

JULY 15, 2015
WAYNESBORO, PA 17268
REGULAR MEETING

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

Borough Council Members – Benjamin Greenawalt, Delmos Oldham, C. Harold Mumma, Hans Bader and Michael Cermak (Darrel Potts 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.

EXECUTIVE SESSION: Council adjourned to executive session at 7:33 p.m. to discuss personnel and other matters with the Solicitor. They returned to regular session at 7:56 p.m.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cermak noted that he will present several items during the “voting section” of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Oldham noted that he will present an item during the “voting section” also.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: No report.

FINANCE COMMITTEE: No report.

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

“On June 30th, I attended the Franklin County Commissioners meeting.

On July 1st, I had the privilege of uniting in marriage Regina Dewalt and Richard Mumpower. We wish them the very best.

On July 4th, I participated in the Brothers of the Brush parade and attended the Summer Jubilee. Many thanks to both organizations for their work.

On July 10th, I attended the Destination Arts Grand Opening for the season.”

Mayor Starliper also reported that the Waynesboro Fire Police will be assisting at the following events –

- Gun Bash at the South Mountain Fish and Game Club on July 18, 2015
- Project Big Love at the Mont Alto Fire Company Grounds on July 25, 2015
- No One Fights Alone, Inc. Car Show at Zullinger Tennis Club on August 22, 2015

SOLICITOR’S REPORT: No report.

PUBLIC COMMENT – ITEMS ON AGENDA

Carrie Giauque, 11511 Buhrman Drive – Ms. Giauque, who was hired by Mainstreet Waynesboro, Inc. to conduct a review of the historic district for the National Register of Historic Places, was present to discuss the proposed cell tower (3 antenna arrays) on the Wayne Building. As the Wayne Building has been deemed eligible for the National Register of Historic Places, this proposal will also be reviewed under Section 106 at the PA Historical & Museum Commission at a later date. As a historian, her issue with the proposal is that the equipment would be more visible than the current array on the building. Options to move the array inward and away from the parapet should be discussed so it won’t be as visible from the Main and Potomac Street areas and deter from the architecture. Mr. Stains thanked Ms. Giauque for her input, but clarified that the proposal being discussed at this meeting is a different project.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak made a motion to reappoint Ronald Flegel to the Civil Service Commission; said term to expire on 08/01/2021. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to hire Shade Smith as Driver/Operator-Laborer, at salary level 5A. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for Mike Benschhoff to salary level 16C, effective 09/05/2015. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for Bobby Cole to salary level 7D, effective 09/07/2015. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for Melinda Knott to salary level 13C, effective 07/13/2015. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak stated that he made a motion at the last meeting to hire Casey Rock as a Fire Relief Driver; and the motion failed for lack of a second. He made the same motion again, in hopes that other Council members have had an opportunity to change their minds. Councilman Bader seconded the motion, noting that (after numerous personal contacts) he feels this is in the best interests of the Borough as opposed to paying overtime. A vote was called and the motion passed unanimously.

Councilman Oldham made a motion to approve the installation of a handicapped parking space at 234 W. Second Street. Councilman Greenawalt seconded; the motion passed unanimously.

CONSIDER APPROVAL OF CONSENT AGENDA: The Consent Agenda was approved as follows --

WHEREAS, the Mayor and Borough Council have either previously discussed or considers certain agenda items to be of a routine nature; and

WHEREAS, items of the nature noted in the paragraph above generally meet with the consensus approval of the Mayor and Borough Council.

NOW, THEREFORE, on motion of Councilman Greenawalt, seconded by Councilman Bader, by a vote of 5-0-1 (Councilman Potts was absent), it was resolved that the following items are approved by the Mayor and Borough Council:

Award of Contracts: N/A.

Routine:

1. Approval of minutes – June 30, 2015 (regular meeting)
2. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief – June, 2015
3. Pay Bills – Voucher Lists dated 07/06 and 07/10

Previously Discussed: N/A.

UNFINISHED BUSINESS: None.

NEW BUSINESS

VERIZON WIRELESS SMALL CELL PROPOSAL: Matt Burtner, Network Building Consulting of Carlisle, PA, was present representing Verizon Wireless. He noted that they are proposing seven (7) small cell installations on existing traffic light supports, five (5) of which are in the historic district and two (2) of which are outside the historic district. He explained that the installations would involve a pair of 1' black antennas, a black radio box and a smaller black box for fiber equipment; and he provided a preliminary design drawing for Council's review. Electric usage will need to be negotiated ... options include metering the usage separately or a flat monthly rate (of approximately \$11/month) being paid. Mr. Burtner added that all installation and permitting costs will be paid by Verizon. Any damages or replacement costs to the equipment (in the case of an automobile accident) would be covered by insurance, which is provided for in the proposed lease agreement to be reviewed by the Borough's Solicitor.

Kevin Grubbs commented that Verizon will first need to obtain permission from PENNDOT to install equipment on the traffic signals, and the Borough (as the permit holder) would then need to apply for permit revisions. Mr. Burtner explained that they have been working with PENNDOT for over a year now, and the final item they are requesting is an inter-modulation study to ensure that this equipment will not interfere with any other radio frequency uses (particularly those for emergency services). Following that study, PENNDOT's Central Office will allow the Districts to begin reviewing individual applications to add equipment to the traffic signals; and they could take the lead on those applications if the Borough so desires.

Solicitor Wisner advised that he has been provided with a draft lease agreement from Verizon, as they have also approached Chambersburg and Greencastle (for which he is Solicitor). Chambersburg is currently exploring the option, but is in somewhat of a holding pattern until PENNDOT has determined if it would be a permissible installation on a traffic signal. He noted that the intent of Mr. Burtner's presentation tonight is to determine if Council is interested in considering this further; and if they are, they will wait to hear back from PENNDOT on the matter. If PENNDOT is agreeable and Council wishes to pursue the matter, Salzmans Hughes can present Verizon with revisions to the draft lease to address specific details regarding electric use, rental fees to be paid to the Borough, insurance fees, etc.

Mr. Burtner clarified that the purpose of these installations is to increase data rates for people using smartphones, particularly in busy times such as during festivals, parades and other special events or during rush-hour in town. It is not for the purpose of providing new coverage.

MEMORIAL PARK TENNIS COURT CONDITION: Mr. Stains provided Council with pictures indicating the deteriorating condition of the Memorial Park tennis courts, which was brought to the Recreation Board's attention by members of the tennis-playing community. Price quotes for repairs have been obtained – a short-term repair (to last 2-3 years) would cost \$16,000 and a long-term rebuild would cost \$65,000.

Concerns were noted regarding the trees along the walkway and their impact on the tennis courts (overhanging limbs, sap, leaves, roots, etc.) As the trees were placed there as a memorial to war veterans, it is a complicated issue. It has been suggested that, as trees near the tennis courts die, new ones should be planted along the newly-installed walkway thru the park. Mr. Stains noted that the Borough's Shade Tree Commission is publicizing that individuals who would like to donate a memorial tree can do so for \$250.

As there is currently no money budgeted for these repairs, Mr. Stains noted the matter should be discussed during upcoming budget deliberations. Councilman Greenawalt made a motion as such, including the pursuit of any available grant programs for these types of repairs. Councilman Bader seconded. Maintenance Superintendent Denny Benschhoff urged Council to make a decision on the tree situation in conjunction with any decision on the tennis court repairs, as he agrees that the trees along the walkway should be moved to preclude further damage. Council members were asked to view the area in question for future discussions. The motion then passed unanimously.

TREE TRIMMING AT MEMORIAL PARK: On a related matter, Mr. Stains reported that he has received a price quote of \$2,300 from Cumberland Valley Tree Service for trimming and removing several aging trees near the memorial area at Memorial Park. As the shade tree funds have been depleted for the year, he suggested deferring this matter for discussion during the 2016 budget sessions.

DISCUSSION ON BUILDING INSPECTION SERVICES: Mr. Stains noted that Council members received two (2) unsolicited items at their last meeting – one was an updated price list from Accredited Services (the Borough's current Building Inspector) and the other was a proposal from Commonwealth Code for building inspection services. The Solicitor feels that, if Council wishes to explore the matter, a formal RFP should be prepared in order to allow other inspection companies to submit a proposal. Councilman Greenawalt reminded Council members that they were requested by developers at a previous meeting to consider allowing them the choice of inspection services. Councilman Bader made a motion to solicit proposals from other companies to provide inspection services. Councilman Oldham seconded; the motion passed unanimously. Solicitor Wisner noted that, as Chambersburg recently went through this process, he will provide a copy of their RFP as a starting point for developing an RFP for Waynesboro.

DISCUSSION ON REVISIONS TO ORDINANCE RE: VEHICLE IMPOUNDMENT: Police Chief Jim Sourbier noted he has discovered discrepancies among the various ordinances, citations and municipal codes with regard to the towing and impounding of motor vehicles. Regulations specify that the Borough will issue an RFP for towing services, a tow service will be selected, and a price list (as well as indemnification fees) will be established via resolution. Solicitor Wisner has provided a copy of Chambersburg's most recent RFP and resulting contract for towing services; and following review, Chief Sourbier noted he is quite satisfied with the documents.

After further discussion, Councilman Cermak made a motion to authorize the Borough Solicitor to proceed with preparing an RFP, based on the template provided from the Borough of Chambersburg, for the purpose of selecting tow service vendors. Councilman Oldham seconded; the motion passed unanimously.

PLANNING COMMISSION ITEMS: Kevin Grubbs advised that the Waynesboro Planning Commission has reviewed (and recommended approval of) the following plans

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- Waynesboro Area Senior High School Field House (concession stand and restrooms) – Approval was recommended contingent upon three (3) required revisions, which have been completed. The plans meet all requirements of the Borough’s Zoning Ordinance, Subdivision/Land Development Ordinance and the Stormwater Management Ordinance. Councilman Greenawalt made a motion to approve the plans, as presented. Councilman Bader seconded; the motion passed unanimously.
- Brimington Farm Development (Revised Post Construction Stormwater Plan) – This was a requirement by DEP for their NPDES permit. Four (4) minor revisions were required – those have been completed and are reflected in the plans. The plans meet all requirements of the Borough’s existing ordinances. Councilman Greenawalt made a motion for approval of the plans. Councilman Bader seconded; the motion passed unanimously.

MARTIN’S BOND REDUCTION REQUEST: Mr. Grubbs presented a request from J.C. Bar Properties (Martin’s Food Market) to be released from their current bond requirement of \$997,243.73. After a field inspection by the Engineering Department, a punch-list was made and forwarded to J.C. Bar. They have corrected many of the items on the punch-list, and it is his recommendation that their bond amount be reduced to \$159,292.32 until the project is 100% complete. Councilman Oldham made a motion for approval of the bond reduction, as presented by Mr. Grubbs. Councilman Greenawalt seconded; the motion passed unanimously.

DISCUSSION OF LIQUOR LICENSE TRANSFER FROM WASHINGTON TOWNSHIP TO BOROUGH OF WAYNESBORO: Scott Crum, President of the Fraternal Order of Eagles Aerie 1758 (P.O. Box 227, Waynesboro, PA) was in attendance to discuss the possibility of transferring their liquor license from Washington Township (as they have sold their building) to a new location in the Borough. They are currently considering purchasing a vacant building on N. Church Street, but would like to know if Council would be amendable to the transfer prior to moving forward with the purchase. Councilman Cermak made a motion that the Borough is open to the concept of the liquor license transfer pending final application to the PA Liquor Control Board when a location has been identified. Councilman Bader seconded; the motion passed unanimously.

PUBLIC COMMENT – NON-AGENDA ITEMS:

Joan Maring (100 block of N. Franklin Street) – Ms. Maring was present to make her complaints known regarding a property next to her in which 9+ cats reside in the attic with no litter pans in use. She noted that the smell of urine and feces is unbearable, and she asked what can be done about the situation. Solicitor Wisner noted the difficulty in discussing code enforcement matters in a public setting, because each issue must be considered on a case-by-case basis. He assured her that the matter regarding the animals is being properly pursued by the Humane Society, as they are best suited to address those issues. The Borough has discussed its intention to update the animal ordinances, which will be done in the future. While he understands her concern as an adjoining neighbor, for the issue to rise to a level of a public nuisance, Council would need to hear from a large quantity of the neighborhood. He assured her that the Borough is aware of this situation, and they will continue to enforce and address the issues as best they can. He added that there is a personal right of civil action to bring a private nuisance claim against the neighbor for unreasonably interfering with the use of her property.

Ronnie Martin, 66 State Hill Road – Mr. Martin spoke in support of pursuing options regarding building inspection services, as individuals/developers should have the right of choice. Mr. Martin also spoke in opposition to removal of the trees along the walkway in Memorial Park.

FOR INFORMATION ONLY

AWARD OF 2014 CDBG FUNDING: Mr. Stains reported that the Borough has received notification of the award of \$134,046 from the FY 2014 CDBG program. The Engineering Department will move forward on the proposed projects as soon as possible.

ADDITIONAL COMMENTS FROM BOROUGH MANAGER: Mr. Stains noted that Casey Rock's resignation as a Fire Apparatus Driver was accepted at Council's last meeting, and authorization will need to be given to the Civil Service Commission to proceed with filling the vacancy. Councilman Greenawalt made a motion as such. Councilman Bader seconded; the motion passed unanimously.

Mr. Stains reported that Council members met at 6:00 p.m. (prior to this meeting) with the financial planners for both the police and non-uniformed employees' pension plans. As pension reform is being discussed throughout the state and many communities' plans are under-funded, he happily reported that the Borough's plans continue to be "healthy".

Mr. Stains advised that a complete internal audit of the Borough's personnel files (for non-uniformed employees) was conducted this past week; and they are now in compliance with an initiative passed by Council in 2013. A list of all employees, the

dates of their next annual review and their next eligible step increase opportunity has been compiled and will be distributed to all employees for accountability.

Information was distributed to Council members regarding Appreciation Night at the Junior Fire Academy (Franklin County Public Safety Training Center) to be held on 07/22 at 6:00 p.m.

The Church of God and Saints of Christ, 324 W. Third Street, has extended an invitation to Council for their community Summer Festival event on 08/02 from 12:00 to 3:00 p.m.

Council members were invited to attend the Franklin County Area Development Corporation's Annual Industry Appreciation Dinner to be held on 09/10 at Green Grove Gardens. RSVP's should be provided to Melinda Knott by 08/21

UPDATED RESPONSE BOX CARDS RE: WASHINGTON COUNTY AIR 25: As Washington County Air 25 will no longer be available to respond as a "first due" support unit in Franklin County, Fire Chief Adolini advised that they will be utilizing Air 53 from Cumberland County.

PRESS QUESTIONS/COMMENTS:

Jennifer Fitch, Herald Mail

Question: How much will the Borough be receiving in rent from the Verizon Wireless proposal?

- Solicitor Wisner responded that that hasn't been negotiated yet.

Question: To each of the Council members who failed to second the motion (regarding hiring Casey Rock as a relief driver) last month, what changed your mind going into this month?

- Councilman Bader stated that he already gave input ... considering the financial hardship the Fire Department would incur for overtime payments. Councilman Cermak commented that maybe it is because Casey is in attendance at this meeting. President Mumma noted that, as President, he can't make a motion or second a motion – those must be made before he is able to vote on the matter. Councilman Oldham stated that Robert's Rules say the President can pass the gavel to the Vice-President in order to second a motion, but offered no comment in response to the reporter's question. Councilman Greenawalt stated that he had no comment.

COUNCIL AND STAFF COMMENTS: Mr. Stains reported that Alpha Space Control completed the line painting in the Borough last week, and work on the clock tower (and facade of Borough Hall) began today.

Councilman Cermak stated that “as with the last meeting, from henceforth, if anything stupid happens at a meeting, I will bring it up again January 1st when we have a new Council”.

Fire Chief Shawn Adolini reported that he spoke with Councilman Bader regarding a request to reserve six (6) back-to-back parking spaces (a total of 12) in the Rotary parking lot to provide adequate parking for fire personnel. The matter will be referred to the Street Committee for discussion at their next meeting.

Scott Hershberger (Mainstreet Waynesboro, Inc.) reported that live music in Center Square began the previous week and will continue for 13 weeks on Friday, Saturday and Sundays. The non-profit group raising funds to re-open the movie theater has already reached 1/3 of their goal (in only two weeks) of \$650,000. They are hoping to bring movies back to Main Street by October. MSW is also hosting a Business Breakfast on 07/31 at 8:00 a.m. at the American Legion as a way to let business owners and residents know how they can cater to the hikers (from the Appalachian Trail) who pass through town.

Councilman Oldham reminded Council and the public that the next Street Committee meeting will be held on 07/22 at 9:00 a.m.

Mayor Starliper noted that representatives from Congress, the State, the County and local government were in attendance at the Destination Arts event. He expressed his appreciation for everything the organization has done and continues to do for downtown Waynesboro.

President Mumma thanked all interested residents for their attendance at this meeting, and he encouraged their attendance at future meetings if/when there are issues of concern to be discussed. As Council members represent the public, he urged them to make their opinions known.

Having no further business to discuss, the meeting adjourned at 9:06 p.m. on a Cermak/Bader motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary