

NOVEMBER 15, 2017
WAYNESBORO, PA 17268
REGULAR MEETING

Council President C. Harold Mumma called the regular meeting of the Waynesboro Borough Council to order at 7:00 p.m. with the following in attendance:

Council Members – Delmos Oldham, Patrick Fleagle, Niccole Rolls, C. Harold Mumma, Chad Rooney and Michael Cermak

Mayor Richard Starliper

Junior Councilperson – Arianna Taylor

Borough Staff – Jason Stains, Borough Manager
Denny Benshoff, Maintenance Superintendent
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Mary Beth Shank, Borough Solicitor (Salzmann Hughes, PC)
S. Leiter Pryor, Director of Borough Utilities
Jim Sourbier, Police Chief

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

COMMITTEE REPORTS AND VOTING ON ITEMS FROM COMMITTEE REPORTS (AS NEEDED)

PERSONNEL COMMITTEE: Councilman Cermak made a motion to approve a step increase for Stacie Noll to salary level 10E, effective 12/17/2017. Councilman Rooney seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for Michael Pryor to salary level 14D, effective 12/06/2017. Councilman Rooney seconded; the motion passed unanimously.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report. Councilman Rooney noted that the next Property Committee meeting will be held on 01/04/2018 at 6:00 p.m.

STREET COMMITTEE: No report. Councilwoman Rolls noted that the Street Committee will meet the following evening (11/16) at 6:30 p.m.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Fleagle noted that the Downtown Revitalization Committee met on 11/14. Discussion was held on the following items –

- Update on Street Light Study – read in the newspaper that the grant funding has been approved.
- Review of Main Street Closing Policy - Kevin Grubbs will report on that matter at a later date.
- Mulberry Avenue Walkway Lights - Bill Kohler will provide an update.
- Rental Inspection Program - Bill Dubbs was in attendance at a recent meeting to discuss Chambersburg's Rental Inspection Program. Mr. Fleagle noted he was impressed with the simplicity of the program, and the Committee will continue to discuss the matter.

The Downtown Revitalization Committee's next meeting is scheduled for 12/05 at 10:00 a.m.

Bill Kohler (Mainstreet Waynesboro, Inc.) was asked to provide an update on downtown events:

- He thanked Kevin Grubbs for assisting with the required street closing permits and the Maintenance Department for assisting with the holiday decorations.
- Donations and assistance were received from individuals and community groups for decorations in the new Main Street Park, in time for the upcoming Tree Lighting Ceremony on 11/17 and Parade on 11/18. He noted that pop-up shops are in place throughout the downtown for the holiday shopping season.
- Lights are not in yet for the Mulberry Avenue walkway, however they will be installed as soon as they are received.
- BB&T has officially “decommissioned” on Center Square, however there is a buyer for the property (closing is scheduled for early-December).
- Two (2) students from WASHS with perfect attendance will “flip the switch” at the Tree Lighting Ceremony.

FINANCE COMMITTEE: President Mumma reported that Council will hold a budget meeting immediately after the Council meeting this evening, which will most likely be the last meeting prior to adoption of a tentative budget.

RECREATION BOARD: Councilman Rooney noted that he was unable to attend the last Recreation Board meeting, so a more in-depth report will be given at the next Council meeting regarding Park Rules/Regulations and Northside Pool Rules (with recommendations from prior pool management). In addition, the Recreation Board selected Dade Royer as their Chairperson and Sarah Stains as Secretary.

MAYOR'S REPORT: The Mayor's Report was as follows –

- On November 2nd, I attended the Chamber's mixer at Ely's Sign Studio.

- On November 5th, I attended the ribbon cutting ceremony for the new Waynesboro Area Middle School and tour.
- On November 7th, I attended the Veterans' Day program at the Hooverville Elementary School. The students did very well in presenting the program.
- On November 8th, as a Board member, I attended the Waynesboro Beneficial Fund Association meeting.
- On November 11th, I attended and participated in the American Legion Auxiliary's Veterans' Day program. They had a dedication of two (2) benches in honor of past and present Post 15 veterans.
- On November 15th, I attended the ribbon cutting ceremony for the Morning Star business on W. Main Street.
- Also on November 15th, I attended the Council of Governments meeting.

Mr. Starliper welcomed Isaac Sheffler and Bryce Shaffer, who were in attendance as part of their Honor Civics class at the High School.

SOLICITOR'S REPORT: No report.

DIRECTOR OF UTILITIES' REPORT: Mr. Pryor reported that the WETT testing at the Wastewater Treatment Plant has been completed, and the results were favorable. They have been forwarded to PA DEP, and he anticipates receiving a draft NPDES permit for the plant in the near future.

JUNIOR COUNCILPERSONS' REPORT: No report.

MANAGER'S REPORT: Mr. Stains read thank-you letters received from the Calvary Assembly of God regarding their "Light the Night" event and Ann Miller regarding dedication of the walking trail to her late husband (Ed Miller).

Mr. Stains also read correspondence received from Sharon (Painter) Kistler as follows: "I wanted to take this opportunity to express my appreciation to you and your staff for the respect demonstrated to me and my property related to the construction of the Walking Trail. While we were on opposite sides of the issue; my position was complicated by family conflict and personal opinion, and yours and others represented the greater community. With the assistance of my lawyer, I gained the legal perspective that probably would not have supported my position in the long run. With that said, I want you to know that I found my encounter with you and Borough staff, who were completing the work, to be professional, impressive and enjoyable. You and through your staff went "above and beyond" to restore my fencing, leaving it in better shape than it was before the construction work commenced. The staff who engaged with me were kind and helpful, and clearly worked hard to see the project finished. Since the completion of the Walking Trail, it is clear to me that it will be well, and hopefully safely, used. Thank you!"

Mr. Stains advised that he has spoken with Waste Management ... and they foresee no changes in the recycling collection program through the remainder of the contract with the Borough. He added that the Thanksgiving holiday collection will be modified in that

Thursday's pick-up will take place on Friday, and Friday's pick-up will take place on Saturday).

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:

Rhett Spada, 142 S. Phillips Avenue – Mr. Spada noted that residents on S. Phillips Avenue received letters from the Borough in September of 2016 regarding trimming the trees, which he challenged in October of 2016 with information from minutes from previous years (specifically 11/18/2015 stating that the trees on S. Phillips Avenue were the Borough's responsibility). Mr. Stains sent another letter back indicating that the first demand was "for information only" and that they were going to find another way to take care of the trees on S. Phillips Avenue (one of those ways would be a deed attachment noting they are the property owner(s)' responsibility). Since then, he found more discussion on the matter from 02/2016 stating that Denny Benshoff was questioning whose responsibility it was. Mr. Spada asked for an update on any progress being made, as he has now received correspondence from the Post Office indicating they are unable to deliver his mail because of the trees.

Mr. Stains advised that they have not investigated the deed matter any further, and he spoke with several Council members last week about shifting funds (and the resultant impact) if the Borough would trim the trees. The matter will be discussed in future Street Committee meetings. Mr. Spada noted that "the time to trim trees is now" and President Mumma assured him the matter will be on the agenda for discussion at the Street Committee meeting to be held the next day (11/16 at 6:30 p.m.). Mr. Spada and his neighbors were invited to the meeting. Councilman Fleagle requested that Tom McCloud (Shade Tree Commission Chairman) also be involved in these discussions. Councilwoman Rolls asked Mr. Spade's position on removal of the trees. Mr. Spada noted that he can't speak for everyone, but the tree in front of his home could be cut down.

CONSENT AGENDA: Councilman Fleagle made a motion to approve the Consent Agenda, as follows –

- A. Award Bids, based on staff recommendations:
 - (1) Water Treatment Chemicals
 - (2) Fuel Oil
 - (3) Motor Fuels
 - (4) Propane
 - (5) Biosolids Hauling/Land Application
- B. Approval of Minutes/Transcript as Presented – November 1, 2017 (Public Hearing and Regular Meeting)

- C. Accept Reports of the Code Enforcement Officer, Police Chief and Fire Chief for the month of October, 2017
- D. Pay Bills – Check Detail dated 11/06 and 11/13

Councilwoman Rolls seconded; the motion passed unanimously.

UNFINISHED BUSINESS

CONSIDER PROPOSED ORDINANCE RE: MANDATORY SEWER CONNECTION:

Mr. Stains noted that this issue has been discussed for some time, the proposed ordinance has been posted on the Borough's website for public comment, and has now been advertised in *The Record Herald* for Council's consideration this evening. Councilwoman Rolls made a motion for approval. Councilman Oldham seconded.

Mayor Starliper commented that, because of one (1) individual, you are penalizing a lot of other property owners who do not have a problem. Several options were posed by the Borough Manager, including: (1) re-create Mandatory Sewer Connection Ordinance, with language that would require the property to be connected at the time of deed transfers; or (2) require all properties in the Borough that are not currently connected to our sanitary sewer system to have their septic systems inspected by the Sewage Enforcement Officer at a time interval set by Borough Council.

A vote was called and the motion passed 5-0 (Councilman Cermak abstained).

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY,
PENNSYLVANIA, REPEALING ORDINANCE NO. 345, ORDINANCE NO. 356,
ORDINANCE NO. 617, ORDINANCE NO. 655, ORDINANCE NO. 821, AND
ORDINANCE NO. 943 OF THE BOROUGH OF WAYNESBORO, RELATING TO THE
MANDATORY CONNECTION OF BUILDINGS TO THE PUBLIC SEWER SYSTEM
AND ENACTING A NEW ORDINANCE PROVIDING MORE DETAILED
SPECIFICATIONS

Complete copy on file at Borough Hall.

**RESOLUTION NO. 2017-20 ADOPTING THE SELF-EVALUATION OF HANDICAP
ACCESSIBILITY AND TRANSITION PLAN:** Mr. Stains presented proposed Resolution No. 2017-20, which is a requirement of the CDBG program. Councilman Fleagle made a motion for approval. Councilwoman Rolls seconded; the motion passed unanimously.

RESOLUTION NO. 2017-20

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WAYNESBORO
ADOPTING THE SELF-EVALUATION OF HANDICAP ACCESSIBILITY AND

TRANSITION PLAN, AS REQUIRED UNDER SECTION 504 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED

Complete copy on file at Borough Hall.

RESOLUTION NO. 2017-21 AUTHORIZING EXONERATION OF SEATED LAND TAXES FROM THE FRANKLIN COUNTY TAX CLAIM BUREAU: Mr. Stains advised that correspondence was received from the Franklin County Tax Claim Bureau regarding the Beulah Jones property which was demolished several years ago. The property was sold and a new house constructed, however there are still taxes remaining on the property which should be removed. They have requested Council's approval of a resolution to exonerate municipal taxes of \$95.63 and street light taxes of \$8.25. Councilwoman Rolls made a motion for approval. Councilman Oldham seconded; the motion passed unanimously.

RESOLUTION NO. 2017-21

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AUTHORIZING EXONERATION OF SEATED LAND TAXES FROM THE FRANKLIN COUNTY TAX CLAIM BUREAU

Complete copy on file at Borough Hall.

RESOLUTION NO. 2017-22 IN OPPOSITION OF HOUSE BILL 1620, ENTITLED THE “WIRELESS INFRASTRUCTURE DEPLOYMENT BILL”: Mr. Stains presented proposed Resolution No. 2017-22 in opposition of House Bill 1620, which would limit the authority of municipalities and residents to engage in conversations related to wireless infrastructure in public right-of-ways. Councilman Cermak made a motion for approval. Councilman Oldham seconded; the motion passed unanimously.

RESOLUTION NO. 2017-22

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, IN OPPOSITION TO HOUSE BILL 1620, ENTITLED THE “WIRELESS INFRASTRUCTURE DEPLOYMENT BILL”

Complete copy on file at Borough Hall.

RESOLUTION IN OPPOSITION OF HOUSE BILL 798 MOVING THE OVERSIGHT OF MUNICIPAL WATER AND WASTEWATER SYSTEMS AND AUTHORITIES TO THE PUBLIC UTILITIES COMMISSION: President Mumma stated that this resolution will be withdrawn, as the only action required is contact with the State Representative and PSAB to voice Council's opposition. Borough Manager Stains has been directed to write the appropriate letter.

NEW BUSINESS

APPROVAL OF PROPOSED 2018 OPERATING BUDGET FOR FRANKLIN COUNTY

AREA TAX BUREAU: Mr. Stains noted that all municipalities in Franklin County are tasked with reviewing and voting on the proposed operating budget for the Franklin County Area Tax Bureau. Councilman Oldham made a motion for approval. Councilwoman Rolls seconded; the motion passed unanimously.

APPOINT REPRESENTATIVE AND ALTERNATE TO FRANKLIN COUNTY AREA

TAX BOARD: Mr. Stains noted that municipalities are also required to appoint a representative and alternate to the Franklin County Area Tax Board each year. He is currently the Borough's representative and Delmos Oldham is the alternate. President Mumma suggested that, since Councilman Oldham's term expires the end of 2017, Council appoint Mr. Stains as the representative and the alternate be appointed following Council's reorganization in January. Councilwoman Rolls made a motion for approval. Councilman Rooney seconded; the motion passed unanimously.

FOR INFORMATION ONLY

2018 HOLIDAY SCHEDULE: Mr. Stains presented Council members with the proposed 2018 Holiday Schedule, in accordance with the Employee Handbook.

PRESS QUESTIONS:

Jennifer Fitch, Herald Mail

Question – Asked for the day/time of Downtown Revitalization Committee meetings to be repeated.

- Councilman Fleagle noted they are held on the first Tuesday of each month at 10:00 a.m.

Question – What do you like about the “shorter” Rental Inspection ordinance?

- Councilman Fleagle noted that it is simpler. He feels the Borough has to “get serious” about the maintenance of rental properties. Although the program considered previously was quite complicated, they are interested in hearing more about Chambersburg’s program, as they seem to have no real problems with it. The Committee would like to discuss the matter further.

Question – Do you think there is an appetite to do it now?

- Councilman Fleagle stated “we will find out”.

Question – Any updates on 137 W. Main Street?

- Manager Stains reported that he spoke recently with Snode's Excavating. They are hoping to be in next week to begin the process.

Dustin Haluska, Record Herald

Question – When will the Mandatory Sewer Connection begin ... will residents be given a certain time period for completion?

- Manager Stains noted that the ordinance states that completion will be within sixty (60) days. He added that he has information regarding a sewer connection loan available through PENNVEST of up to \$25,000, at an interest rate of 1.75% for a maximum of 20 years, for anyone interested in pursuing that route.

COUNCIL AND STAFF COMMENTS: Mr. Grubbs reminded Council of the public hearing scheduled for 12/06 at 6:30 p.m. regarding proposed amendments to the Zoning Ordinance.

Police Chief Sourbier requested that, while Council is discussing a proposed Rental Inspection Program, they consider registering renters, as many municipalities do. He feels it would be a beneficial tool to know "who comes and goes, where they stay, and who owes and who doesn't".

Councilman Oldham thanked the public for their attendance. He noted he would like to see the S. Phillips Avenue tree issue resolved ... as they are the Borough's responsibility, they should either be trimmed or removed.

Mayor Starliper advised that the Fire Police assisted recently with erection of the Christmas tree in the Square, and will also be assisting with the upcoming parade.

Having no further business to discuss, the meeting adjourned at 7:40 p.m. on a Fleagle/Rolls motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary