

OCTOBER 21, 2015
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:

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

Mayor Richard Starliper

Borough Staff – Jason Stains, Borough Manager
Denny Benshoff, Maintenance Superintendent
Kevin Grubbs, Head of Engineering Services
Sam Wisner, Borough Solicitor (Salzmann Hughes, PC)
Nathanael Skroban, Survey and Research Assistant
Mike Bock, Police Sergeant
Jody Sanders, Deputy Fire Chief
John Beck, Jr., Assistant Fire Chief

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

PRESENTATIONS/PROCLAMATIONS/RECOGNITIONS: Timothy Williams and Robert Hasemeier, Barton & Loguidice, gave a presentation on the services they provide as an engineering and environmental firm for various municipalities and authorities. Their firm employs approximately 200 people; and they do traffic studies, GIS work, environmental services work, industrial hygiene work, phase I and II needs regarding hazardous materials, and water/wastewater work. Mr. Williams added that they do not represent developers, so there would be no resultant conflicts of interest. A packet of information was provided for Council members' review.

EXECUTIVE SESSION: Council adjourned to an executive session at 7:35 p.m. to discuss potential litigation and personnel issues. They reconvened at 7:50 p.m.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cermak noted that he received a favorable performance evaluation for Mike Ely, however no action was required. He will also present four (4) items during the "voting section" for approval.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Oldham noted that he will present three (3) items during the “voting section” of the meeting.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: No report.

FINANCE COMMITTEE: No report.

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

“On September 22nd, along with Manager Stains and Councilmen Mumma, Greenawalt, Cermak and Oldham, I attended the Cumberland-Franklin County Boroughs Association meeting in Waynesboro.

On September 28th, I presented an MIA/POW flag to the American Legion and VFW to be flown at the memorial retreat at Memorial Park.

On September 29th, I attended the Franklin County Commissioners meeting.

On September 30th, along with Manager Stains, I attended the ribbon-cutting ceremony for the new Monterey Pass and Pub.

On October 1st, along with Manager Stains, I attended the Chamber’s mixer at The Record Herald.

On October 3rd, I had the privilege of uniting in marriage Shara Makin and Curtis Brandle. The very best to them.

On October 4th, the 44th year of the CROP Walk was held. Even with not-so-good weather, the event was held.

On October 7th, I attended the ribbon-cutting for the Buchanan Collision Center in Rouzerville.

On October 8th, along with Chief Sourbier, Manager Stains, Council President Mumma and others, I judged the scarecrows that were delayed from Market Day.

On October 14th, I attended the Waynesboro Beneficial Fund board meeting.

On October 14th, I proclaimed the week of October 18-24, 2015 as National Teen Driver Safety Week.

On October 15th, along with Manager Stains and Council President Mumma, I attended the 95th Annual Chamber Dinner.

On October 16th, I was invited and attended the 50th Birthday Luncheon of Head Start in Franklin County.

On October 17th, along with Manager Stains, I attended the Waynesboro YMCA's Centennial Gala, celebrating 100 years of service to the community.

On October 20th, I attended the Greencastle-Antrim Chamber's breakfast event.

On October 21st, as a board member, I attended the meeting of Horizon Goodwill Industries.

Also, in cooperation with the Waynesboro and Blue Ridge Summit Fire Departments, Applebee's Restaurant requested the two departments to be part of their annual salute to our veterans by displaying the American flag. Also, Applebee's will be offering selected menu items free to our veterans during the day. Also, on November 21st, they will be having a flapjack breakfast fundraiser. Proceeds will benefit the Waynesboro American Legion and the Veterans Dog Program. Cost is \$10.00 per ticket."

Mr. Starliper reported that Sadie Sheffler and Emily Helman, from the WASHS Civics class, were in attendance at this meeting. They recently assisted with mulching around the trees on Main Street, and Mayor Starliper thanked them for their community service.

SOLICITOR'S REPORT: No report.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Upon recommendation of the Fire Chief, Councilman Cermak made a motion to appoint Marshall Stover as a Fire Relief Driver. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for John Baumgardner to salary level 10D. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a salary level increase for Jamie Shindlecker to salary level 9C. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for Gary Smith to salary level 10E. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Oldham made a motion to approve a request from the Emmanuel Full Gospel Church for four (4) “no parking” signs on Linden Avenue (with time limitations during church services); and the costs for such signs will be paid by the church. Councilman Cermak seconded, but asked for clarification – will these parking spaces be available to the public other than during the church service times posted? Kevin Grubbs replied “yes”. A vote was called and the motion passed unanimously.

Councilman Oldham made a motion to approve a request for “no parking” signs to be installed a distance of 5 feet on each side of the driveway at 28 Tritle Avenue. Councilman Cermak seconded; the motion passed unanimously. Mr. Oldham advised that the Street Committee is recommending a fee be charged in the future to any individuals who request signs of this nature for use at their property.

Councilman Oldham noted that the Street Committee is recommending to the Planning Commission and Borough Council that, since the majority of Grandview Avenue along the Armory Estates development site will have so many utility openings, the developer be required to restore Grandview Avenue. Councilman Oldham then made a motion to require the developer to mill the street area from curb to curb along the development site and full-depth paving, in accordance with Borough specifications. Councilman Bader seconded. Lee Royer commented that the Borough builds utilities from the main to the right-of-way line of the street; so the Borough would be paving where they tear up for each utility. The developer has agreed to mill the road and put down a 1½” over the patches, but they feel that tearing up the entire street and doing full depth paving is a bit much. Kevin Grubbs agreed with the developer’s proposal, and Councilman Oldham amended his motion accordingly. Councilman Bader seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE – AGENDA ITEMS:

Harry Morningstar, Jr., 205 Clayton Avenue – Mr. Morningstar spoke regarding the New Hope Shelter Land Development. As a downtown property owner, business owner and member of Mainstreet Waynesboro, Inc., he is proud of the accomplishments made in the last five (5) years (a new furniture store, the theater and library renovations, a new medical office building and a rebuilt Waynesboro Mall). He was unaware that this plan was moving forward, as several months ago the Planning Commission turned down their proposal to install fourteen (14) apartments. They are now requesting seven (7) units and plan to rent parking within approximately ¼ mile of the location. It is his understanding that the facility is meant to house “criminals” being re-introduced to society. He stated there are many positive things going on in the community, and we don’t need a homeless shelter being turned into a halfway house for criminals.

Kevin Grubbs clarified that the Zoning Hearing Board turned down the proposal for 14 apartments, but this plan has been before the Planning Commission for quite some time. He stated that the plan is an allowed use by right and meets all requirements of the ordinance. He further explained that, according to the ordinance, if they do not have parking on-site, they have an option of obtaining parking within 800’ of the site ... which

they have done in two (2) locations (8 spaces at a church on Snider Avenue and 7 spaces at a church on S. Church Street, which are “well within the 800”). Mr. Grubbs noted that the executed parking lease agreements have been reviewed by the Borough’s solicitor and will be presented later in the meeting with the Planning Commission’s recommendation for approval. When questioned, Mr. Grubbs added that if either of these agreements is canceled, they would have to cease occupancy until they can acquire the required parking spaces.

Councilman Bader asked Mr. Morningstar about his source regarding the “criminals” to be housed at this location. Mr. Morningstar stated he knows when someone is put in prison, it is for a good reason; and he doesn’t feel it is appropriate to re-introduce these people “around the corner from restaurants, arts alliances, dance classes, libraries ...”. He noted there are a lot of unanswered questions regarding this matter.

In response, David Black of David Black Associates (engineer for the New Hope Shelter project), noted that Mr. Morningstar has been “totally misled” on the project. The apartments are for disabled individuals ... it is not a rehabilitation center for criminals, drug addicts and child molesters. The homeless shelter is not an “open shelter” and proper clearances must be obtained in order to stay there. Mr. Black added that a HUD grant was received to provide totally handicapped-accessible units within certain income levels, and he feels this project will be an asset to the downtown. According to the plan presented, Councilman Cermak commented that these handicapped/disabled individuals will have to walk ¼ mile to their car(s). Mr. Black stated “sadly, that’s what we have to do”, but clarified that it is 800’.

Darwyn Benedict, 47 W. Main Street – Mr. Benedict commented that he also didn’t know about this project until this meeting, but understood that 7-second exits are required (because in the case of a fire, not everyone can get down the elevator). Also, most counties and boroughs use Megan’s Law as part of their application process for this type of situation – and he believes that Megan’s Law requires that offenders cannot live within 250’ of childcare facilities, schools, gymnasiums, etc. Because this location is close to Rainbow Gymnastics and Noah’s Ark (especially since they will be walking in that direction to their cars), this could be a concern. In addition, it is a far stretch for handicapped individuals to walk 300’ to their cars. He stated he feels the safety factor on this project would probably fail.

PUBLIC IN ATTENDANCE -- NON-AGENDA ITEMS:

Ronnie Martin, 66 State Hill Road – Mr. Martin noted that the “inspection item” is not on the agenda, but asked for an update on the status of contracts with various code inspection services. Mr. Wisner advised that Council held a special meeting several weeks ago with two additional proposers (PA Municipal Code Alliance and Commonwealth Code). Discussion was held regarding additional services they could provide, and Council was to provide direction as to what (if any) services they want to obtain in addition to building inspections. Council has since received a revised agreement from CCIS, however no direction has been given by Council to proceed.

Mike Rohrer, 876 Fairview Avenue – Mr. Rohrer welcomed Councilman Potts back and wished him continued good health.

Harry Morningstar, Jr. – Mr. Morningstar asked if there have been any problems/complaints regarding services provided by Accredited Services. President Mumma noted that none have been brought to his attention. Councilman Oldham reasoned it could be called “good enterprise”. Mr. Morningstar also asked if anyone in the audience has had problems with Accredited Services, and there were no comments.

Craig Mahrle, 84 W. King Street – Mr. Mahrle stated he feels that Council did a disservice when they moved “Public Comments on Agenda Items” to the beginning of the meeting. He feels the public could give more useful and informed comments if they were allowed to be made at the time the item is being discussed.

CONSENT AGENDA: The Consent Agenda was approved on a Potts/Bader motion which passed, with Councilman Cermak abstaining, as follows –

Award of Contracts:

(1) Water Treatment Chemicals

- Liquid Chlorine #2000 cylinder – Univar
- Liquid Chlorine #150 cylinder – Univar
- Sodium Hypochlorite – Univar
- Hydrofluorosilicic Acid – Shannon Chemical
- Sodium Polyphosphate – Shannon Chemical
- Blended Liquid Phosphate/Silicate – Shannon Chemical
- Caustic Soda (684 lb. Drum) – Coyne Chemical
- Caustic Soda (220-gallon tote) – Coyne Chemical
- Caustic Soda (50% bulk delivery) – Coyne Chemical
- Caustic Soda (25% bulk delivery) – Univar
- Hydrated Lime – Univar
- Activated Carbon – Univar
- Potassium Permanganate – Coyne Chemical
- Liquid Polymer – Coyne Chemical
- Aluminum Sulfate – Gulbrandsen Technologies
- Polyaluminum Chloride – Gulbrandsen Technologies
- Magnesium Hydroxide (Bulk) – Univar
- Magnesium Hydroxide (Tote) – Univar
- Methanol – Brenntag Northeast

(2) Snow Plowing – D. L. George & Sons Construction Co.

(3) Sale of Eight (8) Sections of Reinforced Concrete Pipe – D. L. George & Sons Construction Co.

Routine:

- (1) Approval of Minutes – September 16, 2015 (public hearing re: FOE Liquor License Transfer and public hearing re: 2015 CDBG Program)
- (2) Accept Reports of the Code Enforcement Officer, Police Chief and Fire Chief for the month of September, 2015
- (3) Pay Bills – Voucher List dated 09/28, 10/12 and 10/14

Previously Discussed Items: None.

UNFINISHED BUSINESS

RESOLUTION NO. 2015-14 RE: CDBG FY 2014 MODIFICATION: Mr. Stains presented proposed Resolution No. 2015-14, which will allocate \$30,000 to be moved from FY 2014 Street Improvements to Demolition for 137 W. Main Street. Councilman Bader made a motion to approve Resolution No. 2015-14, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

RESOLUTION NO. 2015-14

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WAYNESBORO
MODIFYING THE FISCAL YEAR 2014 COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM

Complete copy on file at Borough Hall.

RESOLUTION NO. 2015-15 RE: SUBMITTAL OF REVISED APPLICATION FOR 2015 CDBG FUNDS: Mr. Stains presented proposed Resolution No. 2015-15, which approves the budget for the FY 2015 CDBG program as follows:

| | |
|--------------------------|------------------|
| Handicap Barrier Removal | \$ 76,716 |
| Demolition | \$ 32,877 |
| Administration | <u>\$ 24,057</u> |
| TOTAL: | \$133,650 |

Councilman Greenawalt made a motion to approve Resolution No. 2015-15, as presented. Councilman Potts seconded; the motion passed unanimously.

RESOLUTION NO. 2015-15

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WAYNESBORO
AUTHORIZING SUBMITTAL OF A REVISED APPLICATION FOR STATE
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS
FOR FISCAL YEAR 2015

Complete copy on file at Borough Hall.

RESOLUTION NO. 2015-16 RE: CAPITALIZATION POLICY: Mr. Stains presented proposed Resolution No. 2015-16 adopting a Capitalization Policy which establishes the minimum cost of \$1,500 for capital items, as recommended by Smith Elliott Kearns & Company and approved by Council at their last meeting. Councilman Greenawalt made a motion to approve Resolution No. 2015-16, as presented. Councilman Bader seconded; the motion passed unanimously.

RESOLUTION NO. 2015-16

**RESOLUTION ADOPTING A CAPITALIZATION POLICY
FOR THE BOROUGH OF WAYNESBORO**

Complete copy on file at Borough Hall.

NEW BUSINESS

2018 BICENTENNIAL OF BOROUGH'S INCORPORATION: Mr. Stains noted that the WaynesboroFest Committee will be planning a bicentennial celebration of the Borough of Waynesboro's Incorporation on 12/21/2018. They are asking that Borough Council form a Bicentennial Committee in 2016 consisting of staff, Councilpersons, the Mayor, Police Chief and Fire Chief. The first meeting will be held on 01/18 at 6:30 p.m. at the Chamber of Commerce office.

STATUS OF CEMETERY AVENUE ON LIQUID FUELS MAP: Mr. Stains noted that it was brought to his attention by PENNDOT that, at some point in time, Cemetery Avenue (the private lane portion beginning at the centerpoint of Cemetery Avenue and S. Church Street continuing .44 miles and ending in the golf course parking lot) was placed on the Liquid Fuels map by the Commonwealth. As a security gate has now been installed across the private lane, which is not permitted by Liquid Fuels, Council will need to make a decision on either keeping that portion on the Liquid Fuels map or removing it and losing funding. Mr. Stains added that this reduction would probably not be noticed due to the recent addition of the Brimington streets. Councilman Cermak made a motion to remove the referenced portion of Cemetery Avenue from the Liquid Fuels map. Councilman Greenawalt seconded; the motion passed unanimously.

PROPOSAL FROM SMITH ELLIOTT KEARNS & COMPANY, LLC FOR 2015, 2016 AND 2017 AUDITS: Council members received a proposal from Smith Elliott Kearns & Company to conduct the Borough's audits for the next three (3) years -- \$22,950 for 2015, \$23,600 for 2016 and \$24,300 for 2017; and an additional \$1,300 each year for preparing and maintaining a depreciation schedule. Councilman Greenawalt made a motion to contract with Smith Elliott for 2015, 2016 and 2017. Councilman Cermak seconded; the motion passed unanimously.

WAYNESBORO AREA SCHOOL DISTRICT'S REQUEST TO INSTALL THREE (3) STREET LIGHTS ON E. THIRD STREET EXTENDED: Mr. Grubbs presented a request from the Waynesboro Area School District regarding their addition of three (3)

street lights on E. Third Street Extended. The existing maintenance agreement with the Borough for this location should be amended to include these lights. Councilman Cermak made a motion to proceed with amending the agreement for Council's execution. Councilman Bader seconded; the motion passed unanimously.

BOND REDUCTION (MARTIN'S FOOD – J. C. BAR, INC.): Mr. Grubbs presented a request from J. C. Bar (the management company for Waynesboro Mall) for release of their bond for construction and improvements for the Martin's Food project. He noted that the final inspection has been completed, and the improvements meet all requirements of the appropriate ordinances. Solicitor Wisner has reviewed and recommended approval of their request. Councilman Greenawalt made a motion to approve the bond release, as presented. Councilman Oldham seconded; the motion passed unanimously.

PLANNING COMMISSION ITEMS:

- (1) Waynesboro Area School District Land Development (Middle School) –** Kevin Grubbs reported that the School District is proposing to do renovations and additions to the Middle School, involving a new building footprint of approximately 24,400 s.f. The renovations will include full ADA and Building Code upgrades and ADA accessible entrances. The Planning Commission has reviewed and recommended approval of the Land Development Plan. Mr. Grubbs added that the plan meets all requirements of the Stormwater Management Ordinance, as well. Councilman Oldham made a motion to approve the Middle School Land Development Plan, as presented. Councilman Cermak seconded; the motion passed unanimously.

- (2) Cumberland Valley Analytical Land Development (Industrial Storage Area) –** Kevin Grubbs reported that Cumberland Valley Analytical is proposing an industrial storage area at the Landis Complex located at 20 E. Sixth Street (in the rear, along E. Ninth Street, inside the fenced-in area). This plan required extensive stormwater management, and it meets all requirements; however the consultant's recommendation for approval has not yet been received. The Planning Commission has recommended approval of the plan, contingent on receipt of the consultant's recommendation for approval of the stormwater management plan. Councilman Greenawalt made a motion to approve the Land Development Plan for Cumberland Valley Analytical, as noted. Councilman Oldham seconded; the motion passed (Councilman Cermak abstained).

- (3) Waynesboro New Hope Shelter Land Development (7 Units on Second Floor) –** Kevin Grubbs noted that the New Hope Shelter's plan has been under review by the Planning Commission since March, during which time required revisions and field work (obtaining parking lease agreements for 7 spaces from Calvary Assembly of God at 116 Snider Avenue and 8 spaces from Church of the Brethren at 117 S. Church Street) were completed. The

plan was originally for 7 units on the second floor and an additional 6 units on the third, however they only received funding to do the second floor units. He added that, when funding is received for the third floor, they will return with plans for another phase of the project. Mr. Grubbs noted that the project will be monitored, as land use permits will need to be issued accordingly. Mr. Grubbs has received copies of the executed parking lease agreements (which have been reviewed and approved by the Solicitor). The Planning Commission is recommending approval of the plans as a phased project, the first of which is the second floor. When they wish to proceed with the third floor, they will have to return for approval from the Planning Commission and Council. Mr. Grubbs advised that the required parking has only been secured for the second floor phase, and there is a minor clarification to the front page regarding the parking agreements which will be done this week. Councilman Bader made a motion to approve the New Hope Shelter Land Development Plan (phase 1), contingent upon a minor clarification to the plan as mentioned by Mr. Grubbs. Councilman Oldham seconded. Councilman Potts asked about the timeline for approval. Mr. Grubbs replied that there was a time extension granted to 11/24. A vote was called and the motion passed (Councilman Cermak abstained).

- (4) **Armory Estates** – Kevin Grubbs noted that the Land Development Plan for Armory Estates on Grandview Avenue was also reviewed by the Planning Commission on 10/19. As this is a private street, the USPS is reviewing the naming of it as “Garden Lane” as well as the resulting addresses. As requested revisions have been made, these preliminary plans now meet all requirements of the ordinance. Upon approval of the preliminary plan, the developer will have one (1) year to return to Council with a final plan; however they can build public improvements (streets, water, sewer, etc.) with preliminary plans. The Planning Commission has recommended approval of the plans contingent upon the following: (a) copy of homeowners’ association agreement to be reviewed by the Solicitor, (b) receipt of infrastructure cost estimates to establish financial surety and completion of a developer’s agreement; (c) receipt of cost estimate for maintenance of on-site stormwater facilities for a period of ten (10) years and completion of a Stormwater Management Operations and Maintenance Agreement; and (d) WBA approval of all water and sanitary sewer utilities, which was completed at their meeting on 10/20/2015. Councilman Bader made a motion to approve the Armory Estates Land Development Plan, based on contingencies noted. Councilman Oldham seconded; the motion passed unanimously.

DESIGNATION OF BOROUGH’S AMERICANS WITH DISABILITIES (ADA) OFFICER: Nathanael Skroban, the Borough’s Survey & Research Assistant, reported that the first meeting of the Borough’s ADA Committee was held on 10/19. Discussion centered around the use of CDBG funds to make the Borough more ADA-friendly. Karen Parish (Mullin and Lonergan Associates) was in attendance, as well as representatives from the Center for Independent Living in Camp Hill, a representative

from the Franklin Learning Center and two (2) members of the community who are visually-impaired. Proposed improvements and upgrades to Borough Hall and other Borough-owned facilities were reviewed at that time, as well as possible plans for future projects with CDBG funds.

Mr. Stains noted that Nathanael was hired in August and has been working on CDBG income surveys to determine eligible streets for paving. The ADA Committee is another item to satisfy the federal government in our use of CDBG money, and there are many opportunities for ADA improvement in the community. In addition, an Americans with Disabilities Act (ADA) Officer will need to be designated for the Borough. Councilman Cermak made a motion to designate Jason Stains as such. Councilman Bader seconded; the motion passed unanimously.

FOR INFORMATION ONLY

2016 MULTI-MODAL TRANSPORTATION FUND GRANT OPPORTUNITY: Mr. Stains noted that the Multi-Modal Transportation Fund (through which the Borough was successful in obtaining funding for Fairview Avenue and Welty Road) has re-opened. The deadline to apply for this round of funding is 12/18. He noted that discussion can be held at upcoming budget meetings to determine if Council wishes to pursue funding for any other streets (or lighting if it is part of a larger streetscape project) through the MMTF program.

Mr. Stains asked for Council's authorization to urge Senator Alloway and Representative Schemel to direct PENNDOT to add mini cell antennas to the permitted list on street lights in PENNDOT right-of-ways. Many communities have been approached regarding these devices, and the rental fees would be additional income for the Borough without an increase in taxes. Councilman Bader made a motion to grant the requested authorization. Councilman Cermak seconded; the motion passed unanimously.

Mr. Stains reported that LED lights have been installed on the rear of Borough Hall, at a 100 watt reduction. He noted they have definitely increased the light in the parking lot. He has also met with the Library Board President, who has contacted D. L. George regarding a cost estimate for demolition of the garage to the rear of Borough Hall. The Library has authorized storage space in their basement and attic for some of the police items, and he has made that known to Chief Sourbier.

Mr. Stains noted he will be meeting with Kevin Stouffer (Smith Elliott) to examine the small funds mentioned during his audit presentation. He will return with a plan for closing out those funds in the near future.

Mr. Stains noted that painting of the street lights on Main Street, from Broad to Potomac Streets, will be completed next week.

Mr. Stains reminded Council members of the upcoming budget workshop next Wednesday (10/28) at 7:00 p.m. Representatives from Enterprise Fleet Management will be in attendance to present a proposal to Council at that time.

Councilman Greenawalt asked for a status report on the proposed walking trail. Mr. Stains noted that one (1) easement approval has been received (from the Brimington Development); the second phase of the Brimington Development is owned by Wells Fargo, and their attorneys have not yet responded; and there is “some hold-up” with a third family at the end of the proposed trail closest to Fourth Street.

Niccole Rolls, 34 N. Potomac Street – Ms. Rolls commented that, during the “For Information Only” section, Council moved and voted on an item that was not presented in the new agenda items and not open for public comment. She asked if there will be a moment for public comment on Council’s intent to ask PENNDOT to approve cell antennas on street lights, and if the questions brought up when the gentleman was here from Verizon have been answered and will be made available for the public? Mr. Stains stated that information has not yet been received regarding what comparable boroughs are doing, but a rental fee of \$21,000/year (which will be negotiated) was discussed. Councilman Cermak clarified, however, that the motion approved was to authorize the Borough Manager to request that Senator Alloway and Representative Schemel contact PENNDOT to approve the program ... not the Borough approving a contract. Ms. Rolls agreed, but stated that it sounded a lot like moving the project forward by taking those steps without allowing the public an opportunity to comment.

PRESS QUESTIONS:

Jennifer Fitch, Herald Mail

Question: (Directed to new Hope Shelter representatives) -- What is your construction timeline?

- David Black replied that it will start the first of the year.

Question: Do you have any idea how long it might take?

- Mr. Black responded, within six (6) months.

COUNCIL AND STAFF COMMENTS: Councilman Bader noted he would like to know why “our First Amendment rights were trampled on by yourself (President) and the Mayor in not allowing us to speak with Borough employees, including police officers”. He asked for a comment also from the Solicitor, but it was clarified that Mr. Wiser was not in attendance at the meeting in question. President Mumma stated that that was regarding a personnel issue, however Mr. Bader noted it was not, adding that an email was sent out last year by the Mayor to the same effect. Mr. Wiser commented that he was unaware of what Mr. Bader was referring to. Councilman Bader stated that Council members were “unequivocally told by the Mayor that we are not to be in contact with or

be in conversation with Borough employees, including police officers” and he wants to know why his First Amendment rights have been trampled. He added that he has asked for a written statement, but has not yet received it. Mayor Starliper noted he will have that prepared (hopefully) by the end of the month.

Councilman Cermak thanked individuals in the audience for their attendance and invited them to return.

Scott Hershberger also welcomed Councilman Potts back. He noted that Yuletide festivities will begin with the Tree Lighting Ceremony on 11/20 from 6:30 to 8:00 p.m. and the Holiday Parade on 11/21 at 2:00 p.m. He reported that the Theater project continues to progress, and they plan to open in mid-November. *The Record Herald* will be sponsoring the parking meter bags for free parking during the holiday season. Mainstreet Waynesboro has announced the launch of a banner project for the design of new banners. He explained that members of the community, high school students, amateur and professional artists will enter their designs in a banner contest and the winning designs will be placed on the light poles for the next two (2) years. Mr. Hershberger also noted that he recently released a video created with images of development projects in town -- it can be viewed on the Mainstreet Waynesboro, Inc. website.

Councilman Oldham again asked Mr. Wiser how long it will take to review the contract for inspection services. Mr. Wiser responded that he has not yet received direction from Council regarding what additional services (if any) they would like to include. Due to the cost of establishing a health department, however, he recommended that health inspection services be “back-burnered” at this time. He noted that he can’t make decisions for Council, he responds to the direction Council gives him. He was under the impression that a committee was named, but he has not received any direction from the committee either. President Mumma noted that that committee was established for multiple items, not review of the code inspection services in particular. After asking for volunteers, the committee was established as follows: Ben Greenawalt, Darrel Potts, Harold Mumma and Jason Stains. The committee will meet, review the proposed contract and make recommendations to Solicitor Wiser. Ronnie Martin (from the audience) noted that he needs to know if Council is going to “do this or not”; and if not, he will “go elsewhere and build”. It was noted that the committee will meet on 10/26 at 2:00 p.m., and will present recommendations to Council as to what services they want included in the agreement.

Councilman Potts stated he is thankful to be back fulfilling his duty on Council.

Mayor Starliper announced that the fire police were authorized to assist at Mt. St. Mary’s when President Obama attended the National Fallen Firefighters’ Memorial. They will also be assisting with Greencastle’s Halloween Parade on 10/30, Greencastle’s Christmas Parade on 11/21 and Mercersburg’s Christmas Parade on 11/22.

Having no further business to discuss, the meeting adjourned at 9:10 p.m. on a Greenawalt/Bader motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary