

DECEMBER 16, 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
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Sam Wisner, Borough Solicitor (Salzmann Hughes, PC)
Jim Sourbier, Police Chief

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

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

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cermak noted that he received a favorable performance evaluation for Dan Sheffler, however no action was required. He will present several items for voting later in the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Bader encouraged everyone to “practice safety everyday”.

STREET COMMITTEE: Councilman Oldham noted he will present one (1) item for voting later in 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 November 19th, I attended the Waynesboro Theatre’s Premiere Showing. Many congratulations to individuals and organizations who made that evening possible.

On November 20th and 21st, I had the privilege of being involved in the lighting of the Christmas tree and the parade the next day. Thanks to Mainstreet Waynesboro and all who helped to get the tree in place and ready.

On December 3rd, I attended the Chamber’s mixer at Renfrew Park.

On December 8th, I attended the Waynesboro Fire Police meeting.

On December 9th, I attended the Horizon Goodwill holiday party.

On December 12th, I had the privilege of uniting in marriage Julie Powell and Mark Powell. Wish them the very best.

On December 15th, I attended the Franklin County Commissioners’ meeting.

On December 16th, I attended the Board of Directors’ meeting of Horizon Goodwill in Hagerstown.”

Mr. Starliper also welcomed members of Mrs. Henderson’s Civics class at the high school – Nathan Lochstampfor, Ryan Chaney, Brooke Heise, Kayle Beelitz, Alexander Call, Michaela Horst, Mya Graves, Erin Peck, Kaya Johnson, Harmony Holden and Dallas Snoke.

SOLICITOR’S REPORT: Solicitor Wisner noted the need for an executive session at the end of the meeting is to discuss potential litigation and personnel matters, and there will likely be an item to be voted on thereafter.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak made a motion to approve a step increase for Don Kaiser to salary level 6C on 01/22/2016. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for Stacie Noll to salary level 10D on 12/17/2015. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for S. Leiter Pryor to salary 21E on 01/02/2016. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve the following board reappointments –

- Jerry Kauffman - Zoning Hearing Board – new term expires on 01/01/2021
- Jon Fleagle – Borough Authority – new term expires on 01/01/2021
- Wayne Bartholow – Recreation Board – new term expires on 12/31/2020
- Freddie Joye – Recreation Board – new term expires on 12/31/2020

Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve the addition of Stacey Wolf to the Fire Police roster. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Oldham noted that the Street Committee discussed a request for four-way stop signs in the alley to the rear of 26 Fairview Avenue, due to the amount of traffic with parents traveling to Fairview Avenue Elementary School to drop off/pick up children. After review, the Street Committee is recommending the installation of two-way stop signs in the alley (on the northbound and southbound lanes) which runs between W. Main Street and W. Third Street behind 26 Fairview Avenue. Councilman Cermak seconded. It was noted there will be no cost to the individual requesting these signs, as this is a matter of public safety. The motion passed unanimously.

Councilman Oldham reported there will be no Street Committee meeting on 12/23.

PUBLIC IN ATTENDANCE – AGENDA ITEMS: President Mumma noted that comments from the public will be taken when the item is discussed on the agenda. Those wishing to speak were asked to raise their hand and wait for acknowledgment from the President.

PUBLIC IN ATTENDANCE -- NON-AGENDA ITEMS:

Ronnie Martin, 66 State Hill Road – Mr. Martin provided information to Council regarding inspection services in other municipalities: Southhampton Township has two (2) inspection companies, Shippensburg Borough has four (4), Greencastle Borough has three (3), Antrim Township has two (2), Quincy Township has two (2) and Mont Alto has three (3).

CONSENT AGENDA: The Consent Agenda was approved on a Greenawalt/Bader motion which passed unanimously, as follows –

Award of Contracts: None.

Routine:

- (1) Approval of Minutes – September 30, 2015 (budget meeting), October 7, 2015 (budget meeting), October 14, 2015 (budget meeting), October 28, 2015 (budget meeting), November 4, 2015 (budget meeting) and November 18, 2015 (regular meeting)
- (2) Accept Reports of the Code Enforcement Officer, Police Chief and Fire Chief for the month of November, 2015

Previously Discussed Items: None.

UNFINISHED BUSINESS

APPROVAL OF 2016 BUDGET AND TAX ORDINANCE: Mr. Stains reported that the tentative 2016 budget was approved by Borough Council at the 11/18 meeting, and has been on public display in accordance with the Borough Code since 12/01 at 8:00 a.m. No public comments have been received. The budget is now before Council for final approval. Councilman Cermak made a motion to approve the final 2016 budget, as presented by the Borough Manager. Councilman Bader seconded; the motion passed unanimously.

Mr. Stains reported that the proposed Tax Ordinance has also been advertised in accordance with the Borough Code -- 2016 tax rates will be 18.18 mills for General Borough purposes, 2.0 mills for Street Lights and 5.0 mills for Street Improvements. Councilman Potts made a motion to approve the proposed 2016 Tax Ordinance, as presented. Councilman Oldham seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, COMMONWEALTH OF PENNSYLVANIA, fixing the tax rate for the fiscal year 2016.

Complete copy on file at Borough Hall.

PRELIMINARY/FINAL WAIVER REQUEST (MT. VERNON TERRACE): Kevin Grubbs presented a request from the Franklin County Housing Authority for their Land Development Plan for renovations at Mt. Vernon Terrace to be reviewed as a preliminary/final plan. Councilman Cermak made a motion to approve the request. Councilman Potts seconded; the motion passed unanimously.

NEW BUSINESS

RESOLUTION NO. 2015-17 RE: TRASH/RECYCLABLES COLLECTION FEE SCHEDULE: Mr. Stains presented proposed Resolution No. 2015-17 regarding trash/recyclables collection fees. He noted that residents are currently charged \$58.20/quarter, and this fee will increase to \$62.00/quarter as a result of the new three-year contract with Waste Management and to cover administrative costs of the curbside trash collection program. Costs for trash tags (for bags in excess of the three-bag maximum) will also increase from \$3.50 to \$7.00 due to Waste Management's increased fee of \$6.00.

Ronnie Martin (from the audience) asked that he be provided with information on the monthly contract fee paid to Waste Management, the total amount collected from residents and the number of customers billed for trash.

Councilman Bader then made a motion to approve Resolution No. 2015-17. Councilman Potts seconded; the motion passed unanimously.

RESOLUTION NO. 2015-17

WHEREAS, the Borough of Waynesboro has adopted Ordinance #935, and

WHEREAS, Ordinance #935 provides for adoption of a Refuse Collection Fee Schedule by Resolution,

Complete copy on file at Borough Hall.

APPROVAL OF FIRE PROTECTION SERVICES AGREEMENT WITH WASHINGTON

TOWNSHIP: Mr. Stains presented a proposed fire agreement with Washington Township for 2016, 2017 and 2018. He explained the fees included in the agreement, beginning with a 2016 base fee of \$79,112.10 plus workmen's compensation costs and the Consumer Price Index increase. He noted that this agreement continues with the same terms and conditions as the current agreement, under which Washington Township paid \$100,000+ in 2015. The Washington Township Supervisors have signed the agreement, and it is before Council now for their approval. Councilman Bader made a motion to authorize the Council President's execution of the fire agreement with Washington Township, as presented. Councilman Oldham seconded; the motion passed unanimously.

MT. VERNON TERRACE SIDEWALK: Bonnie Zehler, Executive Director of the Franklin County Housing Authority, was present. She noted that their preliminary site plan for renovations at Mt. Vernon Terrace was provided to Council for review, and they are looking for direction from Council on the Planning Commission's recommendation regarding sidewalk along W. Eighth Street.

Ms. Zehler explained that their on-site sidewalk system connects the exterior unit entry doors to parking and a play area. They have developed a circular walking path along the perimeter of the development, which follows along W. Eighth Street, to promote access to the development and provide an exercise option. They are also collaborating with members of the Rotary Club to connect to the Rotary Park, which has a walking path as well. The walking path addition will be pervious and will assist with stormwater management; and they are attempting to retain a large existing maple tree. The children residing at Mt. Vernon Terrace and Valley Terrace have a sidewalk system that connects to the sidewalk on Fairview Avenue, which allows for safe walking access to school. Their request is that they not be required to put a sidewalk along W. Eighth Street; and she added that there is very limited sidewalk currently on W. Eighth Street.

Ronnie Martin (from the audience) reminded Council that they recently granted a similar waiver to the Armory Estates, and the Housing Authority should be given the same consideration.

Solicitor Wisner explained, however, that any waiver given is not a perpetual waiver. The Borough Code allows Council to issue notice to a property owner at any time to install sidewalks, which could be done in the future if it is deemed necessary to have sidewalks at this development.

Councilman Cermak made a motion to allow the Housing Authority not to put sidewalk in. Councilman Potts seconded; the motion passed unanimously.

Councilman Oldham expressed his concern to Ms. Zehler that “another exit” be included for the apartments.

CODE INSPECTION SERVICES: Councilman Greenawalt noted it was his understanding that a vote would be held at this meeting on the code inspection services. President Mumma stated that the proposed agreement was just received from the solicitor’s office at 4:00 p.m. this afternoon and it is available for Council’s approval at this time, if they choose to do so. Once it is voted on, it will be forwarded to the three (3) code inspection agencies in Franklin County. Councilman Greenawalt made a motion to approve and send the agreement out to the three (3) inspection agencies for their consideration. Councilman Oldham seconded.

Clem Malot, President of PA Municipal Code Alliance - Mr. Malot sent Council a letter regarding his opinion on the matter of having more than one (1) inspection agency to provide services in a municipality. He feels a municipality has “better control” if there is a sole source in charge of the administration and enforcement of the program; and he feels the time to make the decision on the need for a change is at the time of the contract renewal. He noted he would be honored to do work in the Borough of Waynesboro, but cautioned Council to think very strongly as they make this decision as they have a program that has worked well for many years.

Pat Crouse (from the audience) - Ms. Crouse owns several rental properties in Waynesboro and agreed with Mr. Malot’s comments. She feels that having more than one inspection agency (regardless of who it is) is almost like having two police departments – one won’t know what the other is doing and safety will be lost.

Councilman Bader asked about “ramifications” mentioned in Mr. Malot’s letter. Mr. Malot explained that if individuals are permitted to choose their enforcement agencies, they may choose someone who is willing to “turn their back because they are a good friend or you give them a lot of business”. He feels this takes control away from the municipality and puts it in an individual or contractor’s hands.

Ronnie Martin (from the audience) – Mr. Martin reiterated his opinion that it is all about the “right of choice” and service in a timely manner.

Jim Rock, President of GRC Contractors – Mr. Rock noted that code enforcement is a function of government. In PA, the government subcontracts code enforcement out to

private agencies, but it doesn't relieve the municipality of total oversight and the right to step in and make changes if that agency is not providing good service. He doesn't understand why the Borough would want to have oversight over multiple agencies, as it increases liability, etc. He added that code enforcement isn't really a competitive commodity; and he has found the current code enforcement agency (and their fees) to be very fair.

A vote was called on the motion to approve and send the agreement out to the three (3) inspection agencies for their consideration. The motion passed 4-2, with Councilmen Mumma and Cermak voting in opposition.

FOR INFORMATION ONLY

REVISION TO FRANKLIN COUNTY SOLID WASTE MANAGEMENT PLAN: Mr. Stains reported that the Franklin County Commissions have adopted a proposal from the York County Solid Waste & Refuse Authority to be included in the Franklin County Solid Waste Management Plan as a disposal facility eligible to receive municipal waste generated in Franklin County. The plan revision has also been approved by the PA DEP.

CHRISTMAS TREE PICK-UP: Mr. Stains reported that Christmas trees will be collected at curbside during the week of January 11-15. All decorations and tree stands must be removed, and trees should be placed at the curb no later than 6:00 a.m. on the day of residents' normal trash pick-up. Trees should not be placed at curbside prior to the day of pick-up.

COUNCIL'S RE-ORGANIZATION MEETING (JANUARY 4, 2016): Council's re-organization meeting will be held on Monday, January 4, 2016 at 7:30 p.m.

TREE DONATION: Mr. Stains noted appreciation to Kauffman's Family Christmas Tree Farm for providing the Christmas tree located next to the flagpole in front of Borough Hall.

PRESS QUESTIONS:

Jennifer Fitch, Herald Mail

Question: Could you please reiterate the 2016 tax rates?

- Mr. Stains - 18.18 for General Fund, 2.0 for Street Lights and 5.0 for Street Improvements.

Question: Do you know what a mill brings in for the Borough?

- Mr. Stains responded, approximately \$60,000.

Dustin Haluski, Record Herald

Question: What was the 2015 (the current year's) budget for comparison purposes?

- Mr. Stains noted he will get back to Mr. Haluski with an answer to that question, but he estimated it was approximately \$4,000,000. (It was noted that the 2015 budget is on the Borough's website.)

COUNCIL AND STAFF COMMENTS:

Councilman Cermak thanked the employees and public for their attendance at this meeting.

Solicitor Wiser noted he will have comments following the executive session.

Scott Hershberger, Mainstreet Waynesboro, Inc., reported that the Waynesboro Theatre is now open and playing *Star Wars* this weekend. The parking meter bags, sponsored by The Record Herald, are in place for free holiday parking until January 1st. Earlier this month, *Thru the Lens and Beyond* opened at 38 W. Main Street.

Councilman Oldham wished everyone a "Merry Christmas".

Councilman Potts also wished everyone a "Merry Christmas" and thanked Melinda Knott for the package of minutes from all the budget sessions.

Due to the incidents occurring around the country, Mayor Starliper reminded everyone to be aware of their surroundings and to call the police if they notice anything out-of-the-ordinary.

President Mumma acknowledged former Borough Manager Lloyd Hamberger in the audience and asked if he would like to make any comments. Mr. Hamberger thanked the outgoing councilmen (Councilmen Greenawalt, Potts and Bader), and Council as a whole, for their service.

President Mumma also wished everyone a safe and enjoyable "Merry Christmas".

EXECUTIVE SESSION: Council adjourned to executive session at 8:29 p.m. and reconvened at 9:08 p.m.

Solicitor Wiser asked for the following action by Council:

- (1) To authorize the Borough Solicitor to initiate legal proceedings regarding the property located at 135-137 Hamilton Avenue if deemed necessary by the Borough Solicitor and the Borough Manager and if the property owner does not bring the property into compliance with the Property Maintenance Code

and the Uniform Construction Code as directed by the Code Enforcement Officer and the Building Code Official – Councilman Oldham made a motion as such. Councilman Greenawalt seconded; the motion passed unanimously.

- (2) To authorize an interim temporary parking restriction which would be to block access to the parking space at the northwest corner of the intersection of Mulberry Avenue and Main Street, pending further review of Council on the matter which shall include an independent study of the sight distances at the intersection and any subsequent recommendations – Councilman Oldham made a motion as such. Councilman Greenawalt seconded.

Darwyn Benedict (47 W. Main Street) asked for clarification on the type of barrier to be used, as he feels that it will block the view of motorists. It was noted that the barriers are approximately 2½-3' high.

Mr. Benedict noted that he had previously presented information regarding five (5) other spaces that were “worse for sight visibility” ... is it part of the motion that they will be blocked off as well? Solicitor Wiser noted that the motion was specific to the intersection at Mulberry Avenue and Main Street. It is his understanding that the Street Committee will look at the other intersections mentioned -- he is not aware of any current traffic studies/recommendations on those locations, but it is up to Council if they would want to undertake that in the future after review.

Following discussion, it was recommended by the Solicitor that the Borough Manager contact the independent firm to conduct the traffic study being authorized.

Mr. Benedict added that the survey conducted by the Borough's staff was flawed, as this is not really an intersection. Mr. Wiser clarified that he referred to this as an intersection, because Mulberry Avenue is shown on a map as a road (but it is really a pedestrian walkway). The application submitted to PENNDOT, however, identified it as a mid-block crosswalk.

Stephen Monn (from the audience) asked if this is based on normal traffic sight distances or as a result of conditions placed on the Borough for the grant for rapid flashing beacon lights. Mr. Wiser responded that there were mid-block crosswalk sight requirements by PENNDOT as well as visibility requirements for the rapid flashing beacon light installations.

Upon request, Solicitor Wiser restated the motion: to authorize the interim temporary parking restriction, which is the blocking of access to the parking space at the northwest corner of the intersection of Mulberry Avenue (pedestrian walkway) and Main Street pending further review, which includes an independent traffic study to review the rapid flashing beacon and mid-block crosswalk sight distance requirements, with the independent firm to be selected by the Borough

Manager. Councilmen Oldham and Greenawalt (who made the original motion/second) concurred. The motion passed 5-0 (Council President Mumma abstained).

Having no further business to discuss, the meeting adjourned at 9:22 p.m. on a Greenawalt/Oldham motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Borough Secretary