

MARCH 6, 2014
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Wayne Driscoll called the meeting of the Waynesboro Borough Council to order at 7:33 p.m. This meeting was rescheduled from March 5th because of a scheduling conflict, and it was noted that a workshop was held at 7:00 p.m. regarding the proposed Residential Life Safety (Rental Inspection) Ordinance.

The following were 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 Benschhoff, Maintenance Superintendent
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)
Jason Stains, Assistant Borough Manager
Shawn Adolini, Fire Chief
Mike Bock, Police Sergeant

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

President Driscoll acknowledged and thanked a group of gentlemen who provided a great service to the citizens of the Borough. They, along with the Borough's road crew and Assistant Borough Manager, cleared the "mountains of snow" that had accumulated along Main Street during the night and morning of February 19-20. The group included: John Gehr (John Gehr's Lawn Service); Andy Gehr and Rich Mumpower (Ground Solutions); Brian Stum (B & D Lawn and Landscaping); Darrell Swart, Darren Goodine, Drew Moser and Dave Ressler (Tru-Precision Lawn Care); Travis and Tim Butts (Butts Construction and Excavating); and Larry Shindledecker (Larry's Garage).

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cermak noted he will present two (2) items during the "voting section" of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Council members received minutes from the Street Committee's last meeting; and pursuant to Council's request, Councilman Potts noted the Street Committee has discussed and is reviewing possibilities regarding a memorial plaque for Officer William Daywalt.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: No report. President Driscoll reminded those in attendance that MSW's Chocolate Extravaganza will be held the following evening (03/07) at the Waynesboro Country Club.

FINANCE COMMITTEE: No report.

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

“On February 20th, I attended the Chamber's mixer at JGR Office.

On February 21st, along with Assistant Manager Stains and Councilman Cermak, I attended a meeting with Congressman Shuster at the Office of Salzmann Hughes.

On February 25th, along with Manager Hamberger and Councilman Mumma, I attended the CFCBA meeting in New Cumberland.

On March 3rd, Council President Driscoll and I participated in the Waynesboro Hospital's groundbreaking event.”

SOLICITOR'S REPORT: Solicitor Wiser requested a brief executive session, at Council's pleasure, to discuss pending litigation and a real estate tax appeal.

*President Driscoll noted that he attended a meeting sponsored by the Chambersburg Chamber of Commerce the previous morning, in which all area Council Presidents were invited to discuss common concerns. He welcomed Allen Coffman, Chambersburg's Council President, whom he met at that meeting.

EXECUTIVE SESSION: Council adjourned to executive session at 7:39 p.m. and returned to regular session at 7:55 p.m.

Councilman Oldham made a motion to approve a settlement stipulation for real estate taxes for the Anvil International Inc. property (formerly the Beck Manufacturing Company), located at 390 E. Ninth Street for the tax years 2007-2013. Solicitor Wiser clarified that Council is agreeing to a refund over the course of the next three (3) years as credit on future taxes; and if there is any deficiency balance between the amount owed back to the taxpayer, it would be paid out at the appropriate time. Councilman Cermak seconded; the motion passed unanimously.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak noted that he received a favorable performance evaluation for Julie Myers and made a motion to grant a step increase for her to salary level 9C. Councilman Greenawalt seconded; the motion passed unanimously.

Based on the Assistant Borough Manager's recommendation, Councilman Cermak made a motion to hire Jared Mummert as Pool Manager, at a salary of \$8,500/season. Councilman Greenawalt seconded; the motion passed unanimously.

Also on the Assistant Borough Manager's recommendation, Councilman Cermak made a motion to hire Morgan Brandes as an Assistant Pool Manager, at a salary of \$9.25/hour. Councilman Greenawalt seconded; the motion passed unanimously.

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

RESOLUTION FOR
COUNCIL MEETING OF March 6, 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 22, 2014 (regular meeting) and February 12, 2014 (regular meeting)
2. Pay Bills - Voucher Lists dated 02/26, 02/26 and 03/05 (and any others presented after preparation of this agenda)

Previously Discussed: N/A.

UNFINISHED BUSINESS

CABLE SERVICE FRANCHISE EXTENSION: Jason Stains reported that the current franchise agreement with Comcast has expired and attempts to negotiate an amicable agreement have failed. Accordingly, Comcast is invoking a clause in the current

agreement to extend the agreement for a five (5) year period of time. No objections were noted from Council, and management will write a letter to Comcast acknowledging the extension.

AWARD CONTRACT FOR POOL CONCESSION: Jason Stains reported that Della Koons was the high bidder to lease the Pool Concession Stand, at a rate of \$3,000 for the 2014 season. She also indicated, in a separate letter, that she would like to extend the agreement thru the 2015 and 2016 seasons. Mr. Stains noted that the lease agreement contains a clause that both parties can agree to such an extension, and he recommended awarding the contract to Ms. Koons for 2014, 2015 and 2016. He added that she has made several out-of-pocket improvements at the concession stand and has operated it for several years in the past. Councilman Greenawalt made a motion to award the pool concession contract for 2014 to Della Koons. Councilman Oldham seconded; the motion passed unanimously. Further, Councilman Cermak made a motion to extend the contract for the years 2015 and 2016. Councilman Mumma seconded; the motion passed unanimously.

AWARD BID FOR SALE OF 309 CLYDE STREET: Jason Stains noted that the Borough acquired the title to the property at 309 Clyde Street last summer. They have since advertised the property for sale – the high bidder, at \$21,200, was Marsh Run Properties. Mr. Stains noted this amount will satisfy all the liens and taxes paid on the property. Councilman Cermak made a motion to award the bid to Marsh Run Properties, provided that they enter into an appropriate agreement of sale covering all the necessary requirements for transfer of the property. Councilman Mumma seconded; the motion passed unanimously.

REVISED RENTAL INSPECTION/LIFE SAFETY ORDINANCE: President Driscoll noted that this matter was discussed at the workshop held prior to this meeting. It was the consensus of Council to hold a public input session at 7:00 p.m. (prior to the next Council meeting) on 03/19; and the matter will be placed on the agenda for Council's discussion (and final vote) at the meeting to follow. Mr. Hamberger added that the proposed Life Safety Ordinance is on the Borough's website and in the front lobby for public view.

NEW BUSINESS

TAP GRANT APPLICATION: Mr. Hamberger noted that the County has confirmed the Borough's eligibility for the Transportation Alternatives Program (TAP) grant, and the staff would like authorization to apply for eight (8) warning beacons for crosswalks at various locations in the downtown. Councilman Greenawalt made a motion to authorize the staff to proceed. Councilman Oldham seconded; the motion passed unanimously.

REQUEST FROM COMBINED VETERANS COUNCIL FOR MEMORIAL DAY PARADE AND SERVICES (MAY 26, 2014): Council received a request from the Combined Veterans Council for the Memorial Day parade/services to be held on 05/26, beginning at 9:00 a.m. Kevin Grubbs reported that all required information for the

PENNDOT permit has been submitted, and the Mayor added that all appropriate organizations have been contacted. Councilman Greenawalt made a motion to approve the request, as submitted. Councilman Cermak seconded; the motion passed unanimously.

REQUEST FROM ST. ANDREW SCHOOL FOR “RACE FOR EDUCATION” (MAY 14, 2014): Jason Stains presented a request from the St. Andrew School to hold a “Race for Education” at Memorial Park on 05/14 (rain date is 05/21) from 9:30 a.m. to 1:00 p.m. Borough Council has approved the event for the last several years. They anticipate approximately 132 children (from kindergarten to sixth grade) will participate in the fundraising event. Mr. Stains added that the Recreation Board has recommended approval. Councilman Greenawalt made a motion to approve the request. Councilman Cermak seconded; the motion passed unanimously.

SCOREBOARD AT MEMORIAL PARK LITTLE LEAGUE FIELD: Mr. Stains advised that Giant Foods has offered to donate a scoreboard for use at the little league field at Memorial Park. The scoreboard is almost identical to the two currently in place at the Clayton Avenue ballfields. Giant Foods intends that the scoreboard be used by the Waynesboro Youth League and Waynesboro Area Girls Softball.

Mr. Stains noted there were some concerns that the little league field was being under-utilized, but the WYL reportedly has approximately 500 children registered to play in their league. They will not be using the ballfield in Mont Alto and will focus all of their games in the Waynesboro community.

The Recreation Board, as well as the Memorial Park Board, unanimously approved the scoreboard installation. Mr. Stains explained that the scoreboard will be placed behind the outfield fence in right field, toward the current concession stand. It utilizes less than one (1) amp of electricity and two (2) controllers will be shared between the WYL and WAGS. (If other leagues are formed and have scheduled time on the fields in the future, they could purchase additional remote controls to also use the device.) There will be one (1) advertisement on the sign to indicate that it was donated by Giant (or Martin’s) Foods.

Councilman Greenawalt made a motion to approve the request to install a scoreboard at the Memorial Park little league field, based on this donation, provided that the wiring for such be underground. Councilman Cermak seconded. Mr. Stains also advised that the WYL agreed to be responsible for the maintenance/care of the scoreboard, they have volunteered to help with the installation, and they will pay whatever fee (minimal) the Borough charges for the electric. Kevin Grubbs assured Council that the scoreboard will comply with the sign regulations proposed for the new Zoning Ordinance. A vote was called and the motion passed unanimously.

Discussion followed regarding the existing concession stand at Memorial Park. There was some interest voiced last year in opening it (and the Borough make some upgrades for that purpose), but it is mostly used for storage at this point in time.

DEPOSIT ESCROW ACCOUNT: Mr. Hamberger noted that checks were received from Waynesboro Hospital for costs associated with their medical office development, as well as surrender of the rights-of-way for the street/alleys. These checks will be deposited into a separate escrow account, and the funds will be sequestered for special projects as seen fit by Borough Council. Councilman Greenawalt made a motion to authorize the Borough Treasurer to execute the appropriate documents for the separate account. Councilman Mumma seconded; the motion passed unanimously.

PUBLIC COMMENT - NON-AGENDA ITEMS: Paul Schemel, who is running for State Representative in the 90th District, introduced himself to Council. He assured them that, if elected, his primary district office will remain in Waynesboro.

FOR INFORMATION ONLY

UPDATE ON PROPOSALS FOR GOLF COURSE: Jason Stains noted that RFP's were sent out in January for management/operation of the municipal golf course, because of the deficit it had been operating in over the last several years. Inquiries were received from all over the United States, but only two (2) proposals were received – one from Harry Grove (former superintendent of the Municipal Golf Course) and one from a local group known as Marsh Run Properties, LLC (which consists of the McCleaf family and the Henicle family, working along with Darwyn Benedict).

The proposals were reviewed by members of the Property Committee, the Waynesboro Borough Authority (the current owner of the golf course) and the Recreation Board. At their last meeting, the Recreation Board unanimously recommended that the proposal from Marsh Run Properties be pursued. At a meeting held this evening, the Golf Course Review Committee also agreed to recommend that the Borough enter into discussions with Marsh Run Properties for management of the Waynesboro Municipal Golf Course.

Mr. Hamberger added that a public/private agreement is the best way to guarantee that the golf course continues to exist. The Borough has continually subsidized it in the past, but cannot continue to fund a recreational facility when other essential services of the Borough have been cut and/or reduced. Mr. Stains noted it is the Borough's intention to keep a viable golf course in Waynesboro, but it is unfair to taxpayers to subsidize a golf course that continually operates in a deficit. He also reminded the public that an agreement is not being signed with Marsh Run Properties at this point ... the Borough is only entering into negotiations with them. The Borough has sent out letters to current/past members for membership renewals; and unless Council tells management otherwise, they intend to open the golf course under municipal management for this year.

Councilman Mumma made a motion to authorize the staff to continue to negotiate with Marsh Run Properties. Councilman Cermak seconded; the motion passed unanimously.

UPDATE ON DEBT COLLECTION: Jason Stains reported several months ago that the Borough would actively pursue individuals who owe them money (for unpaid invoices). Approximately \$10,000 of the \$15,000 outstanding has been collected to date. There are currently nine (9) individuals/companies remaining who have been sent final notices, but have failed to make any payment arrangements. Those individuals have until the close of business on 03/14 to do so before legal actions will be pursued. Council concurred.

ANNUAL REPORT FROM WAYNESBORO CIVIL SERVICE COMMISSION: Mr. Hamberger noted that the PA Borough Code requires an annual report from the Civil Service Commission, a copy of which Council has received. He noted that the Civil Service Commission held a written examination for Fire Apparatus Driver on 02/28; and oral interviews and physical agility examinations will be forthcoming for those individuals who pass the written examination. Secondly, a written examination for Police Patrolperson will also be held on 03/28. Even though there are currently no openings, the eligibility lists will be valid for three (3) years.

REPORT ON CUMBERLAND-FRANKLIN COUNTY BOROUGH ASSOCIATION MEETING: Mr. Hamberger provided minutes of the most recent CFCBA meeting to Council members. He noted that several issues were discussed, including the Chesapeake Bay Initiative, non-point sources of pollution and rain gardens.

PROPOSED CONSTITUTION AMENDMENTS (PSAB): Mayor Starliper reported on a proposed change in the title of the Executive Vice President to read Executive Director, which he has no problem with. As the Borough's voting delegate, he will cast his ballot at the conference in favor of the change.

Mr. Starliper noted that the CFCBA also passed an amendment regarding the sharing of municipal management and permitting a firm, partnership, association or professional corporation to be appointed as manager. That resolution will be forwarded to the PSAB's Policy and Resolution Committee, of which he is a member, for review.

JUNIOR FIREFIGHTER PROGRAM (WAYNESBORO VOLUNTEER FIRE DEPARTMENT): Fire Chief Adolini noted that information was provided to Council regarding a proposed Junior Firefighter Program for the Waynesboro Volunteer Fire Department. He added that they have not had such a program for many years; and he feels this would help to increase future volunteerism among young people in the community. In fact, he stated that Waynesboro is the only fire department in the County that doesn't have one. Councilman Cermak made a motion authorizing and endorsing a Junior Firefighter Program in the Waynesboro Fire Department. Councilman Mumma seconded; the motion passed unanimously. President Driscoll commented that volunteerism in the fire and rescue field was the most-discussed issue at the Chamber meeting he attended the day before.

VALVE REPAIRS (FIRE APPARATUS): Jason Stains provided information to Council

on quotes received to perform necessary upgrades/repairs to the pumps on each of the fire apparatus (a total of approximately \$10,000+ for all five trucks). Chief Adolini explained that the pumps have not been adequately serviced in years ... and the firefighters running lines into burning buildings rely on their operation. Once they are all serviced, he will implement a routine maintenance program for their upkeep.

Because of budget constraints, Chief Adolini was asked which trucks needed to be done first – he noted that 2-1 is the worst and should be done first. Mr. Hamberger stated that the Fire Department budget has \$7,500 in Major Vehicle Repair, but Chief Adolini has already spent several thousand dollars for repairs on the Engine-Tanker so far this year. Councilman Greenawalt also asked Chief Adolini about the condition of the South Potomac Street Fire Station. Chief Adolini noted there are many issues; and he invited Councilman Greenawalt to visit/tour the facility the following week.

Council members were in agreement about the importance of maintaining the pumps, but also noted they need to be fiscally responsible. Mr. Hamberger recommended that the staff and Chief meet to formulate a plan for Council's consideration at the next meeting. In the meantime, as it would be within the budgeted amount, Chief Adolini was authorized to proceed with having one of the vehicles taken care of.

TIME EXTENSION FOR SOUTH POTOMAC STORM SEWER BYPASS: Mr. Hamberger presented correspondence from D. L. George & Sons requesting an 83-day time extension (to 06/30/2014) for the South Potomac Storm Sewer Bypass Project. Kevin Grubbs noted no problems with the request, as presented. Councilman Greenawalt made a motion to approve the request. Councilman Cermak seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Mr. Hamberger noted that Council received correspondence from Senator Alloway reporting on the passage of Act 89 (the Transportation Bill), which calls for significant tax increases on gasoline and provides for a \$15,000 increase in the Borough's liquid fuels funding.

As Chairman of the Personnel Committee, Councilman Cermak asked Solicitor Wisner if he has had an opportunity to review the "Borough Manager Ordinance"; and specifically, if there is anything that other municipalities have done or are doing to reinforce or support their Borough Manager Ordinance? Mr. Wisner responded that Waynesboro's ordinance is similar to the surrounding municipalities' ordinances ... most of which were adopted in the late 1970's. Most have standard ordinances, and some communities have reduced the policies in writing to explain the ordinance further. He explained that there are multiple powers Council delegates to the Borough Manager in the ordinance – one is supervision of the day-to-day operations of the Borough departments (with the exception of the Police Department, which is the Mayor's role), supervision of the municipal employees (again, with the exception of the police), budgeting, etc. He noted it is "not a bad thing" to have a written policy in place for items such as chain-of-command, how information goes through staff to the manager to Council and back down from Council to the manager to staff – those are fairly common. Councilman

Greenawalt asked if other municipalities have a contract with their Borough Manager. Mr. Wisner noted that “some do; some don’t”. There is a provision in the Borough Code, that was changed in 2012, which specifically allows for a contract with the Borough Manager. However, the contract can’t extend beyond two (2) years (from municipal election to municipal election). Councilman Cermak suggested that Council authorize the Solicitor to look into any improvements that can be made regarding outlining the duties of the Manager. Council concurred.

Mr. Hamberger thanked John Gehr and the others who assisted recently with removal of the snow downtown.

Councilman Mumma thanked the public for their attendance and comments. He reminded them of the public input session to be held prior to the next meeting (03/19 at 7:00 p.m.) regarding the proposed Residential Life Safety Ordinance.

Councilman Cermak personally thanked Mr. Gehr and the others for assisting with the snow removal. Mr. Gehr commented that they couldn’t have done it without the help of the Borough’s crew and fire police.

Kevin Grubbs gave an update on the South Potomac Storm Sewer Project. After some minor work tomorrow, the large bypass will be active and ready to take on water in the system. The contractor will then move on to the intersection of Green/Sixth Streets and to the east; and when weather permits, work will begin on the curb/sidewalk and restoration work.

Scott Hershberger, MSW, reminded the public that the Chocolate Extravaganza will be held the following evening from 7-9 p.m. at the Waynesboro Country Club. Nine (9) of Waynesboro’s businesses will be supplying chocolate creations; and there will be dancing and music from the Gettysburg Big Band. Tickets are still available at their office and (hopefully) at the door.

Councilman Oldham also thanked Mr. Gehr and his crew for their snow clean-up efforts downtown.

Mayor Starliper reminded those in attendance that clocks are turned ahead this weekend. He announced that the Brothers of the Brush will hold an Easter Egg Hunt at Renfrew Park on 04/19. He asked when the “Permit Parking Only” signs will be installed on the first block of Myrtle Avenue. Kevin Grubbs reported that the signs are in and will be installed in the near future, and information has been sent to the property owners regarding their application for parking permits. Mr. Starliper requested that he be notified when the signs are to be installed so the High School Principal can be notified.

Subsequent to the Mayor’s reminder to change the clocks, Councilman Cermak noted it is also a good time to change the batteries in smoke detectors. He commended Chief Adolini for “doing a great job” and noted that everyone he has talked to at the Fire

Department is impressed and happy to be working with him.

President Driscoll thanked the public for their attendance and Mr. Gehr for his efforts for the community.

Having no further business to discuss, the meeting adjourned at 8:56 p.m. on a Greenawalt/Mumma motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant