

DECEMBER 3, 2014
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 – 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
Shawn Adolini, Fire Chief

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

COMMITTEE REPORTS

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

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report. Councilman Bader reminded those in attendance to practice safety over the holidays.

STREET COMMITTEE: No report. Councilman Potts noted that the next Street Committee meeting will be held on Wednesday (12/10) at 9:00 a.m.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Potts noted that the Downtown Revitalization Committee met the previous day. They discussed a number of items regarding the downtown, including the concept of Waynesboro becoming an historic district listed on the National Register of Historic Places. The matter is still under review by Mainstreet Waynesboro, Inc., but Borough Council is being asked if they would like to go on record as supporting the concept. Accordingly, he recommended that the item be placed on Council’s next meeting agenda.

FINANCE COMMITTEE: No report. Councilman Greenawalt noted that Council will be voting on the 2015 budget in the near future.

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

“On November 20th, along with Chief Sourbier, I had a meeting with Ryan Bowman, an Advanced Solutions architect from Verizon.

On November 20th, I attended the Fellowship of Churches meeting to help promote the Waynesboro Crop Walk next year.

On November 21st and 22nd, I attended the Tree Lighting Ceremony and participated in the Holiday Parade. Many thanks to Mainstreet and all of the individuals who help with these two activities. I hope that Council members were able to be in attendance to enjoy the events.”

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA:

Monty Westmyer, 9 State Hill Road – Mr. Westmyer noted that he attended a Council meeting in October regarding Old Mill Road. He asked Councilman Potts if the Street Committee has any update on the matter. Mr. Potts noted that the Street Committee has reviewed Mr. Westmyer's requests and are not recommending any changes at this time. They are awaiting a report from the Engineering Department on traffic patterns and speeds.

Wayne Driscoll, 13 Pen Mar Street (residence) and 310 W. Main Street (business) – Mr. Driscoll offered his support and opinion of the proposed walking trail (Item #7B under “Unfinished Business”) . He reminded Council members that a trail of this nature was part of the Joint Comprehensive Plan approved by Borough Council in 2009; and it appears that the community overwhelmingly wants it (and more growth like it in the future). He urged Council members to vote in favor of the walking trail.

David Miller, 348 S. Potomac Street – Mr. Miller reiterated Mr. Driscoll's comments. He has heard the school district's comments regarding security issues, but feels the area would be safer if it were cleared and used as a walking trail. He added that it would also bring Renfrew back into the community and provide more access (green spaces) for the children.

Dr. Greg Lyon-Loftus, 916 E. Main Street – Dr. Lyon-Loftus noted that his property borders the school property, which gives him a clear opportunity to observe foot traffic around the school grounds. He believes that the public health of this community is dependent on the leadership taking action to create opportunities to get people out of their houses and into the air; and he added that the evidence that foot paths in the community make a difference is unequivocal. He honors the school district's concern

regarding safety, but feels the way to create safety is to increase the presence/participation of many members of the community. Dr. Lyon-Loftus added that, financially, the schools are unable to provide as much physical activity as in years past. He urged Council to approve the grant opportunity to make the walking trail available for the community.

Harry Morningstar, Jr., 205 Clayton Avenue – Mr. Morningstar reminded Council that the establishment of a walking trail was proposed/requested by the previous Borough Council. They asked Mainstreet Waynesboro, Inc. for support, and received confirmation that the project was eligible for a Summit Health Endowment Grant. C-Far (a local running group) would have been the recipient/administrator of the funds; and supporters included Renfrew Park, Washington Township, the Appalachian Trail organization and the Brimington Development. Mr. Morningstar noted that he has only heard very favorable comments from Borough residents, including that this trail would provide more fitness, more green space, and possibly increase tourism. He thanked Council members for their consideration of the matter.

Sherian Diller, WASD Superintendent – Ms. Diller noted that she spoke at Council's last meeting and felt the need to return again. Although the trail is not proposed to be placed on school property, she stated that there are public sidewalks, trails at Renfrew, community parks, and places of fitness for the community. This trail, however, would border the back of three (3) schools, which involves approximately 2,000 children. She feels that this trail would provide an "open invitation" to people who might want to do harm, and that school security could be very compromised. Ms. Diller added that their school police officer shares her concerns.

Aaron Taylor, Principal at WAMS – Mr. Taylor agreed with concerns voiced by Ms. Diller. In addition, he noted that cross-country runners, softball teams and students in physical education classes utilize areas near this proposed trail, which could increase liability issues. Even though this trail could provide another method for students to walk home from school, he stated concerns that they would not be supervised.

Emily Miller, 348 S. Potomac Street – Ms. Miller noted that she is a coach at the YMCA and is in favor of the proposed walking trail. She has heard very favorable comments in support of the trail, with the exception of the school district. She suggested that signs be posted on the trail designating open hours and that no bicycles are permitted.

Eric McIlquham, 1275 Apple Grove Way (WASHS Athletic Director) – Mr. McIlquham noted that the school district is responsible for children coming/leaving the school. He stated that he and Councilman Potts rode the parameter of the proposed trail, and observed that many trees need to be cleared/cut along the parameter. He supports the concept of added fitness, but is very concerned about the maintenance, liability and safety issues raised.

Stephen Monn, 126 W. Main Street – Mr. Monn noted that there have been no issues in the area of the proposed trail for all the years the schools have been there when it was

an isolated/deserted area. He doesn't feel that creating a walking/fitness trail in that area will increase the possibility of any issues; and in fact, would probably provide more monitoring of that space by upstanding citizens if it becomes a walking trail.

Darwyn Benedict, 47 W. Main Street – Mr. Benedict noted that he spoke in favor of the walking trail at Council's last meeting. He stated that the school district actually pointed out some hazards on their own property which should have been eliminated before (overgrown trees and brush). He also pointed out that the school properties are located on the first street off the main route entering Waynesboro – and if you travel Main Street, heading east, it goes to Baltimore (one of the highest crime areas around) – if this walking trail creates a safety concern, perhaps a “gate” needs to be placed on Waynesboro to eliminate other such concerns from coming into the community.

Bob Correll, 11520 Green Ridge Drive – Mr. Correll noted that he (and the running group C-Far) strongly endorsed the walking trail concept when it was discussed several years ago. Such a trail will promote physical activity, camaraderie and wellness to the citizens. He stated that we can fear any issue if we want to ... but considering the miles of sidewalk, open space and macadam in Waynesboro, are we willing to apply the standards discussed tonight to all these other byways in our community? He feels this is a “great idea” and encouraged Council members to endorse it.

Jason Stains commented that the idea for requesting the \$135,000 grant was to pave the trail, which would maintain it much longer than if it were gravel or mulch. He mentioned that he is contacted frequently from Franklin County Adult Probation to allow non-violent offenders to do community service in the Borough. He understands that that might also be a concern, but he ensures there is nothing in their backgrounds which would put anyone in harm's way while they are working at any of the Borough's locations. In addition, a local realty company has come forward and agreed to “adopt” the trail by maintaining the trash and other clean-up. Mr. Stains added that the walking trails in the Rotary Park, Memorial Park and Renfrew Park are not plowed; and he doesn't foresee plowing this walking trail either when it snows.

Mr. Stains noted that he also provided Council with a memo from Richard Rose, who is in support of the walking trail; as well as comments from the public from the Borough's Facebook page, following the story in *The Record Herald* after Council's last meeting. Of all the comments he received, there was only one (1) negative.

Dr. Greg Lyon-Loftus, 916 E. Main Street – Dr. Lyon-Loftus also commented that he did a lot of research when assisting with writing the grant application for Summit Health several years ago for a walking trail. There were many precedents where walking trails have been placed on and across school property, and there has been no recorded event where an individual was accosted on these public trails through the schools. He stated the issue is whether or not having more people outdoors participating in physical activity enhances the safety of our children or threatens them.

Sherian Diller, WASD Superintendent – Ms. Diller added that the existing walkway on

the school's property would allow for students to walk from Memorial Park onto school property outside of school hours.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak noted that the terms of Josh Finafrock and Nancy Frame on the Recreation Board are due to expire on 12/31/2014. Ms. Frame, however, is not interested in being reappointed. Councilman Cermak made a motion to reappoint Josh Finafrock to a full term expiring on 12/31/2019. Councilman Greenawalt seconded; the motion passed unanimously. Individuals interested in the vacant position on the Recreation Board were asked to contact Mr. Stains.

CONSIDER APPROVAL OF CONSENT AGENDA: Councilman Greenawalt made a motion to approve the Consent Agenda, as presented. Councilman Oldham seconded; the motion passed 5-0 (Councilman Cermak abstained).

RESOLUTION FOR
COUNCIL MEETING OF December 3, 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 - December 1, 2014 (Budget Meeting)
2. Pay Bills - Voucher List dated 11/25 (and any others presented following preparation of this agenda)

Previously Discussed: N/A.

UNFINISHED BUSINESS

CONSIDER ORDINANCES FOR ADOPTION: Jason Stains reported that the following ordinances have been duly advertised for Council's consideration at this meeting.

1. **Amendment to Reduce Number of Members on Planning Commission –** Councilman Greenawalt made a motion to adopt the ordinance, as presented. Councilman Cermak seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 1114 ENTITLED "AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, REPEALING ORDINANCE NO. 1101, BEING AN ORDINANCE AMENDING ORDINANCE NO. 1069, BEING AN ORDINANCE REPEALING ORDINANCE NO. 901, BEING AN ORDINANCE AMENDING ORDINANCE NO. 778, BEING AN ORDINANCE AMENDING ORDINANCE NO. 679 ENTITLED "AN ORDINANCE CREATING A BOROUGH PLANNING COMMISSION IN AND FOR THE BOROUGH OF WAYNESBORO; REGULATING THE POWERS AND DUTIES THEREOF; AND REPEALING OF PRIOR ORDINANCE".

Complete copy on file at Borough Hall.

2. **Amendment to Police Pension Plan re: Re-defining Definition of Spouse –** Councilman Greenawalt made a motion to adopt the ordinance, as presented. Councilman Cermak seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1076 AS AMENDED BY SUBSEQUENT ORDINANCES, ADOPTING THE 2014 COMPLIANCE AMENDMENT TO THE BOROUGH OF WAYNESBORO POLICE PENSION PLAN TO REDEFINE THE DEFINITION OF "SPOUSE" IN ORDER TO COMPLY WITH THE STATE LAWS AND REGULATIONS IN EFFECT AS OF MAY 20, 2014.

Complete copy on file at Borough Hall.

3. **Amendment to Municipal Employees Pension Plan re: Re-defining Definition of Spouse –** Councilman Greenawalt made a motion to adopt the ordinance, as presented. Councilman Cermak seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1075 AS AMENDED BY SUBSEQUENT ORDINANCES, ADOPTING THE 2014 COMPLIANCE AMENDMENT TO THE BOROUGH OF WAYNESBORO MUNICIPAL EMPLOYEES PENSION PLAN TO REDEFINE THE DEFINITION OF "SPOUSE" IN ORDER TO COMPLY WITH THE STATE LAWS AND REGULATIONS IN EFFECT AS OF MAY 20, 2014.

Complete copy on file at Borough Hall.

FRANKLIN COUNTY TOURISM & QUALITY OF LIFE ENHANCEMENT GRANT

(WALKING TRAIL): Mr. Stains noted that the pros and cons have been heard, and the matter is before Council tonight for a decision to either remove or proceed with the grant application. Councilman Cermak made a motion, for discussion purposes, to approve the application for a proposed walking trail through the Franklin County Tourism and Quality of Life Enhancement Grant Program. Councilman Bader seconded.

After discussion, Councilman Cermak amended his motion to accept the Franklin County Tourism and Quality of Life Enhancement Grant and create a walking trail, as proposed, if the Borough's application is approved by Franklin County. Councilman Bader seconded.

After further discussion, a vote was called. Voting in favor were: Darrel Potts, C. Harold Mumma and Michael Cermak; and voting in opposition were: Delmos Oldham, Benjamin Greenawalt and Hans Bader. The Mayor was asked to vote on the 3-3 tie, and he opted to take ten (10) days for action.

Solicitor Kelso commented that a special meeting will need to be scheduled for the Mayor's vote, as the next regular meeting is beyond the required time limit.

GMS FUNDING SOLUTIONS: Mr. Stains noted that Amy Kaufman from GMS was present at Council's last meeting to request the extension of their contract for an additional six (6) months, and the matter was tabled for a decision at this meeting. Ms. Kaufman was present again to answer questions from Council. Mr. Hamberger reported that there is no money in the 2015 budget for this purpose, as all available funds have been allocated for streets. He suggested that a "one-at-a-time" contract could be renegotiated if potential grants become available. Ms. Kaufman noted that her team has identified a number of sources that will be available in 2015, and will keep alert for pertinent grant opportunities. She understands the Borough's budgetary constraints, adding she hopes the Borough will call upon GMS when they are ready to pursue future grants.

PROPOSED FEE RESOLUTION: Jason Stains noted that this fee resolution was tabled from Council's last meeting. Councilman Cermak made a motion to approve Resolution No. 2014-13, as presented. Councilman Bader seconded; the motion passed unanimously.

RESOLUTION NO. 2014-13

WHEREAS, the Borough of Waynesboro, from time to time, may adopt new fees and/or change fees charged for Borough services, and

WHEREAS, many of the enabling Ordinances permit the adoption

of fees by Resolution,

Complete copy on file at Borough Hall.

Discussion followed regarding fees charged within the Police Department, which will be reviewed/revised by the Mayor and Police Chief. Their recommendations will be placed on the agenda for Council's next meeting.

VEHICLE FOR FIRE POLICE: Discussion was held at the last meeting regarding a proposed vehicle donation to the Fire Police. Mr. Stains noted that it will cost the Borough approximately \$350/year to insure the vehicle and the Fire Police will take care of maintenance costs. If Council wishes to pursue the matter, an indemnification/hold-harmless agreement will be prepared for execution by the Fire Police; and drivers of the vehicle will be required to submit to a Motor Vehicle Record Check. Fire Chief Adolini added that the drivers will also be required to attend an Emergency Vehicles Operation Course. Councilman Bader made a motion to approve the donation, based on the conditions discussed. Councilman Cermak seconded; the motion passed unanimously.

DRAFT ROLL-OFF MOBILE STORAGE UNIT ORDINANCE: Jason Stains noted that roll-off dumpsters/mobile storage units have been discussed at length, and he has confirmed that PENNDOT has no permit requirements for these units on their streets at this time. He presented Council with a modified version of the proposed ordinance, which includes a \$25/week permit fee; and several other changes were recommended. Councilman Potts advised that the Street Committee endorses this proposed ordinance. Councilman Greenawalt made a motion to authorize advertisement of the proposed ordinance, as amended. Councilman Bader seconded; the motion passed unanimously.

DRAFT PARKING FEE ORDINANCE: Jason Stains noted that this proposed ordinance was also discussed at Council's last meeting. Ticket and fine amounts, in accordance with the Vehicle Code, have been added to the draft. Councilman Bader made a motion to authorize advertisement of the proposed ordinance, as amended. Councilman Potts seconded; the motion passed unanimously.

NEW BUSINESS

REQUEST TO APPOINT RELIEF DRIVER FOR FIRE DEPARTMENT: Fire Chief Adolini is recommending the appointment of Brian Starliper as a relief driver, and Councilman Greenawalt made a motion as such. Councilman Bader seconded; the motion passed unanimously.

2015 BUDGET: Mr. Hamberger noted that, at their budget meeting on 12/01, Council authorized that the tentative 2015 budget be advertised for adoption at their next meeting (12/17). It will be placed on public display at the Library, Borough Hall and on the Borough's website. Council concurred.

RESOLUTION NO. 2014-14 (REVISED 2014 CDBG APPLICATION): Mr. Hamberger presented proposed Resolution No. 2014-14 regarding submission of a revised 2014 CDBG application. Councilman Greenawalt made a motion to approve Resolution No. 2014-14, as presented. Councilman Cermak seconded; the motion passed unanimously.

RESOLUTION NO. 2014-14

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 2014

Complete copy on file at Borough Hall.

PUBLIC COMMENT - NON-AGENDA ITEMS: None.

REQUEST FOR CONTRIBUTION FROM FRANKLIN COUNTY DRUG TASK FORCE:

Jason Stains reported that he received a bill from the Franklin County Drug Task Force for the Borough's 2013-2014 contribution. It was noted that this amount is based on population. Mr. Stains added that the Waynesboro Police Department does not currently have an officer actively participating on the Drug Task Force (and when they did, they were not asked to pay the fee). Mayor Starliper suggested that the matter be discussed with the Police Chief and placed on Council's agenda for the 12/17 meeting.

FOR INFORMATION ONLY

CHRISTMAS TREE PICK-UP (JANUARY 12-16, 2015): Jason Stains advised that Waste Management will collect Christmas trees at curbside during the week of 01/12 to 01/16 (on residents' normal trash collection day).

COUNCIL AND STAFF COMMENTS: Councilman Cermak welcomed the students in attendance for their Civics class and other members of the public for their participation in the meeting.

Kevin Grubbs reported that they have obtained retrofit hardware for LED street lights, and have one (1) on display in front of M & T Bank. He asked for Council's comments, adding that the retrofits will cost \$500 each and are guaranteed for 10 years. There are 72 lights overall which should be updated, but a section at a time could be done, if Council so desires. When asked if there would be funding for this equipment, Amy Kaufman (GMS Funding Solutions) advised that these would be eligible costs in the upcoming Multi-Modal Transportation Fund grant available next spring.

As part of the Borough's fair housing and CDBG program, Mr. Stains noted that a "Fight Blight" brochure has been created. He suggested that these brochures could be mailed

to realtors, churches, etc. and/or distributed with various permits in order to get the word out to the public.

Mr. Stains also advised that the Rotary Club is considering applying for a grant to add playground equipment at the Rotary Park, and they are asking for Council's support in this endeavor. Playground equipment is part of the long-term plan for the Rotary Park, but there is currently none (since the donated equipment was deemed unsafe and removed). It was noted that any equipment will be subject to review by Borough staff (in particular, Scott Crum, who is the Borough's certified playground inspector) and the Recreation Board.

Scott Hershberger (Mainstreet Waynesboro, Inc.) reported that the Tree Lighting Ceremony and Holiday Parade were both successful events. As mentioned previously, they are moving forward with their goal to add the Borough to the National Register of Historic Places, and would appreciate Council's public show of support for the project.

Councilman Oldham thanked the public for their attendance and comments.

Councilman Potts echoed Councilman Oldham's comments. As a follow-up to Kevin Grubbs' report, he noted that street lights are an ongoing issue with the Street Committee.

Having no further business to discuss, the meeting adjourned at 8:55 p.m. on a Greenawalt/Oldham motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant