

JUNE 15, 2016
WAYNESBORO, PA 17268
REGULAR MEETING

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

Council Members – Delmos Oldham, Patrick Fleagle, Niccole Rolls, C. Harold Mumma, Chad Rooney (Michael Cermak was absent)

Mayor Richard Starliper

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

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

PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS: Mayor Starliper presented a Proclamation to Lloyd Hamberger (former Borough Manager) for his efforts to raise funds to benefit the Cancer Society by undertaking a solo motorcycle ride from Waynesboro's Renfrew Park to the Town of Renfrew Ontario, Canada. Mr. Hamberger described his planned route and noted he will post daily updates to *The Record Herald*.

EXECUTIVE SESSION: President Mumma noted that Council will hold an executive session at the end of the meeting.

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

PERSONNEL COMMITTEE: Councilman Rooney made a motion to grant a step increase for Richard Doll to salary level 6D, effective 07/31/2016. Councilwoman Rolls seconded; the motion passed unanimously.

Councilman Rooney made a motion to hire Louesa Piatak as part-time Survey and Research Assistant, at the rate of \$10.00/hour. Councilman Oldham seconded; the motion passed unanimously.

Councilman Rooney made a motion to acknowledge a favorable performance evaluation for Shade Smith and to remove him from probationary status. Councilwoman Rolls seconded; the motion passed unanimously.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Rooney reported that the following items were discussed at the May Property Committee meeting –

- Greenways Map (first phase of the Official Map) – Suggestions were made and will be passed on to the Head of Engineering Services.
- Alley and Garage Behind Borough Hall – Condition, cost and options for demolition were discussed.
- Walking Trail – A surveying company will be marking the trail in mid-summer. Discussed Council's decision at the 05/18 meeting to proceed with eminent domain. The purchase/construction of a required bridge was discussed, and it may be necessary to have the Borough's maintenance department build it.
- Police Vehicles – Because of the timing of the anticipated grant, it may be necessary to purchase 2017 models.
- Electric Supply Rates – The Borough Manager reviewed electric supply rates for the Borough.

Councilman Rooney distributed a map of the Rotary parking lot for reference. Fire Chief Adolini has requested the designation of eight (8) spaces in the Rotary parking lot, exclusively for firefighters stationed at, or responding to calls. After discussion and clarification, Councilman Rooney made a motion to designate the requested parking spaces for firefighters; and providing for the appropriate signage, markings and vehicle permits for the designation. Councilwoman Rolls seconded; the motion passed 4-1 (Councilman Oldham opposed). It was suggested that use of the spaces be monitored, as Council may wish to reduce the number of spaces at a later date. Council concurred.

Councilman Rooney noted that he has received a complaint regarding the need for repainting of the crosswalks to ensure they are visible. Denny Benschhoff noted they are scheduled to be done by Alpha Space Controls during the month of July.

The Property Committee will hold their next meeting on 06/16 at 6:00 p.m. in the second floor conference room of Borough Hall.

STREET COMMITTEE: Councilwoman Rolls noted that the Street Committee met on 05/25. With regard to the paving of Fairview Avenue, one of the options discussed was the addition of PENNDOT-approved speed humps to control speeding around the elementary school, at a cost of approximately \$4,400 each. Councilwoman Rolls made a motion to authorize the installation of two (2) speed humps directly in front of the school from Third to Fourth Streets. Councilman Rooney seconded. Councilman Oldham mentioned his concerns regarding potential liability with regard to vehicle damage and difficulty for snow plows and/or emergency vehicles. A vote was called. The motion passed 4-1, with Councilman Oldham opposing.

The next Street Committee meeting is scheduled for 06/22 at 9:00 a.m.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Fleagle reported that the Downtown Revitalization Committee met on 06/07. The following items were discussed at the meeting --

- Mainstreet Economic Director – The new Director, Bill Kohler, will begin full-time on 07/06.
- Update on Plaza - The buildings have been demolished. The third story of 21 E. Main Street is being rebuilt, ensuring it is structurally sound, as it had a common wall with the one demolished.
- Administrative Search Warrants – Borough staff provided information regarding administrative search warrants which, he believes, will yield good results in maintaining the Borough's International Property Maintenance Code.
- Street Lighting – An update was provided.
- Health Board – An update was provided. Draft wording is still under review by Chambersburg's Solicitor, and no comments have been received back yet. Solicitor Wisner confirmed that is correct.
- Historic District Application - The application has been submitted. He suggested holding a public meeting to discuss the significance (tax-wise and redevelopment-wise) of having a historical district. He noted it should be clarified that there are no restrictions as a result of this designation, but there are incentives that should be publicized.
- 137 W. Main Street Property – An update was provided on Leon Adler's proposal regarding the property at 137 W. Main Street. Discussion was held regarding the use of loan guarantees from the Franklin County Area Development Corporation. Mike Ross (FCADC) will be asked to attend the next meeting to brief investors who are looking at rehabilitating commercial buildings in the downtown (particularly those that are currently boarded up).

The next Downtown Revitalization Committee meeting has been rescheduled from 07/05 to 07/12 at 10:00 a.m.

FINANCE COMMITTEE: Council members received the financial statements for May -- any questions are to be addressed with the Borough Manager. Mr. Stains noted that a \$20,000 transfer of funds was made from the General Fund to the Northside Pool Reserve Fund, which reflects proceeds from pool revenues during the last three (3) years. The Pool Reserve Fund now has approximately \$50,000 for much-needed improvements in the coming years. He added that painting and concrete work was done to the exterior of the pool building prior to the 2016 operating season, and focus will turn to the inside during the off-season.

RECREATION BOARD: Mr. Rooney noted that the Borough Manager provided an update regarding the pool and walking trail. The next Recreation Board meeting will be held on 06/22 at 6:30 p.m. at Northside Pool.

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

“On May 20th, I attended the Chamber's breakfast meeting, at which time personnel from the Tractor Supply Company spoke as to their opening dates.

Also on the above date, I spoke to three (3) honors Civic classes of Mrs. Henderson's at the High School.

On the 25th of May, I attended the ribbon cutting for the new shop, Wildflower, on Anthony Highway.

Also on the 25th, I had the privilege of uniting in marriage Kayla Rivera and Howard Cooper. Wish the Cooper's the very best.

On May 30th, I participated in the Memorial Day parade and in the memorial service following the parade. Many thanks to Kathy Shaffer and the Combined Veterans Council for all of their work, and also thanks to our Wayne Band.

On June 5th thru the 8th, Manager Stains and I attended the Mayor's 105th Annual Conference of the PSAB. Rocky Bieier was our speaker on the 5th. Some of the sessions I attended were State Agency briefing, Mayors' Association meeting, current issues for Volunteer Fire Departments, Can I Speak Off the Record, Open Records Requests, Are Part-Time Police Officers the Answer and Boroughs' Sign Ordinances. Also, Manager Stains received his 10-year service award.

As a side note, on June 11th, I attended Mr. Sam Worley's 95th birthday party. Mr. Worley was and is still active in local politics.

On June 14th, I attended the Waynesboro Fire Police meeting.

As presented a few minutes ago, a proclamation in honor of Former Manager Lloyd Hamberger's trip to Renfrew Ontario, Canada for the Waynesboro Area Gala Cancer Auction Event. We thank him for his effort.”

SOLICITOR'S REPORT: No report.

PUBLIC COMMENTS – AGENDA ITEMS: Visitors desiring to comment on a particular agenda item will be recognized by the President to speak when the topic is being discussed.

PUBLIC COMMENTS – NON-AGENDA ITEMS:

Chris and Jocelyn Pentz, 204 Ridge Avenue – Mr. Pentz provided a follow-up on the issue regarding improper snow removal at their rental property at 50 W. Third Street, which was discussed by his wife at a previous meeting. They have since settled the matter with District Justice Pentz and have paid court costs in lieu of the circumstances. He noted his appreciation to District Justice Pentz and Code Enforcement Officer Dan Sheffler for their time, as well as Council for hearing their concerns regarding the matter.

Bill Kohler, Mainstreet Waynesboro Inc. – Bill Kohler introduced himself as Mainstreet Waynesboro, Inc.'s new Economic Director. He reported that the recent Beer Festival event was successful, despite the downpour of rain. Crews from D. L. George have been working to demolish the buildings at 25-27 W. Main Street for the proposed downtown parklet, which has been discussed for the past four (4) years. He discussed several plans for the park to include a farmer's market, family events, pop-up shops and dessert strolls. Eventually, the former "Men's Shop" building will be the home to Mainstreet Waynesboro's office, and (hopefully) a coffee shop, bakery or deli. They also plan to renovate and rent the upstairs to a business or residential tenant. MSW is moving forward with the next round of facade grant funding to help improve businesses and properties along Main Street. Mr. Kohler thanked the Mayor and Council for their support of MSW in the past and noted he looks forward to working with them in the future.

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

A. Award of Contracts – None

B. Routine

(1) Approval of Minutes – May 4, 2016 (regular meeting), May 18, 2016 (regular meeting) and June 1, 2016 (special meeting)

(2) Pay Bills – Check Details dated 05/23, 05/31 and 06/03

(3) Accept Reports of the Code Enforcement Officer, Police Chief and Fire Chief for the month of May, 2016

C. Previously Discussed Items – None.

Councilman Oldham seconded; the motion passed unanimously.

UNFINISHED BUSINESS

CONSIDER ORDINANCE FOR ADOPTION (EMINENT DOMAIN): Solicitor Wisner noted that Council authorized the drafting and advertisement of an ordinance to acquire certain property by eminent domain for the walking trail project that would connect

Memorial Park to Renfrew Park. All the necessary easements, with the exception of one, have been acquired from the property owners. This property has multiple property owners, and the Borough was only successful in contacting one of those owners. This left the Borough with the option of either abandoning the trail project or to acquire the necessary right-of-way to complete the trail through the use of eminent domain. The proposed ordinance, authorized at Council's last meeting, has been advertised for consideration at this meeting. Mr. Wisner explained that this ordinance would allow the use of eminent domain to acquire a permanent trail right-of-way and construction of maintenance right-of-way through the lands of Mark U. Painter, Sharon K. Kistler and Thomas Romney Painter; with a plan showing the precise area and location of the right-of-way. He explained the location of the right-of-way, noting the permanent trail easement is approximately 5' and the permanent maintenance right-of-way to be constructed would be approximately 20'. If Council authorizes this ordinance, the next step would be to file the Declaration of Taking at the Franklin County Court of Common Pleas.

Sharon Painter Kistler – Ms. Kistler noted that she is one of the property owners referenced, along with her two (2) brothers. She has received several telephone calls in the past year and a half regarding granting approval for this easement, one of which suggested that the trail could be named after her father (a former Council member and Mayor). She consistently stated that she is in the process of a legal dispute with her brothers regarding jointly-owned property, and wasn't in a position to grant permission until this personal legal dispute was resolved. She then read in the newspaper that Council had voted to exercise eminent domain to take a portion of the property. Additionally, she discovered that a surveyor had placed stakes and ribbons on the property, which she feels was trespassing. Ms. Kistler noted that she initially had no opinion about the walking trail, but doesn't like the manner in which this has been handled. She added that the piece of land the Borough wants to take abuts the School District's stadium (with a track that is offered for public use). In addition, she noted that the School District's concerns regarding the walking trail along their property (and safety concerns for the children) have some legitimacy. She has discussed the matter with her attorney, Jack Sharpe of Chambersburg, as even though it is a small piece of property, it is still her property.

Solicitor Wisner advised that Borough Council doesn't take their decision lightly, and it was an option of last resort because they were unable to speak with all of the affected property owners. He explained that the Borough Code provides boroughs the express powers to exercise eminent domain for recreation places and greenways (for which the proposed walking trail qualifies). It was clarified that the Borough will be required to pay the property owner fair market value for the property, and a certified appraiser would determine what that fair market value is.

Councilman Fleagle made a motion to proceed with the proposed ordinance. Councilwoman Rolls seconded and, after further discussion, the motion passed 4-1 (Councilman Oldham opposed).

REQUEST FOR ABANDONMENT OF A PORTION OF GREEN STREET: Kevin Grubbs presented a request for abandonment of a portion of Green Street between Park Street and Hamilton Avenue, which is currently unimproved and contains no utilities. Mark Taylor, who owns MBT Product Design & Manufacturing, Inc., plans to relocate to 218 W. Fifth Street, which adjoins that portion of Green Street.

Mr. Grubbs explained that if Council approves the request to proceed with the abandonment, a public hearing would need to be scheduled. Adjoining property owners would be notified, and the perimeter would be posted, prior to the public hearing.

Councilman Oldham made a motion to authorize drafting of the necessary document and scheduling of the required public hearing. President Mumma noted the public hearing should be scheduled for their first meeting in September (09/07). Councilman Rooney seconded; the motion passed unanimously.

DRAFT WEED ORDINANCE: Dan Sheffler noted that Council has received a draft Weed Ordinance from Solicitor Wiser, with his suggestions also indicated. After discussion regarding specific regulations, Councilman Oldham made a motion to authorize advertisement of the proposed ordinance for adoption at Council's next meeting. Councilman Rooney seconded; the motion passed unanimously.

PARKING SPACE ON W. MAIN STREET AT MULBERRY AVENUE: Borough Manager Stains noted that Council had tasked the staff to obtain an independent study of the mid-block crosswalk with rapid flashing beacon lights on W. Main Street at Mulberry Avenue. It was, at one point, recommended by the Borough's engineering staff that the parking space directly in front of the building housed by Michael Benedict Construction and Darwyn Benedict's Re/Max Realty be removed due to site distance for the crosswalk. An outside engineering firm has completed their study and recommended that the parking space must be removed permanently. Solicitor Wiser advised that there would be significant liability concerns if the space is not removed. Councilwoman Rolls made a motion to remove the space, as recommended. Councilman Rooney seconded; the motion passed unanimously.

NEW BUSINESS

FAIR HOUSING RESOLUTION (RESOLUTION NO. 2016-15): Proposed Resolution 2016-15 was presented to Council for adoption as a requirement of the CDBG program and to publicize fair housing regulations in the Borough of Waynesboro. Councilman Rooney made a motion to approve Resolution No. 2016-15, as presented. Councilman Oldham seconded; the motion passed unanimously.

RESOLUTION #2016-15 **FAIR HOUSING RESOLUTION**

LET IT BE KNOWN TO ALL PERSONS of the Borough of Waynesboro that discrimination in the sale, rental, leasing, financing of housing or land to be used for

construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, familial status (families with children), handicap (disability) is prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Act) and the Pennsylvania Human Relations Act adds the additional protected classes of age and ancestry. It is the policy of the Borough of Waynesboro to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, age, ancestry, sex, national origin, handicap (disability), or familial status (families with children). Therefore, the Borough of Waynesboro hereby adopts the following resolution; and

Complete copy on file at Borough Hall.

NEW HOPE SHELTER'S REQUEST FOR CONSTRUCTION TRAILER PARKING IN ROTARY PARKING LOT AND ACCESS TO S. POTOMAC STREET FIRE STATION ROOF:

Mr. Stains presented correspondence from the New Hope Shelter regarding their upcoming construction project. They are requesting to utilize a portion of the Rotary parking lot for their construction trailer during the project and permission for their contractor to gain access to the roof of the S. Potomac Street Fire Station in order to reach windows on the south side of their building. Mr. Stains noted he has no issue with either request, with the caveat that a release and indemnification agreement be signed with their contractor regarding the repair of any damages when accessing the fire station building. In addition, it was noted that no penetration of the macadam in the parking lot will be permitted for fencing (which will be addressed in the agreement). The work is planned for August/September and should be completed within 180 days. Councilman Rooney made a motion for approval as discussed. Councilwoman Rolls seconded; the motion passed unanimously.

WAYNESBORO AREA SCHOOL DISTRICT PER CAPITA TAX REQUEST: Council received a copy of the School District's proposed agreement regarding per capita taxes, for which they requested a response by 06/16, and much discussion followed. Councilman Fleagle made a motion to respectfully decline the School District's offer to enter into this agreement and proceed with alternatives to distribute the per capita tax bills, including (and not excluding) any additional offers the School District may make for that service. Councilman Rooney seconded.

Solicitor Wiser explained that the Borough's current ordinance delegates the power to the Borough Manager to enter into an agreement with a collector for the per capita tax, but it doesn't include many of the provisions in the agreement proposed by the School District (some of which would constitute a delegation of governmental powers to another governmental entity, which would require an inter-governmental cooperation agreement and ordinance). This simply cannot be accomplished by the School District's stated deadline.

After more discussion, a vote was called and the motion passed unanimously.

DRAFT ORDINANCE RE: ALLOWABLE TENDER: Council members received a draft ordinance establishing a policy regarding allowable tender for the payment of various charges due to the Borough, in an attempt to prevent unduly burdening employees with the task of counting coins for payments exceeding a certain value. Councilman Rooney made a motion to authorize advertisement of the proposed ordinance for Council's consideration. Councilman Oldham seconded; the motion passed unanimously.

TOWN HALL MEETING: Councilwoman Rolls noted that she and Councilman Rooney have been discussing the possibility of holding a Town Hall meeting to provide an informal setting for the public to discuss their concerns with Council members. She made a motion to hold a Town Hall meeting on 07/06 at 7:30 p.m. (at a location to be determined). Councilman Rooney seconded; the motion passed unanimously.

FOR INFORMATION ONLY

RETIREMENT NOTICE FOR POLICE DEPARTMENT CLERK: Mr. Stains advised that he received correspondence from Byron Bowser, Police Department Clerk, regarding his plan to retire in August/September of 2016.

PRESS QUESTIONS:

Jennifer Fitch, Herald Mail

Question: Regarding the parking space on Main Street, who was the outside engineering firm and how much were they paid?

- Sam Wiser – Grove Miller of Harrisburg, PA
- Jason Stains – It was free ... they did not feel it was a major project to undertake. They service other municipalities in this area and felt they could sufficiently provide an adequate answer.

Question: For the eminent domain, what happens after the paperwork is filed with the Court of Common Pleas?

- Sam Wiser – It is filed with the Franklin County Prothonotary and Records Office. Upon the filing of the Declaration of Taking, the property is the Borough's property unless it is challenged by Preliminary Objections (the basis for which are very narrow in respect to the Eminent Domain Code).

Question: What is the window of time to challenge it?

- Sam Wiser – I believe there are twenty (20) days from the date of filing the Declaration of Taking.

Question: Would the person challenging it do so at the Prothonotary's Office?

- Sam Wiser – that is correct.

COUNCIL AND STAFF COMMENTS: Councilman Rooney noted that he will be meeting next Thursday with two (2) candidates for the Junior Councilperson Program, with plans to make recommendations at the 08/16 Council meeting for a Junior Councilperson and alternate. Mr. Rooney noted his appreciation for articles in *The Record Herald* relating to communication issues between the School Board and local municipalities. He expressed his personal interest in opening the lines of communication with the School Board by establishing set public meetings similar to those held between the Borough and Washington Township.

Maintenance Superintendent Denny Benschhoff reported that storm sewer work on Fairview Avenue has been completed in preparation for the paving contractor, and they are beginning work now on Welty Road.

Police Chief Sourbier reported that the two (2) candidates approved by Council at their special meeting on 06/01 have been given their conditional offers, both of which were accepted. Both individuals will start work on 06/27. Oral examinations have been scheduled on 06/18 for the Sergeant, Corporal and Patrolmen candidates; and physical fitness examinations will be conducted for the Patrolmen candidates that afternoon. Recommendations will be made as soon as the Civil Service Commission provides an Official Register for each position.

Councilman Oldham thanked the public for their attendance.

Councilman Fleagle reported that he attended a recent tour of the Borough's water and sewer facilities with WBA members and staff, and thanked them for their time and efforts.

Councilwoman Rolls echoed comments regarding the tour, and thanked the public for their attendance at the Memorial Day parade and service. She also mentioned that a resident of Blue Ridge Summit volunteered to create a video of the recent "Spring Clean Our Town" event, which has been posted on FaceBook on the "Keep Pennsylvania Beautiful" page. She urged residents to watch the video and "Like" it in order to vote for Waynesboro.

Mayor Starliper announced that the Fire Police will be assisting with Greencastle's Sidewalk Sales on 07/08 and 07/09. During recent discussions with representatives from other municipalities, he learned that they have placed porta-potties (one regular and one handicapped) at their parks for public use. Costs are low, they can be used from April to October and then removed, and are cleaned out weekly by the supplier. He suggested that the Recreation Board may want to consider this for the future. In addition, in light of the recent shooting in Orlando, he urged all citizens to "say something if they see something".

Manager Stains reminded the public of the “Theme Thursday” event to be held the following evening at Northside Pool, beginning at 7:00 p.m. The theme is “Safari Adventure”, complete with exotic animals; and is sponsored by Salzman Hughes, Waynesboro Hospital and the Borough of Waynesboro.

Mr. Stains also noted that a letter was distributed to the Multi-Modal Office requesting permission to commence reimbursable activities within parameters of the grant agreement. The grant agreement is currently proceeding through the signature process in Harrisburg, which is why the bids have not yet been awarded for Fairview Avenue and Welty Road. All efforts are being made to ensure that Fairview Avenue is completed prior to the start of school in August.

EXECUTIVE SESSION: Council adjourned to executive session at 9:23 p.m. to discuss a personnel issue, collective bargaining and some property maintenance enforcement matters.

Council reconvened to regular session at 9:44 p.m. and adjourned at 9:45 p.m.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary