

APRIL 3, 2013
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Jason Stains 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, Craig Newcomer, Darrel Potts, Jason Stains, Wayne Driscoll 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
Sam Wisner, Borough Solicitor (Salzmann Hughes, Inc.)
Jason Cohen, Assistant Borough Manager
Jim Sourbier, Police Chief
Mike Bock, Police Sergeant

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

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cermak noted that he received a favorable evaluation for Gary Zentmyer, however no action was required. He will present two (2) other items during the “voting section” of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Potts reported that the Street Committee met on 03/27. He noted that there was no new business discussed during the meeting, and there are no items to present for voting. Council members received copies of the meeting minutes, which included Kevin Grubbs’ list of proposed paving projects for 2013.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Newcomer reported that discussion was held at the last Downtown Revitalization Committee meeting regarding the LERTA program and some community service projects for downtown.

FINANCE COMMITTEE: No report.

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

“On March 21st, I attended the Chamber's mixer at Windows and More.

On March 22nd, I installed the newest Fire Policeman, Charles Beale.

On March 28th, I attended the Chamber's TGIF Breakfast. Bell Insurance Company and PA Counseling Services for Family-Based Mental Health Services were the speakers.

On April 3rd, I met with a representative of Senator Toomey's office, along with Manager Hamberger and Vice-President Driscoll.”

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak made a motion to approve a step increase for Chris Eyler to salary level 9C. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to accept the resignation received from Doug Whittington, Sewer Treatment Plant Technician-Trainee. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak noted that the Personnel Committee met recently with the staff to develop a revision/clarification of the employees' review and step increase policy. Specifically, the revision clarifies when reviews should be performed, when a standard step increase would be due, and when a step increase would be in order following an employee's promotion. Councilman Cermak made a motion to adopt the proposed policy, as presented. Councilman Greenawalt seconded. Councilman Newcomer suggested that all (including future) Council members be made aware of this policy. Mr. Hamberger noted that a review/revision of the Employees' Manual will be conducted in the next several months, and a copy will be distributed to each councilman. The motion then passed unanimously.

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

RESOLUTION FOR
COUNCIL MEETING OF APRIL 3, 2013
“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 - March 20, 2013 (regular meeting)
2. Pay Bills - Voucher List dated 03/26, 03/28 and 03/28 (and any others following preparation of this agenda)
3. Request to hold July 4th parade on 07/04, beginning at 10:30 a.m. (Brothers of the Brush, Inc.)
4. Approve hiring of summer golf course staff

Previously Discussed: N/A.

BRIMINGTON FARMS UPDATE: Bill Luther, owner of DLM, LLC (developer of Brimington Farms and owner of Gemcraft Homes), was present. Mr. Luther stated that they propose to finish the top coat, etc. to get approximately 3/4 of the roads in the development finished per Borough Code. They will be cleaning up the lots and removing the weeds, and would like to obtain permits to build a new model home/spec unit so they can begin their sales efforts once again. Mr. Luther noted that they have obtained financing and can now move forward to complete the community.

Solicitor Wisner noted that this matter will come back to Council for action after he and the staff (with Council's input) prepare a developer's agreement, which will include provisions regarding the phasing of public improvements and ensuring there is adequate financial security for the remainder of those improvements; having a schedule for the completion of curbs, sidewalks and street lights; and all other matters affecting the development. Council would then need to authorize and approve the developer's agreement. Mr. Hamberger added that their goal is to ensure that the roads are rehabilitated no later than 08/01.

John Isenberger, 514 Evangeline Drive – Mr. Isenberger asked what happened to the plan with the bonding company for the roads to be completed by 06/15? He voiced complaints that the developer doesn't follow-up on warranty items, the empty lots are covered in weeds, and concluded that he doesn't agree with this plan. He feels that the plan with the bonding company was a better course of action.

Dave Gyorgy, 511 Hollengreen Drive – Mr. Gyorgy asked, since 3/4 of the roads will be paved, what happens when the heavy machinery damages those roads? Kevin Grubbs noted that the roads are completed in many of the developments before all the homes have been built. The Borough will require that no machinery be unloaded in the streets at any time. Low-boys will be utilized to haul the machinery, and any track-type equipment will have to be rubber-tired.

GENERATORS FOR MUNICIPAL BUILDINGS: Mr. Hamberger noted that the generator at the S. Potomac Fire Hall needs to be replaced, and Fire Chief Martin has attempted (unsuccessfully) to obtain a grant to purchase a new one. It was discovered that there are generators at the federal surplus property facility in Harrisburg; and Sergeant Bock, Corporal Wagaman and Borough Mechanic Mike Ely found two (2) generators that can be purchased for \$595 each. (It was noted that these generators would sell new for approximately \$15,000.) Sergeant Bock displayed pictures of the generators and provided details, noting that they are practically new. Mr. Hamberger advised that one of the generators will be utilized at the Fire Hall, and the other will be portable. Councilman Newcomer made a motion to authorize the purchase of two (2) generators, as presented. Councilman Driscoll seconded. It was noted that installation at the fire hall will require only a fire-rated door (which is minimal). Mayor Starliper commented that he will personally donate \$250 toward the cost of the Fire Hall generator/installation. The motion then passed unanimously.

UNFINISHED BUSINESS

LERTA MAP: Mr. Hamberger provided Council members with a map of the recommended LERTA areas, including the additional ones recommended by Pat Fleagle. Following Council's authorization, a public hearing will be held, and a proposed ordinance regarding the LERTA program will be considered at the Council meeting to follow. Councilman Newcomer made a motion to authorize advertisement of the LERTA map, as presented. Councilman Cermak seconded; the motion passed unanimously.

Mr. Hamberger described details of the map for the public's information. He also explained the 10/10/10 proposal (which has been explained thoroughly in previous meeting minutes). Councilman Newcomer made a motion to support the 10/10/10 proposal for inclusion in the LERTA program ordinance. Councilman Cermak seconded; the motion passed unanimously.

PROFESSIONAL SERVICES AGREEMENTS (PENNVEST): Mr. Hamberger noted that the S. Potomac Street storm sewer project has gone through many changes, which has caused additional legal and engineering fees. Accordingly, he offered modified professional services agreements for Dennis E. Black Engineering and Salzmann Hughes for Council's consideration. (PENNVEST requires that these be executed prior to settlement.) Councilman Newcomer made a motion to approve the professional services agreements, as presented. Councilman Potts seconded; the motion passed

unanimously.

RESOLUTION NO. 2013-04 RE: CONDITIONAL USE FEE: Kevin Grubbs noted that fees for conditional use applications were discussed at Council's last meeting. A resolution has been prepared for Council's adoption, which defines a conditional use application fee of \$250. Councilman Newcomer made a motion to approve Resolution No. 2013-04. Councilman Greenawalt seconded; the motion passed unanimously.

RESOLUTION NO. 2013-04

WHEREAS, the Borough of Waynesboro, from time to time, finds it is necessary to adopt new fees for Borough services, and

WHEREAS, many of the enabling Ordinances permit adoption of fees by Resolution, and

WHEREAS, the Borough's Zoning Ordinance requires Conditional Use approval for certain uses.

Complete copy on file at Borough Hall.

NEW BUSINESS

TRINITY PARKING LOT: Councilman Greenawalt reiterated his opinion that "it is time to get out of the parking lot business", as the one-year lease agreement with Trinity Church has expired. He stated that the Borough did the required maintenance work at the lot last year, but he can't justify continuing to pay \$150/month for the lot. He reasoned that the church now houses the senior citizens' center, for which they receive a monthly stipend from Franklin County; and there aren't many merchants downtown anyway. Mr. Greenawalt also mentioned the lease for the Record Herald parking lot, which (he feels) should be discontinued too.

Assistant Manager Jason Cohen stated that the Borough performed the maintenance work they had agreed to perform; and there are currently no additional responsibilities on behalf of the Borough, should Council choose not to extend it any longer. He added that, after one year, the lease reverted to a month-to-month basis requiring 30 or 60 days' advance notice before its termination. Councilman Greenawalt then made a motion to discontinue the lease. Councilman Newcomer seconded. Discussion followed.

It was noted that input from the downtown merchants was heard last year, but no one provided any monetary support. Councilman Driscoll noted there is no denying that the downtown parking lots are under-utilized; but they are a small piece of infrastructure for the downtown, and \$150/month is a minimal price to pay to support the downtown efforts. President Stains commented that, other than snow removal, there is not a lot of expense for the lot to the Borough. Councilman Potts stated that the lot *is* utilized by

people going downtown and to special events (many of which are after the senior citizens' center has closed).

Councilman Cermak noted that he would like to consider the matter until the next meeting. Councilman Greenawalt then withdrew his motion. The matter will be on the agenda for the next meeting. Mr. Hamberger noted that he and Denny Benshoff will talk with representatives of the Record Herald in the near future to determine what needs to be done at their parking lot.

REQUEST TO HOLD YARD SALE AND CLOSE WALNUT STREET (RECORD HERALD): Councilman Greenawalt made a motion to approve the request from the Record Herald to hold a yard sale (and close Walnut Street) on 05/04, from 7:00 a.m. to 12:00 noon. Councilman Cermak seconded; the motion passed unanimously.

PLANNING COMMISSION ITEMS: Kevin Grubbs reported that the next Planning Commission meeting will be held on 04/08. He noted that the Planning Commission and staff, along with Solicitor Wiser and SSM (consultants) have been conducting workshops to evaluate and re-write the Zoning Ordinance/Map and Subdivision/Land Development Ordinance. Drafts of the Zoning Ordinance/Map will be reviewed at their upcoming meeting on 04/15, and copies will then be distributed to Council.

Mr. Wiser commented that the Planning Commission has spent a lot of time reviewing the proposed Zoning Ordinance changes, and there has been a good dialogue between the Planning Commission and its consultants (SSM) in arriving at the draft ordinance. He feels that they have the interests and economic development of the community at heart, and he thanked them for their efforts.

REMOVAL OF DUGOUTS AT MEMORIAL PARK AND REPLACEMENT WITH BENCHES: Jason Cohen presented a proposal from the Waynesboro Youth League, with the support of B & D Landscaping, to remove the dugouts at the Little League field in Memorial Park at no charge to the Borough. The dugouts will be replaced with new benches, and all existing fencing would remain (so safety will not be a concern). The request has been reviewed and recommended for approval by the Recreation Board, as well as the Memorial Park Board. The work is expected to be completed within two (2) weeks.

Councilman Driscoll made a motion to approve the request. Councilman Cermak seconded. President Stains noted that he appreciates their willingness to do this, but doesn't want the WYL to use it to their advantage for more time on the field. (His comment was based on concerns voiced by another league at Council's last meeting. He added that this matter was discussed at the Recreation Board's last meeting, and a resolution is in place for going forward in the future.) A vote was called and the motion passed unanimously.

RESOLUTION NO. 2013-06 RE: CONDUIT FINANCING FOR WAYNESBORO HOSPITAL: Melissa Dubrow, Vice-President and COO at Waynesboro Hospital, was

present. She informed Council that the hospital is committed to ensuring there are sufficient health care physicians in the area to support the Waynesboro area's need. As part of that strategy, they feel there is a need for a new office building, as their current facilities are aging and limited in space. They feel that a new, modern medical office building will allow them to recruit physicians; but will also provide an opportunity to incorporate an urgent care center. Cost estimates are very preliminary, but will be approximately \$15,000,000. The Redevelopment Assistance Capital Program (RACP) has authorized up to \$12,000,000 for a project of this nature; and they would like to apply for 50% of the eligible costs (which are estimated to be approximately \$6,700,000). Senator Alloway has offered his support, and Ms. Dubrow read a statement from him regarding the project.

With that said, the RACP requires that the grantee be a local government. Accordingly, Waynesboro Hospital is requesting that the Borough support them through this project and act as a conduit for the grant. Councilman Newcomer made a motion to approve Resolution No. 2013-06, with respect to this request. Councilman Driscoll seconded; the motion passed unanimously.

RESOLUTION NO. 2013-06

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WAYNESBORO, COUNTY OF FRANKLIN, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM (RACP) OF THE COMMONWEALTH OF PENNSYLVANIA FOR A MEDICAL OFFICE BUILDING PROJECT TO BE COMPLETED BY THE WAYNESBORO HOSPITAL IN THE BOROUGH OF WAYNESBORO AND AUTHORIZING PROPER OFFICIALS OF THE BOROUGH TO EXECUTE NECESSARY DOCUMENTS TO EFFECT SUCH APPLICATION.

Complete copy on file at Borough Hall.

It was suggested that Councilman Driscoll serve as a liaison with the hospital with regard to this project. Additional details were provided regarding the proposed construction. Ms. Dubrow advised that they are looking to place the building directly across from the emergency room (on the existing gravel parking lot). They are in the very preliminary stages of design at this time, and the potential need to close Enterprise Avenue will be discussed at a later date. The proposed estimated completion date is 2015.

Mr. Hamberger mentioned that the last time the Borough "agreed to do something like this", a fee was negotiated with the requesting agency (Quincy Home). Solicitor Wiser stated that the Waynesboro Hospital has said they will cover all administrative expenses related to whatever time the Borough may have in the project (and Resolution No. 2013-06 includes the provision for an appropriate Sponsorship Agreement). Mr.

Hamberger persisted, indicating that the fee negotiated with Quincy Home in the past was “above and beyond” the Borough’s costs. Mr. Wiser added that many times the applicant is willing to provide a financial incentive to the municipality for those expenses; and Ms. Dubrow responded that Waynesboro Hospital is prepared to offer a fee that would be considered standard and typical of such a sponsorship incentive.

RESOLUTION NO. 2013-06

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WAYNESBORO, COUNTY OF FRANKLIN, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM (RACP) OF THE COMMONWEALTH OF PENNSYLVANIA FOR A MEDICAL OFFICE BUILDING PROJECT TO BE COMPLETED BY THE WAYNESBORO HOSPITAL IN THE BOROUGH OF WAYNESBORO AND AUTHORIZING PROPER OFFICIALS OF THE BOROUGH TO EXECUTE NECESSARY DOCUMENTS TO EFFECT SUCH APPLICATION.

Complete copy on file at Borough Hall.

PUBLIC COMMENT - NON-AGENDA ITEMS:

Jason Bartholow, 132 W. North Street – Mr. Bartholow noted that Mr. Sheffler (Code Enforcement Officer) re-attached a sign to the property at 118-120 W. North Street, which includes a date of demolition of 11/10/2012 and a date of 02/08/2013 for the replacement of windows and doors. He provided pictures of the residence to Council and described the current condition of the property. Mr. Bartholow noted it is his understanding that the building permit would expire on 05/27/2013, as there have been no inspections and nothing has been done. Solicitor Wiser clarified that, under the Permit Extension Act, the building permit is good until July of 2016.

Mr. Wiser advised that a notice of demolition was issued last year, as stated. The property owner was initially told that the structure had to be demolished in November of 2012. The property owner approached the Borough and said that he would like to make it a habitable property in compliance with all the Borough’s codes. In good faith, Council agreed that if those items were completed and the property brought into code, they would not enforce the order of demolition at this time. As that has not occurred, Council has put him on notice that he must comply with the issue that was previously ordered (and bring the structure into compliance immediately).

Mr. Wiser noted that this is a very forceful action taken by the Borough; because if the property owner doesn’t comply, the Borough has to come up with the funds to demolish the structure. In addition, this would result in a loss of tax base – because of the difference in a \$15,000-\$20,000 lot vs. a \$75,000-\$105,000 home. The Borough is looking out for the best interests of the community, and will review/handle the situation

as they feel they need to.

Mr. Bartholow also commented on the condition of the property at 102 Garfield Street. He has attempted to contact the realtor (Darwyn Benedict), but has received no return calls. Every time there is a storm, roof shingles are “flying off all over the neighborhood” and upper balcony slats have landed on the front sidewalk. He requested that the Borough look into the matter to determine what can be done.

Additionally, Mr. Bartholow complained about the new trash totes in use by Borough residents, as there is no (enforceable) Borough ordinance to prohibit residents from leaving them on the sidewalk. He feels that this is a hazard in the public right-of-way.

Shawn Duty (Kaimon Group), 206 Madison Avenue – Mr. Duty described “Project Big Love”, which will be held in Mont Alto on 08/03. This is a non-profit, countywide event focused on going back to school. They would like to help families in need with shoes and backpacks filled with school supplies (their goal is to provide for 1,500 needy children) and would like to give two (2) bags of groceries to every adult who visits that day. There will be a Kid-Zone with inflatables and carnival games, a haircut tent, a family portraits tent, medical and dental services tents, and a community services tent to provide information on available assistance. A leadership team has been working on this project for the last several months; and Mr. Duty requested that Council consider endorsing (or making a proclamation for) the event. Council will consider the matter.

FOR INFORMATION ONLY

SCHEDULED SPECIAL MEETINGS: Mr. Hamberger noted that a LERTA hearing will need to be scheduled on either the 1st or 3rd Wednesday of May. He and Solicitor Wisner will meet to discuss the proposed ordinance and will schedule the hearing accordingly.

He also noted that a public input session on the proposed Rental Inspection Program will be held on 05/08 at 7:30 p.m.

RESOLUTION NO. 2013-05: Kevin Grubbs presented proposed Resolution No. 2013-05 regarding an application to PENNDOT for a traffic signal at the intersection of Sunnyside Avenue and E. Main Street, in preparation for the proposed development at Waynesboro Mall. All costs will be paid by the developer, however the municipality must be permitted and take ownership of the traffic signal. Future maintenance will be decided during the review process of the development plan.

Solicitor Wisner noted that if Council approves the resolution, the approval should be conditioned upon the fact that the Borough will only act as the applicant for the traffic signal permit as long as the developer enters into an appropriate developer’s agreement and/or sponsorship agreement regarding his obligations for the signal costs and maintenance. Councilman Greenawalt made a motion to approve Resolution No. 2013-05 in accordance with the Solicitor’s recommendation. Councilman Driscoll

seconded. Mr. Grubbs noted that a traffic impact study has already been completed by an engineering firm for that area, and a lot of turning lanes, etc. will need to be added. He also noted that if the project doesn't proceed, the application will be withdrawn. The motion then passed unanimously.

RESOLUTION NO. 2013-05

BE IT RESOLVED, by authority of the Borough Council of the Borough of Waynesboro, Franklin County, and it is hereby resolved by authority of the same, that the head of Engineering Services of said MUNICIPALITY is authorized and directed to submit the attached Application for Traffic Signal Approval to the Pennsylvania Department of Transportation and to sign this Application on behalf of the MUNICIPALITY.

Complete copy on file at Borough Hall.

COUNCIL AND STAFF COMMENTS: Councilman Cermak asked for additional information on the "Project Big Love" discussed by Mr. Duty. Mr. Duty explained that this is "brand new here". He was involved in Hagerstown with a project called "Convoy of Hope", which is international, but that project has been discontinued since last year. As there were no programs like this in Franklin County and his company wanted to give back to the community, they came up with this event. They will support it, but will also raise awareness through the area churches, etc. Mr. Duty added that his company has already formed a corporation named "Kaimon's Call", and they are in the process of establishing non-profit status. Councilman Cermak stated that this appears to be a fantastic opportunity for the citizens; and he asked to talk further with Mr. Duty about it.

Regarding 118-120 W. North Street, President Stains asked how long the property owner has to respond. Mr. Wiser replied that the prior demolition order still stands ... a new notice was not issued, as it would create a new appealable issue and would have given them a 30-day appeal time period. Standing on the prior notice of demolition will hopefully provoke some improvement in the near future. The staff will then meet to re-evaluate any improvements that may have been made and make a recommendation to Council after that. Dan Sheffler clarified that he sent the notice by certified mail, first class mail and posted the property on 04/01.

Jason Cohen informed Council that preparations are being made to open Northside Pool. Applicants for pool staff will be presented for approval at the next Council meeting, and some budgeted pool repair work has been scheduled for next week. He reminded residents to purchase their season memberships.

Police Chief Sourbier reported that an organizational meeting for the proposed Neighborhood Watch Program will be held on Tuesday (04/09) at 7:00 p.m. He noted that the last turnout was "very, very thin"; and he stressed the need for community participation. After this meeting, they will determine if there is enough interest in the program to pursue it at this time. He stated that he believes the program is vital, and

the impact it has on the quality of life in this community is incumbent upon them to push it.

On behalf of Mainstreet Waynesboro, Inc., Scott Hershberger and Pat Fleagle thanked Mayor Starliper and Chief Sourbier for meeting with them earlier this day to discuss some safety concerns downtown. They believe they have come up with some “exciting new initiatives” to put in place in the future.

Councilman Greenawalt reported that the burned-out house on the corner of Third Street and Fairview Avenue is being taken care of.

Councilman Newcomer advised members of the Brimington Farms community that Council members have their interests at heart when they discuss items for the development and before making any decisions moving forward. Mr. Newcomer also wished representatives of Waynesboro Hospital much luck on their upcoming expansion. With regard to the Neighborhood Watch Program, he suggested that Jason Bartholow would make a great candidate for that program.

Councilman Potts thanked the audience for their attendance. He echoed Councilman Newcomer’s comments regarding Brimington Farms.

Mayor Starliper advised that the Waynesboro Police Department has entered into a - Municipal Police Cooperative Agreement with Washington Township, Greencastle, Mercersburg, Chambersburg, Shippensburg, Franklin County District Attorney, Franklin County Sheriff’s Office and the Pennsylvania State Police for DUI sobriety checkpoints and roving patrols through the end of September.

President Stains requested that Mr. Hamberger research neighboring municipalities with regard to regulations on trash cans. Solicitor Wiser agreed that the “regulation” regarding the placement of trash cans at curbside no earlier than 5:00 p.m. on the evening prior to pick-up was adopted by resolution, but the resolution doesn’t include any enforcement procedures and is, therefore, unenforceable as a violation. The matter *can* be resolved, however. He added, though, that if the trash cans are blocking the public right-of-way, residents should notify the Code Enforcement Officer, as there *are* provisions relating to obstacles in the public right-of-way (with the exception of newspaper stands, etc.) .

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

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant