditation grant, which can be utilized for consulting fees since the scope of the grant has been expanded. He also noted that the two (2) cadets at the Academy continue to do well and are scheduled to graduate the second week in December. He added that the Police Department continues to have vacancies ... the upcoming Patrolman's examination is scheduled for 11/17, however only one (1) candidate is eligible to take the examination. He assured that they will promptly re-advertise for another examination. The Chief also advised that he is currently in the process of refreshing the current tow list.

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. Matt Schmidt noted that in addition to his standard report, a Residential Rental Registration Program Report was also provided. He asked for any questions, comments or concerns.

HEAD OF ENGINEERING SERVICES: No report.

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

- A. Approve Minutes as Presented – October 19, 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 Gordon Cruickshanks, Operations Manager.

- Extend the probationary period for Cody Reifel, Driver/Operator-Laborer until CDL is obtained; to be re-evaluated in three (3) months – passed unanimously on a Royer/Cermak motion

B. Property and Public Safety Committee – Councilman Cermak noted that the emergency services building is currently in the design phase.

C. Street Committee - Councilman J. Fleagle noted that the Street Committee met on 11/03. From that meeting, the following item needs Council's approval:

(1) Request to Remove General Accessible Parking Space at 446 Scott Avenue - Councilman J. Fleagle made a motion for approval. Councilman P. Fleagle seconded; the motion passed unanimously.

Councilman J. Fleagle noted that discussion was held with Bill Kohler regarding difficulty he has been experiencing with obtaining certified flaggers for Main Street Waynesboro's downtown events. He asked for any suggestions from Council members, staff or the public on ways to recruit additional flaggers. It was noted that the Waynesboro Fire Police are only available to assist in emergency situations, however it was suggested that Mr. Kohler ask for their assistance (on an individual basis) as a volunteer for his organization.

Councilman Cermak commented that the difficulty in obtaining a sufficient number of certified flaggers for downtown events is a public safety issue. Mr. Stains noted that when an organization is planning a downtown event (such as a parade or a run, etc.) they are required to complete an application for submission to Kevin Grubbs. Ultimately, it is the Borough who would have to step in and advise that the event cannot be held if there are not sufficient flaggers. He explained that there is a \$75.00 fee for the flagger certification course, which may be part of the problem. Staff has been discussing and implementing steps to limit the number of flaggers needed, such as setting up barricades and dump trucks at some of the street closure locations. Discussion will be ongoing regarding solutions for this problem.

Councilman J. Fleagle reported that the bid packet for the Fifth Street Storm Sewer Project has been distributed to several potential contractors. He is hopeful that the contract can be awarded at Council's December meeting.

D. Economic Development Committee – No report. Councilman P. Fleagle noted that the Economic Development Committee's next meeting will be held on 12/06.

E. Finance Committee

(1) Pay Bills – Councilman Knott made a motion to approve the payment of Check Details dated 10/24 and 11/08. Councilman Cermak seconded; the motion passed unanimously.

F. Recreation Board – Councilman Royer noted that the Recreation Board met on 10/26 and discussed the following:

- There are some failures at the recently upgraded tennis courts. Discussion is being held with the contractor regarding a resolution.
- Fees at Northside Pool will be increasing for the upcoming season.
- The outdoor chess table for Memorial Park has been delivered and will be installed in the near future.

President Mumma mentioned that two (2) groups have already used the newly-built stage at Memorial Park and gave very favorable comments. Mr. Stains added that there are plans in the future to place a roof over the stage.

UNFINISHED BUSINESS: None.

NEW BUSINESS

DIRECT PROPER BOROUGH OFFICIALS TO CREATE AND RELEASE A REQUEST FOR PROPOSALS FOR BUILDING CODE OFFICIAL SERVICES: Councilman Cermak excused himself from discussion on this matter.

Manager Stains noted that earlier this year, PMCA was notified that Accredited Services (who were the Borough's Building Code Official of record) were having staffing issues, and they didn't feel it was fair to Borough residents to issue permits that they may or may not be able to support. PMCA assisted and all new permits now go to them. Since the change to PMCA, there have been concerns voiced from residents, the School District and Borough staff regarding their fees (which are considerably higher than the previous fees charged by Accredited Services). Therefore, he believes it is time to consider allowing any licensed Building Code Official in Pennsylvania with an office in Franklin County to be on the Borough's list ... this would give residents a choice as to who they would like to obtain a permit from. President Mumma recommended tabling the issue for possible action at the December meeting. In the meantime, staff will determine which agencies would be eligible for inclusion on the Borough's list.

APPROVE RESOLUTION NO. 2022-19 AUTHORIZING AND DIRECTING THE ESTABLISHMENT OF AN OPERATING RESERVE ACCOUNT, AUTHORIZING THE TRANSFER OF FUNDS TO SAID ACCOUNT, AND ADOPTING POLICIES AND RULES GOVERNING THE ACCOUNT FUNDS: Mr. Stains noted that, since the Borough changed internal accounting practices over the past year or so, it has become increasingly evident that there are not a lot of reserves to operate on. In addition, the Borough receives the majority of tax revenues in mid- to late-March, April and the beginning of May ... and there is a struggle to pay bills during the first quarter of the year.

After discussions with Craig Witmer (SEK), Sam Wiser (Salzmann Hughes) and Chris Ferrands (Cohick & Associates) regarding ARPA (American Rescue Plan Act) funds received in the amount of approximately \$4,000,000, it is his/their recommendation that

the Borough establish an Operating Reserve Account, that \$970,000 (which is approximately three months of general fund operating expenses) be transferred to the Account from the General Fund, and that the Operating Reserve Account Policy presented be adopted and followed by Council and staff.

Councilman Cermak made a motion for approval, and stressed that the Borough must make every effort to adhere to the Reserve Replenishment guidelines contained in the Policy. Councilman Knott seconded; the motion passed unanimously. (COMPLETE COPY ON FILE AT BOROUGH HALL.)

CONSIDER MEMORANDUM OF UNDERSTANDING BETWEEN THE BOROUGH OF WAYNESBORO AND THE WAYNESBORO AREA SCHOOL DISTRICT TO PAVE A CONNECTING PATH FROM THE ED MILLER WALKING TRAIL ONTO SCHOOL DISTRICT PROPERTY:

Mr. Stains presented a proposed Memorandum of Understanding with the School District to connect the Ed Miller Walking Trail onto their property in the vicinity of the baseball stadium. He explained that the Borough will construct the extension and invoice the WASD for time and materials plus 15%. Following installation, the WASD will be responsible for all operation, maintenance, repair and reconstruction of the Trail Extension; they will also be responsible for maintaining insurance on the Trail Extension and may establish rules and regulations for use of the Trail Extension. Mr. Stains added that this extension will increase walkability and assist the School District by reducing the need for bus services in the Brimington Development (an approximate savings of \$40,000/year).

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

FINAL SUBDIVISION PLAN REVIEW (EZ HOMES, LLC): Councilman J. Fleagle noted that Council members received a copy of a Subdivision Plan for EZ Homes on N. Broad Street. This plan has been reviewed by the Waynesboro Planning Commission several times, most recently on 11/14. The developer has met all requirements set forth by the Planning Commission, and the Planning Commission's Solicitor has approved all agreements regarding parking and accessibility to the rear of the property through the neighboring housing development.

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

AUTHORIZE ADVERTISEMENT OF ORDINANCE ESTABLISHING A PROCEDURE FOR WAIVING PENALTIES ASSESSED AGAINST A TAXPAYER DUE TO FAILURE TO RECEIVE NOTICE AS REQUIRED BY ACT 57 OF 2022:

Solicitor Wiser noted that Act 57 mandates by state legislature that municipalities adopt a resolution authorizing tax collector fees assessed on real estate transfers be waived in cases when a new property owner doesn't receive the tax bill. He explained that the individual must attest that they didn't receive the bill; and they would still be required to pay the face value of the tax bill, just no additional late fees. This resolution would be effective with the 2023 tax year.

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

FOR INFORMATION ONLY

SPECIAL COUNCIL MEETING ON NOVEMBER 30, 2022 AT 6:30 P.M. TO ADOPT TENTATIVE 2023 BUDGET: Mr. Stains reminded Council of the special meeting to be held on Wednesday (11/30) at 6:30 p.m. to adopt the 2023 Tentative Budget and any other business which may come before Council at that time. The 2023 Final Budget will then be considered for adoption at Council's regular meeting scheduled for 12/21.

PRESS QUESTIONS: None.

COUNCIL COMMENTS: Councilman Royer welcomed Devin Wynkoop as Junior Councilperson.

Mayor Starliper reiterated his requests for repair of the front doors to the Police Department and the need for a Fire Code.

At 8:20 p.m., President Mumma noted that Council will take a 10-minute recess and then go into executive session. Council returned to regular session at 9:45 p.m.

On a motion by Councilman P. Fleagle, seconded by Councilman Knott and passed unanimously, the following items were added to the agenda because they were discussed in executive session:

1. Authorize recording of the Condemnation Order and initiate Sheriff Sale of 13-15 Cleveland Avenue.
2. Direct the Borough Manager to send a letter to Quincy Township outlining fire service to the Township will terminate 01/01/2023 without a new contract.

Councilman P. Fleagle made a motion to authorize #1 above. Councilman J. Fleagle seconded; the motion passed unanimously.

Councilman Royer made a motion to authorize #2 above. Councilman Knott seconded; the motion passed unanimously.

Having no further business to discuss, the meeting adjourned at 9:56 p.m. on a Cermak/Royer motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary