

MARCH 17, 2021
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 – C. Harold Mumma, Jon Fleagle, Michael Cermak,
Dade Royer, Jarred Knott and Patrick Fleagle

Junior Councilpersons – William Young and Allison Sawicki

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager
Chad Rooney, Administrative Services Coordinator
Kevin Grubbs, Head of Engineering Services
Sam Wiser, Borough Solicitor
Matt Schmidt, Code Enforcement/Zoning Officer

Public in Attendance –
Bill Kohler, Mainstreet Waynesboro, Inc.

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

EXECUTIVE SESSION: President Mumma noted that an executive session will be held at the end of the meeting regarding a proposed solar project and real estate, personnel, code enforcement and litigation matters. There may be voting afterward.

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 Knott made a motion to approve the Consent Agenda, as follows:

A. Accept Reports:

- (1) Police Chief – February, 2021
- (2) Ambulance Chief – February, 2021

(3) Fire Chief – February, 2021

(4) Code Enforcement/Zoning Officer – February, 2021

B. Pay Bills – Check Detail(s) dated 02/23, 03/02, 03/08 and 03/15

C. Acknowledge and Approve Personnel Matters – Recommended by the Personnel Committee

Councilman P. Fleagle seconded. A roll call vote was as follows: Jon Fleagle – yes, Pat Fleagle – yes, Jarred Knott – yes, Dade Royer – yes, Michael Cermak – yes and C. Harold Mumma – yes. The motion passed unanimously.

UNFINISHED BUSINESS: None.

NEW BUSINESS

REQUEST FROM WARNER'S SODA SHOPPE FOR USE OF ROTARY PARKING LOT FOR FOUNDER'S DAY CELEBRATION (MARCH 20, 2021, 8:00 A.M. TO 5:00

P.M.): Mr. Stains presented a request from Warner's Soda Shoppe to use the Rotary parking lot on March 20, 2021, from 8:00 a.m. to 5:00 p.m., for family carriage rides as part of the Founder's Day Celebration. The carriage rides would be conducted by Gettysburg Carriage Company in the parking lot (not impeding traffic flow down Gay Street or Second Street). It was noted that a PENNDOT permit would not be required, and a Certificate of Insurance has been received.

Councilman Cermak made a motion for approval. Councilman Knott seconded. A roll call vote was as follows: Jon Fleagle – yes, Pat Fleagle – yes, Jarred Knott – yes, Dade Royer – yes, Michael Cermak – yes and C. Harold Mumma – yes. The motion passed unanimously.

REQUEST FROM FAITH UNITED METHODIST CHURCH FOR USE OF NORTHSIDE PARK FOR EASTER EGG HUNT (MARCH 27, 2021 AT 3:00 P.M.; RAIN DATE

APRIL 3, 2021): Mr. Stains presented a request from the Children's Ministry at Faith United Methodist Church to hold an Egg Hunt at Northside Park on March 27, 2021 at 3:00 p.m. (rain date will be April 3, 2021).

Councilman Royer made a motion for approval. Councilman J. Fleagle seconded. A roll call vote was as follows: Jarred Knott – yes, Jon Fleagle – yes, Pat Fleagle – yes, Michael Cermak – yes, Dade Royer – yes and C. Harold Mumma – yes. The motion passed unanimously.

REQUEST FROM COMBINED VETERANS COUNCIL FOR ROAD CLOSURE FOR MEMORIAL DAY PARADE (MAY 31, 2021 AT 9:00 A.M.):

Kevin Grubbs presented a request from the Combined Veterans Council to hold the annual Memorial Day Parade and Services on May 31, 2021, beginning at 9:00 a.m. The route will be the same as in previous years.

Councilman J. Fleagle made a motion for approval. Councilman Knott seconded. A roll call vote was as follows: Jon Fleagle – yes, Pat Fleagle – yes, Jarred Knott – yes, Dade Royer – yes, Michael Cermak – yes and C. Harold Mumma – yes. The motion passed unanimously.

REQUESTS FROM YMCA SWIM TEAM FOR 6TH ANNUAL TRIATHLON (JUNE 12, 2021, 7:45 A.M. TO 12:00 P.M.): Mr. Grubbs presented a request from the YMCA Swim Team to hold their annual Triathlon on June 12, 2021, from 7:45 a.m. to 12:00 p.m. The race route will be the same as in the past, which will result in only a minor effect to several Borough streets (most of the race is in Washington Township). He recommended that the following items be approved for this request –

- (1) Close Second Street from Main Street to Myrtle Avenue
- (2) No Parking on East Side of Myrtle Avenue
- (3) No Parking on East Side of Clayton Avenue from Third Street to Ninth Street
- (4) PENNDOT Permit for Activity on Clayton Avenue and Crossing Main Street at Second Street in Washington Township

Councilman Cermak made a motion for approval. Councilman Knott seconded. A roll call vote was as follows: Jon Fleagle – yes, Pat Fleagle – yes, Jarred Knott – yes, Dade Royer – yes, Michael Cermak – yes and C. Harold Mumma – yes. The motion passed unanimously.

REQUEST FOR ROAD CLOSURES FROM MAINSTREET WAYNESBORO, INC. FOR 2021 ACTIVITIES: Mr. Grubbs noted that Bill Kohler (Mainstreet Waynesboro, Inc.) presented the following activities to the Street Committee for approval –

- (1) Father's Day Weekend Car and Truck Show (June 19, 2021, 9:00 a.m. to 2:00 p.m.) – Main Street to be closed between Potomac and Walnut Streets
- (2) Market Day (October 2, 2021, 9:00 a.m. to 4:00 p.m.) – Main Street to be closed between Potomac and Broad Streets; if St. Andrews School participates, it will be closed to Clayton Avenue)
- (3) Holiday Parade and Tree Lighting (November 20, 2021, 2:00 p.m.) – Parade route will be Main Street from Fairview to Clayton Avenues, disbanding in D. L. George's parking lot on Sixth Street; Tree lighting will be live-streamed on Facebook as in 2020

Councilman P. Fleagle made a motion for approval. Councilman Knott seconded. A roll call vote was as follows: Jon Fleagle – yes, Pat Fleagle – yes, Jarred Knott – yes, Dade Royer – yes, Michael Cermak – yes and C. Harold Mumma – yes. The motion passed unanimously.

REQUESTS FOR ACCESSIBLE PARKING SPACES: Based on recommendation from the Street Committee, Councilman Cermak made a motion to approve the following requests –

- (1) 621 Maple Street (General Accessible)
- (2) 204 W. Third Street (Reserved Accessible)
- (3) 136 E. Second Street (Reserved Accessible)
- (4) 16 W. North Street (Upgrade from General Accessible to Reserved Accessible)

Councilman Royer seconded. A roll call vote was as follows: Jon Fleagle – yes, Pat Fleagle – yes, Jarred Knott – yes, Dade Royer – yes, Michael Cermak – yes and C. Harold Mumma – yes. The motion passed unanimously.

CONSIDER APPROVAL OF MULBERRY AVENUE LIGHT FRAME: Mr. Grubbs reviewed the request of Harry Morningstar, Jr. to install a steel frame (attached to his building and extending over the Mulberry Avenue walkway) to hang lights similar to the lights on the south side of W. Main Street. The Street Committee requested that plans (certified by an engineer) be submitted for review, as well as an Indemnification & Maintenance Agreement. Several revisions were requested and the plans have been revised. The Street Committee has reviewed the revised plans and determined them to meet the requirements they set forth. The proposed Indemnification & Maintenance Agreement has been reviewed by the Borough Solicitor and returned to Mr. Morningstar for execution.

Upon discussion, Mr. Grubbs confirmed that this installation will not affect access for Michael Benedict at his rear entrance.

Councilman Royer made a motion for approval, contingent upon the execution and return of the required indemnification agreement. Councilman Knott seconded. A roll call vote was as follows: Jon Fleagle – yes, Pat Fleagle – yes, Jarred Knott – yes, Dade Royer – yes, Michael Cermak – yes and C. Harold Mumma – yes. The motion passed unanimously.

CONSIDER AMENDING ROLL-OFF DUMPSTER ORDINANCE: Mr. Stains advised that, when the “Roll-off Dumpster Ordinance” was created, the staff did not envision the situation now occurring ... a multi-unit property owner on S. Church Street has placed a roll-off dumpster at the rear of this location (instead of having 15 trash cans placed curbside) to improve the appearance on trash day and to keep the sidewalk open for pedestrian safety. Residents push the dumpster down the driveway and into the street for collection, and then back again after collection.

Mr. Stains noted that, technically, as soon as the dumpster hits the street, they owe \$25.00 for a permit. As this seems excessive, he is proposing an amendment to Chapter 134 of the Code of the Borough of Waynesboro to address this type of situation. He reviewed the proposed amendment and explained that an annual permit

fee of \$100.00 will be implemented for “Weekly Curbside Containers” of this nature. He requested Council’s authorization to advertise the amendment for consideration at their meeting in April.

Councilman Cermak made a motion for approval. Councilman Royer seconded. A roll call vote was as follows: Jon Fleagle – yes, Pat Fleagle – yes, Jarred Knott – yes, Dade Royer – yes, Michael Cermak – yes and C. Harold Mumma – yes. The motion passed unanimously.

APPROVAL OF RESOLUTION NO. 2021-09 AUTHORIZING THE ADMINISTRATIVE STAFF TO DESTROY AND DISPOSE OF ADMINISTRATIVE, LEGAL AND FINANCIAL RECORDS IN ACCORDANCE WITH PENNSYLVANIA LAW REGARDING THE DISPOSAL OF UNCLAIMED PROPERTY: Mr. Stains presented proposed Resolution No. 2021-09, which is similar to those adopted over the last several years, for the destruction and disposal of documents no longer administratively necessary to keep.

Councilman P. Fleagle made a motion for approval. Councilman Knott seconded. A roll call vote was as follows: Jon Fleagle – yes, Pat Fleagle – yes, Jarred Knott – yes, Dade Royer – yes, Michael Cermak – yes and C. Harold Mumma – yes. The motion passed unanimously.

RESOLUTION NO. 2021-09

A RESOLUTION OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AUTHORIZING THE ADMINISTRATIVE STAFF TO DESTROY AND DISPOSE OF ADMINISTRATIVE, LEGAL, AND FINANCIAL RECORDS IN ACCORDANCE WITH PENNSYLVANIA LAW REGARDING THE DISPOSAL OF UNCLAIMED PROPERTY

Complete copy on file at Borough Hall.

REQUEST FROM 633 BREWING, LLC FOR AN OUTDOOR SEATING AREA: Mr. Stains presented a request from 63 Brewing, LLC for an outdoor seating area at their establishment located at 118 Walnut Street, Suite 106, pending approval by the PA Liquor Control Board.

Solicitor Wiser advised that, in order to allow this request, Council would need to amend the Zoning Ordinance to permit an outdoor seating area as a use-by-right in a GC (General Commercial-Office) zone. He reviewed similar limitations also for downtown businesses, and suggested including TC (Town Center) and Downtown Business District (DBD) as well.

After discussion, Councilman Cermak made a motion for approval. Councilman Knott seconded. A roll call vote was as follows: Jon Fleagle – yes, Pat Fleagle – yes, Jarred

Knott – yes, Dade Royer – yes, Michael Cermak – yes and C. Harold Mumma – yes. The motion passed unanimously.

FOR INFORMATION ONLY

TRANSOURCE PA, LLC TRANSMISSION LINE PROJECT: Mr. Grubbs reviewed information from Transource PA, LLC regarding their proposed Transmission Line Project (the only portion of the Borough that would be impacted by the project is the western end of Cold Springs Estates along Cold Springs Road). The project was initially reviewed by the Waynesboro Planning Commission on 08/12/2019 when Transource made application for an NPDES permit. As a result of that review, comments were forwarded to Burns & McDowell Engineering Co., Inc. regarding requirements in the Zoning Ordinance for public utility installations, to include a special exception and public hearing with the Waynesboro Zoning Hearing Board and a more detailed map indicating the exact location of the proposed overhead electrical transmission lines. This information has been forwarded again to the project manager for information and clarification.

CENTER SQUARE STREET LIGHT & TREE DESIGN PLAN: Mr. Grubbs reported that the Street Committee reviewed the Center Square Street Light & Tree Design Plan recommended by the Borough staff. The project will consist of the following –

- Five (5) new LED street lights and poles
- Seven (7) new LED light heads on existing poles, with two (2) being relocated
- Two (2) electric meter pedestals
- Removal of nine (9) existing trees
- Eight (8) new trees, equally spaced between the street lights so they will not interfere with the distribution of light

Mr. Grubbs also gave an update on the project for overhead street lights for intersections and crosswalks on Main Street. Design plans have been completed and are in final review by PENNDOT. It is his understanding that all environmental concerns have been addressed and final approval should be received in the near future. Dennis E. Black Engineering is currently working on the bid documents, which they are hoping will be released in approximately August.

COUNCIL AND STAFF COMMENTS: Mr. Grubbs also noted that the Street Committee received requests for 15-minute parking spaces to be installed at 133 E. Main Street (Eichholz Flowers) and 22 W. Main Street (new business – Ramen Noodle Factory). Concerns were noted that these types of requests may “get out of hand”, and the Street Committee suggested that there should be guidelines and regulations to ensure that they don’t continue to increase ... perhaps that the property owners requesting 15-minute parking spaces be required to pay the costs thereof (sign - \$30.00 and installation - \$75.00). Councilman P. Fleagle made a motion for approval of these two (2) requests. Councilman J. Fleagle seconded. A roll call vote was as follows: Jon

Fleagle – yes, Pat Fleagle – yes, Jarred Knott – yes, Dade Royer – yes, Michael Cermak – yes and C. Harold Mumma – yes. The motion passed unanimously.

Discussion ensued regarding potential funding to be received from the American Recovery Plan. Solicitor Wiser noted that he will keep Council members apprised as specific information becomes available regarding potential uses.

Borough Manager Stains reported on the following –

- Final approval has not yet been received for proposed CDBG street paving projects. Once that is approved, the project(s) will be bid.
- Several alleys are proposed for repaving, as follows: (1) Herald Place between Walnut Street and Ringgold Alley, at an estimated cost of \$8,175.00; (2) Herald Place between Ringgold Alley and S. Church Street, at an estimated cost of \$6,133.00; and (3) Gay Street between S. Church Street and Mulberry Avenue, at an estimated cost of \$6,052.00. He noted that adequate funding is available in the Highway Aid Account to fund the alley paving projects.
- He continues to be contacted by a constituent at 712 W. Main Street regarding an area on Route 16 that, when larger vehicles hit it, his house shakes. PENNDOT was contacted and they investigated, but did nothing. The property owner was advised to contact Senator Mastriano's office for further assistance.
- The Mayor's concerns have been forwarded to PENNDOT with regard to cold patch needed at the intersection of Main and Potomac Streets, as well as the vicinity of the Car Wash on W. Main Street.
- Interviews for staffing at Northside Pool continue.
- The street sweeping schedule will commence on April 13th. This information has been posted on the Borough's website and Facebook page.
- Borough Hall's lobby will re-open on 04/05 at 8:00 a.m. The public will be notified closer to that date.
- Council had asked him to research vaccination locations throughout Franklin County, which continues to be a struggle. To the best of his knowledge, vaccination events are being held at Chambersburg Mall (interested individuals must register at Wellspan or Keystone Health, and Rabbit Transit is offering free rides for senior citizens). He will provide additional information upon request.

Kevin Grubbs noted that he was contacted by UGI regarding upcoming work on N. Broad Street between Alley #1 and North Street. They are requesting to close N. Broad

Street during the day while they are working, and have submitted a permit application for the project. They will provide traffic control and erect appropriate signage as well.

Mr. Stains asked Council's feelings on returning to a "hybrid in-person" meeting (some Council members would attend in-person and some would attend via Zoom). Discussion followed and it was suggested that Council members could attend in-person (provided that they can be socially distanced) and the public and staff members would attend via Zoom only). Mr. Stains noted that he will need to purchase some equipment and experiment with seating in Council Chambers. All seemed to be in agreement with establishing a goal of May for this type of meeting, depending on the vaccination situation at that time.

Council then adjourned to executive session at 8:02 p.m. They reconvened at 9:03 p.m.

ACTION TAKEN FOLLOWING EXECUTIVE SESSION: Councilman P. Fleagle made a motion to approve an agreement with Innergex to potentially develop a solar farm on the former Waynesboro Municipal Golf Course. Councilman Cermak seconded. A roll call vote was as follows: Jon Fleagle – yes, Pat Fleagle – yes, Jarred Knott – yes, Dade Royer – yes, Michael Cermak – yes and C. Harold Mumma – yes. The motion passed unanimously.

Councilman Royer made a motion to approve the sale of 137-139 W. Main Street, as one (1) parcel, by sealed bid. Councilman Knott seconded. Conditions of the sale will be as follows:

- Buyer shall improve the lot with a structure available for occupancy (as evidenced by the issuance of an occupancy certificate) no later than five (5) years from the date the Buyer purchases the property. Buyer can request an extension of time for completion of the structure, for delays caused beyond the control of Buyer, which extension shall not be unreasonably denied. In no event shall the extension exceed two (2) years.
- Seller shall reserve and retain an option to re-purchase the real estate from Buyer in the event that Buyer fails to perform in accordance with the above covenant. The re-purchase price shall be the amount that Buyer purchased the Property for from Seller, less 10% (for example, if Buyer purchased the Property for \$50,000 and fails to comply with the covenant set forth above, then Seller may exercise its right to re-purchase the Property for \$45,000). Seller shall be entitled to the remedy of strict performance in the event that Buyer fails to diligently cooperate with the re-purchase. In no event will Seller be liable to Buyer for any type of damages, including, but not limited to, delay damages, loss of profit, or punitive damages.
- Buyer shall not subdivide the Property without Seller's express written consent, which shall be exercised in Seller's sole discretion.

A roll call vote was as follows: Jon Fleagle – yes, Pat Fleagle – yes, Jarred Knott – yes, Dade Royer – yes, Michael Cermak – yes and C. Harold Mumma – yes. The motion passed unanimously.

Having no further business to discuss, Councilman P. Fleagle made a motion for adjournment at 9:07 p.m. Councilman Royer seconded; the motion passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary