

OCTOBER 18, 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, PC)
S. Leiter Pryor, Director of Utilities
Matt Schmidt, Zoning-Code Enforcement Officer
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: President Mumma noted that Council held an executive session the previous evening (10/17) to discuss litigation and personnel matters.

PUBLIC COMMENTS – NON-AGENDA ITEMS:

Kris Martin, 11695 Terra Cotta Drive – Ms. Martin noted that the agenda for the last meeting (09/20/2023) was revised within the required 24-hour time limit to add two (2) items under “7 – Approval of Routine Items”. When it came to those items on the agenda, however, Council mentioned approval of the “Consent Agenda” and there was no discussion on the items or opportunity for the public to ask questions. (Ms. Martin admittedly was not familiar with the term “Consent Agenda” and added that other members of the public may not be either.) She then asked for the cost of the items authorized for purchase under that unanimous motion ... that being a compressor, gear washer and dryer and operational tools. It was noted that the gear washer and dryer cost less than \$13,000, but staff did not have specific costs available at this time. President Mumma stated that that information would be provided to Ms. Martin at a later date.

Ms. Martin again noted that Council is required to give the public an opportunity to ask questions, according to the Sunshine Law. Solicitor Wisner noted that President

Mumma's strict routine is to ask for any discussion after all first and second motions, prior to Council's vote. He added that Council has operated with a Consent Agenda for many years and they are not required to engage in substantive discussion.

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.

STAFF COMMENTS AND WRITTEN REPORTS

MAYOR: The Mayor's Report was as follows –

- On September 21st, I did a wedding.
- On September 28th, I attended the ribbon-cutting and opening of The Main Street Family Diner.
- I attended the Franklin County Commissioners' meetings.
- On October 5th, I attended the Waynesboro Chamber's banquet.
- On October 7th, I attended the Pennsylvania State Mayors' Association meeting by Zoom.
- On October 7th, I was one of six (6) judges for the Chili Cook-off at Main Street Park.
- On October 18th, I (along with Police Chief Sourbier, Fire Chief Devers, Manager Stains and Councilmen J. Fleagle and Royer) attended the Library's presentation of another star for their work, which he added was due in large part to Karen Sourbier's efforts.

RENFREW MUSEUM AND PARK: Becky LaBarre, Executive Director and CEO, was present and provided Council with highlights from her written report dated October 13, 2023, which was included in their meeting packets.

ANTIETAM HUMANE SOCIETY: Kacie Morrell, Executive Director of the Antietam Humane Society, provided September'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 reminded Council and the public of the upcoming Halloween events, which were approved at the last meeting:

- Trunk-or-Treat and Movie at Memorial Park on 10/24 from 6:00 to 8:00 p.m. (spearheaded by the Recreation Board) -- financial sponsorships have been received from F&M Trust and ABATE of Monterey Pass; and

- Trick-or-Treat will be held on 10/31 from 6:00 to 8:00 p.m.

Mr. Stains also noted that he received notification from PA DCNR that they will hold a kick-off meeting for the \$1,000,000 grant awarded to the Borough for Northside Pool. Additional information will be forthcoming.

OFFICE MANAGER: No report.

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.

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 reported on the following items –

- Update on Walnut Street Lighting Plan – Council members were provided with copies of cost estimates for the curb/sidewalk work that will be required of property owners. The lights have been ordered and should be received in 6-8 weeks ... in the meantime, the Maintenance Department will be installing the bases. He anticipates that the project will be completed before Christmas.
- Flood Wall Design and Estimates for 218 W. Fifth Street – Council members also received a cost estimate and drawings for a proposed flood wall at this location. The Street Committee and Engineering Department have been working with the property owners on various solutions to prevent flooding of the intersection and their newly-renovated dance studio at this location. Additional information will be provided to Council in the near future.
- Downtown Street Lights – Bases for the overhead Cobra street lights downtown will be finished this week and once cured, the lights will be installed. The project should be completed within three (3) weeks.

MAINTENANCE FOREMAN – REPAIR REPORT: No report.

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

- A. Approve Recreation Board Meeting Minutes as Presented – April 28, 2023, May 24, 2023, June 28, 2023 and August 23, 2023

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 receipt of performance evaluation for Michael Benshoff, Maintenance Foreman II – No action required.
- Approve a step increase for Kevin Grubbs, Head of Engineering Services, to salary level 20E, effective 06/03/2023 (retroactive pay will apply) – Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.
- Accept the resignation of Tyler Shank as a PT Firefighter, effective 09/20/2023 – Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.
- Accept the resignation of Cade Reed, Driver/Operator-Laborer, effective 11/03/2023 – Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.
- Approve the hiring of Domenic Rucci as a PT Firefighter, effective immediately – Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.
- Approve the hiring of Dawson Yankey as a PT Firefighter, effective immediately – Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.
- Approve the reappointment of C. Harold Mumma to a full term on the Waynesboro Planning Commission; said term to expire on 10/20/2027 – Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed 5-0 (Councilman Mumma abstained)
- Acknowledge the resignation of Todd Kline from the Library Board and the appointment of Doug Tengler to the unexpired term ending in February, 2026 – Councilman Royer made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

B. Property and Public Safety Committee – Councilman Cermak noted that one (1) item on the agenda under “New Business” requires Council’s action later in the meeting.

Kris Martin, 11695 Terra Cotta Drive – Ms. Martin noted that she was present earlier today to attend the Property and Public Safety Committee that was listed on the calendar of the Borough’s website, but was told that there was no meeting. She asked for clarification on when and where this committee meets. President Mumma noted that their meetings are held as needed and the meeting announcement should have been removed from the website. He added that these meetings are not public.

In response to Ms. Martin’s question regarding why these meetings are not public, Solicitor Wisner noted that committee meetings are not meetings under the Sunshine Act ... they are less than a quorum of Council and have no ability to effectuate any action without the approval of Council. He added that historically the Street Committee and Economic Development Committee meetings have been opened to the public, but Council can choose whether or not to open them to the public or to allow participation if they so desire. Ms. Martin continued to address her concerns regarding public participation at these meetings and Solicitor Wisner noted he would be happy to provide her with additional information from the Sunshine Act to document his advice provided to Council.

President Mumma asked if Ms. Martin was speaking as a representative of a Borough organization or herself when asking these questions, as he noted she is not a Borough resident or taxpayer. She stated that she is a taxpayer and has an interest in commercial properties within the Borough of Waynesboro.

C. Street Committee - Councilman J. Fleagle noted that the Street Committee met on 10/05 and minutes of the meeting were provided to Council. The following items require Council’s action:

(1) Request for Reserved Accessible Parking Space at 219 W. Fourth Street – Councilman J. Fleagle noted that this parking space will be located on Hamilton Avenue, as this is a corner property. He then made a motion for approval. Councilman Royer seconded; the motion passed unanimously.

(2) Approve Intersection Detail to Install “No Parking Here to Corner” on all Four (4) Corners of Clayton Avenue and E. Third Street – Councilman J. Fleagle noted that there is high traffic and there have been numerous accidents at this intersection despite the installation of larger stop signs, warning lights, etc. They are recommending increasing the no parking zone at each corner to improve pedestrian and vehicular safety. He added that the School District is in agreement with this recommendation. He then made a motion for approval of the installation of “No Parking Here to Corner” signs as follows. Councilman Cermak seconded; the motion passed unanimously.

- Beginning at the northern curb line of E. Third Street and extending 60’ to the north along the east side of Clayton Avenue/SR0997 (northeast corner); and

- Beginning at the northern curb line of E. Third Street and extending 60' to the north along the west side of Clayton Avenue/SR0997 (northwest corner); and
- Beginning at the southern curb line of E. Third Street and extending 58' to the south along the east side of Clayton Avenue/SR0997 (southeast corner); and
- Beginning at the southern curb line of E. Third Street and extending 58' to the south along the west side of Clayton Avenue/SR0997 (southwest corner); and
- Beginning at the eastern curb line of Clayton Avenue and extending 58' to the east along the south side of E. Third Street (southeast corner); and
- Beginning at the eastern curb line of Clayton Avenue and extending 58' to the east along the north side of E. Third Street (northeast corner); and
- Beginning at the western curb line of Clayton Avenue and extending 58' to the west along the south side of E. Third Street (southwest corner); and
- Beginning at the western curb line of Clayton Avenue and extending 58' to the west along the north side of E. Third Street (northwest corner).

(3) Approve Traffic Camera Price Quote to Install Traffic Cameras on N. and S. Grant Street at the Intersection of W. Main Street – Councilman J. Fleagle noted that PENNDOT is scheduled to pave Grant Street between Main and North Streets in the upcoming year, and it was discovered that the traffic signal sensors were buried in the street. As sensors/cameras at other intersections are mounted on poles, and they have proven to operate adequately, they are recommending the installation of two (2) traffic cameras on N. and S. Grant Street at the intersection of W. Main Street, based on the price quote received from Signal Service of \$8,029. It was added that these will be funded from Liquid Fuels (Highway Aid Fund). Councilman J. Fleagle made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

Mr. Fleagle also mentioned that the Borough has been attempting to pave Gay Street between Cleveland Avenue and Grant Street for the last several years, however UGI has a gas line in the street that needs to be replaced prior to paving. As UGI did not replace that line this year, paving of the alley will again be delayed until the following year.

The Street Committee's next meeting will be held on 11/02 at 9:00 a.m.

D. Economic Development Committee – Councilman P. Fleagle noted there was no meeting in October and their next meeting is scheduled for 11/07 at 10:00 a.m.

He reported that Manager Stains is working with GMS Funding Solutions to determine if there are any grants available to assist with paving Walnut Street in conjunction with the lighting project in that area. He noted his appreciation to the Street Committee for their dedication to the downtown lighting project, as the recently installed cobra lights will increase safety downtown significantly.

Mr. Stains reported that, at the request of the Economic Development Committee, the Borough has been working on updating their LERTA Ordinance. The Waynesboro Area School District and Franklin County have provided copies of their LERTA documents for coordination, so Council will be scheduling a public hearing in the near future to continue with the LERTA update process.

E. Finance Committee

(1) Pay Bills – Councilman Knott made a motion to approve the payment of Check Details dated 09/15, 09/21, 09/28 and 10/05. Councilman J. Fleagle seconded; the motion passed unanimously.

F. Recreation Board – Manager Stains noted that the Recreation Board discussed the upcoming Trunk-or-Treat event at their last meeting, as well as repairs being made to some playground equipment at Memorial Park this week.

The next Recreation Board meeting will be held on 10/25 at 6:30 p.m. at Borough Hall.

UNFINISHED BUSINESS

APPROVE RESOLUTION NO. 2023-18 ESTABLISHING A COMPLEMENT OF CIVILIAN EXTRA PART-TIME EMPLOYEES UNDER THE COMMAND AND CONTROL OF THE CHIEF OF POLICE HEREINAFTER KNOWN AS AUXILIARY POLICE FOR THE PURPOSE OF ASSISTING THE BOROUGH EMERGENCY SERVICE DEPARTMENTS WITH TRAFFIC CONTROL: Mr. Stains presented proposed Resolution No. 2023-18, which is the final legal step in the process which Council acknowledged at their last meeting regarding the Mayor's creation of the auxiliary police. Councilman Royer made a motion for approval. Councilman P. Fleagle seconded; the motion passed unanimously.

RESOLUTION NO. 2023-18

A RESOLUTION OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, ESTABLISHING A COMPLEMENT OF CIVILIAN EXTRA PART-TIME EMPLOYEES UNDER THE COMMAND AND CONTROL OF THE CHIEF OF POLICE HEREINAFTER KNOWN AS AUXILIARY POLICE FOR THE PURPOSE OF ASSISTING THE BOROUGH EMERGENCY SERVICE DEPARTMENTS WITH TRAFFIC CONTROL

Complete copy on file at Borough Hall.

NEW BUSINESS

AUTHORIZE APPROPRIATE BOROUGH STAFF AND SOLICITOR TO PROHIBIT HUNTING ON BOROUGH-OWNED PROPERTY LOCATED WITHIN THE CONFINES OF THE BOROUGH OF WAYNESBORO: Manager Stains noted that permission has been granted in the past for individuals to hunt on the Borough's former golf course property. However, he has learned that complaints were filed recently with the PA Game Commission regarding some practices on the property. They discovered that bait piles, which are illegal, were being used. As this could result in the Borough (as the landowner) being fined, he is recommending that hunting be prohibited on the Borough-owned property. Councilman Cermak made a motion for approval. Councilman P. Fleagle seconded.

Doug Carranza, S. Potomac Street – Regarding the property in question, Mr. Carranza asked what the property is currently being used for. Mr. Stains answered that one individual leases the building to work on machinery and the golf course itself is being leased as farmland. Mr. Carranza noted that the area "looks like a junkyard" and added his concern regarding chemical leakage. Mr. Stains noted that he wasn't aware of any chemicals but will check it out.

A vote was then called and the motion passed unanimously.

AUTHORIZE APPROPRIATE BOROUGH STAFF AND SOLICITOR TO UPDATE THE TRANSIENT LICENSE ORDINANCE TO INCLUDE A ONE-DAY TRANSIENT LICENSE: Mr. Stains explained that, by ordinance, when vendors come into the Borough to go door-to-door or set-up on the streets, they are required to obtain a vendor's permit (transient license). The cost for such permit is \$35.00/year, beginning January 1. Certain vendors have requested the option of purchasing a one-day permit, as they only participate in one (1) event. As the current ordinance does not allow for this, the ordinance would need to be modified. Councilman Cermak made a motion to authorize staff and the Solicitor to proceed with drafting a modification for Council's review. Councilman Knott seconded; the motion passed unanimously.

APPROVE MODIFICATIONS TO CIVIL SERVICE COMMISSION RULES AND REGULATIONS: Solicitor Wisner provided Council with a summary of modifications made to the existing Civil Service Commission Rules and Regulations, noting that both the Police Chief and Fire Chief have reviewed the modifications and are recommending approval. Mr. Wisner added that these modifications were also discussed by the Civil Service Commission at their last meeting, and the majority were in agreement. Councilman Cermak made a motion for approval. Councilman P. Fleagle seconded; the motion passed unanimously.

APPROVE MAINSTREET WAYNESBORO, INC. LAND DEVELOPMENT PLAN FOR 21 E. MAIN STREET: Kevin Grubbs presented the Land Development Plan for Mainstreet Waynesboro, Inc.'s proposed upgrades to the rear parking lot and an addition to the existing building at 21 E. Main Street. The plans were originally

reviewed in 2021 but were put on hold for various reasons. Mainstreet Waynesboro presented the plans again and the Waynesboro Planning Commission recommended approval by Borough Council contingent on several revisions. He added that those required revisions have been made and are indicated on the plans. Councilman J. Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

FOR INFORMATION ONLY: Mr. Stains noted that Borough Council will hold a budget meeting immediately following this Council meeting.

COUNCIL COMMENTS: Councilman J. Fleagle announced that Karen Sourbier, the individual in charge of the adult program at the Library, is retiring. He acknowledged her contributions to the program, for which she has also received state recognition. He thanked her for a job well done and commented that she will be sorely missed.

Mayor Starliper reiterated his recommendations for a Fire Code and new doors at the front of the Police Station.

President Mumma thanked the public in attendance for their comments and suggestions.

Having no further business to discuss, Council adjourned at 7:30 p.m. on a P. Fleagle/Royer motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary