

SEPTEMBER 20, 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
Sam Wisner, Borough Solicitor (Salzmann Hughes)
S. Leiter Pryor, Director of Utilities
Jim Sourbier, Police Chief
Chris Devers, Fire Chief

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

PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS: None.

EXECUTIVE SESSION: Council adjourned to an executive session on the first floor. President Mumma noted that they will be discussing real estate issues. They left the room at 6:31 p.m. and returned/reconvened at 6:54 p.m.

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:

Patrick Burns, 404 W. Eighth Street – Mr. Burns noted that he attended the Dog Swim at Northside Pool held on 09/09 and gave positive comments. He suggested that in the future, online registration be offered prior to the event, or the gates open at 12:30 p.m. on the day of the event to allow sufficient time for patrons to sign the required waivers ... this would allow patrons to enjoy the event for the intended three (3) hours. In addition, any dog waste in the water should be dealt with by the lifeguards immediately.

President Mumma noted that these suggestions will be taken under advisement.

Isabel Hess, 503 Clayton Avenue – Ms. Hess noted that her father spoke on her behalf several weeks ago and she would also like to speak now regarding an incident that

occurred during her employment as a lifeguard at Northside Pool this season. She stated that Mr. Stains had asked her to sign a paper one day acknowledging her relationship with the former pool manager (Jacob Robinson) to protect them from any allegations. She stated that they always worked in a professional manner and kept their relationship outside of Northside Pool; and she felt that being asked to sign that paper was disrespectful to both she and Jacob. She was heartbroken that her time at Northside ended this way, but felt that decision wasn't in her hands. She commented to Mr. Stains that one of the most important things in her life was taken by him, but she has chosen to respect and forgive him.

Jason Bartholow, 140 W. North Street – Mr. Bartholow noted that both his wife (Kristia) and father (Wayne) serve on the Waynesboro Recreation Board. At their meeting held on 08/23, the Recreation Board discussed not selling pool memberships for the upcoming season because of the problems with the pool facility. However, they then received an email from Manager Stains dated 08/31 indicating that Council President Mumma had directed that 2024 pool memberships would be sold (and held in escrow) and the pool would operate next season if possible. Additionally, a second email was sent to the Recreation Board to remind them of their role as an advisory board to Council, and reiterating that Borough Council makes the final decision in all Recreation Board matters.

Mr. Bartholow stated his concern that this matter was not discussed by all of Council, and it appears that the decision was made by only the Council President. In addition, rates for the Labor Day Sale for 2023 memberships were discounted by 30%, but the rates for the Labor Day Sale for 2024 memberships were discounted by 50%. He commented that the Borough (and Council specifically) needs to be transparent and more involved in these matters.

Tyler Shank, 208 Harrison Avenue – Mr. Shank noted that he has been involved in emergency services in Waynesboro since he was 18 years old, as a firefighter with the Waynesboro Volunteer Fire Department and an EMT with the Waynesboro Ambulance Squad. He also was employed as a part-time firefighter with the Waynesboro Fire Department over eight (8) years ago, but has seen a lot of change over the past two (2) years. He commented negatively about his interactions with the Chief, not being provided new firefighting gear (when employees have been given new gear prior to beginning employment), and not being given a pay increase to \$16-\$17/hour as promised in 2022. He added that morale is at an all-time low within the department and “every employee is looking to leave”. He then announced his resignation as a part-time firefighter, effective immediately; however he will continue to support the volunteers in their endeavor to provide emergency services in this town and the surrounding community.

Council President Mumma noted that a response has been prepared to the Volunteer Fire Department's attorney letter dated 09/05/2023. Both letters are available to the public and will be posted on the Borough's website the following day.

STAFF COMMENTS AND WRITTEN REPORTS

MAYOR: The Mayor's Report was as follows –

- On August 17th, we held a breakfast for the Franklin County Mayors' Association.
- In August, I attended the Franklin County Commissioners' meeting.
- On August 24th, I officiated a wedding.
- On August 28th, I officiated a wedding.
- On September 2nd, I attended the Pennsylvania State Mayors' Association meeting by Zoom.
- On September 11th, I attended the 9-11 Celebration.
- On September 13th, along with members of the community, I had coffee with Chief Sourbier.
- On September 13th, I attended the Chamber's Board meeting.
- On September 14th, I attended the Franklin County Area Development Corporation's banquet.
- On September 16th, I officiated a wedding.

RENFREW MUSEUM AND PARK: No report.

ANTIETAM HUMANE SOCIETY: Reports were included in Council's meeting packets for both July and August, 2023.

BOROUGH SOLICITOR: No report.

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

BOROUGH MANAGER: Mr. Stains reported on the following –

- The annual Dog Swim was a success, with several hundred people and dogs present at Northside Pool throughout the event.
- Councilmen Royer and J. Fleagle attended the Wayne Band concert and stage dedication on 09/11 at Memorial Park.

- The overhead streetlight portion of our Pedestrian Safety Project is slated to begin next week with installation of the electrical junction boxes, foundations and conduit.
- The annual electronic recycling event was held last weekend. We filled one (1) tractor trailer with electronics from Borough residents. We are exploring a document shredding component to the event in 2024.
- Thank you to Waynesboro Lowe's for providing supplies and labor at Memorial Park today. Their staff planted bushes, cleaned up around the park, and provided lumber for repairs to park benches.

OFFICE MANAGER: Mrs. Knott's written report was included in Council's meeting packets.

FIRE CHIEF: Chief Devers' written report was included in Council's meeting packets.

POLICE CHIEF: Chief Sourbier's written report was included in Council's meeting packets. He added that "Coffee with a Cop" was held on 09/13 at Christine's Café; and a Community Fair was held on 09/09 at Memorial Park with a K-9 demonstration and literature provided for the Co-Responder Liaison Program.

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

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

HEAD OF ENGINEERING SERVICES: Kevin Grubbs noted that he will discuss several items on the agenda later in the meeting.

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 items –

- A. Approve Minutes as Presented – August 16, 2023 (regular meeting)
- B. Award Bid for Line Painting (Alpha Space Control, LLC)
- C. Retroactively Approve the Hanging of Purple Lights in Center Square for September Recovery Month on Behalf of Franklin/Fulton Drug and Alcohol
- D. Authorize the Emergency Purchase of a Compressor, Gear Washer, Gear Dryer and Operational Tools

E. Approve the Extension of Probationary Status for Two (2) Uniformed Employees

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 Michael Ely, Mechanic – No action required.
- Affirm an increase to step 4 (per CBA) for Robert Doverspike, Firefighter/EMT, effective 04/06/2023 (retroactive pay will apply) – Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.
- Approve a step increase for Scott Crum, Chief Draftsman/Inspector, to salary level 16C, effective 07/15/2023 (retroactive pay will apply) - Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.
- Approve a step increase for Robert Cole, Meter Reader/Maintenance Worker, to salary level 10C, effective 09/07/2023 (retroactive pay will apply) - Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.
- Approve a step increase for Justin Fogle, Driver/Operator-Laborer, to salary level 7C, effective 09/07/2023 (retroactive pay will apply) - Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.
- Approve a step increase for Nicholas Shank, Driver/Operator-Laborer, to salary level 7C, effective 09/13/2023 (retroactive pay will apply) - Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.
- Approve a step increase for Darryll Wagaman, Water Plant Operator, to salary level 14C, effective 10/02/2023 - Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

- Approve the reappointment of Lloyd Hamberger to the Civil Service Commission to a partial term expiring on 12/31/2023 - Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.
- Remove Joshua Hinson, Firefighter/EMT, from probationary status, effective immediately - Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

B. Property and Public Safety Committee – No report.

Kris Martin, 11695 Terra Cotta Drive – Ms. Martin asked if a report was given following the Property and Public Safety Committee meeting held last month. Councilman Cermak stated there was no action taken at the meeting. Ms. Martin commented that the Sunshine Law requires transparency, and she feels that minutes/reports should be given when a committee meeting is held.

Solicitor Wisner commented that meetings of the Personnel and Public Safety Committees are not meetings governed by the Sunshine Act (as those meetings require a quorum of the elected body). There are six (6) elected Council members and there are two (2) individuals on the Public Safety Committee, which is less than a quorum. Therefore, it does not fall within the confines of the Sunshine Act. They don't keep minutes or records, although some committees (such as the Economic Development and Street Committees) do.

C. Street Committee - Councilman J. Fleagle noted that the Street Committee met on 09/07 and minutes of the meeting were provided to Council. The following items require Council's action:

- (1) Approve the “Paws 5K” Event being held by Mainstreet Waynesboro, Inc., Rough Edges Brewing and Antietam Humane Society on Saturday, October 14, 2023 (Event has been approved by the Recreation Board.) –** The route for this event will begin at the walking trail at Memorial Park and continue across Clayton Avenue to the Ed Miller Walking Trail. As participants will be crossing Clayton Avenue, it was noted that PENNDOT approval and certified flaggers are required. Councilman J. Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.
- (2) Approve the Removal of an ADA Parking Space on the West Side of N. Franklin Street for a Former Resident of 301 W. Main Street –** Councilman J. Fleagle noted that the ADA parking space at this location is no longer needed, and he made a motion to approve the removal. Councilman Royer seconded; the motion passed unanimously.
- (3) Approve the Request by Mainstreet Waynesboro, Inc. to Repaint the North Side of the Mulberry Avenue Walkway -** Councilman J. Fleagle

noted that a request was received from Mainstreet Waynesboro, Inc. for the Mulberry Avenue Walkway to be repainted – it was agreed that Mainstreet will supply the paint and the Borough will provide the labor. Councilman J. Fleagle made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

Mr. Fleagle also mentioned the following informational items –

- **Fall Market Day** - Mainstreet Waynesboro, Inc. presented a slight change to their original request regarding this event ... they would like to close Walnut Street from Main Street to Second Street on 10/07 from 7:00 a.m. to 5:00 p.m. to accommodate the change of the KidsZone from in front of St. Andrew's Church to inside the parking lot next to Grove-Bowersox Funeral Home. Mayor Starliper noted that he will discuss the street closure with Bill Kohler.
- **Resident Appreciation Day** – The Franklin County Housing Authority is requesting the closure of Hawbaker Avenue on 09/21 from 3:00 p.m. to 6:00 p.m. for their Resident Appreciation Day from 4:00 p.m. to 6:00 p.m. Mayor Starliper will discuss the street closure with the Housing Authority.
- **Homecoming Parade** – The Waynesboro Area Senior High School Student Council will hold their annual Homecoming Parade on 09/29 from 5:30 p.m. to approximately 6:00 p.m., beginning on E. Second Street from the Summitview Elementary School parking lot to the high school parking lot entrance across from Virginia Avenue. Mayor Starliper has arranged for Waynesboro Fire Police to provide traffic control for the event.
- **Dance Studio at 218 W. Fifth Street** – The Street Committee met with the property owner at the corner of Fifth Street and Hamilton Avenue to discuss stormwater issues at this location. The Engineering Department is also working on a proposal for changes they could make to their property to eliminate some of the problems, and the Borough's Maintenance Department has replaced inlets in the area to alleviate some flooding of the intersection during heavy rains.

The next Street Committee meeting will be held on 10/05 at 9:00 a.m.

D. Economic Development Committee – Minutes from the Economic Development Committee meeting held on 09/05 were included in Council's meeting packets.

The next Economic Development Committee meeting will be held on 10/03 at 10:00 a.m.

E. Finance Committee

(1) Pay Bills – Councilman Knott made a motion to approve the payment of Check Details dated 08/10, 08/16, 08/24, 08/31 and 09/07. Councilman J. Fleagle seconded; the motion passed unanimously.

Councilman Knott noted that budget meetings will be coming up and they are open to the public.

F. Recreation Board – No report. Councilman Royer noted that Council's action is needed on an item to be discussed later in the meeting.

The next Recreation Board meeting will be held on 09/27 at 6:30 p.m. at Borough Hall.

UNFINISHED BUSINESS: None.

NEW BUSINESS

ACKNOWLEDGE RECEIPT OF CORRESPONDENCE FROM KIM ROSS HOUSER, ESQ., ON BEHALF OF THE WAYNESBORO VOLUNTEER FIRE DEPARTMENT, NOTIFYING THE BOROUGH OF WAYNESBORO THAT HIS CLIENT WILL NO LONGER BE AFFILIATED WITH THE BOROUGH OF WAYNESBORO AS OF DECEMBER 29, 2023 OR SOONER, AS INDICATED IN THE CORRESPONDENCE:

Councilman P. Fleagle made a motion to acknowledge receipt of this correspondence. Councilman Knott seconded; the motion passed unanimously.

AFFIRM ACTION BY THE MAYOR AUTHORIZING THE CREATION OF THE WAYNESBORO AUXILIARY POLICE: Mr. Stains noted that this has been discussed for several years with the Police Chief. Under the Borough Code, the Mayor has the exclusive authority to create an auxiliary police program. It has become increasingly difficult to get traffic control assistance from certified flaggers and the volunteer fire police for community events, so Mayor Starliper has taken action to create the Waynesboro Auxiliary Police who will be under his and the Police Chief's direction.

AUTHORIZE THE PROPER BOROUGH OFFICIALS TO NOTIFY THE WAYNESBORO VOLUNTEER FIRE POLICE THAT THE TRAFFIC UNIT WILL BE RETAINED BY THE BOROUGH FOR THE WAYNESBORO AUXILIARY POLICE, AND PROVIDE A \$5,000 DONATION TO THE WAYNESBORO VOLUNTEER FIRE POLICE (WHICH WAS THEIR ORIGINAL CONTRIBUTION TOWARD THE PURCHASE OF THIS UNIT OWNED BY THE BOROUGH): Mr. Stains noted that the Borough and Fire Police went 50/50 when this vehicle was purchased. He recommended that the Borough retain the unit for use by the Auxiliary Police, but that a \$5,000 donation be made to the Waynesboro Volunteer Fire Police to make them whole for their portion of the original purchase. Councilman Cermak made a motion for approval. Councilman Royer seconded; the motion passed unanimously.

John Beck, Vice-President of the Waynesboro Volunteer Firemen's Relief Association – Mr. Beck noted that that vehicle has been locked up at the Borough's maintenance center for several weeks. They (the Relief Association) have been demanded to create an inventory for the state, which has been impossible to do since the vehicle was not accessible. He claimed that 95% of the equipment on the unit belongs to the Relief Association, and he questioned if they will be able to get it back. President Mumma stated they "certainly will".

AUTHORIZE THE CHIEF OF POLICE TO HAVE THE TRAFFIC UNIT RE-LETTERED FOR USE BY THE WAYNESBORO AUXILIARY POLICE AT A TIME OF HIS CHOOSING: Mr. Stains noted that the appropriate time for this to be done would be after the 12/29 separation date they were served with by the Volunteer Fire Department. Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

PROPOSED GIS SERVICE AGREEMENT WITH FRANKLIN COUNTY AND WORKFLOW COST PROPOSAL FOR RENTAL REGISTRATION PROCESS: Solicitor Wisner noted that the Borough has been developing a rental registration program and Franklin County has some GIS resources that can assist with that program. This is an agreement between the parties to use those resources to develop a database that the Code Enforcement Officer can reference to keep up with the rental registration process. There is a not-to-exceed price of \$5,195 for this service. Councilman Cermak made a motion to authorize execution of the proposed agreement. Councilman Knott seconded; the motion passed unanimously.

LAND DEVELOPMENT PLAN TIME EXTENSION REQUESTS: Kevin Grubbs presented time extension requests for three (3) Land Development Plans that were previously approved with contingencies, as follows –

- (1) Samuel Campbell – five (5) townhouse units on Mt. Airy Avenue
- (2) SANAN Properties, LLC – eight (8) unit apartment building on Dickinson Avenue
- (3) Teresa Morningstar – eight (8) storage units on Ridge Avenue

The new 182-day time extensions will expire on 03/20/2024.

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

CONSIDER A REQUEST BY THE RECREATION BOARD TO HOST A TRUNK-OR-TREAT AND MOVIE AT MEMORIAL PARK (AT THE COST OF \$750.00) ON OCTOBER 24, 2023, FROM 6:00 P.M. TO 8:00 P.M. (THIS EVENT WILL NOT TAKE THE PLACE OF TRICK-OR-TREAT ON OCTOBER 31, 2023.): Mr. Stains reported that \$500 toward the \$750 cost has been received so far. Councilman Royer made a motion for approval of the planned event on 10/24. Councilman Cermak seconded; the motion passed unanimously.

APPROVE THE INSTALLATION OF A PICKLEBALL COURT AT ROTARY PARK, ADJACENT TO THE RESTROOMS AND PARKING LOT:

Mr. Stains noted that the Waynesboro Rotary Club is underwriting this project, and the Recreation Board met to discuss the location for installation. Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

APPROVE NEW RATE SHEET FROM SALZMANN HUGHES, PC (BEGINNING IN 2024):

Mr. Stains noted that he has received correspondence from Salzmann Hughes indicating that their rates for 2024 will be increasing by 3%. Councilman P. Fleagle made a motion for approval of the new rates. Councilman Knott seconded.

Deb Rager, 419 W. Fifth Street – Ms. Rager commented that, even though there are microphones in front of Council members, she cannot hear them. She wanted to make a statement regarding the Volunteer Fire Department, but felt that Council “blew right through” the item. President Mumma noted that there is a motion on the floor at this time, but he will allow her to speak following completion of the action in process.

Andrew Gilliland, 242 Walnut Street – Mr. Gilliland asked what the total impact is to taxpayers for the solicitor’s services and is the budget in support of this increase? Mr. Stains responded that he can provide the actual rates, but can’t predict how often Borough Council will utilize the solicitor’s services in the coming year. He did add that they are currently under budget for attorneys’ fees in the current year. He reviewed the rates as outlined in the proposal: The attorney rate for shareholders will increase to \$153/hour; all other attorney rates will be \$132/hour; and rates for the paralegal, project manager and law clerk will be \$79/hour.

A vote was called and the motion passed unanimously.

President Mumma then asked Ms. Rager to come to the podium to give her comments. Ms. Rager noted her concern over the current situation between the Borough and the volunteers. She stated that she fears there will be a multi-vehicle accident and the victims will have to wait for a rescue squad from Fayetteville to arrive; or if there is a major fire and they have to wait for a tower truck to come from Longmeadow or New Franklin. She feels that “the system worked until outsiders came in and tried to change it”, adding that the volunteers and citizens of Waynesboro have been disrespected because changes were “kept under wraps”.

President Mumma explained that the Borough met several times over the past year with groups from the Fire Department, a verbal agreement was reached, and a Memorandum of Understanding was to be drafted ... but when the Borough requested that the volunteers share in the solicitor’s fee for such, there was no response back from the volunteers.

Ms. Rager noted that many members of the community were probably unaware of this escalating situation until Mr. Stains’ recent radio interviews. She reiterated her feeling that this is disrespectful to the citizens the Council members represent and to the volunteers who dedicate their time to protect.

Doug Carranza, 711 S. Potomac Street – Mr. Carranza stressed the need for volunteers and suggested that everyone needs to come together for the community. He mentioned that the Borough has asked the volunteers to leave, but Council President Mumma corrected him by stating that “no one on this Council or in authority has asked the volunteers to leave ... they are leaving of their own volition”.

FOR INFORMATION ONLY

MINIMUM MUNICIPAL OBLIGATION REPORT: Mr. Stains noted that he has provided the MMO report to Council members, as required by law. The MMO for non-uniformed employees is \$0, the MMO for police is \$149,370, and the MMO for non-uniformed employees in the 401(a) plan is \$100,000. The Borough should receive state funding to cover these obligations.

SAINT ANDREW THE APOSTLE CATHOLIC CHURCH’S PARTICIPATION IN THE ANNUAL NATIONAL LIFE CHAIN ON SUNDAY, OCTOBER 1, 2023, FROM 2:00 P.M. TO 3:00 P.M. IN CENTER SQUARE: Council acknowledged receipt.

COUNCIL COMMENTS: President Mumma thanked members of the public for their attendance, and several individuals voiced their displeasure that items listed under “Approval of Routine Items” were not discussed more thoroughly ... in particular, authorization for the emergency purchase of a compressor, gear washer, gear dryer and operational tools. Solicitor Wisner commented that this was an Agenda action item which Borough Council approved at this meeting.

Before adjournment, President Mumma noted he would like to “set the record straight” on rumors that have been circulating about the Waynesboro Recreation Board. He read the following statement:

“The Borough Council has not had any discussions about disbanding the Recreation Board.

At the last Recreation Board meeting, the Borough Manager expressed concerns raised at the time by Borough Council related to not opening Northside Pool next year. Borough Council members have since spoken to me and collectively we feel it is in the best interest of the community to do all we can to operate the pool next season. We plan to open the pool next year as we always do, provided:

- There are no catastrophic failures of the pool in the off-season;
- there are not severe drought conditions; or
- construction of new pool facilities does not interfere with the opening of the pool.

I directed the Borough Manager to proceed with the Labor Day membership sale as we do every year. For the last several years, we

have been concerned that we may have a catastrophic failure when we open the pool. That's why we have been planning for the rehabilitation of the pool and applying for grants to fund the cost. The money from the membership sale is always kept in the bank and never used for any other budget items ... it would be unethical for us to spend this money on anything else. If we can't open the pool, the money will be refunded. If we only operate a partial season, a prorated reimbursement will be provided.

It is a shame that disgruntled former employees and individuals who disagree with the decision to sell memberships peddle misinformation online. The bottom line is, do not believe everything you read on the internet."

Having no further business to discuss, Council adjourned at 8:07 p.m. on a Cermak/Royer motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary