

DECEMBER 7, 2016  
WAYNESBORO, PA 17268  
REGULAR MEETING

Council President C. Harold Mumma called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:48 p.m. (Council held an executive session following the public hearing which began at 6:30 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

Borough Staff – Jason Stains, Borough Manager  
Denny Benshoff, Maintenance Superintendent  
Dan Sheffler, Zoning-Code Enforcement Officer  
Kevin Grubbs, Head of Engineering Services  
Sam Wisner, Borough Solicitor (Salzmann Hughes, PC)

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

**PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS:** Shelly Chilcote, GMS Funding Solutions, was present. She provided Council members with a handout outlining the 2016 year-end status of various grant projects for the Borough (a copy of which is included with these minutes and labeled as “Attachment A”).

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

**PERSONNEL COMMITTEE:** Councilman Cermak noted that he received favorable performance evaluations for Stacie Noll and Mike Pryor – no action was required.

Councilman Cermak made a motion to approve a step increase for Dan Sheffler to salary level 12C, effective 10/12/2016. Councilman Rooney seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a salary level increase for Kerry Smith to 10A, effective 11/10/2016. Councilman Rooney seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve the list of part-time Firefighters, as presented, for the year 2017. The list follows: Joel Oyler, Jeffrey Rowe, Brian Starliper,

Trayer Stoops, Gerald Smith, Robert Doverspike, Gary Summers, Kris Martin and Andrew Miller. 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 01/19 at 6:00 p.m.

**STREET COMMITTEE:** Councilwoman Rolls noted that the Street Committee met on 11/23 and discussed the following –

- No Parking Request – 812 W. Main Street – Sherry Shockey requested a 200’ “no parking” area along a portion of her property to alleviate the issue of vehicles parking along the shoulder area and encroaching onto her property, as well as a sight distance problem at the private drive adjacent to her property. Councilwoman Rolls made a motion to approve the “no parking” area as indicated on the Street Detail Drawing prepared by the Engineering Department. The cost for signs is estimated at \$232.00, which will be paid by the property owner. Councilman Cermak seconded; the motion passed unanimously.
- Grandview Avenue Parking and Speeding Concerns – A request was presented to install a “no parking” area along the north side of Grandview Avenue between Franklin Street and the beginning of the sidewalk at the townhouses to the west. Councilwoman Rolls made a motion to approve the 530’ “no parking anytime” area on the north side of Grandview Avenue as indicated on the Street Detail Drawing prepared by the Engineering Department. Councilman Cermak seconded; the motion passed unanimously.
- Handicapped Parking Request – Councilwoman Rolls made a motion to approve the request for a handicapped parking space in front of 217 W. Second Street. Councilman Oldham seconded; the motion passed unanimously.

It was noted that the next Street Committee meeting will be held on 12/28 at 9:00 a.m.

Kevin Grubbs added that property owners to be affected by proposed changes on Pen Mar Street, as well as those to be affected by the proposed snow emergency route changes, had been contacted and advised that those matters would be discussed at this meeting.

#### **PUBLIC COMMENTS RE: PEN MAR STREET --**

Pete Walters, 15 Pen Mar Street – Mr. Walters spoke regarding his opposition to the proposal to make Pen Mar Street one-way traveling west. He has lived on that street for 23 years and has not encountered many oncoming vehicles during that time. He provided several photographs for Council’s review indicating there is a problem, however, with sight distance when exiting Pen Mar Street onto N. Broad Street. He also noted sight constraints at the intersection of W. Second Street and Clayton Avenue.

Councilwoman Rolls commented that the matter was brought to the Street Committee’s attention because a resident from Broad Street had several occasions when either his

mother or grandmother had been forced to back up and/or pull into or turn around in the alley to get out of the way of oncoming traffic. Kevin Grubbs added that the Street Committee did discuss the possibility of removing several parking spaces on Broad Street to alleviate the sight distance problem.

Becky Devers, 126 Clayton Avenue – Ms. Devers agreed with Mr. Walters' concerns, noting the biggest problem they have encountered is turning from Pen Mar Street to Broad Street because of the parked cars (which, perhaps, could be eliminated on one side). She also noted that Broad Street seems to be too narrow to accommodate parking on both sides of the street as well as two-way traffic.

Karen Rock, Clayton Avenue – Ms. Rock stated she has had to pull over, on occasion, to allow vehicles to get through on Pen Mar Street. Re-routing traffic one-way east on Pen Mar Street to Second Street is not a viable solution, as there have been many vehicle accidents at that location throughout the years. She agreed with Mr. Walters and Ms. Devers that the street should remain as it is.

Councilwoman Rolls noted that the matter will be tabled until further review by the Street Committee.

#### **COMMENTS RE: SNOW EMERGENCY ROUTE CHANGES –**

Councilwoman Rolls noted that the Street Committee also discussed the possibility of extending the snow emergency routes on W. Main Street from Fairview Avenue to Tritle Avenue, on S. Potomac Street from W. Second Street to Cemetery Avenue, and implementing a new route on N. Grant Street from W. Main Street to W. North Street.

Wayne Bartholow, 35 N. Grant Street – Mr. Bartholow noted that residents on the first block of N. Grant Street received notification regarding this proposed change, as well as residents on W. North Street (east and west of Grant Street); however, residents on the second block of Grant Street did not receive a letter. He suggested that they will be affected when cars are moved from the first block (as they will most likely be parked in the second block). He has talked with PENNDOT maintenance personnel, who noted there is not an issue. Mr. Grubbs clarified that if this area is designated as a snow emergency route, it would allow PENNDOT to plow back to the curb line. Mr. Bartholow also discussed the means of notifying residents they must move their vehicles within two (2) hours of the snow emergency declaration by the Mayor. He concluded by noting that 17 parking spaces will be eliminated, affecting 9 of the first 13 houses in the first block of N. Grant Street (who don't have off-street parking).

Councilwoman Rolls commented that public parking is available in the Trinity parking lot ... and while it is two (2) blocks away and an inconvenience, this snow emergency route is being discussed because of concerns regarding the safety of travel on that portion of Grant Street. Councilman Fleagle noted that the suggestion for residents to park two (2) blocks away is not only inconvenient, but those parking lots will most likely not be plowed immediately which will preclude residents from parking there.

Susan and Steve Zimmerman, 515 W. Main Street – Ms. Zimmerman noted concern that the snow will be plowed onto their sidewalks and into their yards. That amount of snow/ice will be difficult to remove within the required 24 hour period. Mr. Zimmerman also noted that the 500 block of W. Main Street is wider than the previous block, resulting in even more snow that they will need to put somewhere.

Charles Standridge, 513 W. Main Street – Mr. Standridge questioned if there are any public parking areas on the west end of town for these residents to park; and in addition, is the snow going to be hauled away as is done in the downtown?

Councilwoman Rolls stated that discussion was held at the Street Committee meeting that there may be some ability for the snow to be hauled away in certain areas, but no definite decisions were made in that regard. She noted her appreciation to the residents for their feedback and added that the Street Committee will consider their comments in further discussions. The next Street Committee meeting will be held on 12/28 at 9:00 a.m., and interested individuals were invited to attend.

Dorothy Kugler, 416 W. Main Street – Ms. Kugler noted her appreciation to PENNDOT for their efforts to plow the street close to the curb line, but is also concerned about damage that may be caused to the curbs/sidewalks because of the plows and/or chemicals they use.

Manager Stains noted that follow-up letters will be mailed to all property owners who received the original notification letters regarding the Street Committee's decision on this matter.

**INTERGOVERNMENTAL COMMITTEE:** No report. Councilman Fleagle did note that an issue was raised at the recent Franklin County Emergency Services Alliance meeting regarding replacement times in the northern part of the County. It was requested that the Fire Chief be in attendance at Council's next meeting to discuss this matter further.

**DOWNTOWN REVITALIZATION COMMITTEE:** Councilman Fleagle noted that the Downtown Revitalization Committee met on 12/06 and discussed the following --

- Vagrancy in Downtown – Several business owners were in attendance to discuss their concerns, as well as the Police Chief. The matter will be monitored in an attempt to solve the issue.
- Street Light Upgrade – The Street Committee is handling this matter.
- Dog Waste Stations – Bill Kohler will provide a report to Council later in the meeting.
- Health Board – This matter is on Council's agenda for discussion/action later in the meeting.
- Mulberry Alley Archways – This project is proceeding. Bob Correll is currently obtaining proposals.

- Zoning Ordinance and Subdivision/Land Development Ordinance Updates – Discussed updates and the upcoming public hearing.

**FINANCE COMMITTEE:** President Mumma noted that a new 2017 Tentative Budget (and proposed tax changes) will be discussed later in the meeting.

**RECREATION BOARD:** No report. The next Recreation Board meeting will be held on 01/25 at 6:30 p.m.

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

“On November 18<sup>th</sup>, I helped with the Christmas Tree Lighting. I would hope that Council was present that night and also on the 19<sup>th</sup> for the Holiday Parade. Many thanks to Mainstreet Waynesboro for their involvement.

On December 1<sup>st</sup>, I attended the Chamber’s mixer at Renfrew Park. As always, the Renfrew House was decorated beautifully.

Also on the 1<sup>st</sup>, I attended the Burns Hill Cemetery Board of Directors meeting.”

**SOLICITOR’S REPORT:** No report.

**MANAGER’S REPORT:** Mr. Stains reported the following –

- The garage behind Borough Hall is scheduled for demolition between Christmas and the week of January 1<sup>st</sup>.
- The walking trail is halfway cleared and stone is laid on that portion. The project is progressing well.
- Engine Tanker 2 was transferred to the Volunteer Fire Department, and they will be moving forward with its sale.

**JUNIOR COUNCILPERSONS’ REPORT:** No report.

**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:** None.

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

- A. Award of Contracts – CDBG Consulting Services

B. Pay Bills – Check Details dated 11/18, 11/28 and 12/05

Councilman Rooney seconded; the motion passed unanimously.

### **UNFINISHED BUSINESS**

**CONSIDER ORDINANCE REPEALING PER CAPITA TAX:** Mr. Stains noted that this matter has been discussed at length. The proposed ordinance to repeal the per capita tax has been duly advertised for Council's decision. Councilman Fleagle made a motion to adopt the proposed ordinance, as presented. Councilwoman Rolls seconded; the motion passed unanimously.

#### **ORDINANCE NO.**

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, REPEALING IN ITS ENTIRETY ORDINANCE NO. 1038 OF THE BOROUGH OF WAYNESBORO, BEING AN ORDINANCE IMPOSING A PER CAPITA TAX

Complete copy on file at Borough Hall.

**CONSIDER CURATIVE AMENDMENT FOR INDOOR SHOOTING RANGE (D. B. HOLDINGS, LLC):** Solicitor Wiser noted that Council held a public hearing on 11/02 to consider a proposed curative amendment submitted by D. B. Holdings, LLC for the former Armory property. Council received testimony from the applicant as well as some residents, and received comments from the Waynesboro Planning Commission and Franklin County Planning Commission. Borough Council is required to render a decision within 45 days of the date of the hearing, and a proposed "Findings of Fact, Conclusions of Law and Order" is before Council this evening to constitute a written decision. The document will approve a proposed amendment to the current Zoning Ordinance that would provide for indoor shooting ranges as a provisional use in GC (General Commercial) and I (Industrial) districts and provide numerous criteria for indoor shooting ranges, including criteria for new indoor shooting ranges that may be installed as well as recognition of indoor shooting ranges that previously existed and were installed for military and national guard use, provided that they meet applicable and Building Code requirements that may be applicable to that particular use.

Councilman Fleagle made a motion to authorize the Council President to execute the "Findings of Fact, Conclusions of Law and Order" in respect to the curative amendment request from D. B. Holdings, Inc. Councilman Oldham seconded; the motion passed unanimously.

Solicitor Wiser then noted that the next step would be for advertisement of the proposed ordinance to correct the deficiency in the current Zoning Ordinance. Recognizing that Council also held a public hearing on the new Zoning Ordinance earlier this evening,

this ordinance would ultimately have to be included in the new proposed Zoning Ordinance.

Councilman Fleagle made a motion to authorize advertisement of the proposed ordinance, as discussed. Councilman Oldham seconded; the motion passed unanimously.

**PROPOSED BOARD OF HEALTH AGREEMENT WITH PA MUNICIPAL CODE ALLIANCE, INC.:** Mr. Stains noted, at Council's last meeting, Solicitor Wisner provided recommendation from the Borough of Chambersburg to work with PA Municipal Code Alliance for inspections discussed for inclusion in the program through the Chambersburg Board of Health. He reiterated that this does not include restaurant or food inspections of any type ... it would only include tattoo establishments located in the Borough, code enforcement issues, health issues and Borough concession stands.

Mr. Stains read the proposal provided by PMCA as follows: a fee of \$100/inspection (pass or fail) to be billed directly to the tattoo establishment; a fee of \$75 per occurrence for investigations, stop-work orders and notices of violation; a \$10 postage fee (per/certified/first class); and \$50/hour for extended periods and work otherwise not accounted for above. He recommended approval of the proposal as presented and moving forward with contacting Chambersburg to see if they will welcome Waynesboro to their Board of Health.

Councilman Fleagle asked for affirmation that PMCA would have the ability to look at blighted properties for code enforcement and health code violations. Solicitor Wisner responded that that would fall under the category of "investigations and notices of violation" for \$75 per occurrence. Mr. Fleagle then made a motion to accept PMCA's proposal of fees for services as outlined by Mr. Stains. Councilman Rooney seconded.

Laura Watkins, 117 W. Main Street – Ms. Watkins asked about additional inspections that were mentioned. Solicitor Wisner noted those would be for Borough facilities only.

Dade Royer, Renfrew Museum & Park – Mr. Royer asked how this will affect Renfrew's events. Solicitor Wisner noted it will not affect events held at the Renfrew property, as it is outside the corporate limits of the Borough.

A vote was then called and the motion passed unanimously.

**CUMBERLAND VALLEY AVENUE STORMWATER:** Kevin Grubbs provided information to Council members regarding recommendations from Contech Stormwater Solutions, Inc. of Greencastle to resolve the stormwater flooding issues on C. V. Avenue, including a cost estimate for repairs needed to the floor of the existing concrete stormwater box located on the Johnson Controls property. He reviewed details of the proposed project, a total of which is estimated to cost in excess of \$500,000. Mr. Grubbs added that they are hoping to utilize Liquid Fuels funding to assist with the project.

## **NEW BUSINESS**

**REFUSE COLLECTION RATES (RESOLUTION NO. 2016-25):** Mr. Stains presented proposed Resolution No. 2016-25 for Council's consideration. He noted that refuse invoices, customer rates and associated fees have been reviewed for several months, and he is recommending a reduced quarterly refuse rate from \$58.20 to \$50.00, effective immediately. Councilman Cermak made a motion to approve Resolution No. 2016-25, as presented. Councilman Fleagle seconded; the motion passed unanimously.

### **RESOLUTION NO. 2016-25**

WHEREAS, the Borough of Waynesboro has adopted Ordinance #935, and

WHEREAS, Ordinance #935 provides for adoption of a Refuse Collection Fee Schedule by Resolution,

Complete copy on file at Borough Hall.

**ORDINANCE/RESOLUTION RE: SUSQUEHANNA MUNICIPAL TRUST:** Mr. Stains noted that workmen's compensation insurance rates have been aggressively reviewed. They originally budgeted \$178,000 for 2017, however have since been provided with a quote from Susquehanna Municipal Trust (a member of Benecon), which will save \$40,000. He added that SMT also caps future increases at 25%. In addition, they have a loss prevention program and will provide various training opportunities for employees at no additional charge. Mr. Stains noted that if Council chooses to move forward with joining SMT, an ordinance will be required. Councilman Oldham made a motion to authorize advertisement of the appropriate ordinance to join Susquehanna Municipal Trust. Councilman Cermak seconded; the motion passed unanimously.

**ADOPT NEW TENTATIVE 2017 BUDGET:** Mr. Stains noted that the tentative 2017 budget, which included an increase in taxes of 1.5 mills, has been on public display. With the savings to be realized from the change in workmen's compensation rates just discussed, he is able to offer a new tentative 2017 budget with no tax increase. Councilman Cermak made a motion to authorize the revised tentative 2017 budget to be placed on public display beginning the following day (12/08). It was noted that the final budget is still scheduled for adoption on 12/21. Councilman Fleagle seconded; the motion passed unanimously.

**ADOPT NEW TENTATIVE 2017 TAX ORDINANCE:** In accordance with elimination of the previously proposed tax increase, Mr. Stains presented a revised tentative 2017 Tax Ordinance for Council's consideration. Tax rates will remain at 18.18 mills for general Borough purposes, 2.0 mills for street lights and 5.0 mills for street improvements, which has been the same since 2012. Councilman Oldham made a motion to authorize

advertisement of the revised tentative 2017 Tax Ordinance for adoption by Council on 12/21. Councilman Cermak seconded; the motion passed unanimously.

**TATTOO ORDINANCE:** Solicitor Wisner presented Council with a draft ordinance regarding the operation and licensing of tattoo establishments within the Borough of Waynesboro. He noted that the duties outlined in the ordinance are the responsibility of the Code Enforcement Officer or his designee (which can be designated to PA Municipal Code Alliance, as previously discussed). Councilman Cermak made a motion to authorize advertisement of the proposed ordinance for adoption at Council's next meeting (12/21). Councilman Oldham seconded; the motion passed unanimously.

**"SCARF BOMBING":** Bill Kohler (Mainstreet Waynesboro, Inc.) presented a request in conjunction with the Waynesboro Day Care Center to place scarves, hats and gloves in the trees and on parking meters in the downtown for those in need to retrieve. The items will be distributed on 12/14 and if they are not retrieved by 12/21, they will be removed. Councilman Cermak made a motion to approve the "scarf bombing" request, as presented. Councilman Rooney seconded; the motion passed unanimously.

**DOG WASTE STATIONS:** Bill Kohler noted that this matter was discussed previously. He presented Council members with a picture of the waste stations they are proposing, and noted that he has obtained sponsors for four (4) stations (which will be installed by the Borough's maintenance crew). Councilman Rooney made a motion for approval. Councilman Fleagle seconded; the motion passed unanimously.

Mr. Kohler also reported that the nine (9) pop-up shops which temporarily filled vacant storefronts were a success, and Santa's workshop saw over 300 children in less than six (6) days.

**LIBRARY BOARD APPOINTMENTS:** Councilman Cermak made a motion to appoint Andrea Bowersox and Judy Herrick to vacant positions on the Library Board. Councilman Rooney seconded; the motion passed unanimously.

### **PRESS QUESTIONS:**

Jennifer Fitch, Herald Mail

Question: Can I receive a copy of the Findings of Fact regarding D. B. Holdings' curative amendment?

- Solicitor Wisner noted he would provide her with a copy.

Question: Why are we getting more 100 year storms than before?

- Kevin Grubbs responded it is due to climate changes.

Question: Why were you able to reduce trash rates?

- Jason Stains noted it was because of several adjustments that were made -- leaf collection was moved from Liquid Fuels to the General Fund as an expenditure, state grants for yard waste recycling are received each year, and residents are not permitted trash exonerations as frequently (if the water meter is in place, trash exonerations are not permitted).

Question: Why are the workmen's compensation rates better with the Susquehanna Municipal Trust program? Who was the WC carrier previously?

- Jason Stains noted it is because of the exclusiveness of the Trust. WC insurance was provided previously by Selective Insurance.

Question: Is the budget required to be on public display for 30 days?

- Mr. Stains noted it is required to be on public display for 10 days prior to final adoption.

Dustin Haluska, Record Herald

Question: GMS discussed a grant for police vehicles ... is there a timeline for the grant award?

- Jason Stains noted it is most likely in January or February of 2017.

**COUNCIL AND STAFF COMMENTS:** Mr. Stains noted that he was contacted by an individual who received a \$1.00 usage fee on her utility bill. He explained that that fee is charged annually for the CodeRed notification system utilized for emergencies. It was used recently for the water line replacement project at Memorial Bridge.

Councilman Cermak thanked the public for their attendance.

Kevin Grubbs reported that the rectangular rapid flashing beacon lights at the Mulberry/W. Main Street crosswalk were hit again yesterday and are not working. PA PERCS will be on-site tomorrow to assess the damage.

Councilman Oldham thanked the public for their attendance and the Borough Manager for balancing the budget without a tax increase.

Councilman Fleagle noted that the *Borough News Magazine* featured an article recently regarding the cold-in-place recycling process used by Waynesboro on Fairview Avenue and Welty Road.

President Mumma announced the creation of a Utilities Committee (who will meet on an as-needed basis) as a liaison between Borough Council and the Waynesboro Borough Authority in updating the Sewer Use Ordinance. Members of the committee will be Chad Rooney (Chairman), Niccole Rolls and Harold Mumma.

**EXECUTIVE SESSION:** Council adjourned to executive session at 9:57 p.m. and reconvened to regular session at 10:30 p.m.

Councilman Fleagle made a motion to send a letter to Quincy Township offering a month-to-month fire service agreement until both municipalities are able to negotiate a new fire service agreement. The month-to-month contract will include CPI for 2017 and a clause to withdraw from the contract by either party given a thirty (30) day notice. Councilman Oldham seconded; the motion passed unanimously.

Having no further business to discuss, the meeting adjourned at 10:32 p.m. on a Cermak/Oldham motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Borough Secretary