

APRIL 18, 2012
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 Wiser, Borough Solicitor (Salzmann Hughes, PC)
Jason Cohen, Assistant Borough Manager
Dave Martin, Fire Chief
Mike Bock, Police Sergeant

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 potential litigation. They reconvened to regular session at 7:43 p.m.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cermak noted that he will present an item during the “voting” section of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Driscoll reported on the following --

- Renovation work has begun at Renfrew on the project they discussed with Council several weeks ago. He will keep Council apprised of their progress.
- Planning is underway to provide water at the Northside Dog Park within the next few weeks.
- A motion will be made to appoint Mark Dale as Assistant Fire Chief during the “voting” at this meeting.

STREET COMMITTEE: No report. Councilman Potts advised that the next Street Committee meeting will be held on 04/25 at 9:00 a.m.

INTERGOVERNMENTAL COMMITTEE: President Stains announced that Comcast will be raising their cable rates by 3%.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Newcomer noted that the Committee met on 04/17 and discussed the following --

- Attendance at WIDC meeting in support of MSI’s efforts to improve downtown.

- Proposed plans to establish an Art Alliance of the Greater Waynesboro Area.
- Working with Property Committee regarding reinstatement of the Facade Improvement Program for downtown properties.
- Walking path included in the Downtown Master Plan is “moving along”. Have support of Senator Rich Alloway and Representative Todd Rock; and financial support has been received from a private individual (with hopes that other entities will follow suit).
- Maintenance work on the Trinity parking lot will take place during the summer months (June, July and/or August).

FINANCE COMMITTEE: No report.

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

“On April 17th, I was invited and attended the 100th birthday party for Francis Appich at Hearthstone. Ms. Appich was employed for the U.S. Army Corps of Engineers at the Pentagon for 30 years, and helped in the development and success of the air traffic controllers. She is still a very witty person.”

SOLICITOR’S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak reported that he received a letter of resignation from Jay Mongan, Wastewater Treatment Plant Operator. He made a motion to accept Mr. Mongan’s resignation, effective 04/26. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Driscoll made a motion to appoint Mark Dale as Assistant Fire Chief. Councilman Greenawalt seconded; the motion passed unanimously.

Mr. Hamberger reported that the Waynesboro Borough Authority has waived applicable fees for a water service at the Northside Dog Park, and the Maintenance Department will be making the appropriate connection in the near future.

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

**RESOLUTION FOR
COUNCIL MEETING OF APRIL 18, 2012
“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 - April 4, 2012 (public hearing and regular meeting).
2. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief - March, 2012.
3. Pay Bills - Voucher Lists dated 04/11 and 04/11 (and any others following preparation of this agenda).
4. Approval of request from Brothers of the Brush to hold July 4th parade on Wednesday, July 4, 2012, beginning at 10:30 a.m. (Normal parade route – from C.V. Avenue east on Main Street to Kmart parking lot).
5. Approval of request (subject to staff review) from Waynesboro Summer Jubilee to hold Firecracker 5K Race on Wednesday, July 4, 2012, beginning at 8:30 a.m. (8:00 a.m. for the kids' 1-mile run) – same route as last year.
6. Approval to hire Northside Pool staff, per list dated 04/13/2012.

Previously Discussed: N/A.

UNFINISHED BUSINESS

RECORD HERALD YARD SALE: This item will be discussed at the next Street Committee meeting.

COMMUNITY MOVIE NIGHTS: Councilman Driscoll reported that progress is being made on plans to hold "Community Movie Nights" at various parks during the summer months. He will report back at the next Council meeting with additional details.

BRIMINGTON FARM PARCEL "A" SUBDIVISION PLAN: Kevin Grubbs reported that the Waynesboro Planning Commission reviewed the proposed Brimington Farm Subdivision Plan at their meeting on 04/09, and recommended approval conditioned upon two (2) items recommended by the Solicitor. Solicitor Wisner reviewed the conditions as follows: (1) that financial security in a form acceptable to the Borough Solicitor and in an amount approved by the Engineering Department be submitted for the two bridges included on the plan (the applicant has offered to fulfill this requirement); and (2) an Access and Maintenance Agreement in a form acceptable to the Borough Solicitor be provided (the applicant has drafted that as well, and they are in the final stages of ensuring it is acceptable to the Borough).

Councilman Newcomer made a motion to approve the Brimington Farm Subdivision Plan, provided that the two (2) aforementioned conditions outlined by the Solicitor are met. Councilman Driscoll seconded. Solicitor Wisner explained that the applicant will receive a "letter of completeness" from the Borough indicating that the conditions have been satisfied, and the plan will be executed/released for recording at that time. The motion then passed unanimously.

NEW BUSINESS: None.

PUBLIC COMMENT - NON-AGENDA ITEMS:

Evelyn Wagner, Meadowbreeze Development - Ms. Wagner asked if Waynesboro has an emergency plan for the public should a tornado touch down. She noted that the tornadoes occurring in the western U.S. are "scary"; and since a tornado touched down last year in nearby Greencastle, it would be beneficial for residents to know what they should do if one were to occur in Waynesboro. Mayor Starliper stated that the Borough has an Emergency Management Plan on file, and Hans Bader is the

Borough's Emergency Management Coordinator. In addition, Fire Chief Martin noted that residents can register on the Franklin County Department of Emergency Services' website (www.franklindes.us) to be notified with instructions should such an emergency occur.

Amos Miller, 309 W. Sixth Street - Mr. Miller stated that, prior to the last meeting, he spoke with Councilman Newcomer about rumors that he had moved out-of-town. Mr. Newcomer confirmed to him that he had relocated to New Franklin and was residing there on a part-time basis (and in Waynesboro, as well, on a part-time basis). According to Mr. Miller, Mr. Newcomer also advised that the Solicitor was aware of his situation and basically "gave his blessing". Since that conversation, however, Mr. Miller researched the matter on the Pennsylvania State Association of Boroughs' website, which indicates that "counselors must reside in the Borough continuously"; and to continue serving as a counselor, an individual must retain residence within the Borough.

Councilman Newcomer commented that there was never any "part-time conversation" with Mr. Miller; but he advised that he had purchased a home there for his future. He also advised that he has owned a home and farm in MD for several years, which has not raised any questions. Mr. Miller responded that that is not what he heard.

Solicitor Wisner explained that the issue comes down to "what is residency", and the courts have said that residency is a very factual determination based on many factors. This is not an issue for the Solicitor or Council ... it is an issue for someone else to determine. He further noted that there is nothing that Council (or he as a Solicitor) can do to take any action against Mr. Newcomer for any reason.

Mr. Miller continued with comments regarding the standards to which he feels councilmen should live; and Mr. Newcomer advised that Mr. Miller would be receiving a letter from his attorney regarding his remarks (which Mr. Newcomer called "slander"). Mr. Miller stated that he is very disappointed that he can't come to a public meeting and express his opinion.

FOR INFORMATION ONLY

BIDS DUE FOR CDBG STREET PROJECTS (APRIL 24TH): Mr. Hamberger noted that bids for the CDBG street projects will be opened on 04/24; and the staff will present their recommendations regarding award at the next Council meeting.

UPDATE ON STORMWATER PROJECT: Kevin Grubbs reported that the contractor returned to the site last week and is installing rows of gabion baskets to repair the wall that was damaged earlier. They anticipate completion to be within two (2) weeks, depending on the weather. Stone and earth berms will be installed to preclude any problems with the pending rains.

Mr. Hamberger added that the staff is still reviewing bids for the remainder of the project, and they have met with the engineer and contractor to determine if there is a way to lower the costs. They will present recommendations at Council's next meeting.

2011 CDBG AWARD: President Stains announced that word has been received from DCED that the Borough's application for 2011 CDBG funds has been approved (in the amount of \$146,059).

COUNCIL AND STAFF COMMENTS: Councilman Driscoll reported that he received an invitation from Councilman Cermak and his son to view the Borough by air. He noted that it was quite an impressive experience.

Councilman Cermak thanked citizens for their attendance, and the staff for jobs well done.

Denny Benshoff reported that the center walkway at Memorial Park has been blacktopped and topsoil will be filled-in along the sides. The maintenance crew will work on opening Northside Pool, complete the second walkway at Memorial Park, and then move on to the Trinity parking lot. Mr. Hamberger reminded Council that the work at Memorial Park is being done with the 50/50 state grant they were awarded. Other items include completion of a circular walking path along the circumference of the park, handicapped accessible seating, handicapped access to the bleachers and one of the play areas, and additional improvements to the play area. Councilman Newcomer noted that the walking path he mentioned earlier in the meeting will connect Memorial Park to Renfrew Park.

Dan Sheffler reminded Council that there will be a Zoning Hearing Board meeting on 04/26, and he invited any or all to attend. In addition, he reported that he has already begun sending out letters regarding weeds and/or tall grass.

Kevin Grubbs reported that the rapid flashing beacon (crosswalk) lights are out to bid. Bids will be opened on 05/14 and will be presented to Council for award on 05/16. He is looking to begin work on 06/01, and the contractor will have 30 days to complete the project.

Mr. Grubbs also noted that upcoming bids include the CDBG handicapped ramp project (which includes approximately 32 handicapped ramps in the Borough). Eight (8) of those will be on S. Potomac Street; and the remainder will be on Fairview Avenue, starting at W. Main Street and continuing to just south of W. Fifth Street. Additional street projects will also be prepared for bid.

Mr. Grubbs advised Council that Scott Crum (Chief Draftsman-Inspector) did a lot of the work on the Memorial Park project over the past several years – including obtaining the grant, working with the consultants, researching equipment, etc. He stated that Scott should be commended for his efforts.

Fire Chief Martin reported that fire safety inspections have begun at commercial areas in the Borough.

Police Sergeant Bock reported that the grant project for video cameras in the police cars should be completed on 04/19.

Councilman Newcomer apologized to Council for people prying into his personal life and bringing the information to Council. He thanked residents for their attendance, and for their support to him.

Mayor Starliper reported that Chief King is still working on the new car bids, and they are “leaning toward” the Dodge Charger. He mentioned to Council the need for an ordinance regarding the accumulation of “stuff” in yards and on porches. Mr. Hamberger noted there are ordinances regarding the accumulation of rubbish, etc.; but the problem is that there is no authority to “make anybody be neat”. Mayor Starliper also mentioned that vacant buildings downtown (or anywhere in the Borough) should have the windows papered so that no one can see in.

President Stains noted that the W. North Street property discussed several times in the past has been boarded up, and the front door has been kicked in. Mr. Sheffler replied that he called the owner and it has since been secured. Mr. Stains also thanked the public for their attendance; and he encouraged others to attend and make their voices known on various issues as well.

Councilman Driscoll suggested that, if the Police Department would like to move “National Night Out” to 08/12, Community Movie Night could be held in conjunction with that event. Sergeant Bock noted he will discuss the matter with the coordinator, Kim Green.

Having no further business to discuss, the meeting adjourned at 8:05 p.m. on a Greenawalt/Driscoll motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant