

OCTOBER 2, 2013  
WAYNESBORO, PA 17268  
REGULAR MEETING

Council President Wayne Driscoll called the regular 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, Wayne Driscoll, C. Harold Mumma and Michael Cermak

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager  
Mike Benshoff, Maintenance Foreman  
Kevin Grubbs, Head of Engineering Services  
Sam Wisner, Borough Solicitor (Salzmann Hughes, PC)  
Jason Stains, Assistant Borough Manager  
Jim Sourbier, Police 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 legal and personnel matters. They reconvened to regular session at 7:51 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:** President Driscoll noted that he will discuss a matter on the agenda later in the meeting.

**STREET COMMITTEE:** Councilman Potts reported that Council members received minutes from the previous Street Committee meeting. One of the items discussed at the meeting was the School District’s request for the Borough to look at the parking situation on the streets around the High School/Middle School area; and a School District representative will be requested to attend the next Street Committee meeting to discuss the matter. The Street Committee was also requested to consider allowing parking in the first block of Cleveland Avenue, but they have not yet had an opportunity to consider the matter. Mr. Potts noted that he will present several items for action during the “voting section” of the meeting.

**INTERGOVERNMENTAL COMMITTEE:** Jason Stains reported that correspondence

was received from Comcast indicating that they will (again this year) provide high speed internet service to the Waynesboro area schools and library free-of-charge, which is a savings of \$4,900.

President Driscoll added that an appointment to the Intergovernmental Committee (to replace Jason Stains) will be made by Council's next meeting.

**DOWNTOWN REVITALIZATION COMMITTEE:** Councilman Newcomer commented that he recently visited the Arts Alliance exhibits downtown and was quite impressed. Many of the people he spoke with were from out-of-town. He suggested that others attend the exhibits (if they haven't done so already). Mr. Newcomer reminded Council that a workshop for the proposed Rental Inspection Program needs to be scheduled, as they had promised to do several weeks ago. The Committee discussed the grant process for the proposed downtown parklet and parking area to the rear of the buildings along Main Street. They discussed the possibility (again) of having an employee from the Maintenance Department "monitor" Main Street for weeds, trash, etc. He noted that this is the responsibility of the property owners, but the Borough must do what they can to keep the downtown welcoming. Mr. Newcomer noted that Jason Stains arranged for five (5) volunteers from Abraxas to pull weeds on the south side of Main Street from Broad to Potomac Streets. They plan to return again this week in preparation for upcoming Market Day festivities.

**FINANCE COMMITTEE:** Councilman Greenawalt noted that budget meetings will begin the following evening at 7:00 p.m. He also reported that the former News Agency re-opened as "Main Street Diner".

Mr. Hamberger added that Council received budget books this evening, which included copies of the department heads' requests. (He reminded them to bring along their copies of the 2013 adopted budget for reference.) He anticipates providing the "first rough cut" of the budget to Council by next week.

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

"On September 11<sup>th</sup>, I participated in the 9-11 Tribute Program at Red Run Park. If you haven't already gone to see it, please do and also view it at night.

On September 12<sup>th</sup>, I attended the Chamber's mixer at the Susquehanna Bank Office.

On September 24<sup>th</sup>, along with Manager Hamberger and Assistant Manager Stains, I attended the CFCBA meeting at the Copper Kettle Restaurant in Chambersburg.

On September 27<sup>th</sup>, I attended the TGIF Breakfast at 88 Spices, sponsored by the Chamber and 'My Bank'."

**SOLICITOR'S REPORT:** Solicitor Wiser noted that the Borough recently acquired a piece of property on which it had various liens for work performed at the property. In order to dispose of the property (as it has no ongoing value to the Borough), he asked for Council's approval of a resolution authorizing the sale by the Borough of the property located at the intersection of Clyde and Brown Streets (which was previously known as the Jones property) in accordance with Title 53 in PA Statutes Section 46201.1. Councilman Newcomer made a motion as such. Councilman Cermak seconded; the motion passed unanimously.

**RESOLUTION NO. 2013-16**

A RESOLUTION OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY,  
PENNSYLVANIA, AUTHORIZING THE BOROUGH OF WAYNESBORO, IN  
ACCORDANCE WITH 53 P.S. §46201.1, TO SELL THE REAL PROPERTY  
COMMONLY KNOWN AS 309 CLYDE STREET

Complete copy on file at Borough Hall.

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

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Cermak made a motion to remove Jim Sourbier from probationary status, and place him as a permanent employee in the position of Police Chief, effective on his anniversary date (09/15/2013). Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for Vicky Grubbs to salary level 6B. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for Gary Smith to salary level 10D. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to approve a step increase for Darryll Wagaman to salary level 11C. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to re-appoint Jon Fleagle to a full term on the Planning Commission (said term to expire on 10/20/2017). Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Cermak made a motion to re-appoint Richard Rose to a full term on the Planning Commission (said term to expire on 10/20/2017). Councilman Greenawalt seconded; the motion passed unanimously.

Pursuant to a request by the Faith United Methodist Church at 104 N. Potomac Street, Councilman Potts made a motion to install a "No Parking Anytime" zone, beginning 60' to the north of the driveway entrance and 40' to the south of the driveway entrance (a

total of 122', which includes the driveway opening). Councilman Cermak seconded; the motion passed unanimously.

In response to a request for better sight distance for motorists exiting the alley behind the Christ United Methodist Church onto W. Second Street, Councilman Potts made a motion to install a "No Parking Anytime" zone on the south side of W. Second Street, beginning at the alley directly behind 100 S. Church Street. Councilman Cermak seconded; the motion passed unanimously.

Councilman Potts noted that Kevin Grubbs would like permission from Council to issue 2014 curb/sidewalk notices for W. Main Street (from Fairview Avenue to the west of Frick Avenue), N. Grant Street (from W. Main Street to Grandview Avenue) and Fairview Avenue (from Cleveland Avenue to W. Eighth Street). Councilman Cermak seconded; the motion passed unanimously.

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

**RESOLUTION FOR**  
**COUNCIL MEETING OF October 2, 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 - September 10, 2013 (public hearing and regular meeting)
2. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief - August, 2013
3. Pay Bills - Voucher Lists dated 09/06, 09/19, 09/27 and 10/01 (and any others following preparation of this agenda)
4. Request for Homecoming Parade - WASHS Student Council (October 18, 2013)

**Previously Discussed:** N/A.

**UNFINISHED BUSINESS**

**UPDATE ON TREE CITY USA DESIGNATION:** Jason Stains stated that the Shade Tree Commission is applying through the Arbor Day Foundation to have Waynesboro designated as a Tree City USA community. Members of the committee were present to answer any questions. They have met all requirements of the program thus far; and part of the Borough's role in the application is to demonstrate that they spend at least \$2.00 per capita per year for the purpose of tree maintenance and recycling of tree and other plant materials. He noted that the Borough actually spends a total of \$66,134 annually for the care/maintenance of existing shade trees, which more than meets the criteria. Councilman Newcomer made a motion to support the process and to authorize execution of the application. Councilman Cermak seconded; the motion passed unanimously.

**MEMORIAL PARK FENCE:** Jason Stains noted that Memorial Park has been a popular place for sledding, however Council took action last year to prohibit it because of damage and safety concerns with regard to the newly-installed fence at the baseball field. Perry Fence Company has been contacted and has proposed a solution – to cut off ten (10) existing posts and install galvanized pipe inside the existing posts to make them removable during the winter. Post caps will be installed over the cut-off posts to help prevent debris from getting in them, and back posts will be installed for the area where the fence will be separated. The cost for this work is quoted at \$1,830. Councilman Newcomer made a motion to approve the proposed solution. Councilman Mumma seconded; the motion passed unanimously. Mr. Hamberger added that there is currently sufficient money in the Parks budget for this expense.

## **NEW BUSINESS**

**HIPPA PRIVACY ACT DOCUMENTATION, POLICY AND APPOINTMENT:** Mr. Hamberger noted that, due to additional federal regulations, the Borough is now required to appoint a HIPPA Official and adopt a Privacy Policy. President Driscoll appointed the Assistant Borough Manager (position currently held by Jason Stains) as the Borough's HIPPA Official; and Council will need to affirm the appointment and adopt the Privacy Policy included in their meeting packets. Councilman Greenawalt made a motion as such. Councilman Cermak seconded; the motion passed unanimously.

Mr. Hamberger added that he met recently with the insurance advisors for Capital Blue Cross. One of the items up for discussion was the Affordable Care Act and how it will affect the Borough. It will not affect the plan design, but will increase insurance costs by an additional \$7,000-\$10,000.

**"SPIRIT OF THE SEASON" EVENT (WAYNESBORO AREA CIVITAN):** Mr. Hamberger noted that the Waynesboro Area Civitan Club would like to "piggyback" with Main Street Waynesboro (MSW) on holiday season activities. Correspondence has been received from MSW indicating they have no problem with their planned activities. Crystal Payne, 212 W. Main Street, was in attendance to represent the Civitan. She described several contests they are planning, including an original snowman building contest, a gingerbread house contest and a window decorating contest. In addition, they are

inviting members of the community to “perform” by singing Christmas carols, acting in a play, dancing, etc. (similar to the entertainers currently performing downtown for the Arts Alliance). In addition, they will be bringing Santa to town ... and a photographer will take pictures with Santa (free of charge) after the Holiday Parade. Councilman Mumma made a motion to approve the activities planned by the Civitan Club, provided they work in conjunction with MSW. Councilman Potts seconded; the motion passed unanimously.

**REQUEST BY ARTS ALLIANCE FOR “TREE ART”:** President Driscoll noted that the Arts Alliance would like permission to do tree art (macrame/crochet) for some of the trees downtown. Councilman Cermak made a motion to grant approval, provided that the trees are not damaged in any way. Councilman Mumma seconded; the motion passed unanimously.

**WELCOME TO MEMBERS OF BOY SCOUT TROOP 97:** Members of Boy Scout Troop 97 from the Trinity Church were welcomed. They were in attendance to work on a merit badge for Citizenship in the Community.

**2014 MINIMUM MUNICIPAL PENSION OBLIGATION:** Mr. Hamberger presented information on the 2014 Minimum Municipal Pension Obligation, which is calculated to be \$272,329. He added that all the Borough’s pension plans are actuarially sound; and are almost entirely funded by an annual grant from the Commonwealth of PA. Council acknowledged receipt of the information.

**2014 BUDGET MEETING SCHEDULE:** A schedule of proposed budget meetings was distributed to Council. Mr. Hamberger reported that Council’s first budget meeting will be held on 10/03 at 7:00 p.m.

**MAINTENANCE DEPARTMENT VACANCIES:** Jason Stains noted that the Maintenance Department has several vacancies for which interviews have been held. The staff is recommending hiring Patrick McGinnis as a Driver/Operator-Laborer, contingent upon the receipt of successful background and driving record checks. Councilman Greenawalt made a motion to approve his hiring, as recommended. Councilman Cermak seconded; the motion passed unanimously.

**PLANNING COMMISSION ITEMS:** Kevin Grubbs presented the following items --

- **FINAL SUBDIVISION PLAN FOR ALICE WOLFF, TRUSTEE FOR THE HILDA BRICKER LIVING TRUST, 201 PRICES CHURCH ROAD** – Ms. Wolff is proposing to sell approximately 789 s.f. of the property to the adjacent property (Glen & Rosalie Bricker) at 815 Pine Grove Drive. The plan was reviewed by the Franklin County Planning Commission and Waynesboro Planning Commission; and both recommended approval. Councilman Potts made a motion to approve the plan, as presented. Councilman Mumma seconded; the motion passed unanimously.

- PRELIMINARY LAND DEVELOPMENT PLAN - SOUTH END VILLAS - Hometowne Homes, LLC is proposing to develop the remaining portion of the site along S. Church Street and Old Mill Road. They are proposing to construct seven (7) duplex units (a total of 14 units) on this site. The Waynesboro Planning Commission originally reviewed the plans and recommended several revisions. They then reviewed the revised plans and recommended approval, contingent upon the completion of stormwater management revisions and final review by the Borough staff. Mr. Grubbs stated that the required revisions have been completed. Councilman Mumma made a motion to approve the preliminary plan, as presented. Councilman Cermak seconded; the motion passed unanimously.

Discussion ensued. Mr. Grubbs clarified that sidewalk is required on the site, along both Old Mill Road and S. Church Street. The utilities will be private and handled by the HOA - there will be one (1) 8" line tied into the manhole on both streets. There is a garage and driveway for each unit, which is adequate per the ordinance requirements. The open space area will also be re-graded.

Mr. Grubbs added that the final plans will be reviewed by the Planning Commission on 10/14, and Borough Council has the right to require a traffic impact study. He doesn't feel that this development will impact the area greatly, as it is mostly commercial; and the streets (Ninth Street and Old Mill Road) were made wider for use as a southern bypass route. Councilman Cermak made a motion that no traffic impact study will be required for the South End Villas development. Councilman Mumma seconded; the motion passed 5-1 (Councilman Newcomer opposed, noting a motion shouldn't be made to do nothing).

**REMOVAL OF EQUIPMENT FROM ROTARY PARK:** Mr. Hamberger noted that Scott Crum, a member of the Engineering Department staff, is certified as a Playground Safety Inspector; and as such, he inspects the park facilities on an annual basis. Mr. Crum is recommending that the existing wooden playground structure at the Rotary Park be removed, as it no longer meets the appropriate safety standards and is a potential liability. Jason Stains provided Council members with pictures of the equipment and explained the safety concerns in detail. Members of the Recreation Board have been asked for suggestions on replacement equipment, which will be discussed at their upcoming meeting to be held on 10/08 at 7:00 p.m. He noted that this is the only playground equipment at the Rotary Park, and they are hopeful that some individuals and/or organizations would be willing to assist in the procurement of new equipment for that location. Mr. Driscoll stated that he will report on this matter at the upcoming Rotary Club meeting.

Councilman Greenawalt made a motion to approve removal of the equipment from

Rotary Park, as recommended. Councilman Newcomer seconded; the motion passed unanimously. It was suggested that the staff contact the church who originally donated the equipment to make them aware of the reason it was removed, and to note appreciation for the years it was able to be used.

**PUBLIC COMMENT - NON-AGENDA ITEMS:**

Harry Morningstar, 205 Clayton Avenue – Mr. Morningstar congratulated Council on their accomplishments over the summer:

- New Assistant Borough Manager
- New Council President
- Returned Councilman
- Sledding at Memorial Park
- Work is being done at the Gemcraft Development (sidewalks, paving, etc.)
- Storm sewer work on Potomac Street is coming to an end

And in the last 3½ years, there have been six (6) new restaurants open in downtown – that is something that both Council and MSW should be proud of.

Mr. Morningstar noted that he was advised by the Street Committee to present his request to Council. He owns several apartment buildings on S. Potomac Street (which are fully occupied) and his apartment buildings along Main Street are all occupied. Curb appeal is a major factor in this – and improvements made to the downtown have made it much easier to rent out apartments along Main Street. As the S. Potomac Street storm sewer project is nearing an end, he requested permission to install brick sidewalks at two of his buildings instead of the currently-required concrete. Mr. Grubbs noted that if Council wishes to allow brick sidewalks, the current ordinance would need to be modified. He suggested that brick work similar to that installed downtown be permitted, as it looks better, is much easier to install and allows for ground shifting without cracking. Councilman Cermak made a motion to authorize the staff to proceed with a proposed ordinance modification to permit (and provide specifications for) brick sidewalks throughout the Borough. Councilman Mumma seconded; the motion passed unanimously.

Secondly, Mr. Morningstar admitted that the last several years have been “tough” for his furniture business downtown, and they have been looking for ways to improve their operations. Furniture Market is currently at an awkward location, and he purchased a property on Main Street (which currently houses a showroom in front) with future plans to expand his retail business into the building. As the younger generation shops online and utilizes GPS, it is very important that they be able to locate his store. They have utilized the address of 22 N. Church Street for 35 years, but search engines indicate that they are located at 50 Mulberry Street. Since changing their address on the internet to 50 Mulberry Street, delivery trucks have been better able to locate them and have not had any accidents in doing so. Mr. Morningstar added that, technically, they are located at the corner of Mulberry Street and Alley #1 (which isn’t signed in any way). He requested that Council consider naming Alley #1 and changing the name of Mulberry Street to something else (he has several suggestions). He noted there is only one (1)

residence on Mulberry Street; and only one (1) block on Alley #1 needs to be changed. President Driscoll noted that Council understands his request and will take it under advisement.

**AWARD BIDS - 2013 CDBG HANDICAP CURB RAMP PROJECT:** Kevin Grubbs reported that bids were opened on 09/30 for the 2013 CDBG Handicap Curb Ramp Project. One (1) bid was received, that being from Pro's Concrete of Fayetteville, PA, in the amount of \$96,600. After review, it is the staff's recommendation to award the contract to Pro's Concrete, subject to final review by the Borough's CDBG consultants. Councilman Newcomer made a motion as such. Councilman Greenawalt seconded; the motion passed unanimously.

**COUNCIL AND STAFF COMMENTS:** Kevin Grubbs reported that progress at Brimington Farms is moving along with no issues. D. L. George's crew is working there now and Valley Quarries will begin later this week in preparation to pave the streets. The contractor is waiting for a subcontractor's price quote for the remaining mowing and cleaning out the basin. In addition, a proposal from the surety company (Lexon) will be forthcoming for the installation of 52 street lights. Mr. Grubbs added that the anticipated completion date for the required work is 11/01.

For Council's information, Jason Stains noted that correspondence has been sent to all baseball/softball leagues who requested field use in the past. Their requests are to be submitted to Mr. Stains by 01/15/2014 for action at the 01/22 Recreation Board meeting.

In addition, the Recreation Board is requesting that Boy Scouts (or other groups in the community) donate some birdhouses for Rotary Park, as there is currently a large population of bugs in the center of the park, and they believe that these birdhouses will solve the problem.

Mr. Stains also noted that the Special Events Application discussed several months ago has been created and is posted on the Borough's website in the "Forms" section. They will also be sent out to all organizations who have requested street closures for parades, races, etc. in the past; and clarification is made that all requests must be submitted ninety (90) days prior to the event to accommodate Council and PENNDOT's requirements.

Mr. Stains reminded Council members that the RSVP deadline for the Chamber's Annual Dinner Meeting is 10/03. Individuals interested in attending were asked to contact Melinda Knott by the following morning.

Scott Hershberger (MSW) noted that Market Day will be held on 10/05, and the vendor spaces are completely sold out. If the weather is as nice as it is expected to be, they anticipate having 5,000-6,000 people in attendance. He also noted that after a review of the registries from all the Arts Alliance galleries, it was determined that there have been guests from 25 different states and 8 different countries.

In regard to Mr. Morningstar's request for the alley name change, Police Chief Sourbier

noted that the Borough of Mercersburg recently named their alleys and/or erected new signs. They might be a good point of reference for logistics of what is involved in this process.

Councilman Greenawalt reported that, since Council's last meeting, he attended the WBA's cookout at the Water Treatment Plant and toured the new well site on Wayne Highway. In reference to the street closures, he suggested that activities such as races, etc. might be moved from Main Street to side streets to alleviate traffic congestion.

Councilman Potts commented that the Street Committee and staff are working with the School District on parking solutions in the area of the Senior High School, as well as Fairview Avenue/Third Street near the Fairview Avenue Elementary School.

Mayor Starliper noted that the Fire Police will be assisting with Greencastle's Halloween Parade on 10/25 and their Christmas Parade on 11/23. He reiterated his desire for the staff to hold a meeting (after January 1<sup>st</sup>) with organizations who hold special events and activities to ensure they are aware of what is expected of them and if any routes could be changed to preclude closing Main Street.

Mayor Starliper noted that Representative Rock's recent newsletter indicated that several House Bills (regarding school property taxes) have been defeated, and it appears that school districts (and taxpayers) will not be getting any relief.

Council President Driscoll thanked Harry Morningstar for his positive comments earlier in the meeting.

Having no further business to discuss, the meeting adjourned at 9:30 p.m. on a Greenawalt/Cermak motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant