

JUNE 19, 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  
Denny Benshoff, Maintenance Superintendent  
Dan Sheffler, Zoning-Code Enforcement Officer  
Kevin Grubbs, Head of Engineering Services  
Jason Kelso, Borough Solicitor (Salzmann Hughes, PC)  
Jason Cohen, Assistant Borough Manager  
Jim Sourbier, Police Chief  
Dave Martin, Fire Chief

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

**EXECUTIVE SESSION:** Council adjourned to executive session at 7:31 p.m. for the purpose of discussing litigation. They reconvened to regular session at 8:12 p.m.

### **COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Cermak noted that he received a favorable performance review for Richard Doll, however no action was necessary. He will present three (3) other items which require action during the “voting section” of the meeting.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** Councilman Driscoll reported that the first of three movies in the summer series was held last week at Rotary Park. It was a success, as there were twice as many people in attendance as last year. The next will be held on 07/16 at Northside Pool.

Councilman Driscoll noted, at the last Recreation Board meeting, it was suggested that long-term plans for the golf course should be discussed. Some short-term fee specials have been proposed, but the Borough needs to decide if they wish to continue its operation in the current manner. Opinions were requested from Council, and the Recreation Board will discuss the matter further at a later date..

**STREET COMMITTEE:** Councilman Potts reported that the Street Committee's last meeting was held on 05/22. Discussion was held regarding the Borough's crosswalks and their safety, which will be an ongoing project for the Committee. Sight distance improvements have been made at the Fairview Avenue/Main Street crosswalk (where a pedestrian accident occurred recently). Mr. Potts noted that he will present two (2) items for voting later in the meeting.

**INTERGOVERNMENTAL COMMITTEE:** No report.

**DOWNTOWN REVITALIZATION COMMITTEE:** No report.

**FINANCE COMMITTEE:** No report.

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

“On May 22<sup>nd</sup>, I attended the Chamber's mixer at the F&M Bank. On May 27<sup>th</sup>, I participated in the Memorial Day parade and memorial service. On May 28<sup>th</sup>, along with Chief Sourbier and others, I was in attendance for the Neighborhood Watch Program. On May 30<sup>th</sup>, as Mayor and member of the Waynesboro Beneficial Fund Board, I presented \$1,000 scholarship awards to five (5) seniors. On June 5<sup>th</sup>, I attended the Board of Directors meeting of the Franklin County Chamber of Commerce in reference to Chambersburg's SWAT Program. On June 6<sup>th</sup>, I participated in the ribbon-cutting for 88 Spices. On June 11<sup>th</sup>, I attended the Waynesboro Fire Police meeting. On June 19<sup>th</sup>, I attended the Alexander Hamilton Library's preview of the unveiling of their plans for expansion and renovations.”

**SOLICITOR'S REPORT:** No report.

**PUBLIC COMMENT - ITEMS ON AGENDA:** None.

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** In accordance with their negotiated contract, Councilman Cermak made a motion to affirm that three (3) police officers will be advanced on 07/07 to Police Officer grade III, with additional longevity compensation of 3%. Those officers are: Rebekah Deeds, Ryan Ramsey and Donald Rowe. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for B. Richard Bowser to salary level 5C, effective 06/29. Councilman Greenawalt seconded; the motion passed unanimously.

Council members received drawings of W. Third Street, in the area between Fairview Avenue and S. Phillips Avenue. He noted they should disregard the proposed no parking zones shown at the corners of S. Phillips Avenue and Fairview Avenue, as contact will be made with the School District's Transportation Department to request that the buses be prohibited from leaving the loading/unloading zone along Third Street and turning up S. Phillips Avenue. The Street Committee is, however, proposing to establish a 45' no parking zone directly behind the bus loading/unloading zone westward. Councilman Cermak made a motion to approve the Street Committee's recommendation, as presented. Councilman Driscoll seconded. Issues with parents parking in the turn lane were mentioned; and Police Chief Sourbier has had discussions with Sherry Diller (Superintendent) regarding several options. It was suggested that a meeting be held with School District representatives to get the matter resolved during the summer months. A vote was called on the motion to install two (2) no parking signs at the bus loading/unloading zone only; the motion passed unanimously.

Councilman Potts noted that, several years ago, Council changed the traffic controls at Ninth Street, Clayton Avenue and Old Mill Road. Kevin Grubbs explained that, currently, motorists traveling westbound on E. Ninth Street from State Hill Road can proceed to S. Church Street before they must stop; and as such, they are crossing the busy intersection at Clayton Avenue (where there have been a few near-misses). The Street Committee is recommending that a four-way stop be established at the intersection of E. Ninth Street and Clayton Avenue. In addition, traffic traveling eastbound on E. Ninth Street must stop at Old Mill Road; and traffic on Old Mill Road can turn right onto E. Ninth Street without stopping. The Street Committee is recommending that the traffic control devices be returned to the way they were previously ... traffic traveling on Old Mill Road will now stop before proceeding onto E. Ninth Street. LTAP (a traffic consulting firm with PENNDOT) viewed the location, agreed with these recommendations, and provided suggestions on various painting schemes for the roadway. Councilman Cermak made a motion to approve the Street Committee's requests regarding traffic controls in the area of Ninth Street, Clayton Avenue and Old Mill Road. Councilman Driscoll seconded; the motion passed unanimously. As this is a major change in traffic patterns, numerous flashing signs will be erected to advise motorists of the change.

On a related matter, Mr. Hamberger mentioned that the pads for the flashing lights recently installed at four (4) crosswalks in the Borough are **NOT** motion-sensitive. ***Pedestrians must touch the pads in order for the flashing lights to be activated.***

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

**RESOLUTION FOR**  
**COUNCIL MEETING OF June 19, 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 - May 15, 2013 (Regular Meeting) and June 5, 2013 (Work Session Meeting)
2. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief - May, 2013
3. Pay Bills - Voucher Lists dated 05/24, 05/29, 06/10 and 06/10 (and any others following preparation of this agenda)
4. Special promotions at Golf Course
5. Approval for the use of Memorial Park, and closing of Memorial Park Drive from Broad to Walnut Streets, for the Police Department's National Night Out event on August 6<sup>th</sup>
6. Approve hiring of Ben Heebner as Lifeguard for Northside Pool
7. Approve hiring of Zoe Harris and Kalyssa Gunder as Pro Shop Attendants at Golf Course
8. Approve hiring of Adam Patterson as Summer Maintenance Worker
9. Approve hiring of Stacy Stine as Driver/Operator-Laborer
10. Approve route requests from Waynesboro Running, Inc. for half-marathon on September 14, 2013 from 8:00 a.m. to 12:00 p.m., including use of the southeast and southwest quadrants of Center Square from 6:00 a.m. to 1:00 p.m.

**Previously Discussed:** N/A.

**UNFINISHED BUSINESS**

**RENTAL INSPECTION ORDINANCE:** Mr. Hamberger noted that Council held a work session on 06/05 regarding the proposed Rental Inspection Ordinance, and he has since provided ordinances from several other municipalities for review. He feels that Waynesboro's proposed ordinance, while an excellent effort on behalf of the committee, is overwhelming. He mentioned similarities and differences in the ordinances, but noted that Council first needs to decide if they want to get involved in a rental inspection program; and if they do, it will be intrusive and must be thorough.

Based on comments made, it was the consensus of Council that some sort of program needs to be in place in order to address the safety of tenants in the Borough. At the least, a process should be in place to address any tenant complaints reported to the Borough. All were in agreement that the matter is not ready for a vote.

Roxanne Hoover, 419 W. Main Street - Ms. Hoover commented that many tenants don't know where to go when they have an issue with their landlord. She suggested that lease agreements should include this type of information.

Solicitor Kelso noted that the Borough doesn't have the authority to tell a third party what to put in a lease agreement. They could, however, provide such information at Borough Hall or on the Borough's website. Mr. Hamberger added that he will be attending a training seminar next week dealing with fair housing, and it is likely that the Borough will be required to develop and provide educational materials to the public dealing with this matter.

Stephen Monn, 126 W. Main Street - Mr. Monn noted that he was involved with preparation of the proposed ordinance when it began, which was because tenants did not have a voice in the process and often were evicted or penalized if they reported a violation in their building. To say now, years later, that tenants should fend for themselves basically denies the entire process from the beginning. One of the major complaints about this ordinance (from the landlords) is that it doesn't apply to private residences. Mr. Hamberger clarified that the IPMC applies to all residences.

Harry Morningstar, Jr., 205 Clayton Avenue - Mr. Morningstar noted that some of the rentals in the Borough "are not fit for rats"; and if Council doesn't want to approve the 60-page ordinance proposed, they should at least ensure there are smoke detectors in every apartment that is rented.

Mr. Hamberger cautioned against doing "half of an inspection", because if there would be a major failure within a property that is not noted in the inspection, liability would fall on the Borough. He explained that the Rental Inspection Ordinance is only a procedure that "gets us in the door" ... they are required now to be in conformance with the IPMC.

Dave Martin, Fire Chief - Chief Martin noted that the Fire Department receives numerous calls from tenants to install free smoke detectors in their apartments, which is something he feels the landlords should be responsible for.

Darwyn Benedict, 47 W. Main Street - Mr. Benedict stated that a lot of input has been provided, much of which indicates a lack of communication between landlords and tenants. Education, he feels, is where this process should start. His realty business conducts buyer seminars, but could also conduct tenant seminars (sponsored by the Borough) to teach them what to look for and to advise them of their rights.

Council members agreed to hold another work session to discuss this matter, again, in-depth.

**AUTHORIZATION TO ADVERTISE PROPOSED ORDINANCE RE: MAYOR AND COUNCIL SALARIES:** Councilman Greenawalt made a motion to authorize advertisement of the proposed ordinance to increase the Mayor and Council salaries, commencing January 1, 2014 with the newly-elected Councilmen. Councilman Driscoll

seconded; the motion passed 3-2 (Councilmen Cermak and Potts opposed).

**PROPANE BIDS FOR 2013:** Mr. Hamberger noted that bids for propane were opened in December, but the bid award was somewhat ambiguous in the official records. Accordingly, Councilman Greenawalt made a motion to award the 2013 propane bids to AC&T. Councilman Potts seconded; the motion passed unanimously.

**W. NORTH STREET/ROADSIDE RENTALS PROPERTY HEARING:** Solicitor Kelso advised that he and members of the Borough staff attended a court hearing in front of Judge Herman, who entered an order in the Borough's favor with regard to 118/120 W. North Street. Progress is being made, but the process will take several more months to complete.

### **NEW BUSINESS**

**ONE-YEAR EXTENSION OF MAIN STREET:** Mr. Hamberger explained that there are remaining funds in the facade portion of the Main Street Exit Grant Program, and the Borough will need to request a one-year extension of the contract (from 07/01/2013 to 06/30/2014) in order to complete that portion of the grant. Councilman Cermak made a motion to authorize the extension request. Councilman Greenawalt seconded; the motion passed unanimously.

**DOCUMENTS RE: PARKLET GRANT APPLICATION:** Mr. Hamberger noted that the proposed parklet was discussed at length during the public input session held at the last Council meeting. Mainstreet Waynesboro, Inc. is applying for a grant to demolish the building and build a parklet; and in order to do so, the Borough needs to pass a resolution approving the application and initiating a subrecipient agreement with MSW. He added that the Solicitor would like to make a minor modification to the document. Councilman Driscoll made a motion to approve Resolution #2013-10. Councilman Potts seconded; the motion passed 5-1 (Councilman Greenawalt opposed).

### **RESOLUTION NO. 2013-10**

ENTERING INTO AN AGREEMENT WITH MAINSTREET WAYNESORO, INC. TO  
APPLY FOR FUNDS FROM DCED FOR CONSTRUCTION OF A PARKLET

Complete copy on file at Borough Hall.

**REQUEST TO CLOSE N. POTOMAC STREET FOR CHURCH FAMILY EVENT (FAITH UNITED METHODIST CHURCH) ON JULY 27, 2013:** Councilman Greenawalt made a motion to approve the request from Faith United Methodist Church to close N. Potomac Street, from W. North Street to Penn Street, on 07/27 from 3:30 p.m. to 9:00 p.m. Councilman Cermak seconded; the motion passed unanimously.

**REQUEST TO CLOSE COTTAGE STREET TO REMOVE CONTENTS FROM RESIDENCE (HESS ESTATE) ON JUNE 22, 2013:** Having received correspondence indicating that the Presbyterian Church had no objections, Councilman Greenawalt

made a motion to approve the request to close Cottage Street, from Alley #1 North to E. Main Street, on 06/22. As Mainstreet Waynesboro, Inc.'s Car Show will be held that day also, they will be requested to exit south on Cottage Street (the wrong way) to Alley #1 North instead of onto Main Street. Councilman Driscoll seconded; the motion passed unanimously.

**SPEED LIMIT ON MAIN STREET:** In the aftermath of the pedestrian accident which occurred at Fairview Avenue, and during discussions regarding ways to improve sight distance at the crosswalk at that location, a suggestion was made to lower the speed limit on Main Street (throughout the Borough) to 25 mph. For requests of this nature, traffic studies are normally required; however Representative Todd Rock contacted PENNDOT and indicated that they will conduct the study at no cost to the Borough. Police Chief Sourbier has also been in contact with the Chief Traffic Engineer from District 8, who noted his willingness to personally visit Waynesboro to view the scenario. It was noted that the staff is prepared to forward the appropriate correspondence to PENNDOT, pending Council's approval. Councilman Driscoll made a motion to authorize the staff to pursue the possibility of lowering the speed on Main Street (throughout the Borough) to 25 mph. Councilman Cermak seconded.

Roxanne Hoover, 419 W. Main Street - Ms. Hoover noted that her daughter was the pedestrian struck (and nearly killed) at Fairview Avenue/Main Street. Her daughter's injuries are life-changing; and if the speed limit had been 25 mph, she would be facing a very different future. She urged Council to pursue lowering the speed limit, if at all possible.

Chief Sourbier stated he feels this is absolutely necessary. Without going into a great deal of detail, he noted that the way the speed limits are designed and the way the Police Department is authorized to monitor them, actually allows significant increases in speed over the posted limit before there is lawful authority to take action. He added that this is a life-safety issue that must be dealt with. The Chief noted there have been 33 pedestrian accidents within the Borough in the last five (5) years, 15 of which have been on Main Street, and 12 of which were on W. Main Street. Last year by this time, there were seven (7) traffic citations written for failure to yield to pedestrians in marked crosswalks; this year to date there have been 32. He noted he will continue to push to have that number increased; but even with increased enforcement, there have still been two (2) pedestrian accidents so far this year. Lowering the speed limit would be one more tool to aid in providing pedestrian safety.

Kevin Grubbs noted that, when pedestrians cross the street at controlled (signalized) intersections, the opposite lane (turning traffic) can still go, because it is no longer a dedicated system. Chief Sourbier has suggested that signs be posted stating "Yield to Pedestrians in Crosswalks", as is done in Hagerstown, MD. Mr. Grubbs contacted PENNDOT to see if 30x36" signs of this nature could be erected on the mast-arms at each of the intersections. He was told that these are no longer regulated signs and they cannot be used. He will continue to pursue the matter.

A vote on the motion authorizing the staff to pursue a 25 mph speed limit on Main Street

(throughout the Borough) was called. The motion passed unanimously.

**NO PARKING IN UNLOADING ZONE OF NORTHSIDE POOL:** Jason Cohen reported there have been issues this year with running out of spaces in the pool's parking lot, and patrons are parking along the sidewalk directly in front of the pool building. This area has traditionally been used for loading/unloading and drop-off, which allows for a free flow of traffic. Mr. Cohen requested Council's approval to designate a "no parking" zone in front of the building (from the sidewalk where the dumpster is located to the stop sign at Brown Street). On-street parking is available (and heavily used) on Brown and Garfield Streets. Councilman Greenawalt made a motion to approve the request, as presented by the Assistant Borough Manager. Councilman Cermak seconded; the motion passed unanimously.

**PA TRANSPORTATION BILL:** Mr. Hamberger noted that the PA Transportation Reform Bill has been passed by the Senate and is currently before the House. He recommended that Council go on record encouraging local legislators to support the Bill and ensure we receive any additional funds allocated to local municipalities for revenues from gasoline taxes. Councilman Cermak made a motion to support the Transportation Reform Bill, as described by the Borough Manager. Councilman Greenawalt seconded; the motion passed unanimously.

**PUBLIC COMMENT - NON-AGENDA ITEMS:** None.

### **FOR INFORMATION ONLY**

**BOROUGH INSURANCE POLICIES (AUTO, LIABILITY, WORKERS' COMPENSATION, ETC.):** Jason Cohen noted that Council members were provided with a memo explaining his findings with regard to obtaining better rates for the Borough's general insurance coverage (automobile, liability, workers' compensation, etc.) He plans to meet with the agent on 06/26 at 2:00 p.m. to review the quotes; and as the policy renewal date is 07/01, he asked for Council's authorization to proceed with changing companies (while maintaining the same agent) if the coverages are equal or better. Council concurred, with the understanding that he will provide information to them via email following the meeting. If he hears nothing to the contrary, he is authorized to proceed.

**DESTINATION ARTS! PROJECT:** Information was presented to Council regarding the Arts Alliance of Greater Waynesboro, Inc.'s initiative for the downtown area, and Andrew Sussman (Co-President) was available to explain the project and answer any questions. He noted that the AAGW Committee is currently comprised of 25 members, but this project will involve well over 100 volunteers. The project will place artwork from the Mid-Atlantic area (paintings, sculpture, pottery, photography, textiles, etc.) in a number of the currently vacant buildings along Main Street. In addition, another 8-10 storefronts will feature art, music and performing arts from the Waynesboro area. The event is set to run every Friday, Saturday and Sunday through October. It is their hope that the event will make Waynesboro a "destination" again by using arts. Their website ([www.artsalliancegw.org](http://www.artsalliancegw.org)) provides additional information.

**COUNCIL AND STAFF COMMENTS:** Councilman Driscoll voiced his support for a 25 mph speed limit throughout the Borough.

Councilman Cermak asked Fire Chief Martin about a department policy regarding inter-agency cooperation. Mr. Martin noted that there is a meeting scheduled for the following week, and he will keep him informed of the status. Mr. Cermak also asked Ms. Hoover (who spoke earlier in the meeting) for an update on her daughter's condition and wished her well.

Assistant Manager Jason Cohen noted that Council acted on a recommendation to increase the hourly rate for relief drivers at their 01/02/2013 meeting, however the motion was made and recorded incorrectly. To correct and/or clarify the matter, he requested a motion to increase the base rate of pay for fire relief drivers to \$8.25/hour, plus 10¢ per hour for each year of service, to a maximum of \$9.05/hour. Councilman Greenawalt made a motion as such. Councilman Cermak seconded; the motion passed unanimously.

Police Chief Sourbier thanked Ms. Hoover for her comments, and offered positive support for the change in speed limit on Main Street.

Councilman Potts thanked members of the audience for their attendance, and announced that the next Street Committee meeting will be held on 06/26 at 9:00 a.m.

Mayor Starliper requested that organizations planning activities which will require assistance from the Fire Police contact them prior to requesting permission for the event from Council.

Mr. Starliper also mentioned that the Police Department is planning their annual "National Night Out" event at Memorial Park on 08/06 from 6:30 p.m. to 8:30 p.m. He noted that monetary donations (in the amount of approximately \$500) are needed for the purchase of ice cream, as free ice cream is provided for those in attendance that evening. Chief Sourbier also thanked the Fire Department for their generous donation of hot dogs for the event.

Mr. Hamberger noted that a press release was issued last week reminding residents of the various ordinances and regulations regarding obstructions of sidewalks, streets and alleyways by the growth from bushes, shrubs and trees. He added that the staff will also be advising property owners when stop signs, etc. are obstructed.

President Stains mentioned that a recent post on Northside Pool's Facebook page indicated that they were closing early on a particular day "due to lack of attendance". Mr. Cohen stated it was probably due to the weather, but he will check into the matter. He added he is not aware of any policy to close the pool because of attendance.

Having no further business to discuss, the meeting adjourned at 9:55 p.m. on a Greenawalt/Driscoll motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant