

JUNE 14, 2023
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
Zachary Rice, Borough Solicitor (Salzmann Hughes)
Matt Schmidt, Zoning-Code Enforcement Office
Chris Devers, Fire Chief
Jim Sourbier, Police Chief

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

PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS: None.

EXECUTIVE SESSION: Council President Mumma noted that an executive session will be held at the end of the meeting to discuss code enforcement, contractual obligations, personnel and litigation items. No voting is anticipated at the conclusion of the executive session.

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 Fetchen, 513 Waterdale Drive, was present on behalf of the Brimington Farm Homeowners' Association Board of Directors. He provided history on the HOA, which was controlled in the past by Gemcraft Developers, and noted that in 2017, Gemcraft removed approximately 1/3 of the HOA's territory and built several townhouse units. The Board of Directors recently realized that two (2) of the 49 street lights in their community are in the townhouse section which was removed from their HOA, and they advised residents of the townhomes that the HOA would stop paying for those street lights. Shortly after, letters from the Borough were posted at all homes in the development threatening legal action if this were to happen. Mr. Fetchen suggested that this misunderstanding could have been avoided if there had been better communication with the HOA by the Borough.

Janeen McChesney, 505 Evangeline Drive, was present to discuss her concerns regarding the letter taped to the homes in the Brimington Development (previously mentioned by Mr. Fetchen). She stated that the letter was intended for her, as it was addressed to her, but was provided to all of her neighbors (including those who are not members of the HOA). She feels this was an invasion of her privacy. She also stated that the HOA did not authorize reproduction or distribution of their letter which was included as the second page of the letter provided to residents in the development. Ms. McChesney questioned Mr. Stains about the Borough's practice of posting letters to homes, and Mr. Stains advised that water shut-offs and notification of other serious matters are historically taped to residents' doors.

Ms. McChesney suggested that the Borough make Gemcraft pay for what they are responsible for, instead of threatening the HOA homeowners. She noted that, per the Subdivision and Land Development Ordinance No. 1159, Section 7-12, street lights are to be provided with the construction of new streets ... this would make Gemcraft responsible for the street lights, as the HOA was not the applicant of any land development plan for this development.

Patrick Burns, 404 W. Eighth Street – Mr. Burns discussed his concern that many motorists are not paying the meters when parking downtown. He suggested that this should be stringently enforced.

STAFF COMMENTS AND WRITTEN REPORTS

MAYOR: The Mayor's Report was as follows –

- On May 18th, the Franklin County Mayors' Association hosted Commissioner Dave Keller, who presented a quarterly report on Franklin County.
- On May 18th, as Mayor and Board member of the Waynesboro Beneficial Fund Association, I presented scholarships to five (5) seniors.
- On May 24th, I attended the Coffee with the Police.
- Also on the 24th, I gave a presentation to the fourth grade class at St. Andrew School.
- On May 26th, I was an interviewer at the Waynesboro Area Senior High School.
- On May 29th, I participated in the Memorial Day parade and memorial service.
- On June 1st and June 2nd, I performed weddings.
- On June 3rd, I attended a Zoom meeting of the Pennsylvania State Mayors' Association.

- On June 5th, I attended the Mont Alto Council meeting.
- On June 14th, I attended the Board meeting of the Chamber of Commerce.

RENFREW MUSEUM AND PARK: No report.

ANTIETAM HUMANE SOCIETY: Kacie Morrell, Executive Director of the Antietam Humane Society, provided May's Animal Report to Council, which was included in their meeting packets.

BOROUGH SOLICITOR: No report.

DIRECTOR OF UTILITIES: Mr. Pryor's written report was included in Council's meeting packets.

BOROUGH MANAGER: Mr. Stains reported that he and Councilman Royer recently attended the Pennsylvania State Association of Boroughs' conference, during which two (2) resolutions recommended by Waynesboro for consideration for their legislative priorities were adopted ... those resolutions were: 1) supporting amendment of the Borough Code to allow for electronic advertising for legal notices; and 2) supporting radar usage by municipal police departments in PA.

Mr. Stains also noted that staff will be contacting permitted commercial waste haulers in the Borough to remind them to comply with the 5:00 a.m. collection time, as he has received numerous complaints from residents that they are emptying dumpsters at 2:00 and 3:00 a.m.

OFFICE MANAGER: No report.

FIRE CHIEF: A written report was included in Council's meeting packets. Chief Devers noted that, unfortunately there has been more fire loss for the year, but the number of calls has slightly dropped. They will continue to educate the public in the schools and at public functions in an attempt to get those numbers down.

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

AMBULANCE SQUAD CHIEF: No report.

CODE ENFORCEMENT/ZONING OFFICER: A written report was included in Council's meeting packets.

HEAD OF ENGINEERING SERVICES: No report.

MAINTENANCE FOREMAN – REPAIR REPORT: A written report was included in Council's meeting packets.

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

A. Approve Minutes as Presented – May 17, 2023 (regular meeting)

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 a favorable performance evaluation for Daniel Breininger, Water Plant Technician – no action required.
- Approve an increase to step 2 (per CBA) for George Leissler, Firefighter/EMT, effective 03/02/2023 (retroactive pay will apply) – Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.
- Accept the resignation of George Leissler, Firefighter/EMT, effective 06/08/2023 - Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.
- Retroactively affirm a lateral transfer (salary level/step 6E) for Chase Murray from Driver/Operator-Laborer (Maintenance Department) to Sewer Plant Trainee (Sewer Department), effective 05/30/2023 - Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.
- Approve the job description for Part-Time Assistant Zoning-Code Enforcement Officer - Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

(2) Approve Quote for Online HR System from BambooHR (minus Performance Management Module) – Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

B. Property and Public Safety Committee – Councilman Cermak noted that the Property Committee is recommending approval of the Fire Chief's purchase request to be discussed under "New Business".

C. Street Committee - Councilman J. Fleagle noted that the Street Committee met on 06/01 and minutes of the meeting were provided to Council. The following items require Council's action:

(1) Consider Draft Amendment to Street Opening Ordinance - Councilman J. Fleagle explained difficulties experienced recently with gas lines that are close to the surface in streets the Borough is planning to repave. This amendment will specify a minimum depth of 36", and require that the utility company must contact the Engineering Department (before proceeding) if their line would need to be closer to the surface than the stated minimum depth. Solicitor Rice added that a clause should be included that an exception could be granted if it is demonstrated that the minimum depth cannot be achieved (similar to a variance procedure). It was also noted that there will be some changes to the financial security and insurance requirements in the ordinance as well. Councilman J. Fleagle made a motion to authorize advertisement of the proposed ordinance amendments. Councilman P. Fleagle seconded. After additional clarification, a vote was called and the motion passed unanimously.

(2) Approve Recommendations for Street Projects for the Transportation Improvement Program (TIP) through the Franklin County Metropolitan Planning Organization (MPO) – Councilman J. Fleagle noted that a representative from the Franklin County Planning Department attended their meeting to announce that the Franklin County Metropolitan Planning Organization (MPO) is beginning the Transportation Improvement Program (TIP) update for the 2025-2028 cycle.

Mr. Stains explained that certain portions of streets in the Borough have been repaved utilizing Multi-modal or CDBG funding, but other portions are not eligible due to income limitations ... but those portions are eligible through this program. A letter will be sent to the MPO recommending that the following streets be considered:

- Third Street – Fairview Avenue to Clayton Avenue
- Fifth Street – S. Potomac Street to Clayton Avenue
- Cleveland Avenue – W. Fifth Street to W. Main Street
- Cumberland Valley Avenue – W. Main Street to W. King Street
- E. Second Street – Clayton Avenue to E. Main Street
- E. Ninth Street/Clayton Avenue – S. Potomac Street to E. Fifth Street
- Fairview Avenue – W. Sixth Street to W. Main Street
- Roadside Avenue – E. Main Street to N. East Avenue
- W. Sixth Street – Fairview Avenue to S. Potomac Street
- W. King Street – Cumberland Valley Avenue to N. Grant Street

Mr. Stains noted that this program would include a 20% match and inspection costs.

Councilman J. Fleagle made a motion to authorize the Borough Manager to send a request to the MPO for the aforementioned streets to be included in

the 2025-2028 Transportation Improvement Program. Councilman P. Fleagle seconded; the motion passed unanimously.

Mr. Stains also reported that the MPO has approved the Borough's previous request for Routes 316 and 16 to be repaved, and they have sent a recommendation to PENNDOT.

(3) Special Event Requests – Councilman J. Fleagle made a motion for approval of the following events, subject to Mainstreet Waynesboro, Inc. submitting the appropriate paperwork and providing sufficient certified flaggers for traffic control for each. Councilman Royer seconded; the motion passed unanimously.

- a. **Father's Day Car and Truck Show – Saturday, June 17, 2023, from 9:00 a.m. to 2:30 p.m.; and closure of Main Street from Walnut Street to Potomac Street from 7:00 a.m. to 3:00 p.m.**
- b. **Fall Market Day – Saturday, October 7, 2023, from 9:00 a.m. to 4:00 p.m.; and closure of Main Street between Potomac Street and Walnut Street from 7:00 a.m. to 5:00 p.m.**
- c. **Tree Lighting Ceremony – Friday, November 17, 2023, from 5:00 p.m. to 8:00 p.m.; and closure of Main Street between Potomac Street and Walnut Street from 5:00 p.m. to 8:00 p.m.**
- d. **Christmas Parade – Saturday, November 18, 2023, from 2:00 p.m. to 3:30 p.m.; closure of Main Street between Fairview Avenue and Broad Street, Broad Street between Main Street and Memorial Park Drive, and Memorial Park Drive between Broad Street and Fifth Street from 1:30 p.m. to 4:00 p.m.; and No Parking along the parade route**

Councilman J. Fleagle reported that work on the street projects has begun, and the contractor will begin installing street lights on Main Street from Franklin Street to Fairview Avenue in the near future. Kevin Grubbs noted that the poles for the cobra lights (for intersections and crosswalks) are expected to be delivered by the end of July, and the mast arms and anchor bolts will be in by August. He added that they are still slated for installation this year.

Councilman J. Fleagle also reported that the Street Committee and Economic Development Committee met recently with property owners on Walnut Street to discuss the improvement project to include street lights, curbing and entrances, etc. He is hopeful that the money remaining from the Main Street lighting grant can be used for the additional lights at this location, and the property owners were amenable to a cooperative effort regarding curbing and paving. President Mumma noted that they hope to have drawings for approval at Council's special meeting scheduled for 06/29 at 10:00 a.m.

Mr. Fleagle announced that the next Street Committee meeting will be held on 07/06 at 9:00 a.m.

D. Economic Development Committee – Minutes from the Economic Development Committee meeting held on 06/06 were included in Council's packets.

E. Finance Committee

(1) Pay Bills – Councilman Knott made a motion to approve the payment of Check Details dated 05/11, 05/17, 05/25 and 06/02. Councilman J. Fleagle seconded; the motion passed unanimously.

F. Recreation Board – Councilman Royer noted that the Recreation Board met on 05/24 and recommended approval of the following items:

(1) Approve the Use of the Large Memorial Park Baseball Field for the Renegades Travel Team on Wednesday evenings in June and July from 5:30 p.m. to 8:00 p.m. – Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

(2) Approve the Request from Waynesboro YMCA for Volleyball Court Use at Memorial Park on Tuesday and Thursday evenings, beginning June 20, 2023, from 6:30 p.m. to 8:30 p.m. – Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

(3) Approve the Request from St. Mary's Episcopal Church for Memorial Park Use for a Community Service Fair on September 9, 2023, from 12:00 p.m. to 4:00 p.m. - Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

(4) Approve the Request from Rough Edges Brewing and Mainstreet Waynesboro, Inc. to Use Memorial Park for a 5K on Saturday, October 14, 2023, Contingent on Receiving Times for the Event, Approval from the Mayor for a Street Closure, and Approval from PENNDOT to Cross SR16 (Clayton Avenue) - Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

UNFINISHED BUSINESS – None.

NEW BUSINESS

APPROVE RESOLUTION NO. 2023-12 AUTHORIZING THE PREPARATION AND SUBMISSION OF A GRANT APPLICATION REQUESTING FUNDS FROM THE OFFICE OF THE STATE FIRE COMMISSIONER MUNICIPAL FIRE DEPARTMENT CAPITAL GRANT PROGRAM TO SUPPORT THE PURCHASE OF NEW

EQUIPMENT: Mr. Stains noted that the Fire Department is in need of several larger items and they are attempting to gain funding from some of the smaller-type grants that are “less attractive” to large municipalities. This grant application would seek a grant of up to \$100,000 and there is no match. Fire Chief Devers noted that the equipment they are hoping to purchase is SCBAs and gear washers/dryers.

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

RESOLUTION NO. 2023-12

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AUTHORIZING THE PREPARATION AND SUBMISSION OF A GRANT APPLICATION REQUESTING FUNDS FROM THE OFFICE OF THE STATE FIRE COMMISSIONER MUNICIPAL FIRE DEPARTMENT CAPITAL GRANT PROGRAM TO SUPPORT THE PURCHASE OF NEW EQUIPMENT

COMPLETE COPY ON FILE AT BOROUGH HALL.

APPROVE REQUEST FROM WAYNESBORO POLICE DEPARTMENT TO HOLD NATIONAL NIGHT OUT EVENT AT MEMORIAL PARK ON TUESDAY, AUGUST 1, 2023 FROM 6:00 P.M. TO 8:00 P.M.; AND CLOSE MEMORIAL PARK DRIVE FROM S. BROAD STREET TO WALNUT STREET: Councilman J. Fleagle made a motion to approve this annual request, as presented. Councilman P. Fleagle seconded; the motion passed unanimously.

APPROVE REQUEST FROM WAYNESBORO FIRE DEPARTMENT TO PURCHASE AIR PACKS FROM WITMER PUBLIC SAFETY GROUP, INC./THE FIRESTORE AT THE QUOTED PRICE OF \$41,070: Fire Chief Devers explained that all the existing air packs were purchased in the past with Relief Association funds; and technically, under the Relief Code, the career personnel would not be able to utilize them. In an effort to become more compliant, the Fire Department would like to ensure Borough ownership of equipment, tools, etc. Several grants have been applied for, but the air packs are an urgent need.

The quote from Witmer Public Safety Group is for six (6) used air packs and 12 cylinders, for a total of \$41,070. (He provided a comparison that if this equipment were new, it would cost in excess of \$90,000.) Mr. Stains noted that Witmer is a COSTARS vendor, so competitive quotes are not required. He added that the money for this purchase will be taken from the Capital Reserve Account.

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

FOR INFORMATION ONLY

SPECIAL COUNCIL MEETING SCHEDULED ON THURSDAY, JUNE 29, 2023, AT 10:00 A.M.: President Mumma noted the purpose of the special meeting scheduled on 06/29 is: (1) to take action on approval of the proposed Walnut Street Layout for Street Lights and Entrances; (2) to consider for adoption and to vote upon enactment of amendments to Chapter 19 of the Code of Ordinances of the Borough Entitled "Fire Department"; and (3) any other business which may come before Council at that time.

COUNCIL COMMENTS: Mr. Stains thanked Council members for approval of the equipment purchase for the Fire Department.

Councilman P. Fleagle noted that the July meeting of the Economic Development Committee will be canceled, as it falls on July 4th. The next meeting will be held on 08/01.

Mayor Starliper reiterated his standard requests for front doors at the police station and a Fire Code for the Borough.

President Mumma thanked members of the audience for their attendance, noting his hopes that the legal system can help to get their problems solved. He wished them the best.

Having no further business to discuss, Council adjourned at 7:29 p.m. for a brief recess prior to executive session. They reconvened to regular session at 9:47 p.m. and adjourned the meeting on a Knott/Cermak motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary