

FEBRUARY 15, 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 Benschoff, Maintenance Superintendent  
Kevin Grubbs, Head of Engineering Services  
Jason Cohen, Assistant Borough Manager  
Mark King, Police Chief  
Dave Martin, Fire Chief  
Dan Sheffler, Zoning-Code Enforcement Officer

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

**APPROVE MINUTES:** Councilman Greenawalt made a motion to approve the minutes of the February 1, 2012 regular meeting, as written. Councilman Cermak seconded.

Councilman Newcomer requested that the minutes correct a statement he made regarding the tax increase being based solely on the need for “upgrades at the Borough’s wastewater treatment plant”. That statement should read, “... upgrades in the Borough’s stormwater collection system”. The motion then passed unanimously.

**ACCEPT REPORTS:** Councilman Greenawalt made a motion to accept the reports of the Code Enforcement Officer, Police Chief and Fire Chief, as presented. Councilman Potts seconded; the motion passed unanimously.

**COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Cermak noted that he received a favorable performance evaluation for Chris Eyler - no action was required. He will present an additional item during the “voting” section of the meeting.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** Councilman Driscoll reported that the Property Committee has received and reviewed three (3) bids for demolition of the former caretaker’s house at the golf course. (The Maintenance Department has already removed items/materials of recyclable value.) He will make a motion to proceed with demolition of the house during the “voting” section.

**STREET COMMITTEE:** Councilman Potts announced that the Street Committee will meet on Wednesday, 02/22, at 9:00 a.m.

**INTERGOVERNMENTAL COMMITTEE:** No report.

**DOWNTOWN REVITALIZATION COMMITTEE:** Councilman Newcomer reported that the Downtown Revitalization Committee met on 02/14. The following items were discussed at that meeting --

- Downtown Master Plan – a DCED representative will be attendance at the next meeting (scheduled for 03/13 at 9:00 a.m.) to discuss ideas and funding.
- Rental Inspection Program – is being reviewed by the Property Committee.
- Trinity Parking Lot – Jason Cohen will report on this matter.

**FINANCE COMMITTEE:** No report.

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

“On February 11<sup>th</sup> (I hope that other members of Council) attended the Waynesboro Lions Club Breakfast and the Chamber's Business Expo. Thanks to all who participated.

On February 13<sup>th</sup>, I attended and presented to the Waynesboro Day Care Center a Certificate of Appreciation for their 40 years of service and commitment to the community. Thank you.

On February 14<sup>th</sup>, I attended the regular meeting of the Waynesboro Fire Police. At that time, I swore-in the Fire Police members for the next two (2) years. We thank them for all of their efforts in the community.”

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

**PUBLIC COMMENT - ITEMS ON AGENDA:**

Amos Miller, 309 W. Sixth Street - Mr. Miller noted his concern regarding Council's intention to spend money for demolition of the caretaker's house at the golf course, as this is a new year with new tax obligations. He has viewed the property and doesn't feel there is a public safety issue involved; and accordingly, requested that Council postpone the project at this time.

Jason Balwinski, 97 Old Mill Road - Mr. Balwinski noted that he spoke during the public hearing regarding the rezoning request; and asked for additional information. If the rezoning request is approved, is there a plan in place to control the property's development (i.e. when the trees are removed, how demolition will be done, if blasting will be done, if impact hammers and/or large equipment will be used, if work will take place only Monday thru Friday, if chainsaws will be operated in the early morning hours, etc.) Mr. Hamberger noted that all development must be in conformance with the Borough's Subdivision/Land Development and Zoning Ordinances; but at the present time, no plan has been presented for any proposed development. Kevin Grubbs clarified that no Land Development Plan has been submitted, however a grading plan (including the installation of run-off control devices) was approved by the Borough approximately a year ago. That grading plan is available for the public's view at Borough Hall. In addition, an NPDES permit was reviewed and approved by the Franklin County Conservation District. Mr. Grubbs also stated that the Borough's Zoning Ordinance (Article IX, Section 65) requires buffers between Residential and Industrial uses. Mr. Hamberger added that if a Land Development Plan is presented for approval, it will go first before the Planning Commission and then Borough Council (meetings for which are all open to the public). The request before Council at this time, however, is simply to consider a rezoning request.

Councilman Newcomer noted that he understands the residents' concerns, but added that Dave George is a well-respected and reasonable man who will work with them to alleviate harm to their

properties. Borough officials are very pleased to have Mr. George bring his business to Waynesboro. Mr. Balwinski noted he has nothing against Mr. George (or his business) and understands that the Borough is trying to expand their growth, but there are many industrial locations in the Borough which are vacant and not currently being used. He feels that opening another space without a plan for development that will bring jobs to the community should not reduce the possible tax income from other homes that are to be built in the triangle.

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Driscoll responded to Amos Miller's comments regarding demolition of the caretaker's house at the golf course. He noted that the Borough has been planning on its removal for quite a while now; and, after evaluation of their options, have decided that this is the most economical way to proceed. Accordingly, he made a motion to accept the proposal from D. L. George for \$11,375 to remove the house at the golf course. Councilman Newcomer seconded. Mr. Hamberger noted that funding for the project will come from the Borough's unappropriated balance. Councilman Potts noted his concern that this is the second unbudgeted item to be approved, and it is still early in the year. After further discussion, Councilman Driscoll noted he is not opposed to delaying the project (provided that the price quote is good until later in the year). Councilman Driscoll then made a motion to withdraw his previous motion and table the matter until June. Councilman Newcomer seconded; the motion passed unanimously.

Councilman Cermak noted that he received a favorable performance evaluation for Dennis Benshoff, and made a motion to approve a step increase to salary level 20E. Councilman Greenawalt seconded; the motion passed unanimously.

### **UNFINISHED BUSINESS**

**CONSIDERATION OF ORDINANCE RE: ORDAINING CROWN COURT:** Kevin Grubbs reported that Council previously authorized advertisement of the proposed ordinance to ordain and accept Crown Court, and reviewed the Deed of Dedication accepting Crown Court as a Borough street. The proposed ordinance has been duly advertised in *The Record Herald* for Council's consideration at this time. Councilman Greenawalt made a motion to adopt the proposed ordinance, as presented. Councilman Driscoll seconded. Based on a public comment made at a previous meeting, Councilman Cermak clarified that this Land Development Plan was approved prior to the ordinance requiring the developer to install street lights. The motion then passed unanimously.

#### **ORDINANCE NO.**

AN ORDINANCE IMPOSING, ORDAINING AND OPENING FOR PUBLIC USE IN THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, A STREET TO BE KNOWN AS CROWN COURT.

Complete copy on file at Borough Hall.

**CONSIDERATION OF ORDINANCE RE: GEOFAM REZONING:** Kevin Grubbs noted that his presentation was made during the public hearing, and the proposed ordinance is offered for Council's consideration at this time. Councilman Newcomer made a motion to adopt the proposed ordinance to re-zone the area in question from Medium Density Residential, RM, to Industrial, I. Councilman Greenawalt seconded; the motion passed unanimously.

#### **ORDINANCE NO.**

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING THE OFFICIAL ZONING MAP OF THE BOROUGH OF WAYNESBORO AS PROVIDED IN ORDINANCE NO. 937 BY CHANGING THE

ZONING OF A CERTAIN AREA FROM MEDIUM DENSITY RESIDENTIAL, RM, TO INDUSTRIAL, I.

Complete copy on file at Borough Hall.

**RESOLUTION NO. 2012-02 RE: MODIFICATION OF FY 2008, 2010 AND 2011 CDBG PROGRAMS:**

Mr. Hamberger presented proposed Resolution No. 2012-02, which authorizes modifications discussed at the public hearing. Councilman Potts made a motion to approve Resolution No. 2012-02, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

RESOLUTION NO. 2012-02

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WAYNESBORO  
MODIFYING THE FISCAL YEAR 2008, 2010 AND 2011 COMMUNITY DEVELOPMENT  
BLOCK GRANT PROGRAM

Complete copy on file at Borough Hall.

**CONSIDERATION OF TRINITY PARKING LOT LEASE:** Jason Cohen noted that he forwarded Council a copy of the proposed lease as drafted by Trinity Church the previous week. After review of the document, Solicitor Wiser has provided a draft of his comments/recommendations, a copy of which will be forwarded to Council. He suggested that final review of the matter be postponed until Council's next meeting. Council concurred.

**NEW BUSINESS**

**RESOLUTION NO. 2012-03 RE: FAIR HOUSING:** Mr. Hamberger presented Council members with proposed Resolution No. 2012-03, which is an annual requirement as part of the CDBG program. Councilman Greenawalt made a motion to approve the resolution, as presented. Councilman Cermak seconded; the motion passed unanimously.

RESOLUTION NO. 2012-03

FAIR HOUSING RESOLUTION

LET IT BE KNOWN TO ALL PERSONS of the Borough of Waynesboro that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability is prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the Pennsylvania Human Relations Act. It is the policy of the Borough of Waynesboro to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex, national origin, handicap or disability, or familial status (families with children). Therefore, the Borough of Waynesboro does hereby pass the following Resolution.

Complete copy on file at Borough Hall.

**REQUESTS FROM FRANKLIN COUNTY BUILDERS ASSOCIATION RE: BUILDERS SHOW:**

Mr. Hamberger presented requests from the Franklin County Builders Association for their upcoming Builders Show to be held at the former EZ Dumper Building, 225 Ninth Street, on March 16, 17 and 18. Mr. Hamberger noted that this event brings a lot of visitors to the community, and the Borough

would like to assist them in any way possible. After discussion of the specific requests, Councilman Greenawalt made a motion to approve the following –

- Parking will be permitted on a portion of Ninth Street – a parking plan should be coordinated with Police Chief Mark King and Head of Engineering Services Kevin Grubbs.
- The FCBA may use the Borough's large barricades, traffic cones, etc. during the event – they should contact Maintenance Superintendent Denny Benshoff.

Councilman Driscoll seconded; the motion passed unanimously.

Secondly, the FCBA would like to place eight (8) directional signs throughout the Borough, leading to the Builders Show and to designated parking areas. The FCBA indicated that the signs would be put in place the week of the show and removed the day after the show has concluded. Councilman Newcomer made a motion to approve the request regarding directional signs. Councilman Cermak seconded, provided that there is a firm commitment that the signs will be removed following the event. The motion passed unanimously.

**DISCUSSION OF CONSENT AGENDA:** Mr. Hamberger noted that he was requested to obtain information regarding Council's use of a consent agenda. He has met with representatives of the Borough of Chambersburg, who utilize such. He explained that the consent agenda and regular agenda would be prepared together; and the consent agenda would include items which are "pro forma". Any Council member may request that certain items be removed from the consent agenda (and discussed as part of the regular agenda). The consent agenda is then adopted by motion, thereby approving any items which are listed thereon.

Councilman Newcomer noted that a consent agenda will save a lot of time. Councilman Cermak added that he has seen it used by other municipalities, and it works well. Councilman Newcomer made a motion to approve the use of a consent agenda, beginning with Council's next regular meeting. Councilman Cermak seconded. It was noted that the regular agenda and the consent agenda will both be posted on the Borough's website and in the front lobby of Borough Hall. A vote was called on the matter, and the motion passed unanimously.

**STRUCTURAL MODIFICATIONS TO RENFREW BARN:** Mr. Hamberger noted that the Renfrew Committee, Inc. (RCI) has presented a proposal to provide a meeting/educational space large enough to seat groups larger than 50 people. He explained that the Borough owns the facility; and accordingly, the Board must receive Council's approval to proceed with any permanent changes and/or proposed construction.

David Hykes, a member of the RCI Board of Directors, was present. He explained that they have created a plan to enclose the existing wagon shed to provide a 19' x 48' meeting and seminar room. In addition, the corn crib would be converted into a display area 3' x 48' for exhibition of various collections, farm equipment and tools. All the modifications would be contained within the existing footprint of the wagon shed. The project will most likely be spread-out over two (2) fiscal year budgets, and much of the work will be done on a volunteer basis by various board members. No major fundraising campaigns will be conducted, but they plan on reaching out to one or two key organizations for assistance (based on the fact that this is an educational building that the Renfrew Institute can also use).

After further discussion, Mr. Hykes noted that he would be available to meet with members of the Borough's Property Committee to view the proposed site of construction, and to answer any additional questions they may have.

It was noted that approval will need to be granted by the Department of Labor & Industry, and permits will need to be obtained from Washington Township. In addition, the National Registry of Historic Places has also been contacted – they have noted no problems. Mr. Hykes estimated that the project will cost between \$20,000 and \$25,000, but they would like to receive Council's approval before finalizing many of the plans.

After further discussion, Councilman Driscoll made a motion to approve and endorse RCI's plans (subject to the Property Committee's review). Councilman Newcomer seconded; the motion passed unanimously.

**REQUEST TO HOLD ST. ANDREW'S JUDY'S CHALLENGE:** Jason Cohen presented a request from the St. Andrew Catholic School to hold a 1.5 mile race on 03/29 at 3:30 p.m., utilizing a portion of Roadside Road, and requesting the assistance of the Waynesboro Fire Police. No problems were noted with the event held the previous year. Mayor Starliper added that the Fire Police will be available to assist, but Christina Manning (the event organizer) is requested to contact them directly. Councilman Greenawalt made a motion to approve the request, as presented. Councilman Newcomer seconded; the motion passed unanimously.

### **PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:**

R. Lee Royer, 10764 Buchanan Trail East - Mr. Royer presented a plan for Council's review from the Waynesboro Area School District. On the School District's original plan for expansion at the High School, there was an area between the High School and Middle School that was supposed to be filled-in and graded (but it was only filled with trash and construction materials). The School District's NPDES permit was renewed, and a Soil & Erosion Plan has been approved; and prior to bidding the job, it was felt that the plan should be taken to the Borough. The matter was discussed at the Planning Commission's last meeting, and several items were requested:

- Stormwater Management Design to be completed.
- Note on the plans regarding type of stabilization proposed on the embankment such as seeding, vegetation, etc.
- All three (3) approval blocks to be listed on Page 1 of 3 of the plans.
- Complete application for Franklin County Planning Commission, including review fees.
- Submit review fees to the Borough of Waynesboro in the amount of \$100.
- Change title of plan to "Final Grading Plan".
- Property Owner Certification with notarized signatures.

Mr. Royer noted that these items have been completed; and he requested Council's approval of the plans so the work can be done as soon as possible.

Dick Rose, a member of the Waynesboro Planning Commission, was asked to comment. Mr. Rose noted that the Planning Commission discussed, at quite some extent, whether this was already covered in the first approval process. They felt that it was not, because the pile was put there temporarily ... but this is now five (5) years later. Accordingly, there will be a disturbance of the land; and the ordinance says there must be some sort of stormwater management plan as a result. Mr. Royer disagreed, noting that the original ground was a tennis court and pond before the School District dumped the dirt there. Their plan is to level it off, thereby making an impervious area pervious. The original plan for the High School showed the area being graded off and made into a field – this is still the plan, however it will be slightly higher. Mr. Royer also noted that any concerns regarding the stream at that location have been addressed and approved by DEP and the County Conservation District.

Kevin Grubbs noted that the letter from Merle Holsinger should be forwarded to the Borough's consulting engineers for review and comment on the plan. When questioned by Mr. Hamberger, Mr.

Grubbs commented that the current proposal contains “quite a change” in the elevation from the proposal shown in the original plan.

Council noted they are not opposed to removing the stockpile, but feel it would be beneficial to receive additional information from the Planning Commission prior to making a decision. If necessary, a special meeting can be scheduled to finalize the matter.

**PAY BILLS:** Councilman Newcomer made a motion to approve payment of the Voucher List dated 02/12. Councilman Potts seconded; the motion passed unanimously.

**COUNCIL AND STAFF COMMENTS:** Councilman Cermak thanked the public for their attendance.

Denny Benshoff requested Council's permission to burn brush at the golf course in the spring and fall. (He mentioned that Green Hill Cemetery has received approval in the past to burn also.) Mr. Hamberger clarified that open burning is not permitted in the Borough; and Council must authorize, by resolution, for individuals/organizations (like Green Hill Cemetery) to burn. Councilman Newcomer made a motion to grant permission for the Borough's Maintenance Department to obtain a burning permit from the Fire Chief to burn brush at the golf course. Councilman Greenawalt seconded; the motion passed unanimously.

Police Chief King introduced Caleb Bartlett, a high school student who is looking to pursue a law enforcement career in the future. Caleb is doing an internship with the Police Department to gain insight into the administrative side of police work.

Pat Fleagle requested information regarding remaining funding available through the CDBG program for various projects. He noted he will meet with Mr. Hamberger the following day regarding the matter.

Councilman Newcomer thanked the audience for their attendance and input.

Mayor Starliper reminded Council members of the upcoming Cumberland-Franklin County Boroughs' Association meeting to be held on 02/28 in Lemoyne. Responses are due by 02/20.

President Stains announced that Councilman Cermak has stepped aside on the Police Negotiations Committee; and in his place, Mr. Stains appointed Councilman Newcomer.

Having no further business to discuss, the meeting adjourned at 8:34 p.m. on a Potts/Driscoll motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant