

APRIL 17, 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, Darrel Potts, Jason Stains, Wayne Driscoll and Michael Cermak (Craig Newcomer was absent)

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Mike Benshoff, Maintenance Foreman
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
Dave Martin, Fire Chief

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE: Mayor Starliper asked that those in attendance observe a moment of silence for those who lost their lives or were wounded at the Boston Marathon. He then led the Pledge of Allegiance.

COMMITTEE REPORTS

EXECUTIVE SESSION: Council adjourned to executive session at 7:32 p.m. for the purpose of discussion regarding potential litigation and personnel issues. They reconvened to regular session at 8:10 p.m.

PERSONNEL COMMITTEE: Councilman Cermak noted that he received a favorable six-month performance review for Police Chief Jim Sourbier, however no action was required. Mr. Cermak will also present an item during the “voting section” of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Driscoll reported that plans are 99% confirmed for the summer movie series – the movies selected are: June - Hotel Transylvania, July - Here Comes the Boom, and August - Oz, the Great and Powerful.

Regarding the fence at Memorial Park, Mr. Driscoll advised that he has discussed the matter with Randy Perry (Perry Fence Company) and he presented some rudimentary diagrams for Council’s review. A tentative idea from the staff and Recreation Board is to install a series of solid panels for a certain distance, to be placed within the existing

fencing, which could be removed each year. Two (2) pass-thru's will also be created for the ballplayers by staggering the fence somewhat. He is open to input on the measurements, but is considering that the panels would be approximately 6-10', for a total distance of approximately 60'. Mr. Driscoll noted that he is hoping to have a solution to this issue, as well as a final proposal with hard costs, at some time in the coming weeks.

STREET COMMITTEE: Councilman Potts noted that there are no items to report or vote on. The next Street Committee meeting will be held on 04/24 at 9:00 a.m.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: No report.

FINANCE COMMITTEE: No report.

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

“On April 7th, I attended the Open House at Waynesboro's Potomac Street Fire House and the dedication ceremony of their new fire truck. Congratulations to all who worked on this project.

On April 14th, I attended the Open House of the new restaurant, 88 Spices.

On April 17th, I attended the annual Mainstreet meeting at the Parlor House.”

SOLICITOR'S REPORT: Solicitor Wiser reported that the PENNVEST settlement has been scheduled for 06/06.

PUBLIC COMMENT - ITEMS ON AGENDA:

Sheree Green (owner of Christine's Cafe), 88 W. Main Street – Ms. Green noted that she has 45 parking spaces at her location, but if the Trinity parking lot was closed it would affect all of the businesses around her. She added that the business owners are trying to revitalize downtown – and closing that parking lot would impact a large portion of downtown.

Lou Radakovitch (owner of Waynesboro Theatre), 75 W. Main Street – Mr. Radakovitch noted that his hometown (population 95,000) had a four-year college, a junior college, a casino on the river several blocks from downtown, shopping malls and strip malls, and was 35 miles from Chicago and 40 miles from Northwestern University, but there was not one (1) retail store downtown – the local government had decided that they didn't have enough parking and would not make any more. He stated that, sometimes on Thursdays (when it is bargain night at the theatre) you can't get a parking place along Main Street, even in the bank parking lots. As such, he appealed to Council members to do everything they can to maintain what we have and to add more.

Harry Morningstar, Jr., 205 Clayton Avenue - Mr. Morningstar stated that the downtown is in the process of being revitalized ... and there are three (3) new restaurants within walking distance of the Trinity parking lot. Progress is being made, and closing the lot would be “yanking the rug out from underneath us”. He added that this issue was discussed last year and a resolution was made. The paving, seal-coating and striping was done in order to provide an aesthetic parking lot to support the downtown businesses. The current businesses are “good, legitimate businesses” and they need the Borough’s support. Mr. Morningstar noted that he is Involved with Mainstreet Waynesboro, Inc., who takes care of a lot of things downtown – such as replacing the banners, raising money for Christmas tree lights, purchasing buildings for demolition to create a downtown parklet/plaza, and planting and trimming trees. They raise a lot of money to do a lot of improvements, but they need the Borough’s help.

VOTING ON ITEMS FROM COMMITTEE REPORTS: None.

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

RESOLUTION FOR
COUNCIL MEETING OF APRIL 17, 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. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief - March, 2013
2. Pay Bills - Voucher List dated 04/10 (and any others following preparation of this agenda)
3. Approve hiring of Northside Pool and Summer Maintenance staff
4. Approve hiring two (2) summer interns (Waynesboro Borough Authority)
5. Approval of increase in health insurance reimbursement payment for Police Chief
6. Approval of re-appointments to Renfrew Committee, Inc.

Previously Discussed: N/A.

UNFINISHED BUSINESS

TRINITY PARKING LOT: Councilman Greenawalt stated that when the parking lot was repaired, the senior citizens center was not leasing space from Trinity Church. He feels that the Borough is subsidizing the parking lot for them; and this might be a good chance for the Borough to get out of the parking lot business.

Councilman Driscoll noted that he “respectfully disagrees 100%”. He doesn’t know what the County is paying for the senior citizens center lease, but he doesn’t imagine it is any kind of “major windfall” for the church. He feels that it being ordained for public parking is one of the small things that the Borough can do to help with downtown. Mr. Driscoll added that a lot of effort was made last year to put the matter in order, and it is his opinion that it should remain the way it is. He also noted that the walkways from Main Street (on the north and south sides) are designed to access the Trinity, as well as the Rotary, parking lots.

Discussion followed regarding the fact that the Rotary parking lot is under-utilized. Councilman Driscoll agreed that it may be on a daily basis, but there are several times during the year (when events are held downtown) when the lot is “packed”. Councilman Greenawalt noted that the Record Herald parking lot could also be abandoned. Councilman Cermak agreed that the downtown is not what it should be, but the current businesses *are* trying; and he would hesitate to do something to give them any disadvantage.

President Stains noted his opinion that the individuals who are utilizing the senior citizens center are probably residents of our community also. Theoretically, they are using the senior center as a business, and are using the parking lot to patronize that business ... just as they would for any other business downtown.

Councilman Potts agreed with comments made by the business owners present. He, too, was under the impression that “this thing was done” and the lease would be renewed each year. He added that the parking lot is utilized throughout the entire day; and during special events, it is full. He feels that \$150/month is “nothing” to support downtown and it is well worth the money.

On a side note, Councilman Driscoll noted that he can take his son to dinner and a movie downtown (on a Thursday evening) for less than \$20 – there are not too many places where you can do that ... and that needs to be nurtured.

TRASH CANS ON SIDEWALKS: Pursuant to discussion held at the last meeting, Mr. Hamberger has researched other communities’ regulations regarding trash cans on sidewalks and met with the Solicitor to review the current ordinance. He stated that the enabling legislation passed for the Borough’s trash and recycling program indicated that there would be penalty provisions for violation of the ordinance and that the Borough could adopt, from time to time, rules and regulations of an administrative nature

governing this. The administrative rules in the ordinance state that trash cannot be placed at curbside for collection prior to 5:00 p.m. on the preceding day and it must be removed no later than 6:00 p.m. the next evening. However, due to the new Borough Code, Mr. Wisner feels that the ordinance should be slightly modified to ensure it is 100% enforceable and that there are appropriate penalty provisions for violations. That being said, when the Sidewalk Ordinance was re-adopted, the section prohibiting obstruction of the sidewalk was inadvertently left out. Accordingly, modifications will need to be made to the Trash/Recycling Ordinance, as well as the Sidewalk Ordinance. Council members were provided with information obtained from various municipalities for review.

Councilman Cermak made a motion to authorize the staff and Solicitor to make appropriate modifications to the ordinances, as recommended. Councilman Driscoll seconded; the motion passed unanimously.

POLICE CONTRACT: Mr. Hamberger reported that the staff and Solicitor have been negotiating with the police bargaining unit, and a tentative agreement has been reached.

As a signed document has not yet been received, however, he asked that Council authorize the appropriate Borough officials to execute the contract upon receipt. Councilman Greenawalt made a motion as such. Councilman Cermak seconded; the motion passed unanimously.

NEW BUSINESS

ARBOR DAY PROCLAMATION: Mayor Starliper presented a proclamation to members of the Borough's Shade Tree Commission, Tom McCloud and Harry Morningstar, declaring Friday (04/26) as Arbor Day. (It was mentioned that Virginia Ingels and Carol Bailey are also members of the Shade Tree Commission.) Mr. McCloud noted that the proclamation underlines/underscores the Borough's commitment to trees – there are over 200 trees lining Main Street, from Frick Avenue to Second Street – and the Borough designates money every year for their care.

Mr. McCloud extended an invitation to the public to a Tree Planting Seminar to be held on 04/20 (brochures were provided); and reported that 30 new trees were planted along on Eighth Street, thanks to a community-wide effort.

DESIGNATION OF VOTING DELEGATE (PSAB): Mr. Hamberger noted that the Borough will need to designate an official voting delegate for the General Assembly at the upcoming PSAB conference. Councilman Greenawalt made a motion to designate Mayor Richard Starliper. Councilman Driscoll seconded; the motion passed unanimously.

CONDITIONAL USE HEARING (PROPOSED OUTDOOR CAFÉ AT WAYNESBURGER RESTAURANT): Kevin Grubbs noted that he provided Council with information regarding Harry Morningstar's request for a conditional use (for a proposed outdoor café at Waynesburger Restaurant). The Planning Commission has reviewed the matter, and he recommended that Council schedule a public hearing for 05/15 at 7:15 p.m.

Based on that hearing date, Councilman Cermak asked how soon the café could be used. Solicitor Wisner advised that, once Council issues a written decision (if the conditional use is granted), there is a 30-day appeal period from the time that the written decision is entered. This would not, however, preclude the applicant from commencing the use ... the applicant would have to realize that it is at his own risk at that point (if someone would appeal Council's determination).

It was suggested that the hearing could possibly be held on 05/08 at 7:15 p.m. (prior to the public meeting on the Rental Inspection Program). President Stains noted that that is a late start for the public meeting; and after more discussion, Council agreed to hold the conditional use hearing on 05/08 at 6:00 p.m., and the Rental Inspection Program public meeting will be held at 6:15 p.m. Solicitor Wisner will prepare written statements (for either of Council's decisions), so the appeal period could begin immediately.

PUBLIC COMMENT - NON-AGENDA ITEMS: None.

FOR INFORMATION ONLY

INVITATION TO FRANKLIN COUNTY DRUG TASK FORCE 2013 BREAKFAST (MAY 2, 2013): Council members received an invitation to the Drug Task Force's annual breakfast meeting to be held on 05/02. Individuals interested in attending were asked to advise Jason Cohen or Melinda Knott.

GENERATORS FROM FEDERAL SURPLUS: Mr. Hamberger noted that the two (2) generators purchased from federal surplus have been received. Installation at the Fire Hall will commence shortly.

LERTA AND CDBG HEARINGS: The LERTA and CDBG hearings will be held prior to the next Council meeting (05/01) at 7:00 p.m. and 7:15 p.m., respectively.

MEETING WITH WEST PENN POWER/FIRST ENERGY: Mr. Hamberger reported that the staff attended a meeting with the President and local representative of FirstEnergy to discuss the Borough's concerns. They stressed that service and reliability were their primary objectives. They have spent a significant amount of money on vegetation control, and are in the process of hiring additional meter readers.

CUMBERLAND-FRANKLIN COUNTY BOROUGH ASSOCIATION MEETING (APRIL 30, 2013): Mayor Starliper noted that the CFCBA will meet on 04/30 at the Shipwreck Pub in Shippensburg. Individuals wishing to attend were instructed to contact Jason Cohen or Melinda Knott.

COUNCIL AND STAFF COMMENTS: Councilman Driscoll encouraged everyone to come to the upcoming summer movies. Free popcorn will be served.

Councilman Cermak asked if any action is needed with respect to the North Street properties discussed earlier. Mr. Wisner noted that he would like some direction from

Council on that matter. As Council is aware, the property owner was provided with a significant amount of notice and attempts were made to contact him by telephone, but he has been unresponsive. Mr. Wisner requested that Council (if they are willing) authorize the Borough staff to obtain estimates for removal of the structure, and authorize the Solicitor to take any necessary legal action to file proceedings in order to remove the structure. Councilman Cermak made a motion in accordance with the Solicitor's recommendation, adding "as soon as possible". Councilman Greenawalt seconded. Darwyn Benedict, a member of the public, noted that this matter was not on the agenda, so the property owner in question didn't know it was going to be discussed. Mr. Wisner reiterated that there has been a significant amount of notice provided to this property owner and there have been phone calls from the Borough staff and his office to try to contact him, but he has been non-responsive. Accordingly, there has been much effort to reach out to this individual and work with him. A vote was called and the motion passed unanimously.

Councilman Driscoll commented to residents of the Hollengreen development that there has been no movement in the situation.

Dan Sheffler asked if the FirstEnergy representative will be returning at any time in the future – he noted that the electric bill for his residence includes a \$13.00/month charge for a smart meter, which he does not possess. Mr. Hamberger will provide the local representative's contact information to Mr. Sheffler.

With regard to the stormwater project, Kevin Grubbs reported that Fayetteville Contractors is "moving along steadily". They have completed work on Third Street and in the alley at Snider Avenue, are now going through yards to Cleveland Avenue, and will finish up at the intersection of Second and Grant Streets. D. H. Martin ran into issues with underground fuel tanks, sink holes, etc. and have been delayed. They came back on-site today, and will be laying pipe up Potomac Street on Monday. On the large bypass, Century Link re-set six (6) new poles to transfer electric services from the east to west side; and D. L. George anticipates starting in approximately two (2) weeks.

Fire Chief Martin reported that the new truck is in-service, and training has been completed with 20+ drivers and volunteers. The loan settlement is scheduled for 04/26, and he requested that the Borough release funding (\$35,000) from the 2013 budget for the purchase. Mr. Hamberger noted that this will be done.

Police Chief Sourbier reminded the public of the upcoming Drug Take-Back Program on 04/27 from 10 a.m. to 2 p.m. at the rear of the police station. He noted that they would prefer for the medicine to be "loose", rather than in the original pill bottles. In addition, he reported that the second follow-up meeting on the Neighborhood Watch Program was held last week. The meeting was very poorly attended, however, there were a number of dedicated people in attendance; and they have decided to pursue the program anyway. Chief Sourbier noted he feels there are sufficient active individuals to continue on. The Police Department will now arrange a meeting to discuss reporting procedures and area leadership – he will advise Council when that meeting has been

scheduled.

Having no further business to discuss, the meeting adjourned at 9:00 p.m. on a Driscoll/Greenawalt motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant