

JANUARY 22, 2014
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Wayne Driscoll called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:40 p.m. with the following in attendance:

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

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benshoff, Maintenance Superintendent
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Jason Kelso, Borough Solicitor (Salzmann Hughes, PC)
Jason Stains, Assistant Borough Manager
Jim Sourbier, Police Chief

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

COMMITTEE REPORTS

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

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Driscoll reported that he was approached by Cody Motz of Clayton Avenue regarding his proposal to build a handicapped-accessible picnic table for Memorial Park as an Eagle Scout project. The matter will be discussed with the Recreation Board and Mr. Driscoll will report back to Council.

STREET COMMITTEE: Councilman Potts noted that Council members received minutes from the Street Committee meeting held earlier that day. There were no items to report at this time.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: President Driscoll reported that he has become a member of the Mainstreet Waynesboro, Inc. Board of Directors and attended their first meeting of the year. He will report back later on scheduled meetings for the Downtown Revitalization Committee.

FINANCE COMMITTEE: No report.

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

“On January 7th, I attended the Chamber's Breakfast and then participated in the ribbon-cutting for the new Cobblestone Motel at Rouzerville.

On January 14th, I attended the Fire Police meeting and swore-in the fire police for the next two (2) years.

On January 15th, I had the privilege of talking to the youth at the Church of Latter Day Saints. I thank them for the opportunity.

On January 16th, I had the privilege of united in marriage Nichole Zurgable and Gary Decker. Wish the Decker's the very best.”

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA:

Wayne Bartholow, 35 N. Grant Street - Mr. Bartholow referred to Item #7B under “Unfinished Business” on the agenda – “PROPOSED NAME CHANGE (ALLEY #1 NORTH AND MULBERRY AVENUE). After having read *The Record Herald's* article on the proposed memorial service for Officer William Daywalt (who was killed in the line-of-duty in Waynesboro 100 years ago) and hearing the entire history of his demise at a recent meeting of the Potomac Street Irregulars, he suggested that Council memorialize Officer Daywalt by renaming Alley #1 (which is where he was actually shot) after him. He added that Washington Township Constable Harry Unger was also killed in the line-of-duty on W. Main Street; and perhaps an intersecting thoroughfare could also be named in his honor.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak made a motion to accept Benjamin Greenawalt's resignation from the Waynesboro Fire Police. Councilman Potts seconded; the motion passed 5-0 (Councilman Greenawalt abstained).

Councilman Cermak made a motion to reappoint Marie Beck and Barbara Gaydick to terms on the Library Board, which will expire on 02/01/2017. Councilman Mumma seconded; the motion passed unanimously.

CONSIDER APPROVAL OF CONSENT AGENDA: Councilman Cermak made a motion to approve the Consent Agenda, as presented. Councilman Mumma seconded; the motion passed unanimously.

RESOLUTION FOR
COUNCIL MEETING OF JANUARY 22, 2014
"CONSENT AGENDA"

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 _____, seconded by Councilman _____, by a vote of _____, 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 - January 6, 2014 (re-organization/regular meeting)
2. Pay Bills - Voucher List dated 01/16 (and any others following preparation of this agenda)

Previously Discussed: N/A.

UNFINISHED BUSINESS

CONSIDER ORDINANCE VACATING A PORTION OF PROSPECT AVENUE AND TWO ALLEYS: Mr. Grubbs noted that the procedure followed with regard to the proposed vacations was outlined during the public hearing held prior to this meeting. Accordingly, the proposed ordinance was presented to Council for their consideration. Councilman Potts made a motion to adopt the proposed ordinance, as presented. Councilman Cermak seconded; the motion passed unanimously.

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, VACATING A PORTION OF PROSPECT AVENUE AND TWO ALLEYS SITUATED IN THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA

Complete copy on file at Borough Hall.

PROPOSED NAME CHANGE (ALLEY #1 NORTH AND MULBERRY AVENUE): Kevin Grubbs noted that this matter was discussed at Council's last meeting and they were awaiting responses from various agencies who were reviewing the proposed name changes. He reported that he received a telephone call from Carol Schindler (U.S. Postal Service in Harrisburg) indicating they have no issues with any name changes the Borough decides on. She requested, however, that they be notified (in writing) if addresses are affected by any name change. The Franklin County Planning

Commission and Department of Emergency Services submitted a joint comment letter indicating they have no issue with the requested name change for Alley #1 North and recommend it be identified as "Schier's Way". Regarding the alley located between Alley #1 North and W. North Street (primarily the walkway, now known as Mulberry Avenue), however, they recommended that the entire portion of the alley be changed to "Market Street" for consistency. Jason Stains also supplied Council with a letter from John and Darlene Mort, 11 Mulberry Avenue (the only residents on Mulberry Avenue), who do not want the name changed on their portion of the street because of inconvenience and expense.

Discussion continued regarding the original request vs. the recommendation made by Franklin County, as well as opposition from the only affected residents. Council President Driscoll noted that the request was made by Mr. Morningstar to improve his business, and he supports him in those efforts. Councilman Oldham offered support for the suggestion to name it after Officer William Daywalt, as that would be historical. President Driscoll noted he doesn't want to diminish Officer Daywalt's sacrifice, but Council wouldn't be changing the name of any alleys if the request hadn't been made by a downtown merchant. Councilman Cermak added that the matter has been voted on and Council was awaiting responses ... as those have been received, he feels the matter should move forward.

Mr. Driscoll asked Mr. Morningstar if this proposal (for Schier's Way only) would suit the purposes of his initial request. Mr. Morningstar stated he would be happy to accept it. Councilman Oldham again stressed his desire to name the alley after Officer Daywalt. Mr. Morningstar suggested doing something more respectful than naming an alley after him.

Mitchell Hickok, a member of the audience and resident of Waynesboro for 40 years, commented that he doesn't understand how the conversation changed from Mr. Morningstar's request (and what was voted on) to Mr. Oldham's comments. He noted that the request was an attempt on Mr. Morningstar's part to grow his business and it should be supported. President Driscoll thanked Mr. Hickok for his comments and stated he agrees "100%".

Councilman Cermak made a motion to reaffirm the motion to change the name of Alley #1 North, from Potomac to Church Streets, to "Schier's Way"; and to direct counsel and the staff to proceed with preparation of an ordinance to ordain this section as such. Councilman Mumma seconded. President Driscoll added that memorializing Officer Daywalt is an outstanding idea, but "hijacking" this idea is not the way to do it. A vote was called; the motion passed 4-2 (Councilmen Oldham and Greenawalt opposed). It was noted that the Morts will be contacted/advised that their portion of the alley will not be affected.

LAND DEVELOPMENT PLAN FOR MARTIN'S FOOD STORE: Kevin Grubbs noted that Council members received a complete Land Development Plan and Planning Commission meeting information regarding this matter. On December 9, 2013, the

Planning Commission reviewed the revised plan and recommended Borough Council's approval, contingent upon completion of minor revisions (those have since been completed). Mr. Grubbs noted that the plans now meet requirements of the Zoning Ordinance, Subdivision/Land Development Ordinance and Stormwater Management Ordinance.

Representatives met with the Waynesboro Borough Council to discuss water and sewer tap fees, and have come to an agreement on that matter. Council's approval of the bonding amounts received (which were reviewed/approved by Mr. Grubbs and Mr. Wisner) is now required: a project bond in the amount of \$2,319,830 and a stormwater maintenance bond in the amount of \$37,500. He added that the developer's agreement is almost completed, and these bonding amounts are a part of that process. Councilman Mumma made a motion to approve the Martin's Land Development Plan, as presented, pending final approval of the developer's agreement. Councilman Greenawalt seconded; the motion passed unanimously.

SELECT COMMITTEE TO REVIEW PROPOSALS FOR GOLF COURSE LEASE:

Jason Stains reported that the due date for proposals for the municipal golf course lease is next Monday (01/27). He requested that several Council members be appointed to a committee (which will include several Recreation Board members) to review the proposals and make recommendations. President Driscoll appointed Councilmen Mumma and Potts, adding that the Mayor is welcome and encouraged to sit in. The Property Committee will also provide input into the final recommendation(s) to Council.

NEW BUSINESS

REQUEST FOR ENDORSEMENT FOR HOUSING PROJECTS: Mr. Hamberger noted that Council, in the past, has provided letters of support for organizations who were seeking funding through the Commonwealth of PA. Those agencies, Valley Housing (for Mt. Vernon Terrace) and Trinity House are both requesting endorsement from the Borough once again.

Valley Housing's Executive Director Bonnie Zehler was present. Ms. Zehler noted that they applied for funding (but were unsuccessful) last year to renovate Mt. Vernon Terrace, and are planning to re-apply this year. She explained their goal to make much-needed improvements (plumbing, air conditioning, enlarge the kitchens and bathrooms) and provide several handicapped-accessible units, as well as units for vision and hearing impaired individuals. They will also be able to provide a community room and staffing office on-site.

Mr. Hamberger read correspondence from Ed Kaminski (Housing Development Corporation Midatlantic) regarding their efforts to purchase and rehab the Trinity House Apartments to provide quality affordable housing for seniors. Councilman Oldham suggested that their planned improvements may aide in bringing their tax assessment back to its original amount.

Councilman Cermak made a motion to authorize Mr. Hamberger to write letters of support for both organizations. Councilman Mumma seconded; the motion passed unanimously.

ANNUAL AMENDMENT TO TRAFFIC AND PARKING REGULATION ORDINANCE:

Kevin Grubbs provided Council members with a copy of the proposed Traffic and Parking Regulation Ordinance update, which is conducted each year. He noted that the Solicitor has suggested several minor changes to the format, and a revised copy will be emailed to them tomorrow. The proposed ordinance will be advertised for Council's consideration at their 02/05 meeting. Councilman Oldham made a motion to authorize advertisement of the ordinance as indicated by Mr. Grubbs. Councilman Cermak seconded; the motion passed unanimously. Mr. Hamberger also suggested that the alley name change (approved earlier in the meeting) be included in the advertisement in order to save on advertising costs.

SOUTH END VILLAS: Kevin Grubbs noted that the Land Development Plan for South End Villas (located at S. Church, E. Ninth Street and Old Mill Road) was previously approved by Council. A letter of credit and project bond have been received in the amount of \$43,835; and Mr. Grubbs suggested waiving the requirement for a stormwater maintenance bond, as this small development would only require annual mowing (at an estimated cost of \$490). It was clarified that the Borough can still fine them for a violation of the Weed Ordinance if the mowing is not done. Councilman Cermak made a motion to waive the requirement for a stormwater maintenance bond for South End Villas, as recommended by Mr. Grubbs. Councilman Mumma seconded; the motion passed unanimously.

GEOFAM LAND DEVELOPMENT PLAN: Mr. Grubbs noted that the GEOFAM Land Development Plan is currently "on hold", as certain revisions were required; and at the present time, the Franklin County Conservation District is awaiting DEP's review of their stormwater management plan. GEOFAM's current extension expires on 01/31, and Mr. Grubbs suggested that Council ask the developer to submit an additional 60-day time extension request. Councilman Mumma made a motion as such. Councilman Oldham seconded; the motion passed unanimously.

RENOVATION WORK AT LIBRARY: Kevin Grubbs reported that GRC Construction is doing renovation work at the Library, and will be closing the alley beside the Library beginning on 01/27 until July. Proper signage will be installed, and they will place notices in *The Record Herald* and *Morning Herald* to advise the public of the closing.

REDUCED SPEED LIMIT ON MAIN STREET: President Driscoll noted that he and Police Chief Sourbier were on NBC News recently regarding the number of pedestrian accidents which have occurred in Waynesboro. He asked Kevin Grubbs for an update on the State's review of their request for a Borough-wide speed limit of 25 mph. Mr. Grubbs reported that the State's Traffic Engineering Department will be conducting a traffic/speed count at every location where the speed limit is posted at 35 or 40 mph. That information will be compiled and they will make a determination if any changes are

needed. He estimated that the study will take approximately 90 days to complete.

Mitchell Hickok, a member of the public, noted that pedestrians should wait until traffic has stopped before they cross the street. He added that, even though pedestrians have the right-of-way, they should use common sense.

Mike Carter, another member of the public, added that there is a serious problem around the schools. Students will cross the street without “properly presenting themselves” in a crosswalk and allowing sufficient time for the cars to stop.

Darwyn Benedict, also present, noted it is not always children ... but adults as well.

Chief Sourbier commented that many people fail to realize that there are as lengthy requirements for pedestrians crossing the street in the statutory provisions as there are for vehicle operators being required to stop for pedestrians in crosswalks. The crosswalk is not an “automatic permission” to step into the street. He added that this Borough’s pedestrian issue is multi-faceted ... it is environmental factors, the attention of the driver, the attention of the pedestrian, the physical condition of the driver, the physical condition of the pedestrian, traffic volume, obstructions, speed limit, etc. Changing any one thing will not resolve the problem.

Patrick Burns, 14 W. Sixth Street, mentioned he has heard of a town that fines people for reading a phone or texting while crossing in a crosswalk. He also mentioned illumination of the crosswalk just up from the American Legion, which it was noted that the Street Committee is looking into; and the fact that it is hard to see people in crosswalks when heading east on Main Street in the early morning when the sun is coming up.

President Driscoll reiterated that there is only so much that the Borough can do ... people must use common sense. He stated he looks forward to the State’s study results and recommendations.

On a related matter, Kevin Grubbs reported that the TAPCO Company, who manufactures the rapid flashing beacon lights, has resolved the problem (free of charge) at the Mulberry Avenue crosswalk. They also analyzed the function of the lights at the other locations, and he will provide a copy of their report to Council for review.

TREES AND BRICK SIDEWALKS: Jason Stains noted that Tom McCloud (Shade Tree Commission) has noted that the roots of several trees downtown are lifting the brick sidewalks. They are looking at some possible solutions, including the installation of a root barrel (which would direct the roots downward) when trees are planted in the future.

Council requested that Mr. Grubbs and Mr. McCloud present a formal proposal for their review and consideration.

DOWNTOWN WAYNESBORO HISTORIC DISTRICT: Jason Stains noted he was

advised by Mainstreet Waynesboro, Inc. that a representative of the Bureau of Historic Preservation will be holding a presentation on 02/25 at 5:30 p.m. at Trinity Church. MSW has unanimously voted to designate the downtown as a historic district; and they are asking that representatives from the Recreation Board, Downtown Revitalization Committee, Property Committee and Borough Council be present at that meeting.

COUNCIL COMMITTEES: President Driscoll noted that Council members have received a list of new Committee appointments. Any questions or concerns should be directed to him.

PUBLIC COMMENT - NON-AGENDA ITEMS: Lavon Sherry was present to request that the camper (in which a friend is living temporarily) be permitted to remain on her property on W. Fourth Street. President Driscoll noted that Council will take her comments and concerns under consideration.

FOR INFORMATION ONLY

ENERGY SUPPLY CONTRACT: Jason Stains reported that a three-year contract has been signed with Mid-American Energy at .053 kilowatt hours, which is a savings of over 1¢ per kilowatt hour among the Borough's 40 accounts.

INVITATION TO JOINT FIRE/POLICE DINNER/DANCE (WAYNESBORO POLICE DEPARTMENT AND WAYNESBORO VOLUNTEER FIRE DEPARTMENT, INC.): Council members received an invitation for the joint Fire/Police Department dinner/dance to be held on 02/08. RSVP's are requested by 02/01 to Melinda Knott.

COUNCIL AND STAFF COMMENTS: Mr. Hamberger reminded Council that the LERTA Ordinance was approved by the Borough last April. Since that time, he has made presentations regarding the matter to School District representatives (with no luck). They have said that they will review each development as it comes along. He and Mr. Stains will give a presentation to the County Commissioners tomorrow, and he is hopeful that he will be able to convince them to approve it.

Councilman Mumma thanked the public for their attendance.

Jason Stains reminded Council that an informational meeting will be held on 01/28 at 7:30 p.m. to discuss special events planning.

Police Chief Sourbier reported that the emergency blue-light telephone has been installed on the front of Borough Hall, and is fully functional (including a camera). A memorial plaque, in honor of former Mayor Louis Barlup, has also been installed. Their next project will be the telephone at the S. Potomac Street Fire Station.

Scott Hershberger, Mainstreet Waynesboro, noted that the annual Chocolate Extravaganza is planned for 03/07, from 7-9 p.m., at the Waynesboro Country Club. Tickets are now available. In addition, he noted that MSW has moved into their new

office at 13 W. Main Street (inside M & T Bank).

Councilman Oldham thanked everyone for attending the meeting and Wayne Bartholow for his comments. He reminded Council of the importance to speak their mind and that it is okay sometimes to disagree.

Mayor Starliper noted that Council members received correspondence from the PA State Association of Boroughs regarding nominations for a Second Vice-President from the East ... he suggested Mayor Chuck Mummert from Elizabethtown. Councilman Mumma made a motion to support his nomination. Councilman Mumma seconded; the motion passed unanimously.

Mayor Starliper noted that Council members received an email after the last Council meeting from Chief Sourbier regarding individuals in the community who expressed their concern that the Waynesboro Police Department was assisting the Washington Township Police Department and Pennsylvania State Police on recent home invasions. He personally feels this is very short-sighted. These departments (and others) have assisted Waynesboro in the past, and Waynesboro will assist them in the future if at all possible.

Mayor Starliper also noted that he has sent email correspondence to Senator Alloway and Representative Rock requesting their support/assistance in the Borough's request to reduce the speed limit to 25 mph and the use of radar by municipal police departments.

President Driscoll noted this was a productive meeting, and he thanked individuals for their comments.

Having no further business to discuss, the meeting adjourned at 9:19 p.m. on a Potts/Mumma motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant