

JULY 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, 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, PC)  
Dave Martin, Fire Chief  
Jim Sourbier, Police Chief

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

**EXECUTIVE SESSIONS:** President Stains announced that Council met in executive session on Wednesday (07/10) for the purpose of discussing personnel and litigation issues. They also convened to executive session at this time (7:32 p.m.), again for the purpose of discussing personnel and litigation issues. Council returned to regular session at 7:55 p.m.

### **COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Cermak noted that he will present several items during the “voting section” of the meeting.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** Councilman Driscoll reported that the second movie in the summer series was held the previous evening at Northside Pool. There were many in attendance, clean-up went well, and he looks forward to next month’s movie to be held at Memorial Park.

**STREET COMMITTEE:** No report. Councilman Potts will present an item during the “voting section”.

**INTERGOVERNMENTAL COMMITTEE:** President Stains presented channel changes from Comcast, which will also be distributed to Comcast customers.

**DOWNTOWN REVITALIZATION COMMITTEE:** Councilman Newcomer announced that the next Downtown Revitalization Committee meeting will be held on Tuesday (07/23) at 9:30 a.m.

**FINANCE COMMITTEE:** No report.

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

“On June 20<sup>th</sup>, I attended the Chamber's mixer at the Alexander Hamilton Memorial Library.

On June 22<sup>nd</sup>, I attended Mainstreet's car show and presented my award for the Mayor's Choice.

On June 27<sup>th</sup>, I had the privilege of uniting in marriage Ashlee Weller and Larry Claudy, Jr. Wish the Claudys the very best.

On June 28<sup>th</sup>, I attended the TGIF Breakfast at Savoy, sponsored by the Chamber and hosted by Susquehanna Bank.

On July 4<sup>th</sup>, I participated in the Brothers of the Brush parade and also in helping to read the Declaration of Independence. Thanks to the Brothers of the Brush for all that they did.

On July 11<sup>th</sup>, I attended the Chamber's mixer at the Leland of Laurel Run facility.

On July 12<sup>th</sup>, I presented to the Borough of Mont Alto a recognition award for 100 years of service to the community. Also, as President of the CFCBA, and on behalf of the PSAB, I presented a plaque to the Borough.

On July 13<sup>th</sup>, I participated in Mont Alto's parade.”

**SOLICITOR'S REPORT:** Solicitor Wiser noted that he will provide updates on various items during the regular agenda.

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

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Cermak made a motion to accept the letter of resignation from Charles Hollinshead from the Fire Police. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to re-appoint Barry McNew to the Civil Service Commission, to a term expiring on 08/01/2019. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak noted that a favorable performance evaluation was received for Mike Rouzer, and the Personnel Committee recommends no action. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for D'Lynn Scheeler to "the next proper step". (He noted that there was some confusion over her appropriate step, and an administrative adjustment will need to be made to correct a previous error in calculation.) Councilman Greenawalt seconded; the motion passed 5-0 (Councilman Potts abstained).

Councilman Cermak made a motion to approve a re-classification for Melinda Knott to Administrative Assistant II, with a salary adjustment to level 12E, effective on the next full pay period. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to reluctantly accept the letter of resignation from Jason Cohen, Assistant Borough Manager. (He added that Mr. Cohen did a "fantastic job" in the time he was with the Borough, and he is sorry to see him leave.) Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak noted that he received favorable performance evaluations for Julie Myers and Peggy Martin, however no action was required.

Councilman Potts noted that a request was received from the Episcopal Church on Second Street for a handicapped parking space and unloading zone. He made a motion to grant the request, with specific details to be worked out by Kevin Grubbs and the church. Councilman Driscoll seconded; the motion passed unanimously.

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

**RESOLUTION FOR**  
**COUNCIL MEETING OF JULY 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. Approval of minutes - June 19, 2013 (regular meeting)
2. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief - June, 2013
3. Pay Bills - Voucher List dated 06/26 (and any others following preparation of this agenda)
4. Request from Breast Cancer Awareness - Cumberland Valley, Inc. to tie pink ribbons on parking meters, utility poles and trees along Main Street (October 14-18)

**Previously Discussed:** N/A.

## **UNFINISHED BUSINESS**

### **CONSIDER ORDINANCE RE: INCREASE IN COMPENSATION FOR MAYOR AND COUNCIL MEMBERS FOR ADOPTION:**

Mr. Hamberger noted that the proposed ordinance has been duly advertised in accordance with appropriate regulations and is before Council for their consideration. Councilman Newcomer made a motion to adopt the ordinance increasing the Mayor and Council members' compensation, as presented.

Councilman Greenawalt seconded; the motion passed 3-2-1 (Councilmen Potts and Cermak opposed, Councilman Driscoll abstained).

### **UPDATE ON OUTSTANDING LEGAL ISSUES:**

**BRIMINGTON FARM DEVELOPMENT** – Sam Wiser reported on the Lexon litigation filed regarding the Brimington Farm Development. They have been trying to work toward a completion settlement agreement over the past year, but there were various “pauses” in that work. The developer had approached the Borough and attempted to re-start the development work, but was unsuccessful; and since that time, the Borough has been working with the bonding company to reach an appropriate agreement.

Mr. Wiser reviewed the scope of work included in the agreement, which incorporates what was presented to residents of the development in open Council meetings previously. The streets and street lights will be installed, sidewalks will be done and various water/sewer improvements will be made in all areas where there are occupied lots. There will remain areas of the development where improvements will not be completed (where there are no occupied or sold lots), and those issues will have to be addressed at a later date should someone wish to continue the development.

The agreement will also include a maintenance bond from the contractor who will be performing the work. This is critical, because it is the hope that the Borough will take over ownership of the streets and maintain the streets (including maintenance of the pavement and snow plowing) thereafter. The agreement requires the contractor and Lexon to have the work completed no later than 11/25/2013. Borough representatives will inspect the work as it proceeds to ensure that all work meets Borough specifications and requirements. A contractor must be hired by Lexon within thirty (30) days after the date that the Borough, Lexon and the Waynesboro Borough Authority execute the agreement. (Mr. Wiser explained that the WBA has security in the bonds, as well as the Borough.) He is hopeful that this matter will proceed smoothly, as it would resolve

the issue and finally bring relief to residents of the development.

Councilman Cermak made a motion to authorize the Council President to execute the agreement on behalf of the Borough when a signed agreement is received from Lexon. Councilman Driscoll seconded; the motion passed unanimously.

118/120 W. NORTH STREET – Mr. Wisner noted that the Borough had filed a petition several months ago asking that the Court grant relief and allow us to demolish the structure. (The Code Enforcement Officer had been issuing notices of violation to the property owner for quite some time. The property continued to deteriorate, and it is felt that it could not be rehabilitated.) The Court issued an order allowing the Borough to demolish the structure at the property.

Thirty (30) days must pass after issuance of the order, during which Roadside Rentals (the property owner) could file an appeal. This appeal period will end on 07/18; and on that date, the docket will be reviewed to determine if an appeal has been filed. If not, Mr. Hamberger will be contacted to proceed with demolition of the property. Dan Sheffler has obtained four (4) estimates for the demolition work, ranging from \$10,257 to \$17,444.

Councilman Newcomer made a motion to authorize the staff to proceed with the demolition (and award the contract to M & H Construction) in accordance with the appropriate court order; and further, require that the contractor obtain the proper permits for the work. Councilman Driscoll seconded. Solicitor Wisner added that a lien will be placed against the property for all costs incurred; and if/when the lot is sold, those costs would be recouped at that time. The motion passed unanimously.

SALE OF OLD DUMP TRUCK – Mr. Wisner noted that Borough Council authorized the purchase of a new dump truck; and when it was delivered, the dealer offered a \$2,500 trade-in value for the old (1988 GMC) dump truck. The Borough Code requires that such a trade be authorized by resolution. Denny Benshoff added he feels this is a fair value. Councilman Cermak made a motion to authorize the Council President to sign a resolution allowing for the 1988 GMC dump truck to be traded for \$2,500 toward the 2013 F-650 dump truck. Councilman Driscoll seconded; the motion passed unanimously.

#### RESOLUTION NO. 2013-13

#### RESOLUTION OF THE BOROUGH OF WAYNESBORO AUTHORIZING THE TRADE OF A 1988 GMC DUMP TRUCK

Complete copy on file at Borough Hall.

#### NEW BUSINESS

PRESENTATION BY LIBRARY BOARD REPRESENTATIVES: Pat Groff (President of

the Library's Board of Trustees) and Board members Clint Barkdoll and Barbara Gaydick presented information to Council and the public on their planned addition/renovations. Jim Rock of GRC (their general contractor) was also present to answer any questions. It was noted that the Library recently received a bequest of approximately \$1,000,000 from the estate of Donald Nary. As their programs continue to grow and there are more patrons and more inter-library loans, the Board felt the best use of this money would be a two-story addition over the courtyard and interior renovations. The library will be made handicapped accessible and a community conference room will be added. It is anticipated that the entire project will be completed within 8-9 months.

Ms. Groff noted that fundraisers will be conducted in an attempt to raise the additional \$700,000 needed. A ground-breaking ceremony will be held on 08/22, but construction should begin around the end of September (for mid-2014 completion). She noted that Renfrew Museum/Park will be dismantling, transporting and re-building the summer kitchen at their site; and she requested that the Borough "be generous" in assisting with the transport.

Kevin Grubbs noted that he will present the Library's Land Development Plan later in the meeting.

**AMENDMENT TO COOPERATION AGREEMENT WITH MAINSTREET WAYNESBORO, INC.:** Mr. Hamberger noted that Council authorized a one-year extension for close-out of the existing Main Street grant, as there were still funds remaining from the facade program. The extension request has been granted by the state, but the management (cooperation) agreement with Main Street has also expired and will need to be extended. Councilman Newcomer made a motion to approve extension of the cooperation agreement with MSW, as presented. Councilman Driscoll seconded; the motion passed unanimously.

**ASSISTANT BOROUGH MANAGER'S POSITION:** President Stains noted that Jason Cohen's resignation was accepted by Council earlier in the meeting. At this time, Mr. Stains resigned his position as Council President and as a Council member for the Borough of Waynesboro. He explained that when the Assistant Borough Manager's position was created in 2010, he had expressed interest in serving in the position; and while he is proud of what has been accomplished during his time on Council, he is still interested in the position and would like Council to consider him for it at this time.

Councilman Driscoll made a motion to accept Jason Stains' resignation from Council, with regret. Councilman Newcomer seconded; the motion passed unanimously.

Following the President's resignation, Vice-President Driscoll noted that Council will need to re-organize; and he requested that the Mayor conduct the re-organization. Mayor Starliper asked for nominations for the position of Council President. Councilman Newcomer nominated Wayne Driscoll and Councilman Cermak seconded. The nominations were closed and a vote called. Councilman Driscoll was named

Council President by unanimous vote.

Mayor Starliper asked for nominations for the position of Council Vice-President. Councilman Driscoll nominated Darrel Potts and Councilman Newcomer seconded. The nominations were closed and a vote called. Councilman Potts was named Council Vice-President by unanimous vote.

Councilman Cermak made a motion that all other offices will remain as previously appointed. Councilman Potts seconded; the motion passed unanimously.

President Driscoll then asked for nominations to fill the vacant second-ward Council seat created by Mr. Stains' resignation. Councilman Cermak nominated C. Harold Mumma. Councilman Potts seconded. Councilman Newcomer commented that discussions were held with other individuals, however it was felt that Mr. Mumma (being a past Council member) was the best choice. It was clarified that his appointment will be to fill the unexpired term ending on 12/31/2013. A vote was called and the motion passed unanimously.

#### RESOLUTION NO. 2013-11

#### A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, APPOINTING HAROLD MUMMA AS COUNCIL MEMBER

Complete copy on file at Borough Hall.

Mayor Starliper then administered the Oath of Office and Loyalty Oath to Mr. Mumma.

President Driscoll noted that the Assistant Borough Manager's position is key due to numerous ongoing matters and projects; and it is a position that needs to be filled quickly because of the various issues and projects facing the Borough. Discussion was held earlier this week regarding finalists in the interview process from 2010 (when Mr. Cohen was hired). As Mr. Stains was a "very close second" to Mr. Cohen at that time, it was unanimously decided that he be asked to fill the vacant position. Councilman Cermak made a motion to approve Resolution No. 2013-12, which outlines the terms and conditions of Mr. Stains' employment, effective 07/29. Councilman Newcomer seconded. Mr. Hamberger read the terms and conditions, as outlined, for the public record. A vote was called and the motion passed unanimously.

#### RESOLUTION NO. 2013-12

#### RESOLUTION APPOINTING JASON STAINS AS ASSISTANT BOROUGH MANAGER AND SETTING FOR THE TERMS OF EMPLOYMENT

Complete copy on file at Borough Hall.

**DRIVERS POLICY:** In an effort to save money on insurance premiums, Assistant

Manager Cohen noted that the Borough recently changed insurance carriers for its automobile coverage to Selective Insurance. (This has resulted in a savings of \$10,000/year.) In light of that change, Selective has requested the Borough put in place a policy requiring background checks on motor vehicle records (for new hires). The policy cites several aspects which could be revealed on these checks as “unacceptable”. Councilman Cermak made a motion to adopt the Policy Statement re: Motor Vehicle Record (MVR) Checks for New Hires, as presented. Councilman Potts seconded; the motion passed unanimously.

### **PLANNING COMMISSION ITEMS:**

ALEXANDER HAMILTON LIBRARY LAND DEVELOPMENT PLAN – Kevin Grubbs noted that the Land Development Plan for the Alexander Hamilton Memorial Library was reviewed by the Waynesboro Planning Commission on 06/10. The plan met all requirements of the Zoning Ordinance and Subdivision/Land Development Ordinance, and the Planning Commission recommended its approval to Borough Council, contingent on all stormwater management revisions being completed (and they have been). Councilman Greenawalt made a motion to approve the Library’s Land Development Plan, as presented. Councilman Cermak seconded; the motion passed unanimously.

STEVEN BECK (HAVEN HILL SUBDIVISION) SUBDIVISION PLAN – Mr. Grubbs also presented a minor Subdivision Plan for Steven Beck (Haven Hill Subdivision). He noted that this was the former Reichard property, accessed off Northfield Avenue and located primarily in Washington Township; and the existing dwelling is being subdivided from the remaining 30 acres. The Township Planning Commission has reviewed and passed the plans on to the Township Supervisors, who will consider them at their meeting on 07/22. The Waynesboro Planning Commission recommended approval with one (1) contingency – that this property will no longer receive free water if the lot is sold following the subdivision.

Councilman Newcomer made a motion to move forward with the plan approval, provided that the Planning Commission’s recommended contingency be put in place. Councilman Greenawalt seconded. R. Lee Royer commented that the “free water” issue is a legal agreement with the Borough, and he doesn’t feel the Planning Commission could place it on a Subdivision Plan. Solicitor Wisner recommended that Council table the matter until such time that he and Mr. Grubbs can discuss the basis for the recommendation and review the existing agreement. Councilman Newcomer withdrew his motion and Councilman Greenawalt withdrew his second.

Mr. Hamberger explained that when the Borough’s old water transportation mains were laid, some people accepted money and others negotiated a free tap. Over time, the Borough Authority has been trying to negotiate the free taps out.

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

## **FOR INFORMATION ONLY**

**APPLICATION FOR NPDES PERMIT (HOMETOWNE HOMES, LLC):** Notification was provided to the Borough that Hometowne Homes, LLC will be applying for an NPDES permit for South End Villas. Any objections or concerns may be expressed by contacting DEP.

**ARMORY SALE:** Mr. Hamberger noted that representatives of the General Services Administration's Military Affairs Division held a meeting in Council Chambers prior to this meeting (at 6:30 p.m.) for the purpose of briefing the public on the process of the sale of the Armory property located on N. Grant Street. Documents they provided are available at Borough Hall for anyone interested.

**COUNCIL AND STAFF COMMENTS:** Councilman Cermak thanked the public for their attendance; congratulated Mr. Mumma, Mr. Stains and Mr. Driscoll on their appointments; and wished Mr. Cohen well in his new position.

Kevin Grubbs provided Council with an update on the stormwater project:

- Martin Excavating has almost completed their portion of the work. The pipe is now installed in the area between W. Main and Gay Streets. A meeting will be held the following day to review information on the restoration of ditches and replacement of the curb/sidewalk.
- Fayetteville Contractors is moving along. They are currently working on Second Street at the intersection of Grant Street/Cleveland Avenue. They will be working in that area more heavily next week, but are currently waiting on the Gas Company to lower gas lines. That system will probably be connected in 4-6 weeks. They will begin pouring sidewalk on Third Street, and will be restoring the ditches and paving next week.
- D. L. George has started on the large upgrade. They are now installing the bypass sanitary sewer for three (3) homes in the project area, and will then begin to lay pipe. Junction boxes have been poured, and two (2) crews will begin working from different ends and meeting in the middle.

Mr. Grubbs also reported that the Planning Commission will hold a public hearing on 07/25 at 1:00 p.m. to review the latest revision to the Zoning Ordinance and Subdivision/Land Development Ordinance. Mr. Hamberger noted that the Planning Commission (and Kevin Grubbs) have put a lot of work into the proposed revisions, and they should be commended for their efforts.

Jason Cohen thanked the Borough for the opportunity to serve the residents of the Borough of Waynesboro for the past 2½ years and to further himself in his career and profession. He congratulated Jason Stains on his appointment as Assistant Borough Manager; and noted he has complete confidence that he will put everything he has into the position and be successful in it.

Pat Groff mentioned that Wayne Driscoll and his company will be installing the Library's goal tower fundraising thermometer the following day at 3:15 p.m. She invited Council members (and the press) to be present at that event.

Fire Chief Dave Martin commented that Fire Apparatus Driver Bill Hedrick has been with the Borough 25 years today ... and he suggested that he be congratulated on a job well done.

Jason Stains thanked Council members for their confidence in appointing him to begin this new opportunity to serve the residents of the Borough. On another note, he commended the Waynesboro Police and Fire Departments for the job they did at the incident site at Grant/Main Streets. Under the circumstances (extreme heat, etc.), he feels that everything was handled in an outstanding manner.

Police Chief Sourbier welcomed Mr. Mumma to Council and Mr. Stains to the staff.

Councilman Newcomer also welcomed Mr. Mumma, thanked Jason Stains for his tenure on Council and wished him well in his new position as Assistant Borough Manager. Mr. Newcomer noted that he has heard many favorable comments concerning Police Chief Sourbier's presence in the downtown and community, adding that residents have said it makes them feel a "comfort" they haven't felt for quite a while; and he thanked Mr. Sourbier for that.

Councilman Potts thanked the public for their attendance and the Library Board for sharing their presentation. He noted that he discovered an article in *Borough News* about Destination Arts! in Waynesboro. Mr. Potts also noted that the Street Committee meeting scheduled for 07/24 has been canceled due to the lack of business.

Mayor Starliper noted there is an article in PENNDOT's *Moving Forward* regarding a program whereby municipalities partner with schools to create safer pedestrian routes. The program can be done at no cost assessment by the PA Safe Route Program (LTAP), and it may be worthwhile to consider. Mr. Starliper noted there were issues with joggers on the day of the car show downtown ... they did not heed the Fire Police's direction to stop at intersections, etc. The Borough is doing everything they can to keep pedestrians safe, but individuals who aren't paying attention to the intersections and oncoming traffic put themselves at great risk. President Driscoll noted that many of the runners on Saturday mornings are coming from a running group at the YMCA. He suggested that warnings be communicated to the YMCA and Bob Correll.

Mr. Starliper advised that the Police Department put a "good deed" program in effect for the summer. Officers, while on patrol, give out "good deed" coupons to anyone under the age of 16 observed doing something good. The coupon may be redeemed for free ice cream at the Meadows, Velvet Café or Antietam Dairy. He added that quite a few have been handed out so far this year.

Mr. Hamberger noted someone once said the best organizations have a mixture of

grizzled veterans and young folks, and Jason Cohen added some youth and exuberance to the office which will be missed. He wished him luck in his new position. He added he looks forward to working with “the new Jason”, and wished him luck in his new position also. Mr. Hamberger also gave “kudos” to the Police Department, Fire Department and Fire Police for their assistance at several incidents which occurred downtown the other day. He stated that their efforts kept a bad (and potentially expensive) situation under control.

Mr. Driscoll thanked Council members for their vote of confidence in appointing him as Council President, noting he looks forward to the challenge. He welcomed Harold Mumma back to Council, commented that the Library project will be a nice asset to downtown, noted his appreciation to the Police and Fire Chiefs for their work, wished Jason Cohen luck “in the big city” and Jason Stains luck in his new position.

Having no further business to discuss, the meeting adjourned at 9:12 p.m. on a Newcomer/Mumma motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant