

DECEMBER 5, 2018
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, Niccole Rolls, C. Harold Mumma, Dade Royer and Michael Cermak

Junior Councilpersons – Mya Graves

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager
Chad Rooney, Administrative Services Coordinator
Matt Schmidt, Zoning/Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)
Shawn Adolini, Fire Chief
Jody Sanders, Deputy Fire Chief
John Beck, Assistant Fire Chief

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE: Mayor Starliper requested that those present participate in a moment of silence in response to the passing of former President George H. W. Bush. He then led them in the Pledge of Allegiance.

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

PERSONNEL COMMITTEE: Councilman Royer acknowledged favorable performance evaluations for Gordon Cruickshanks, Scott Crum, Robert Luchs, Stacie Noll, Michael Pryor, Gary Smith and James Sourbier. No action was required.

Councilman Royer made a motion to approve a step increase for Kimberly Green to salary level 10C, effective 11/19/2018 (retroactive). Councilman Knott seconded; the motion passed unanimously.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilwoman Rolls made a motion to convert the following four (4) parking spaces in the downtown district to 15-minute parking: (1) Meter #134, located on W. Main Street in front of The Waynesburger; (2) Meter #63, located on E. Main Street in front of The Brio Coffeehouse; (3) Meter #39, located on W. Main Street in front of the M & T Bank building; and (4) Meter #203, located on E. Main Street in front of the Post Office. The approximate cost for materials and labor for the installation

of all four (4) meters would be \$1,400. Councilman Cermak seconded; the motion passed unanimously.

The next Street Committee meeting will be held on 12/13 at 6:30 p.m.

ECONOMIC DEVELOPMENT COMMITTEE: Councilman Fleagle noted that the Economic Development Committee met on 12/04 and discussed the following –

- A review of the proposed Rental Inspection Ordinance was conducted. The matter is on Council's agenda for consideration this evening.
- Bill Kohler (Mainstreet Waynesboro, Inc.) provided an update on the 21 E. Main Street developments – good news has been received regarding the \$20,000 tourism grant to improve the façade.
- Vision 2035/Design Committee is looking at new ideas with regard to code enforcement and the existing drug problem, and will be making suggestions at a later date.
- The status of the Street Light Upgrade program was discussed. A Highway Occupancy Permit application has been submitted. The lights are proposed for the south side of Main Street (with one exception) at intersections, crosswalks and in Center Square. The bid for RRFB lights was awarded to Schaedler/Yesco at Council's last meeting – signed contracts and bonding have been received, and the materials will be ordered shortly.
- One of the major items in the Washington Township/Borough Joint Comprehensive Plan was the development of inter-connected walking trails. That plan was reviewed and discussion held regarding initiatives to be taken toward any other trails inside the Borough. Suggestions from the Recreation Board have been requested.
- Brick sidewalk maintenance was on the agenda, but further review is required with regard to tree issues. Jason Stains and Chad Rooney will work together on developing a strategy/policy for the future.
- January 1st is the next regularly scheduled meeting, which will be rescheduled to 01/08 due to the holiday. In addition, the April meeting will be held on 04/09 instead of 04/02; and the November meeting will be held on 11/12 instead of 11/05.

Councilman Fleagle also reported that the Franklin County Emergency Services Alliance met on 12/01. The major issue discussed was how to improve volunteer retention and the development of a program at the Career & Technical Center for high school seniors. He feels this will be a positive step for both fire and EMS services.

FINANCE COMMITTEE: Councilman Knott noted that the Borough Manager will be presenting the proposed 2019 budget later in the meeting.

RECREATION BOARD: No report. Councilman Royer noted that the Recreation Board's next meeting is scheduled for 01/23.

MAYOR'S REPORT: Mayor Starliper welcomed Reese Cover and Ashley Donald from a civics class at the Senior High School.

The Mayor's Report was as follows –

- On November 16th, I participated in the Tree Lighting event on Center Square.
- On November 17th, I was in the Holiday parade. Many thanks to Mainstreet WBO for bringing these two events together.
- On November 18th, I had the privilege of participating in the Waynesboro Community Concert Association opening honoring our active duty military and veterans and their families.
- On November 21st, I was invited to the Trinity House where Leland of Laurel Run hosted a Thanksgiving dinner.
- On November 26th, I helped with the groundbreaking for the American Legion.
- On November 27th, I attended the Chamber mixer at the Cobblestone Motel.
- On November 30th, I attended the ribbon cutting for JB Tech Solutions on W. Main Street. This is a small business, bound to grow.
- On November 30th, I was invited to attend the retirement and roast for Alan Smith of the YMCA.

SOLICITOR'S REPORT: No report.

DIRECTOR OF UTILITIES' REPORT: Manager Stains read several sections of the Director of Utilities' report in his absence, however the complete submitted report was as follows –

- The WBA met on November 27, 2018 and the following items were discussed:
 1. The WBA discussed the Basis of Design Report for the water treatment plant upgrade provided by Gannett Fleming. Several Authority members commented that the report appeared to be lacking in detail and expressed concerns regarding the project schedule. A conference call is scheduled with Gannett on December 4th to discuss the report and project schedule. There is a lot to be accomplished to meet the May 2019 PENNVEST submission deadline.
 2. Sub-surface work is progressing at the Antietam Dam. The drillers have been on-site and anticipate finishing the sub-surface exploration on December 7th, weather permitting. Hopefully the results from this field work will support the rock cut emergency spillway conceptual design theory.
 3. Preliminary work is progressing on the new billing system. Borough staff has met with Muni-Link on several occasions to discuss our internal processes with regard to billing, meter reading, rate structures, and general billing policies. We are currently working with their IT department to extract the data files from the Casselle system. Hopefully we will not need to have Dallas Data (our current software vendor) get involved in the data conversion.

4. The WBA reviewed a modification to the Tower Lease Agreement with Shentel, as they are proposing to change out some existing equipment and add some additional equipment on the standpipe. Chairman Fleagle indicated that he had reviewed the structural analysis provided by Shentel and that there were no issues with the additional equipment addition. The amended lease also provided for a \$225 increase in the monthly rental amount. After some discussion, the Authority approved the amendment to the tower lease agreement. (The rental amount for Shentel will be \$2,475 per month beginning February 1, 2019).
5. The WBA reviewed a request for the sewer planning exemption from Otterbein Church for their proposed multi-purpose building located on Welty Road. The WBA would like to recommend to Borough Council (see my memo included in your packet) to approve the module as presented.
6. The WBA adopted the 2019 Water and Sewer budgets as presented. Due to the anticipated increase in debt service for the water system capital projects, the Authority increased water rates by 15%. This increases the minimum water bill from \$38.55 to \$44.33 per quarter (\$1.93 per month). With the 15% increase, our rates are lower than the surrounding communities.
7. I reviewed a document from DEP with the Authority regarding changes in some monitoring requirements for the water system. Also included in this correspondence was an updated fee schedule for permitting and the newly established annual operating fee. Permitting fees have increased significantly beginning 2019 and the annual operating fee for a system our size is \$20,000! In the past, we were assessed a \$150 fee annually.

PRESENTATION TO DONALD MCBRIDE: Manager Stains presented Donald McBride with an engraved “Academy of Music” plate in recognition of his 45 years of service as a member/President of the Memorial Park Board.

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:

Anna Clever, 818 Maple Street – Ms. Clever was present to discuss her concerns regarding a neighbor who parks his 18-wheel tractor trailer across from their home and starts it at “all hours of the night”. She has discussed the matter with the Police Department and Code Enforcement Officer, and they stated there is no ordinance that prohibits him from parking his truck along the street. President Mumma noted there are parking areas on S. Enterprise Avenue and W. Ninth Street designated for this purpose, and he asked the Street Committee to discuss the matter at their next meeting.

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

- A. Award Contracts

(1) Demolition of 139 W. Main Street

B. Pay Bills – Check Detail(s) dated 11/19 and 11/27

Councilwoman Rolls seconded; the motion passed unanimously.

UNFINISHED BUSINESS

NON-SPECIFIED SIGN FEES: Matt Schmidt noted that this topic was addressed at Council's last meeting, and he was requested to obtain information from other municipalities regarding their fee structure for signs. In short, he found that every municipality seems to address these fees in their own way ... and he gave examples of various scenarios. He suggested that a flat fee be charged, plus a fee based on square footage and the total project costs. After further discussion, President Mumma requested that input be obtained from the Planning Commission and Zoning Hearing Board, and a final recommendation be returned to Council.

Darwyn Benedict, 410 N. Grant Street – Mr. Benedict asked the purpose of a sign fee. Solicitor Wiser responded that the Zoning Ordinance requires a land use permit for the installation of a sign ... so the fee is for the cost of a land use permit. Clarification was given that currently, a flat fee of \$55 is charged; and Mr. Schmidt is proposing that the fees be incremental based on the sign size/cost.

CONSIDER ORDINANCE RE: REQUIRING INSPECTIONS OF CERTAIN RENTAL PROPERTIES: Mr. Stains noted that Council authorized advertisement of this proposed ordinance at their last meeting. The need for such an ordinance has been discussed over the last several years, and it was decided that these inspections would occur at the time of deed transfer (sale or transfer to a family member) utilizing the International Property Maintenance Code's checklist. Inspections will be conducted by a third party, and an RFP for these services will be prepared in the near future. As many aspects of this program will need to be developed, Mr. Stains recommended adopting the ordinance to take effect sometime in the first quarter of 2019. He noted that the proposed ordinance was duly advertised for Council's consideration at this meeting, and several members of the audience have expressed a desire to comment.

Richard Durham, Charlestown, WV – Mr. Durham owns three (3) rental properties in Waynesboro, and stated he feels that an inspection program would be intrusive, unfair and obliterate private property rights. He cited several sections of the proposed ordinance which he feels are "not appropriate"; and added that it is not appropriate for Councilman Cermak to sit on this committee, as he and his wife own a rental inspection business.

Carol Young, owner of Mountain Valley Real Estate on E. Main Street – Ms. Young stated that this inspection program will not target "slum landlords" and out-of-town owners, but will punish *all* landlords.

Ronnie Martin, 66 State Hill Road – Mr. Martin noted that there are *very few* real estate transactions that take place that do not involve a home inspection, and he feels that this is an unnecessary duplication.

Kristyn Martin, 8020 Hidden Valley Lane – Ms. Martin is a realtor with Re/Max Associates and stated she works with many property owners, landlords and tenants in Waynesboro. She presented the following comments/questions after review of the proposed ordinance:

- As fees are unknown at this time, how can properties closing now comply with the guidelines of the ordinance?
- If the fees are to be set by a third party inspector, should there be limitations on the maximum fees to be charged?
- Chambersburg Borough allows the property owner to employ an independent contractor who is certified as a qualified inspector under the IPMC – should that be considered?
- Chambersburg Borough also revisits the fees annually – should that also be considered?
- Repair extension (for items that cannot be completed between November thru February) – will properties be able to settle/close and if so, would they have to be vacated if they are currently occupied or not able to be rented until the repairs are completed?
 - *Solicitor Wiser replied that the IPMC contains a provision in the event that a subsequent owner obtains the property when there has been a notice that there are things that need to be abated; that subsequent owner has to agree to an acceptable abatement schedule (including the required completion date) and the Borough wouldn't require the tenants' vacation until the extension time has expired.
- Definition of dwelling unit in the proposed ordinance states that the building is to have cooking, sleeping and sanitary facilities for one (1) and no cooking, sleeping, sanitary facilities in common with any other dwelling unit – would a shared outdoor kitchen or sewer tap make that unit no longer apply?
 - *Solicitor Wiser replied that the answer to sewer tap is “no”. The definition of a dwelling unit in this ordinance is the same as in the Zoning Ordinance and a dwelling unit is a unit intended to house one (1) family. The ZO and/or Building Code does not allow for shared outdoor kitchens as the sole method of food preparation.
- Borough Manager mentioned that if an occupant turns in a violation that is not founded, the occupant would be responsible for payment of the inspection fee – how would the Borough enforce the payment?
 - *Mr. Stains noted that the occupant/tenant would be invoiced and if they do not pay the invoice, legal/collection actions would be taken. These collection procedures have proven to be effective in the last several years.
- The third party doing the inspections would need to be sorted out – and Councilman Cermak would have to abstain from that vote if Accredited Services is considering providing those services.

- A reasonable sample checklist could be provided, as Hagerstown does.
- Ms. Martin noted her understanding of the goal of the inspection ordinance is to get properties “up to snuff” in the Borough. There were approximately ten (10) multi-family units sold in the Borough within the last year. If only those 10 are inspected in a year, it would take many, many years before this program would be effective.
- Who will be responsible for tracking records to ensure that multi-unit properties are compliant?
- Item 101.2 references “Chapter 258 of this Code” – what Code is that referring to?
 - *Solicitor Wisner replied that that refers to the Code of Ordinances ... Chapter 258 of the Code refers to the Zoning Ordinance.
- If Chapter 213 is being repealed completely, would that remove the requirement of the minimal feet for single-family rentals?
 - *Solicitor Wisner replied in the negative, as the Property Maintenance Code has been adopted for all structures within the Borough and would remain applicable.

Paul Gunder, 1814 E. Main Street – Mr. Gunder noted his agreement with Mr. Martin’s comment in that the majority of single-family homes that are transferred/sold do have home inspections; but he can’t answer whether the multi-family properties do as well. If the inspectors are required to be ASHE certified, perhaps they could also do a separate report dealing with the IPMC -- so there would be one inspection and one fee. Councilman Fleagle suggested that that requirement be included in the RFP for inspectors. It was also clarified that inspections would not be required when tenants change – only upon sale of the property.

Ron Benedict, 77 E. Main Street – Mr. Benedict questioned, if he purchases half of a duplex and it is owner-occupied, would he be subject to an inspection? Solicitor Wisner responded he would not be ... it is only one or more unit single ownership – if it has been subdivided and you own one lot, it is single family and not subject to inspection.

Mr. Benedict commented to Council that it is “absolutely ludicrous” to try to pass legislation when all the implications are not yet known.

Darwyn Benedict, 410 N. Grant Street – Mr. Benedict posed several questions:

- If a tenant calls and asks for an inspection and the property is found to be in “rough” shape, if the landlord presents pictures showing that the property was in perfect condition when it was rented, what happens then? Unless it is enforced against the landlord, it won’t get fixed.
- The ordinance specifies “when a unit closes” (he suggested that clarification be provided that it is not upon the changing of tenants) ... what happens if it doesn’t close and the inspector has a list of required modifications? If it falls back on the current owner (who may not have the money), how is it enforced and are the tenants evicted?

- The ordinance erroneously references Chapter 258, which is in regard to Tattoo Establishments. (*Solicitor Wiser later corrected this to Chapter 295.)
- There is proposed law being introduced by realtor organizations to have the inspectors licensed. Once they are licensed by the state, there are regulations they must follow (more than just paying the fee for a designation).
- Under 901 of the proposed ordinance, “the Borough reserves the right at any time to inspect any premises to verify compliance with the provisions of the Part or other applicable ordinances of any independent or government agency inspection ...” He stated that this suggests a wide definition of who the inspector will be. The ordinance should define/limit what is being inspected and by whom.

Ronald Martin – Mr. Martin suggested that if a home inspection is done, it could be presented to the Code Enforcement Officer and if there are deficiencies/major concerns, they could be addressed based on that report so the owner is not saddled with two inspections.

President Mumma thanked the individuals who spoke for their comments, but noted that it was Council’s intention to pass the ordinance at this meeting. (The ordinance was duly advertised for Council’s consideration.) He asked for comments from Council.

Councilwoman Rolls asked if a home inspection is a legal requirement to sell a house? The answer from several members of the audience was “no”. She asked Mr. Wiser about Mr. Benedict’s point regarding a landlord’s proof that the property was in good condition prior to a tenant moving in and violations happen as a result of the tenant’s actions – would that now be a separate issue that doesn’t involve the Borough? Mr. Wiser replied that it would be a civil issue between the tenant and landlord ... but ultimately, the property owner would need to correct the violations, as they are responsible for the condition of their property.

Councilman Fleagle made a motion for adoption of the ordinance effective 04/01/2019. Councilwoman Rolls seconded.

Mayor Starliper questioned use of the word “certain” in the title of the ordinance (“to Include Provisions Requiring Inspections of *Certain* Rental Properties”). Solicitor Wiser noted that the body of the ordinance defines the properties that would be subject to these requirements. Mr. Starliper added there are too many unanswered questions; and if Council adopts the ordinance as it is written, he will not sign it. It was clarified that the ordinance can be adopted without the Mayor’s signature.

President Mumma added that Item 9A on the agenda is to “Authorize Administrative Staff to Solicit RFP’s to Conduct Rental Property Inspections”. The RFP’s will cover several questions that were asked this evening (i.e. the costs involved, who conducts the inspections, etc.)

A vote on the motion was called. The motion passed 6-0 (Councilman Cermak abstained).

Council adjourned for a five (5) minute recess at 7:40 p.m. They reconvened at 7:45 p.m.

REQUEST FROM AMERICAN LEGION TO WAIVE LAND USE PERMIT FEE: Mr. Stains presented a request from the American Legion to waive their land use permit fee of \$12,745. He noted these fees are not typically waived and he knows of no time when they have been waived.

Ray Harbaugh, 13124 Red Bud Court – Mr. Harbaugh works for Callas Contractors, who was awarded the contract for the Legion’s reconstruction project. A letter was forwarded to Council members addressing their position. He read the letter in its entirety (the letter is attached hereto and included as a part of these minutes entitled “Attachment 1”). They are looking for justification for the fee, as the land use is remaining the same and is essentially unchanged from its use until 12/28/2018.

Mr. Stains noted that they no longer have a building ... and if they did have a building and added on to that building, they would still be required to have a land use permit. Even though the footprint of the former structure is not changing, they are building on the land. Solicitor Wisner clarified that the footprint is changing slightly. He stated that the Borough is bound by requirements of the Zoning Ordinance, Section 295-124, and it doesn’t give Council the jurisdiction to waive the permit requirement. Jurisdiction to waive or alter requirements of the permit is with the Zoning Hearing Board by variance. The ordinance requires, in Section 295-123, that fees be established by Council by resolution (which has been done).

Mr. Harbaugh expressed his disappointment that, after submission of the letter, a reasonable response would have been to direct them to apply to the Zoning Hearing Board for a variance. He understands the regulations, but also stressed the commitment that the American Legion has made to this community over the years.

Councilman Fleagle agreed that the American Legion has given “thousands and thousands” of dollars for economic development and Waynesboro’s non-profits. He wasn’t aware of this legal prohibition, but hopes that the Borough will do whatever possible (including in-kind services) to help lessen their burden.

Don Kauffman, 306 W. Seventh Street – Mr. Kauffman serves as Commander of the American Legion. He noted his disappointment also, adding that the American Legion does so much for the town. They provide services to veterans and have donated hundreds of thousands of dollars in the community, and they feel that the \$12,000 fee “just to say yes, you can build it there” could be waived.

NEW BUSINESS

AUTHORIZE ADMINISTRATIVE STAFF TO SOLICIT RFP’S TO CONDUCT RENTAL PROPERTY INSPECTIONS: As Council passed the Rental Inspection Ordinance, Mr. Stains requested authorization for the staff to prepare and distribute RFP’s for the inspection services. Since learning of the ASHE certification, he suggested that the

route to be taken might be to provide a list of ASHE certified inspectors so that the realtors/settlement companies could choose who would conduct the inspections for the established fees. Councilman Fleagle made a motion to authorize the RFP's. Councilwoman Rolls seconded; the motion passed 6-0 (Councilman Cermak abstained).

AUTHORIZE ADVERTISEMENT OF PROPOSED 2019 BUDGET: Manager Stains gave a presentation on the proposed 2019 budget, with an overview of the revenue and expense trends over the last several years. As a result of the increased costs of code enforcement, police and fire services, healthcare and fuel, as well as looking at future needs for street maintenance and emergency service facilities, he presented Council with several options. He noted that one (1) mill of tax costs the average home in the Borough \$13.05/year, and the 4.5 mill tax increase that he is recommending will cost the average home \$58.73/year. He posed the decision to Council that either services need to be decreased or revenue needs to be increased.

Councilman Fleagle made a motion to advertise the proposed 2019 budget, with a 4.5 mill tax increase, for adoption at Council's meeting on 12/19.

Ed Herald, Chairman of the Board of the Directors of the Waynesboro Community & Human Services – Mr. Herald thanked Council for support of their program for many years, as they are not a government funded entity (they are funded through contributions, churches, individuals, etc.). Their nursing staff sees approximately 35 patients (approximately 58% from the Borough) on a monthly basis, many of which are senior citizens who are medically at need. Their annual budget for 2019 is \$93,000, and the Borough generously provided \$10,000/year in the past. Summit Health had also provided a grant, however that grant has expired and they are currently looking to replace that funding. He asked that the Borough consider the need in the community for these programs as they continue the budget process going forward.

A vote was called and the motion passed unanimously.

AUTHORIZE ADVERTISEMENT OF PROPOSED 2019 TAX ORDINANCE: Mr. Stains presented the proposed 2019 Tax Ordinance, fixing the tax rate for FY 2019 as follows:

- For general Borough purposes – 21.18 mills on each dollar of assessed valuation
- For fire purposes – 1.5 mills on each dollar of assessed valuation
- For street lights – 2.0 mills on each dollar of assessed valuation
- For street improvements – 5.0 mills on each dollar of assessed valuation

Councilman Royer made a motion to authorize advertisement of the 2019 Tax Ordinance, as presented, for consideration at Council's meeting on 12/19. Councilwoman Rolls seconded; the motion passed unanimously.

PROPOSED RESOLUTION NO. 2018-23 (REFUSE COLLECTION FEES): Mr. Stains presented proposed Resolution No. 2018-23 adopting the fees for refuse and electronic

recycling collection in the Borough. Councilman Royer made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

RESOLUTION NO. 2018-23

A RESOLUTION OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY,
PENNSYLVANIA, ADOPTING FEES FOR REFUSE COLLECTION

Complete copy on file at Borough Hall.

PROPOSED RESOLUTION NO. 2018-24 (2019 SCHEDULE OF FEES): Mr. Stains presented the annual resolution for the Borough's Schedule of Fees for 2019. Councilman Cermak made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

RESOLUTION NO. 2018-24

WHEREAS, the Borough of Waynesboro, from time to time, may adopt new fees and/or change fees charged for Borough services, and

Complete copy on file at Borough Hall.

ACCEPT DEEDS TO 242, 244 AND 246 W. SECOND STREET: Solicitor Wisner noted there has been an effort to be more proactive in code enforcement, and this matter is a result of that effort. In 2015, the property at 246 W. Second Street was found to be in violation of numerous provisions of the Borough's Property Maintenance Code. The owner was issued notices of violation, but did not complete the repairs required by those notices and citations were issued against the property owner. The Borough then proceeded to appear at a summary trial, at which time the Borough agreed to resolve the violations by entering into a Remedial Action Agreement with the owner for resolution of the violations within a set period of time. However, the owner failed to meet those obligations and defaulted. The Borough again provided the owner notice to remedy those violations within a 48-hour time period, but the owner failed to do so, and thereafter the Borough confessed judgement against the property owner at 246 W. Second Street in the amount of \$37,620. A writ of execution was then filed in August of 2017 for the amount of \$41,711.96, which is the amount of the judgement confessed plus interest. A sheriff's sale has been scheduled for 01/11/2019. In addition to the initial violations in the fall of 2018, the property was again inspected and found to be in numerous additional violations of the Borough's Property Maintenance Code, and the property owner has approached the Borough with a proposed resolution of those violations in conjunction with the neighboring property at 242-244 W. Second Street.

In addition to the 246 property, when the Borough did the inspection in the fall of 2018, it found that there were also numerous violations existing at 242 and 244. The owner was issued citations for those violations and a summary trial was scheduled for 12/19/2018. The property owner, in conjunction with the 246 property, has offered to deed those properties over to the Borough to satisfy all of his obligations. A title search was

performed of the two (2) properties, and the property owner does own them “free and clear” subject to the Borough’s judgement/liens entered.

The proposed resolution is as follows: the property owner will provide those deeds, free and clear, to the Borough; the Borough would pay the cost of transfer and withdraw the summary citations against the property owner; and the Borough would end up with two (2) properties that could be disposed of as Council sees fit.

Councilwoman Rolls made a motion to authorize acceptance of the deeds to 242, 244 and 246 W. Second Street; and to authorize a settlement stipulation to effectuate the same, including the Borough covering the cost of the transfer. Councilman Cermak seconded; the motion passed unanimously.

AUTHORIZE THE AUCTION FOR CERTAIN REAL ESTATE: Solicitor Wiser noted that the Borough Code provides for two (2) ways to dispose of real property – one is through a public auction and another is through a sealed bid process. The public auction route is generally more competitive and Council would (hopefully) receive a higher bid value through that process.

Mr. Wiser presented proposed Resolution No. 2018-25 authorizing the disposal of the aforementioned 242, 244 and 246 W. Second Street in order to recoup the judgement costs filed as expeditiously as possible. This authorizes the Borough Solicitor and Manager to take the steps necessary to effectuate the auction including engaging an auctioneer, preparing the required agreements of sale, and (most importantly, to further the Borough’s code enforcement interests) to prepare a remedial action agreement that the subsequent property owner would sign and agree to remediate the numerous violations that the Borough has cited at those properties within a date acceptable to the Borough.

Councilman Knott made a motion to approve Resolution 2018-25, as presented. Councilman Cermak seconded; the motion passed unanimously.

RESOLUTION NO. 2018-25

A RESOLUTION OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY,
PENNSYLVANIA AUTHORIZING THE BOROUGH OF WAYNESBORO IN
ACCORDANCE WITH 8 Pa. C.S.A. §1201.1, TO PUBLICLY AUCTION THE REAL
PROPERTY KNOWN AS 242-244 WEST SECOND STREET AND 246 WEST
SECOND STREET IN THE BOROUGH OF WAYNESBORO

Complete copy on file at Borough Hall.

2019 HOLIDAY SCHEDULE: Mr. Stains presented Council with a proposed 2019 Holiday Schedule for Borough employees. Councilman Knott made a motion for approval. Councilwoman Rolls seconded; the motion passed unanimously.

APPROVAL OF SEWAGE PLANNING EXEMPTION MODULE (OTTERBEIN MINISTRIES MULTI-PURPOSE BUILDING): Kevin Grubbs presented a memo

regarding the Waynesboro Borough Authority's recommendation for Council's execution of the sewage planning exemption module for the Otterbein Ministries multi-purpose building located on Welty Road. Accordingly, Councilman Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

FOR INFORMATION ONLY

ACKNOWLEDGE RECEIPT OF 2018 SENATE REPORT ON FIRE & EMS

SERVICES: This information was provided to Council members via email last week. Mr. Stains explained that the County is looking to do some investigating as well, but he suggested that the Borough's Property & Public Safety Committee meet with representatives from the Ambulance Squad, Medic Unit, Fire Department and Police Department to begin discussions regarding future needs of the community in terms of emergency services.

PRESS QUESTIONS:

Jennifer Fitch, Herald Mail –

Question -- regarding the demolition contract for 139 W. Main Street, who was that awarded to, for how much and what is the time frame?

- Manager Stains – Snoke's Excavating & Paving, Inc. of Walnut Bottom, PA - \$33,597.00 – completion by the end of the first quarter of 2019 (however there is no penalty if it is not completed within that time frame).

COUNCIL AND STAFF COMMENTS

Councilman Royer commented that he was disappointed that Council was not able to assist the American Legion, as he feels their organization has done much to help the community. In addition, he noted appreciation to Mr. Herald for his comments regarding the Community & Human Services. All the non-profit organizations considered for funding from the budget do much for the community, but Council needed to make the hard decisions with regard to their financial situation.

Councilman Cermak agreed that budget discussions were very difficult, with Council ultimately deciding to cut donations and raise taxes.

Bill Kohler (Mainstreet Waynesboro, Inc.) provided Council and the public with updates on recent activities including the Tree Lighting Ceremony, the Holiday Parade, Santa's Workshop, the pop-up shops downtown, and Santa's escort into town (he thanked the Police Department for their assistance). He noted appreciation for the hard decisions Council must make with regard to finances and provided calculations done recently suggesting that 23,000 people were brought downtown in 2018 through MSW events (Farmer's Markets, Market Day, Harry Potter Festival, Tree Lighting Ceremony and the Holiday Parade). He hopes that Council considers all these events organized by MSW that "make the Borough look good", but added that the Borough helps out a lot. He

added that the PA Downtown Center reports that 65% of their members receive support from their home municipalities.

As Council is responsible for fire protection in the Borough, Fire Chief Adolini reminded them that many of the apparatus are getting older and are “worn out” ... that is why the maintenance bills are so high. Pump tests all failed, and major repairs will be needed. Volunteerism is down and fundraising is down. The volunteer organization recently purchased a new ladder truck; but at some point in time, the Borough will have to “step up” and buy a new fire truck.

Councilman Knott thanked the public for their attendance and comments.

Councilman Fleagle noted special thanks to the Owls Club for funding the Trinity parking lot for public use. Special thanks also to the Rotary Club for their commitment to sponsor a fundraiser for Community & Human Services. In addition, the Borough has engaged a study to look at measures to be taken with regard to its future economic situation.

Mayor Starliper reported that the Waynesboro Fire Police assisted with the two recent MSW events (Tree Lighting Ceremony and Holiday Parade).

President Mumma thanked the public for their attendance. He stressed that Council’s decisions with regard to the budget have been very difficult. The final budget will be considered for adoption at their next meeting scheduled for 12/19.

Having no further business to discuss, the meeting adjourned at 9:11 p.m. on a Knott/Rolls motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary