

AUGUST 19, 2020  
WAYNESBORO, PA 17268  
REGULAR MEETING

Council President C. Harold Mumma called the regularly scheduled meeting (telemeeting via the Zoom computer platform) of the Waynesboro Borough Council to order at 6:30 p.m. with the following in attendance:

Borough Council Members -- Jarred Knott, Patrick Fleagle, Jon Fleagle, C. Harold Mumma, Dade Royer and Michael Cermak

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager  
Sam Wiser, Borough Solicitor  
Kevin Grubbs, Head of Engineering Services

Others – Bill Kohler (Mainstreet Waynesboro, Inc.)  
Whitney Warner

Solicitor Wiser reviewed the Telemeeting Rules of Decorum for those individuals wishing to participate in the meeting.

**PUBLIC COMMENTS – NON-AGENDA ITEMS:** None.

**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.

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

- A. Approve Minutes as Presented – July 7, 2020 (public hearing), July 15, 2020 (public hearing), July 15, 2020 (regular meeting) and August 5, 2020 (special meeting)
- B. Accept Reports:
  - Police Chief – July, 2020
  - Ambulance Chief – July, 2020
  - Code Enforcement/Zoning Officer - July, 2020
- C. Renfrew Museum and Park Report – July, 2020
- D. Pay Bills – Check Detail(s) dated 07/15, 07/21, 07/27, 08/04 and 08/11
- E. Acknowledge and Approve Personnel Matters – Recommended by the Personnel Committee
- F. Affirm the Sale of Vehicles

- (1) 2001 Dodge Dakota Quad Cab Truck - \$200.00
- (2) 2004 Ford Explorer - \$100.00

G. Approve Recommendation for Junior Councilperson

H. Approve Request from Breast Cancer Awareness-Cumberland Valley, Inc. to "Paint the Town Pink" During the Month of October, 2020

I. Acknowledge St. Andrew the Apostle Catholic Church's Participation in Annual National Life Chain on Sunday, October 4, 2020 from 2:00 p.m. to 3:00 p.m. in Center Square

Councilman Cermak seconded; the motion passed unanimously.

### **UNFINISHED BUSINESS**

**ADOPT PROPOSED ORDINANCE AMENDING THE SUBDIVISION & LAND DEVELOPMENT ORDINANCE AND THE ZONING ORDINANCE WITH REGARD TO LOT COVERAGE DEFINITION:** Kevin Grubbs noted that the required public hearing regarding this matter was held earlier today (at 10:00 a.m. in Council Chambers). Councilman Cermak made a motion for approval. Councilman J. Fleagle seconded; the motion passed unanimously.

### **ORDINANCE NO.**

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WAYNESBORO TO AMEND THE WAYNESBORO SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND THE ZONING ORDINANCE

Complete copy on file at Borough Hall.

**APPROVAL OF LAND DEVELOPMENT PLANS FOR SAMUEL & LINDA CAMPBELL:** Council members received information regarding the proposed land development for Samuel & Linda Campbell on Mt. Airy Avenue. Mr. Grubbs noted that the plans meet all requirements of the Borough. Lee Royer and Mr. Campbell have met with the WBA to discuss the fire suppression system for the units, and their engineer will prepare and return the appropriate designs for final approval. Mr. Grubbs recommended that the plans be approved, contingent upon receipt of the Developer's Agreement, Stormwater/Operations and Maintenance Agreement and the Engineer's report for fire suppression (and any changes for such should be noted on the plans). Councilman P. Fleagle made a motion for approval with the contingencies noted by Mr. Grubbs. Councilman Knott seconded; the motion passed unanimously.

**AUTHORIZE RFP FOR PENSION INVESTMENTS/ADMINISTRATIVE FIRM:** Mr. Stains noted that, at their last meeting, Council authorized Rhoades Law to proceed

with an RFP for a pension investments/administrative firm to manage the new 401(b) DC plan for newly-hired fire apparatus drivers (required by their CBA) and non-uniformed employees. RFP's will be mailed out to the Borough's current 457(b) plan (Mass Mutual) and advertised for proposals. Responses are due back to Rhoades Law by 09/21. Councilman J. Fleagle made a motion for approval. Councilman Cermak seconded; the motion passed 5-0 (Councilman Knott abstained).

## **NEW BUSINESS**

**DATE FOR TRICK-OR-TREAT:** President Mumma noted that considerable discussion has been held in the past regarding an annual date for Trick-or-Treat, and he asked for a motion to set the date for Trick-or-Treat this year and in the future. Councilman Royer made a motion to hold it on 10/31 of each year from 6:00 p.m. to 8:00 p.m. Councilman Cermak seconded; the motion passed 5-1 (Councilman Knott opposed).

**REQUEST FOR USE OF ROTARY PARKING LOT FOR FIRST ANNUAL "TRUNK OR TREAT" TO BE HELD ON OCTOBER 31, 2020 FROM 6:00 P.M. TO 8:00 P.M., IN ACCORDANCE WITH APPLICABLE PANDEMIC PROTOCOLS:** Council members received correspondence from Whitney Warner, owner of Warner's Soda Shoppe, LLC. Although originally requesting this event be held on 10/29, the organizers indicated that the date is flexible and they are willing to hold it when Council schedules the Borough-wide Trick-or-Treat event. The designated event space can allow up to 48 downtown businesses to participate following social distancing measures. The event space (a layout was provided with the letter) will be sectioned off to allow for safe travel for pedestrians. The use of one-way directional traffic flow will also allow for proper social distance measures during the event. Parking for patrons will be designated through the use of easy-to-read markers, as well as person(s) to direct traffic. It was noted that a Certificate of Insurance, indicating liability coverage in the amount of \$1,000,000 and naming the Borough as an additional insured, must be provided for any event held on Borough property. Councilman Royer made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

**ALLEY CLAIM ON W. FIFTH STREET (HERB SANDIFER):** Kevin Grubbs noted that Herb Sandifer of Waynesboro Construction Company has expressed interest in having the unimproved alley between 211 and 215 W. Fifth Street vacated by the Borough. Upon review, the Borough Solicitor has determined that the Borough does not have to officially vacate the unimproved alley and the property owner can simply request to claim the alley instead. A note was added to the plan that the owner waived the formality of a Board of View and releasing/holding harmless the Borough of Waynesboro from any damages related to the unimproved alley. Mr. Grubbs added that the adjoining property owner is in agreement, as he will benefit from this as well. Councilman J. Fleagle made a motion for approval. Councilman Cermak seconded; the motion passed unanimously.

**AUTHORIZE BIDDING FOR CRACK SEALING ON BOROUGH STREETS:** Mr. Stains noted that this is a maintenance item that has not been done for many years, as the

Borough doesn't have sufficient staff to take on this additional responsibility. He added that the work can be paid for from the Highway Aid Fund. Councilman Cermak made a motion for approval. Councilman P. Fleagle seconded; the motion passed unanimously.

**ENGINEERING SERVICES PROPOSAL FOR THE MAIN STREET INTERSECTION**

**LIGHTING PROJECT:** Councilman J. Fleagle noted that a proposal has been received from Dennis E. Black Engineering, Inc. for engineering support services for the Main Street Intersection Lighting Project (for lighting the intersections and crosswalks between Broad and Franklin Streets). Monies from PENNDOT'S Multi-modal Transportation Fund grant will be used to pay for the engineering services and to purchase the lights. Councilman Cermak made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

It was further explained that these will be cobra-style LED lights. In addition, three (3) acorn lights will be installed next week for evaluation. Council will be advised when they have been installed so they may view them and comment.

**REHABILITATION PROPOSAL FOR JOHNSON CONTROLS CULVERT:**

Kevin Grubbs noted that, during an inspection last fall, it was discovered that a box culvert under the former Frick Company property was deteriorated and in need of replacement. National Gunite submitted a COSTARS quote in the amount of \$79,165.00. Councilman Knott made a motion for approval. Councilman J. Fleagle seconded. It was noted that these costs will be paid for from the Stormwater Fund. Discussion ensued regarding the newly-created Stormwater Utility and its need for formal Rules and Regulations to ensure that individuals who connect to the stormwater system are aware of the specifications they must meet. Kevin Grubbs, Jason Stains and Sam Wisner will work together to draft the appropriate documents for Council's review in the future. The motion then passed unanimously.

**AUTHORIZE EXPENDITURE OF LIQUID FUELS FUNDS (NOT-TO-EXCEED \$16,000)**

**FOR PAVING ON LESHER AVENUE AND E. FOURTH STREET:** Mr. Stains noted that PENNDOT has been contacted and approved the expenditure of Liquid Fuels funds for this work. Councilman Knott made a motion for approval. Councilman J. Fleagle seconded; the motion passed unanimously.

**AUTHORIZE INSTALLATION OF SPEED HUMP AND APPROPRIATE SIGNAGE ON**

**MEMORIAL PARK DRIVE:** Council members were provided with an estimate for this work in the amount of \$3,600. Mr. Grubbs noted that residents have complained about excessive speeding in this area. Councilman Royer made a motion for approval. Councilman J. Fleagle seconded; the motion passed unanimously.

**AUTHORIZE ADVERTISEMENT OF PROPOSED ORDINANCE PERMITTING THE FIRE CHIEF TO INSTITUTE BURN BANS DURING PERIODS OF DROUGHT OR DAYS IDENTIFIED BY THE NATIONAL WEATHER SERVICE AS RED FLAG**

**WARNING OR FIRE WEATHER WARNING DAYS:** Mr. Stains noted that an issue arose last month when we had a severe dry period and the Fire Chief wanted to institute

a burn ban. Nothing in the Borough's current ordinance or code, however, allowed him (or anyone) to do so. Councilman Knott made a motion for approval. Councilman Royer seconded. It was noted that this will authorize the Fire Chief, or his designee, with the discretion to initiate temporary burn bans during droughts or extended periods of time without rainfall, and during days identified by the National Weather Service as a Red Flag Warning Day or a Fire Weather Warning Day. This will include fire rings, fire pits, etc. Residents would be notified when this takes effect and ends via the Borough's website and social media. Councilman Cermak noted his concern with people not "getting the word" and therefore (unknowingly) being in violation. A vote was called and the motion passed unanimously.

**APPROVAL OF MEMORANDUM OF AGREEMENT BETWEEN FRANKLIN COUNTY AND THE PA HISTORIC PRESERVATION OFFICER RE: "WAYNESBORO FIRST TIME HOME BUYERS" PROJECT AT 242-244 AND 246 W. SECOND STREET:**

Mr. Stains presented a proposed agreement between Franklin County and the Pennsylvania Historic Preservation Officer regarding the "Waynesboro Fire Time Home Buyers" Project at 242-244 and 246 W. Second Street. He reminded Council that these properties were attained by the Borough through its code enforcement efforts several years ago, and Luminesc intends to demolish the current structures and construct two (2) new single-family homes on the site. They will be part of the Waynesboro First Time Home Buyers project pursuant to the Home Investment Partnership (HOME) Program utilizing HUD funding. This agreement is necessary because the properties are located within the newly created Waynesboro Historic District, and it outlines stipulations to take into account the effect of the undertaking on historic properties. Councilman Cermak made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

**RESOLUTION NO. 2020-15 AUTHORIZING SUPPORT OF APPLICATION FOR MULTIMODAL TRANSPORTATION FUND (PROPOSED IMPROVEMENTS TO HAMILTON AVENUE, FIFTH STREET AND VIRGINIA AVENUE):**

Mr. Stains presented proposed Resolution No. 2020-15 with regard to support for a MTF grant in the total amount of \$349,000 for road reconstruction and pedestrian safety enhancements along Hamilton Avenue, Fifth Street and Virginia Avenue. The Borough's matching fund pledge will be \$150,216 should the MTF be awarded. Councilman P. Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

**RESOLUTION NO. 2020-15**

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AUTHORIZING THE FORMAL EXPRESSION OF SUPPORT FOR THE WAYNESBORO STREET RECONSTRUCTION PROJECT, AUTHORIZING THE PREPARATION AND SUBMISSION OF A MULTIMODAL TRANSPORTATION FUND GRANT APPLICATION REQUESTING FUNDS FROM THE COMMONWEALTH FINANCING AUTHORITY, AND DESIGNATING OFFICIALS TO EXECUTE ALL ASSOCIATED APPLICATION AND GRANT DOCUMENTS.

Complete copy on file at Borough Hall.

**REQUEST FROM FRANKLIN/FULTON DRUG AND ALCOHOL TO PARTICIPATE IN RECOVERY MONTH AWARENESS DURING THE MONTH OF SEPTEMBER, 2020 BY PLACING PURPLE LIGHTS IN THE SQUARE AND ALONG MAIN STREET:**

Mr. Stains presented a request from Franklin/Fulton Drug & Alcohol to place purple lights in Center Square and along Main Street during the month of September, and are looking to expand by asking residents to participate in a Purple Light and Shirt/Mask campaign as posted on their Recovery Month Facebook page. Councilman Cermak made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

**REQUEST FROM WAYNESBORO COMMUNITY THEATRE PROJECT TO HOST A DRIVE-IN MOVIE AT THE ROTARY PARKING LOT:**

Bill Kohler was present to discuss a proposal by the Waynesboro Community Theatre Project to host a drive-in movie at the Rotary parking lot to raise money for Waynesboro Theatre building improvements (for loss of revenue since their closing in April due to COVID-19 and toward the eventual replacement of an air conditioning unit on the roof of the building). He added that they are hopeful to be re-opening again by the end of the year. Mr. Kohler outlined plans for the event, featuring “Charlie and the Chocolate Factory” and “Jurassic Park” for the cost of \$25/car or \$40 for the double feature. Permission from Council is needed as follows: (1) to use Rotary parking lot; (2) to place flyers on cars to ask them to move their vehicles on the selected day; (3) to use power for movies from light poles in Rotary parking lot; and (4) to waive the Noise Ordinance for September 19. Following discussion regarding other specific plans, Councilman P. Fleagle made a motion for approval. Councilman Knott seconded; the motion passed unanimously.

**REQUEST FOR “RIGHT TURNS ONLY, 7:00 A.M. TO 8:00 A.M.” AND REPLACING STOP SIGN AT THE EXIT FROM MARTIN’S GROCERY STORE ONTO SECOND STREET:**

Mr. Stains presented correspondence from James Erdenbrack, Middle School crossing guard, regarding his concerns at this location. Kevin Grubbs noted that he has discussed the matter with J. C. Bar Properties, owners of the Waynesboro Mall, as the stop sign is located on private property. They are not in favor of restricting any type of turning onto Second Street, and noted that the front (Main Street) entrance is used primarily by patrons and the back (Second Street) entrance is used mainly by delivery trucks.

Discussion followed regarding Council’s right (if any) to enforce this restriction since it is on private property. Solicitor Wisner advised that the Borough can install traffic control devices leaving private property onto a Borough street without the property owner’s permission. Council members agreed that this is a dangerous situation. Mr. Grubbs also suggested that if this restriction is implemented for school arrival times, shouldn’t it also be done for school dismissal times?

Councilman Knott noted his concern that such a restriction would be directing traffic onto an already busy location during heavy traffic periods of the day. He asked if

anyone has discussed this matter with the School District. Councilman P. Fleagle agreed that the School Board should be consulted, and he made a motion to table the matter for further review by the Street Committee (and ultimately receiving input from the School Board). Councilman Knott seconded; the motion passed unanimously.

**PUBLIC HEARING RE: REZONING FOR OTTERBEIN MINISTRY CENTER AT NINTH AND PARK STREETS:** Mr. Grubbs advised that a public hearing is required for this proposed rezoning (it was scheduled earlier this year, but canceled due to COVID-19). Council concurred with rescheduling the public hearing for October 21<sup>st</sup>.

**COUNCIL AND STAFF COMMENTS:** Mayor Starliper praised two (2) police officers, Kellee Rogers and Joshua Elkins, for saving the life of a motorcycle accident victim recently. Council acknowledged their actions and commended the officers.

Mayor Starliper mentioned the broken curb and sidewalk in front of the Toll Gate House. Kevin Grubbs noted that the Engineering Department will view that location, along with other areas that will be receiving curb/sidewalk repair notices as well.

Kevin Grubbs advised that new signs for parking around the high school will be installed later this week, and Alpha Space will also be painting the parking stalls with permit numbers (at the School District's expense). This work will be completed by the first day of school.

Having no further business to discuss, Councilman P. Fleagle made a motion to adjourn at 8:20 p.m. Councilman Knott seconded; the motion passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Borough Secretary