

JUNE 29, 2023  
WAYNESBORO, PA 17268  
SPECIAL MEETING

Council President C. Harold Mumma called the special meeting of the Waynesboro Borough Council to order at 10:00 a.m. with the following in attendance:

Borough Council Members – Jarred Knott, Patrick Fleagle, C. Harold Mumma,  
and Dade Royer (Jon Fleagle and Michael Cermak were absent)

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager  
Kevin Grubbs, Head of Engineering Services  
Sam Wisner, 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.

**EXECUTIVE SESSION:** Council President Mumma called an executive session at 10:02 a.m. to discuss personnel issues. Members of the audience and staff members were asked to vacate the room at this time. Council reconvened to regular session at 10:19 a.m.

**UNFINISHED BUSINESS**

**APPROVAL OF THE PROPOSED WALNUT STREET LAYOUT FOR STREET LIGHTS AND ENTRANCES:** Kevin Grubbs noted that the proposed design has been completed. The plan calls for nine (9) new street lights, the poles for which will be slightly different than those along Main Street, but the luminaires (and the resulting light spread) will be the same. He estimates that the total cost for the lighting at this location (including directional boring) will be approximately \$97,651. After the other lighting projects are completed, he anticipates having sufficient grant funds remaining to complete this project as well as installation of the meters required on Main Street to Clayton Avenue. Kevin Grubbs noted that curb and sidewalk work will be the responsibility of the property owners, which was discussed with them recently at a meeting with the Street and Property Committees.

Councilman P. Fleagle made a motion for approval. Councilman Knott seconded. Councilman P. Fleagle requested that the Borough Manager investigate any available grants to improve this corridor, particularly through DCED (as the concept is included in the Borough's Downtown Master Plan). The motion then passed unanimously.

**CONSIDER FOR ADOPTION AND VOTE ON ENACTMENT OF AMENDMENTS TO CHAPTER 19, ENTITLED “FIRE DEPARTMENT” OF THE CODE OF ORDINANCES:**

Mr. Stains noted that the Property Committee tasked staff with updating the “Fire Ordinance” to bring it into compliance with current daily practices in regard to the purposes, powers, duties, responsibilities and required qualifications of officers and members of the Borough of Waynesboro’s Fire Department. Solicitor Wisner highlighted the history of this ordinance and its amendments, and reviewed changes included in this version as well as items which have not changed.

It was noted that the proposed ordinance has been advertised for Council’s consideration at this time. Councilman Royer made a motion for approval. Councilman P. Fleagle seconded.

Terry Reiber, 11262 Gopher Drive – Mr. Reiber noted he was representing the Waynesboro Volunteer Fire Department, Inc. and previously submitted a letter dated 06/28 to Council members, which he then read as follows:

“Dear Mayor and Councilmen,

After review of Proposed Ordinance Chapter 19 of Borough of Waynesboro, the Waynesboro Volunteer Fire Department Inc. strongly opposes the Ordinance as proposed. Our concerns are the rights and participation of our volunteers in the Fire Department. As proposed the volunteers have no say in the Fire Department as active Firefighters. (reference Section 19-4, C) (reference 19-5 equipment and apparatus authorized by Borough Council) The corporation owns and holds title to Engine 2-1, Truck 2 and Rescue Engine 2 and other equipment in the Borough. This equipment is not mentioned or referenced in proposed Ordinance. Section 19-8 Volunteer Fire Department shall remain part of Department, subject to the terms of Ordinance. The Ordinance does not let the volunteers participate in the department except under the guidelines of Fire Chief and/or Borough Fire officers.

Section 19-10 Volunteer Captain & Lieutenant training qualifications established by Fire Chief. The Fire Chief has said he is not baby-sitting the Volunteers. (Per MOU meeting between Corp and Boro) Section 19-16 Volunteer Captain and Lieutenant shall have charge of Volunteer personnel at all emergency scenes subject to orders of paid personnel.

There are NO incentives for the Volunteers to be included in the Fire Department in this Proposed Ordinance. The Waynesboro Volunteer Fire Department Inc. strongly objects to this Ordinance as proposed.

Sincerely,  
Mike Bock, President and Terry Reiber, Vice-President”

Kris Martin, 11695 Terra Cotta Drive – Ms. Martin noted that the last three (3) firefighters hired had little prior fire experience ... they went to the Fire Academy and were put on apparatus. According to the proposed ordinance, however, paid personnel of the Department shall have authority over all personnel and officers of volunteer fire

companies and departments, regardless of the rank of such volunteer personnel and officers. She feels this provides the potential for extremely dangerous and/or harmful situations, as there may be a volunteer on the scene with many years of experience and who may be able to mitigate the situation.

Ms. Martin also asked for a description of the Waynesboro Volunteer Relief Association. Solicitor Wiser advised that the relief association is an organization that is created pursuant to state law that receives foreign fire tax proceeds for the purposes specified in the relief association provisions, which is equipment, training, etc. to support fire department operations. Ms. Martin noted that he missed the key word "volunteer". She stated that the relief association money is only for volunteers, not for career personnel. She added that until recently, the career personnel have been utilizing equipment purchased by the relief money. She stated that two (2) thermal imaging cameras and some fire hose were recently damaged while being used by career personnel, and in accordance with the law, the Borough of Waynesboro must promptly replace these items. She also stated that, following failure of one of the Borough's ladders during testing, the Fire Chief instructed career personnel to remove a ladder purchased with relief money from volunteer-owned apparatus. She advised that this was not communicated to the volunteer organization and therefore, is in violation of the law. She stated that these repeated violations can cause the state of Pennsylvania to cease providing any further funding to the volunteers.

Ms. Martin continued by stating that the volunteers have provided funds in the past for the purchase of apparatus and equipment by conducting various fundraising activities. She referenced the proposed ordinance (Section 19-13, A), and noted that the volunteers will no longer have a say over their apparatus or equipment. She noted the following complaints:

- If the volunteers want to be trained on the use of their apparatus or equipment, it must first be approved by the Fire Chief.
- If the volunteer organization wants to be in a parade, it is up to the Fire Chief if he wants to allow them or not.
- They cannot obtain a copy of the monthly Fire Report without going through the Right-to-Know Act.
- They were not provided with a copy of results of the mold investigation report for the bunkroom at the Potomac Street Station. She personally asked the Fire Chief about these results at a Borough Safety Committee meeting.
- Transparency and communication do not exist between the Fire Chief and the volunteers.

Ms. Martin commented that, just as the Waynesboro Ambulance Squad is its own company not under the care and control of the Borough of Waynesboro, the volunteer company should not be either ... what gives the Borough the right to take what the volunteers have gained over the years? The volunteers provide service beyond Waynesboro and therefore the Borough should not incorporate them as their own. (Ref. Section 19-8 of the proposed ordinance.) If the Waynesboro Volunteer Fire Department is under the care and control of the Fire Chief and the Borough, they can say that the

volunteers cannot respond on any calls and the existence of the Waynesboro Volunteer Fire Company could immediately be terminated.

Ronnie Martin, 66 State Hill Road – Mr. Martin questioned the costs involved with full-time fire personnel to provide coverage 24/7. President Mumma stated that the current budget provides for six (6) full-time firefighters, and they are in the planning process of providing for additional personnel. Mr. Martin asked how they intend to pay for that, adding that the only way would be to increase taxes.

In addition, if there is a split between paid and volunteer firefighters, he asked if he will have the right (as a property owner) to choose which company services his properties? Solicitor Wisner noted that when Franklin County dispatches, they dispatch the Waynesboro Fire Department ... the Waynesboro Fire Department is made up of two (2) parts – the paid personnel of the Borough and the Volunteer Fire Department.

There were no further comments from the public and a vote was called. The motion to approve the proposed ordinance passed unanimously.

#### ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, REPEALING THE CONTENTS OF CHAPTER 19 OF THE CODE OF THE ORDINANCES OF THE BOROUGH ENTITLED “FIRE DEPARTMENT” AND REPLACING THEM WITH THE CONTENTS OF THIS ORDINANCE

Complete copy on file at Borough Hall.

#### NEW BUSINESS

**APPOINT BUILDING CODE OFFICIAL FOR PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY:** Mr. Stains noted that Rayelle Leisher is the Borough’s Building Code Official of record with the Pennsylvania Department of Labor and Industry, and her certification expires on 07/01/2023. He recommended that Earl Baer be appointed as her replacement ... Mr. Baer has office hours in Washington Township several days a week. Mr. Stains added that the Borough currently allows Mr. Baer’s company (Commonwealth Code Inspection Services) and Clem Mellott’s company (PA Municipal Code Alliance) to issue building permits in the Borough. Councilman Knott made a motion for approval. Councilman P. Fleagle seconded; the motion passed unanimously.

**MODIFY ALL DOCUMENTS THAT REFER TO THE TITLE OF “PATROLPERSON”, “POLICE PATROL OFFICER”, ETC. TO “POLICE OFFICER” FOR CONSISTENCY AND TO COINCIDE WITH THE COLLECTIVE BARGAINING AGREEMENT WITH THE WAYNESBORO POLICE ASSOCIATION:** Councilman Royer made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

**APPROVE RESOLUTION NO. 2023-13 EXPRESSING DESIRE TO ACQUIRE TWO (2) NEW POLICE VEHICLES AND AUTHORIZING THE PREPARATION AND SUBMISSION OF AN ASSOCIATED GRANT AND LOAN FUNDING REQUEST FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE'S COMMUNITY FACILITIES DIRECT LOAN AND GRANT PROGRAM, AS THE APPLICANT:** Mr.

Stains noted that Council passed a resolution earlier this year authorizing an application through the USDA for the purchase of police vehicles and a fire engine. A fire engine was purchased, however, through the LSA grant program, and the USDA would like the police car request to be authorized in a stand-alone resolution.

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

**RESOLUTION NO. 2023-13**

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, EXPRESSING ITS DESIRE TO ACQUIRE TWO NEW POLICE VEHICLES AND AUTHORIZING THE PREPARATION AND SUBMISSION OF AN ASSOCIATED GRANT AND LOAN FUNDING REQUEST FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE'S COMMUNITY FACILITIES DIRECT LOAN AND GRANT PROGRAM, AS THE APPLICANT

Complete copy on file at Borough Hall.

**APPROVE RESOLUTION NO. 2023-14 TO CHANGE THE GEOGRAPHICAL LANGUAGE FOR RESIDENCY FOR POLICE OFFICER TESTING:** Solicitor Wisner

noted that this will serve to "clean up" the Civil Service Rules and Regulations to be consistent with the current Collective Bargaining Agreement with the Waynesboro Police Association regarding the residency requirement ... it is a fifty (50) air mile radius of the Center Square of Waynesboro.

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

**RESOLUTION NO. 2023-14**

WHEREAS, the Borough Code, 8 Pa. C.S.A. §1176, provides that the Civil Service Commission may prescribe, amend and enforce rules and regulations and shall be governed by the rules and regulations; and

WHEREAS, before the effective date of the rules and regulations or amendments to them, they shall be first approved by Council; and

WHEREAS, Borough Council previously amended the residency requirements in the Borough's Civil Service Rules and Regulations by Resolution #2019-12; and

WHEREAS, Borough Council desires to approve a further amendment to the Borough's Civil Service Rules and Regulations regarding residency; and

WHEREAS, said amendment is consistent with the current collective bargaining agreement between the Borough and the Waynesboro Police Association.

Complete copy on file at Borough Hall.

Having no further business to discuss, the meeting adjourned at 10:51 a.m. on a P. Fleagle/Royer motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Borough Secretary