

JUNE 20, 2018
WAYNESBORO, PA 17268
REGULAR MEETING

Council President C. Harold Mumma called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:30 p.m. with the following in attendance:

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

Mayor Richard Starliper

Junior Councilpersons – Arianna Taylor and Sophie Van Gilder

Borough Staff – Jason Stains, Borough Manager
Chad Rooney, Administrative Services Coordinator
Kevin Grubbs, Head of Engineering Services
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)
S. Leiter Pryor, Director of Utilities
Jody Sanders, Deputy Fire Chief
James Sourbier, Police Chief

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

PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS: Representatives from the Owls Club presented a \$3,000 check to the Borough for the Memorial Park renovation project and a \$3,000 check to the Waynesboro Police Department for the purchase of an iMarksman training system.

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

PERSONNEL COMMITTEE: Councilman Cermak acknowledged a favorable performance evaluation for Tyler Myers and made a motion to remove him from probationary status. Councilman Royer seconded; the motion passed unanimously.

Councilman Cermak also acknowledged a favorable performance evaluation for Robert Doverspike and made a motion to remove him from probationary status. Councilwoman Rolls seconded; the motion passed unanimously.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilwoman Rolls made a motion to approve the request for a handicapped parking space at 14 E. Seventh Street. Councilman Cermak seconded; the motion passed unanimously.

The next Street Committee meeting will be held on 06/28 at 6:30 p.m.

ECONOMIC DEVELOPMENT COMMITTEE: Councilman Fleagle noted that the Economic Development Committee met on 06/05. Paul Fulk (City of Hagerstown) was present to discuss their economic development and code enforcement efforts. They conducted a downtown study several years ago (it is available online for viewing), and Mr. Fleagle noted he looks forward to working with Mr. Fulk in the future. He added that a meeting will be held with Waynesboro Area School District representatives to discuss the LERTA program in an attempt to raise the tax base.

The next Economic Development Committee meeting is scheduled for 07/03 at 10:00 a.m.

Mr. Fleagle also reviewed minutes from the Franklin County Emergency Services Alliance. They have received a matching grant for an EMS study – Franklin County has contributed \$5,000 and they will be approaching municipalities for additional funds.

Waynesboro's Bicentennial Committee is offering memorabilia for sale at Sanders' Furniture Market. Their next scheduled event is a 1860's baseball game at Memorial Park during the first week of July.

FINANCE COMMITTEE: No report.

RECREATION BOARD: Councilman Royer noted that the Recreation Board met on 05/23 at Borough Hall and moved to Northside Pool for a tour. Meetings with representatives from the Civitan and Rotary Clubs will be ongoing with regard to playground equipment.

The next Recreation Board meeting is scheduled for 06/27 at 6:30 p.m. at Northside Pool.

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

- On May 17th, as a Board member of Waynesboro Beneficial Fund Association, I presented five (5) students with monetary awards.
- On May 23rd, I attended a Chamber mixer at the BB&T office.
- On May 25th, along with Chief Sourbier, I attended the Waynesboro Area School District's Celebration Day.
- Also on the 25th, I had the privilege of uniting in marriage Dana Wolff & Joshua Monn at Renfrew. Wish the Monns the very best.
- On May 26th, along with Manager Stains, I helped cut the ribbon for the Farmers' Market.

- On the 28th, I had the privilege to participate and speak at the Memorial Day Celebration. Many thanks to Kathy Shaffer and the Combined Veterans Council for all that they did, as well as the Wayne Band.
- On May 31st, I was invited and attended a Community Summit given by the Waynesboro Area School District to share concerns in the community.
- On June 7th, I attended a Chamber mixer at the Waynesboro Country Club, sponsored by the Waynesboro Rotary Club.
- On June 10-13, along with Manager Stains, I attended the PSAB's Annual Conference in Hershey. A number of sessions were very interesting.
- On June 14th, I attended the Evening Gala at the Leland.
- On June 15th, I attended a Celebration Dinner in appreciation for Rev. Dr. Robert Cook, who is leaving the area.
- On June 16th, I attended the Car Show and presented the Mayor's trophy for my pick.
- On June 19th, at Renfrew Park, I had the privilege of uniting in marriage Jessica Morgan and Joseph Earhart. Wish the Earharts the very best.
- On June 20th, I attended the Franklin County Local Government Roundtable in reference to the Chesapeake Bay.
- Also on the 20th, I attended the ribbon cutting for the Drayer Physical Therapy Institute.

SOLICITOR'S REPORT: Solicitor Wisner noted that the Mandatory Sewer Connection Ordinance was referred to the Utility Committee for additional consideration. In an attempt to balance environmental/community health concerns with concerns heard from affected residents, they are recommending a proposed amendment. If a property's septic system meets certain guidelines which are determined by the Sewage Enforcement Officer, a temporary exemption from the connection requirement would be granted. This exemption would expire if the system fails, upon the sale/transfer of the property or if there is a change in the property's use. The Committee also recommended including maintenance and inspection requirements in the amended ordinance, as well as an annual permit requirement for the property owner.

DIRECTOR OF UTILITIES' REPORT: Mr. Pryor reported the following –

- Antietam Dam Emergency Spillway – Representatives from the WBA and their consulting engineer met with DEP on May 25, 2018 to discuss the conceptual design of the rock-cut emergency spillway and permitting requirements for the project. The meeting went well and DEP seemed very receptive of the rock-cut emergency spillway concept. The WBA has requested an engineering services proposal to proceed with survey work and subsurface exploration to support the concept of the spillway design and then proceed with some preliminary design work, keeping in mind that the State PMP study is forthcoming and may alter the size of the spillway.
- Engineering Services Proposal – WTP Upgrade – The WBA executed the engineering services proposal for the WTP upgrade project and Gannett Fleming is proceeding with the preliminary design of the project.

- Billing Software – We have scheduled a visit to Gettysburg Municipal Authority to get a live look at the Muni-Link billing system in mid-July. Hopefully, with favorable comments from their staff and our observations, we will be in a position to make a recommendation in August.
- Utility Plan – Otterbein Church – The WBA reviewed the utility plan for the proposed Otterbein multi-purpose building located on Welty Road. The Plan was approved and the associated tap fees were discussed. There is adequate water and sewer capacity to serve the proposed building.

MANAGER’S REPORT: Mr. Stains acknowledged donations received for the Memorial Park rehabilitation project from the Moose Club, American Legion, Eagles Club, Owls Club, VFW and GMS. He also reported the following –

- Comcast Changes – Effective July 1, 2018, the NFL Network will be only available on the Digital Preferred level of service and the Sports Entertainment Package. On July 10, 2018, WJAL will move from channel 6 to channel 68 and TV Land will move from channel 68 to channel 64 on the Limited Basic level of service.
- I received an apology from Comcast due to network outages which impacted telephone service on June 6, 2018 and June 7, 2018.
- I have sent a request for an extension to FY 2014 to DCED for the ADA barrier removal project for Borough Hall. We are still considering changes to other fiscal years and are working on recommendations. We have been informed that we may use CDBG funds for some streets again without economic surveys. We estimate that we will be able to use over \$600,000 in CDBG funds for this work over the next several years.
- I received a letter from Elizabeth Amt of Waynesboro regarding the Hometown Hero Banners. She writes, “Four years after moving to the Waynesboro area, I am finally writing this letter, to tell you how moved I am by the Memorial Day banners on the light posts downtown. Thank you so much for this inspiring commemoration of those men from Waynesboro who gave their lives for our country in different past wars. These banners, with the face, uniform and name of each individual, are a good way to remind us every year of their dedication and sacrifice. We are able to see each man and boy as a real person rather than as a statistic. We can mourn with the families who loved them, and wonder what they might have accomplished if their lives had not been cut short. They served so that we who remained behind could live in safety and freedom. And it reminds us of young men and women all across America who have, throughout our history, also shed their blood for us all. Thank you again for this poignant display every year, and please continue this memorial to these heroes.”
- Borough staff are checking all of our properties for poison hemlock. Once we know the amount that we have found, we will be taking appropriate actions to have it removed on our property. Poison hemlock is also classified as a noxious weed under our Nuisance Ordinance and will be addressed on properties throughout the Borough.

- We have received an engineering report from Brehm-Lebo Engineering, Inc. regarding the floor load at the South Potomac Street Fire Station. Former Fire Chief Dave Martin brought to the current Chief Officers' attention a report that was done in January, 2003 by Antietam Design and signed by Mr. Merle L. Saville, P.E. This report was commissioned to look at the floor system retrofits and determine if the "KME" midmount hydraulic platform ladder truck being purchased in 2003 could be accommodated. On May 22, 2018, Greg Lebo, P.E. visited the firehouse specifically to observe the retrofits in place and compared them to the recommendations in the Antietam Design report. During Greg Lebo's first visit, he noted a squeaking noise in the floor system as the existing truck was pulled in and out of the station. It is Greg Lebo's opinion as a Licensed Professional Engineer that the truck was not centered over the retrofit steel and live loads were being transferred to the old structural components. It is Greg Lebo's conclusion that the floor will support the new truck, but the cracks on the surface of the existing floor should be monitored. The cracks did not appear to transverse through the deck thickness. It is absolutely critical that the truck is centered over the retrofit steel. The Maintenance Department will be marking the floor tomorrow morning and will paint where the truck is to be parked. The truck may not be placed into the Potomac Street Station until this work is completed. Additionally, padding will need to be placed along the interior of the south wall to protect the driver's side door. If there is excess movement in the steel frame, Greg Lebo feels that it is occurring at the cross beam connections. If necessary, he would observe the framing when the truck is pulled into the station and could measure any deflections.

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 amended, as follows –

- A. Award Bids
 - (1) Sale of Municipal Vehicles and Equipment
 - (2) Memorial Park Rehabilitation Project and Change Order #1
- B. Approve Minutes as Presented – May 2, 2018 (regular meeting)
- C. Accept Reports of the Code Enforcement Officer, Police Chief and Fire Chief for the month of May, 2018
- D. Pay Bills – Check Detail(s) dated 05/21, 05/28, 06/04, 06/11 and 06/18

Councilwoman Rolls seconded. The motion passed unanimously.

UNFINISHED BUSINESS

RESOLUTION NO. 2018-13 RE: AUTHORIZATION FOR EMERGENCY MANAGEMENT COORDINATOR TO OPERATE AN UNMANNED AIRCRAFT SYSTEM (DRONE) FOR EMERGENCY MANAGEMENT EVENTS: Manager Stains noted that this matter was discussed and tabled at Council's last meeting. Councilman Cermak made a motion for approval. Councilman Fleagle seconded; the motion passed unanimously.

RESOLUTION NO. 2018-13

A RESOLUTION OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AUTHORIZING THE EMERGENCY MANAGEMENT COORDINATOR TO OPERATE AN UNMANNED AIRCRAFT SYSTEM (DRONE) FOR EMERGENCY MANAGEMENT EVENTS

Complete copy on file at Borough Hall.

CONSIDER PROPOSED STREET OPENING ORDINANCE FOR ADOPTION: Kevin Grubbs noted that revisions were made to the Borough's Street Opening Ordinance. The ordinance was filed with the Franklin County Law Library and advertised in *The Record Herald* on 06/11 for Council's consideration at this meeting. Councilwoman Rolls made a motion for approval. Councilman Fleagle seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, REGULATING OPENINGS AND EXCAVATIONS IN OR UNDER THE STREETS AND HIGHWAYS OF THE BOROUGH OF WAYNESBORO

Complete copy on file at Borough Hall.

CONSIDER PROPOSED TRAFFIC AND PARKING REGULATIONS ORDINANCE FOR ADOPTION: Mr. Grubbs noted that this is the yearly update for traffic and parking signs approved over the last year. The ordinance was filed with the Franklin County Law Library and advertised in *The Record Herald* on 06/11 for Council's consideration at this meeting. Councilwoman Rolls made a motion for approval. Councilman Fleagle seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING VARIOUS SECTIONS OF CHAPTER 280 OF THE CODE OF THE BOROUGH OF WAYNESBORO

ENTITLED "VEHICLES AND TRAFFIC"

Complete copy on file at Borough Hall.

RECOMMENDATION FOR SETTLEMENT OF THE KENNAMETAL, INC. V. BOARD OF ASSESSMENT AND REVISION OF TAXES: Solicitor Wisner presented a recommendation for settlement of the Kennametal, Inc. v. Board of Assessment and Revision of Taxes, which involves two (2) parcels of a 11.63 acre property at E. Fifth and S. Potomac Streets. The appeal was filed in 2015. He explained that the Borough doesn't usually intervene in appeals of this nature; however, because this is a commercial appeal and because the Borough will be subject to the final order, it is the local custom to have all interested parties acknowledge any stipulation before filing with the Court. The proposed settlement will modify the property value from \$1.93 million to \$1.63 million, resulting in a refund from the Borough of \$9,559.59 for the tax years 2016-2018.

Councilwoman Rolls made a motion to authorize the settlement and payment of funds. Councilman Cermak seconded; the motion passed unanimously.

NEW BUSINESS

REQUEST FROM MAINSTREET WAYNESBORO, INC. RE: PROPOSED BANNER PROGRAM FOR VETERANS WITH WAYNESBORO TIES: Mr. Stains presented a proposal from Mainstreet Waynesboro, Inc. to honor all veterans with Waynesboro ties who have served our country by offering banners for purchase to be hung downtown in mid-October thru Veterans' Day. Guidelines for the program are as follows: (1) Prior or current service in any branch of the U.S. Armed Forces or National Guard; (2) Must be active duty, retired or honorably discharged; and (3) Must be a graduate or former student of the Waynesboro Area School District, a current resident or property owner or a native of the greater Waynesboro area. Cost of the banners is \$150 and they will hang during the same time period for the next three (3) years. Councilman Cermak made a motion for approval. Councilman Fleagle seconded; the motion passed unanimously.

Discussion followed regarding the two (2) police officers who died in service to the Borough. Mr. Kohler agreed that they would be included, and Council concurred that they would pay for banners for the two (2) police officers which will be placed in front of Borough Hall.

MUNICIPAL NOTIFICATION RE: YORK REFRIGERATION (FRICK)/JOHNSON CONTROLS, INC. SUBMISSION OF A STATE ONLY OPERATING PERMIT APPLICATION TO PA DEP'S AIR QUALITY PROGRAM: Mr. Stains presented notification from York Refrigeration (Frick)/Johnson Controls, Inc. regarding their application to PA DEP's Air Quality Program for a state only operating permit. A 30-day comment period is provided. No concerns were noted.

AUTHORIZE BIDDING FOR TRASH/RECYCLING COLLECTION SERVICES: Mr. Stains requested Council's authorization for the staff to begin the process of compiling information and seeking bids for trash and recycling collection services, as the current contract expires on 12/31/2018. Councilman Cermak made a motion for approval. Councilwoman Rolls seconded; the motion passed unanimously.

PLANNING COMMISSION ITEMS: Kevin Grubbs advised that the Waynesboro Planning Commission met on 06/11. During the meeting, they reviewed the Land Development and Stormwater Management Plans for Otterbein Church's project to build a multi-purpose building on Welty Road. Several revisions were required during the review, all of which have been completed. Otterbein representatives also attended the WBA meeting on 06/19 and received approval of their utility plans. Accordingly, Planning Commission and staff are recommending approval of the plans, contingent upon execution of a developer's agreement as well as a Stormwater Management Operations and Maintenance Agreement. Councilman Fleagle made a motion for approval. Councilwoman Rolls seconded.

It was noted that Otterbein will need to apply to the Zoning Hearing Board for a special exemption for the proposed use (as they would like to lease/rent the space to local organizations), but this will have no bearing on the construction. Accordingly, Council's approval should be contingent upon obtaining that exemption from the Zoning Hearing Board. Councilman Fleagle thanked Otterbein for providing a great venue and recreational area at no cost to the Borough, adding that this will be a tremendous asset to the community.

A vote was then called and the motion for approval passed 4-0 (Councilman Royer abstained).

REQUEST FROM FIRE CHIEF FOR FIRE HOSE: Mr. Stains noted that the Fire Department's annual testing was conducted recently, and 700-1,000' of the 4" hose failed. Therefore, Fire Chief Adolini is requesting that the Borough purchase 4,000' of 4" supply hose at a cost of approximately \$600 per section or a total of \$23,880. After discussions with the Deputy Fire Chief, Mr. Stains suggested purchasing 1,200' at this time and considering the balance during the 2019 budget process. It was noted that the volunteers have purchased fire hose in the past, however their funds are "tight" now, due to their recent purchase of the new ladder truck. Councilman Cermak made a motion to approve purchasing 1,200' of 4" fire hose, at a cost of \$7,200. Councilman Royer seconded.

Nancy Funk, a member of the audience, noted that there are grants available through the National Fire Academy and she suggested that they be contacted.

A vote was called and the motion passed unanimously.

REVISED MANDATORY SEWER CONNECTION ORDINANCE: Solicitor Wisner noted that, as discussed earlier in the meeting, the Borough's Utility Committee recommended

modifications to the Mandatory Sewer Connection Ordinance recently adopted, which were presented to Council for consideration. Councilwoman Rolls made a motion to authorize advertisement of the proposed ordinance revisions. Councilman Fleagle seconded. Councilman Cermak then made a motion to table the matter, commenting that there are several important items not covered in the ordinance. There was no second to his motion, however, and a vote was called on the original motion for approval. The motion passed 4-1, with Councilman Cermak opposing.

FOR INFORMATION ONLY: None.

PRESS QUESTIONS:

Jennifer Fitch, Herald Mail

Question – asked for the organizations who donated to the Memorial Park renovation project to be repeated.

- Jason Stains - Moose Club, American Legion, Eagles Club, Owls Club, VFW and GMS.

Question – asked when construction on the Memorial Park renovation project will begin.

- Jason Stains – unsure at this time. The first priority will be the restroom facility, then the tennis courts, however work cannot begin until approval is obtained from the Conservation District.

COUNCIL AND STAFF COMMENTS:

Councilman Cermak noted his disagreement with items being presented to Council without sufficient time for review.

Deputy Fire Chief Sanders thanked Council for the hose purchase. He reported that the equipment and radios will be mounted on the new ladder truck the following week and then they will begin training drivers on the apparatus.

Police Chief Sourbier noted that they are very blessed with the Owls Club's contribution for the iMarksman training system, as it will allow the police officers to train on a laptop in simulation of various shooting scenarios.

Bill Kohler (Mainstreet Waynesboro, Inc.) noted that the Farmers' Markets which began on 05/26 have been very successful, and the Father's Day Car Show was a tremendous success (140 cars were registered from Potomac to Walnut Streets and approximately 3,000-4,000 people in attendance).

Councilman Fleagle asked about the delay in the downtown street light project. Mr. Stains responded that the project is in the permit and design process ... they anticipate going out to bid toward the end of 2018 for construction in early 2019.

Mayor Starliper asked about the status of the Memorial Bridge project. Mr. Grubbs replied that that is a PENNDOT project, but he will attempt to obtain a deadline date. Mr. Stains also noted that he received notification that the guiderails along Welty Road at the Antietam Creek will be replaced by August.

Mayor Starliper reminded Council that information was provided to them in mid-2017 (and again in 2018) regarding the Police Chief's request for a Drug House Ordinance. He noted that there are serious concerns in the Borough, and he urged Council to act on this ordinance for the welfare of the community and its citizens. Mr. Stains noted that the Solicitor is currently working on a draft for discussion.

The Mayor also reminded the public that signs on utility poles and sign posts are illegal. He added that the Waynesboro Fire Police will be assisting at the 07/04 Brothers of the Brush Parade and Summer Jubilee and the 07/21 South Mountain Fish & Game Gun and Cash Bash.

Having no further business to discuss, Council adjourned to executive session at 8:54 p.m. to discuss code enforcement, personnel and real estate issues. They reconvened and adjourned the Council meeting at 10:45 p.m.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary