

JANUARY 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:

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
Dan Sheffler, Zoning-Code Enforcement Officer
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)
Jason Cohen, Assistant Borough Manager
Mark King, Police Chief
Dave Martin, Fire Chief

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

EXECUTIVE SESSION: President Stains called an executive session at 7:31 p.m. to discuss matters of potential litigation. Council reconvened to regular session at 7:50 p.m.

APPROVE MINUTES: Councilman Greenawalt made a motion to approve the minutes of the January 3, 2012 public hearing and regular meeting, as written. Councilman Newcomer seconded; the motion passed unanimously.

ACCEPT REPORTS: Councilman Greenawalt made a motion to accept the reports of the Police Chief and Fire Chief, as presented. Councilman Newcomer seconded, and commended Chief King for the success of his Department in 2011 with a reduction in overtime hours required. The motion then passed unanimously.

Councilman Greenawalt made a further motion to accept the report of the Code Enforcement Officer, as presented. Councilman Newcomer seconded; the motion passed 5-0 (Councilman Cermak abstained).

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cermak noted that he received a favorable performance evaluation for Doug Whittington, however no action was required.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Driscoll noted that he and the Fire Chief have met to review Ordinance No. 984 (which deals with structuring of the Fire Department) and are in the process of making revisions to the ordinance. Copies will be provided to Council for review prior to the next meeting. Aside from some changes in verbiage, the amended ordinance will address the change from two (2) fire companies to one (1), a change from two (2) Deputies to one (1) Deputy and one (1) Assistant, and the omission of Section 8.3 dealing with a 20-mile employment radius for the Deputy Chief.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Newcomer reported that the next Committee meeting will be held on 01/24 at 9:00 a.m.

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

“On January 13th, I attended the ribbon cutting for Winfrey Creations at 114 Walnut Street.”

Mayor Starliper also noted that the name of Brian Starliper was inadvertently missed on the Fire Police roster presented at Council's re-organization meeting.

SOLICITOR'S REPORT: Sam Wiser noted that, in Kevin Grubbs' absence, he will present information regarding a Land Development Plan for Council's consideration. A representative of the developer, John Conrad, was present for the discussion.

Mr. Wiser explained that the plan is being submitted on behalf of two (2) entities – Bank Land Holdings LLC and Gemcraft RB Holdings LLC – both of which own property within a specific area delineated on a drawing displayed for Council's reference. The area is a portion of the Brimington Farm Development Plan that was approved in October of 2005. Gemcraft RB Holdings owns the lots and Bank Land Holdings owns the roadways shown on the plan. While lots are shown on the plan, the developer included a non-building waiver on the second page indicating that Parcel A shall be “dedicated for the express purpose of agricultural use ...”; so prior to any development on this tract, there would have to be a Subdivision/Land Development approval.

Mr. Wiser offered the following history –

- October 20, 2005 - The Borough approved the final plan for Brimington Farms Planned Residential Development.
- August 30, 2011 - The plan (as seen by Council at this meeting) was presented as a preliminary plan.
- November, 2011 - The Planning Commission reviewed the preliminary plan in November and asked the developer to make certain changes.
- November 29, 2011 - The developer requested an extension in an attempt to make the requested changes. The Borough granted that time extension.
- December, 2011 - Another extension was requested because of the time constraints of the holiday. The Planning Commission reviewed the plan again at their December meeting, and advised that the requested revisions were made. The Planning Commission recommended that Council approve the plan (which carried over to the January Council meeting).

Mr. Wiser reiterated that the property is owned by two (2) entities – Bank Land Holding and Gemcraft RB Holdings – and Council notified those entities of certain deficiencies with the approved Planned Residential Development Plan related to bonding, punch-list items and completion of improvements. Council then decided to seek bond funds of those entities. The financial security on the property has lapsed as of September 8, 2011, so there is no additional financial security to cover “Phase 1” (which was referred to as such for demonstrative purposes only).

John Conrad, representing Wells Fargo Bank, then spoke. He noted that, in 2010, Gemcraft was discharged from bankruptcy; and this piece of property was part of the bankruptcy proceedings. Per the agreement with Wells Fargo (who has the collateral on “Phase 2” or Parcel A), Gemcraft will transfer this property to Wells Fargo as part of a debt reduction. Mr. Wiser clarified that the plan was not submitted as a phased plan ... it was submitted as an entire development over the whole plan,

which would include what is now being called "Parcel A" and the remainder. Mr. Conrad noted that they have renamed the section that would be Wells Fargo's as "Parcel A", to preclude any confusion over "Phase 1" and "Phase 2". The only way that Wells Fargo can "get their hands on this" is if the two properties are subdivided ... which is really the purpose of this land development plan. The part that would eventually go to Wells Fargo is under a number of different ownerships, because when Gemcraft filed bankruptcy, they were obligated by their lenders to try to put everything in different names (i.e. Bank Land Holdings, DLM, Gemcraft are all one and the same).

The second page of the plan is actually a cooperation agreement between DLM/Gemcraft and Wells Fargo that nothing done with this plan will ever jeopardize the Planned Residential Development status of the project. There are 47 people living in what is called "Phase 1", and they would be non-conforming if that property were not a PRD.

Mr. Conrad noted that there are two (2) bridges that go into "Phase 2", which are partially completed. Wells Fargo will be given those bridges and has pledged that they will bond the bridges. He added that they submitted an estimate from a local contractor for the cost of completion of those bridges (Kevin Grubbs noted he felt that that was acceptable); and accordingly, the \$125,000 bond from this contractor could then be reduced from the bonding issues in "Phase 1". If acceptable to the Borough's engineer, Wells Fargo will also post a bond for the roads going into Parcel A (the Wells Fargo property). Concern was voiced by the Borough's staff about any damage to "Phase 1" streets by the work being conducted on Parcel A. People will only be allowed to use certain streets to get into Parcel A, and a bond will be posted for any damage to those streets. The Borough would then be assured that if they fix the streets in "Phase 1", any improvements that need done from Welty Road to the property will be bonded. Mr. Conrad also clarified that they are not planning to build any of this ... their intention is to sell it to a reputable builder (which probably won't occur for 3-5 years). He added that the Planning Commission requested that they barricade the bridges – this has been included on the plans and is part of their plan.

Mr. Conrad summarized that they are asking Council to subdivide a piece of property that is there now .. no additional zoning, density, etc. is being requested. Solicitor Wiser commented that the developer recognizes the five-year protection of the MPC has lapsed, and any ordinance changes would be applicable to any subdivision plan submitted for Parcel A. Mr. Conrad agreed, adding that (more than likely) anyone who buys this land from Wells Fargo will re-plan it.

Councilman Newcomer made a motion to deny the plans as submitted, based on existing defaults on the currently-approved plans in accordance with Section 515.1 of the MPC. Councilman Driscoll seconded; the motion passed 5-0 (Councilman Cermak abstained).

Solicitor Wiser advised that written notice will be issued in accordance with the MPC within fifteen (15) days of the date of this meeting.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak noted that David Mackley's term on the Recreation Board was due to expire on 12/31/2011. He made a motion to reappoint Mr. Mackley to a term expiring on 12/31/2016. Councilman Driscoll seconded; the motion passed unanimously.

UNFINISHED BUSINESS

RESOLUTION NO. 2012-01 RE: MODIFICATIONS TO THE 2008 CDBG PROGRAM: Mr. Hamberger presented proposed Resolution No. 2012-01, which will authorize transfer of the remaining fund balance of \$19,135 in the FY 2008 CDBG Program from the "Downtown Redevelopment" line item to

“Street Improvements”. Councilman Greenawalt made a motion to approve Resolution No. 2012-01, as presented. Councilman Potts seconded; the motion passed unanimously.

RESOLUTION NO. 2012-01

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF WAYNESBORO MODIFYING THE FISCAL YEAR 2008 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Complete copy on file at Borough Hall.

2012 BUDGET STATUS: Mr. Hamberger reiterated that “new” Council has the right to open the 2012 budget during the month of January, however he has heard no comments regarding that matter to date.

STATUS OF FIRST FEBRUARY MEETING: President Stains noted that he will be unable to attend the next Council meeting which is scheduled for 02/01. Councilman Cermak made a motion to change the meeting date to 01/31. Councilman Driscoll seconded. After further discussion, however, several conflicts were noted; and Councilman Cermak withdrew his motion. The next Council meeting will be held on 02/01, as originally scheduled.

TRINITY PARKING LOT: With regard to the Trinity parking lot, Councilman Newcomer reiterated a motion he made (which did not carry) at a previous meeting ... that the Borough will seal the lot, repair three (3) areas of the lot discussed during the meeting, repaint/re-line the parking spaces for handicapped use and close-out the contract prior to entering into a new contract which is currently under negotiation. Councilman Driscoll seconded.

Mr. Newcomer noted that once the Borough’s intention to do this work is in writing, he feels the negotiations will go more smoothly. He explained that there are numerous variables involved in the negotiations – including other usage of the church parking lot vs. the amount utilized by the Borough, costs involved in plowing and sweeping, etc. It was noted that the cost of the repairs agreed upon are estimated at “slightly less than \$10,000”. A vote was then called, and the motion to proceed with those repairs passed unanimously.

NEW BUSINESS

PROPOSAL TO REDUCE PLANNING COMMISSION MEMBERSHIP: Also in Kevin Grubbs’ absence, Assistant Manager Cohen reported that Council adopted Ordinance No. 1101 last February, changing the Planning Commission membership from seven (7) to nine (9) members. At that time, the Planning Commission also adopted Resolution No. 2011-5 to amend their by-laws to that effect; and since then, two (2) additional members were appointed. It is Mr. Grubbs’ request, however, that the Planning Commission membership revert back to seven (7), which is a “more manageable” number in terms of filling the roster and obtaining a quorum for meetings.

Councilman Driscoll made a motion to decrease the Planning Commission membership to seven (7). Councilman Cermak seconded. Solicitor Wisner clarified that authorization is needed by Council to advertise the proposed ordinance amendment for consideration. Councilman Driscoll amended his motion as such. Councilman Cermak seconded; the amended motion passed unanimously.

REQUEST FROM WASHINGTON TOWNSHIP FOR COMMENTS RE: REZONING ON MIDVALE ROAD: Mr. Hamberger noted that Council members received a copy of information regarding the rezoning request submitted to Washington Township for a property located at 13450 Midvale Road. Crosswalk Church would like to rezone this property from Industrial to Agricultural, and the Township is requesting any comments on the matter. He added that this property does not adjoin the Borough;

and accordingly, the Borough should offer no comments. Councilman Greenawalt made a motion that the Borough's response be "no comment". Councilman Cermak seconded; the motion passed unanimously. Councilman Driscoll noted that Crosswalk Church began in the Borough a few years ago; and since that time, their membership has steadily increased. Their growth is notable, and he wished them well.

MEMORIAL BRIDGE: Mr. Hamberger noted that the Memorial Bridge on W. Main Street is on PENNDOT'S long-term plan for renovation, and they are inviting comments on design of the bridge (which is an art-deco type). As he and Mr. Cohen had met with PENNDOT officials in the past, he recommended they be authorized to represent the Borough in upcoming meetings regarding this matter. They will urge that PENNDOT keep the historical architectural of the bridge, realizing (of course) that "no one builds bridges like they used to". Mayor Starliper commented that he had already submitted his and Kevin Grubbs' names to PENNDOT as the Borough's representatives; and Pat Fleagle and Harry Morningstar have also been included. Mr. Hamberger agreed that it would be appropriate for those individuals to represent the Borough in this matter.

APPOINT COMMITTEES: President Stains announced the following Committee appointments –

Street Committee

Darrel Potts (Chairman)
Wayne Driscoll

Property and Public Safety Committee

Wayne Driscoll (Chairman)
Mike Cermak

Personnel Committee

Mike Cermak (Chairman)
Ben Greenawalt
Craig Newcomer

Downtown Revitalization Committee

Craig Newcomer (Chairman)
Darrel Potts

Finance Committee

Ben Greenawalt (Chairman)

Intergovernmental Committee

Jason Stains

Recreation Board Liaison

Wayne Driscoll

Mr. Stains noted that Harold Mumma has expressed an interest in filling a vacancy on the Planning Commission. Councilman Newcomer made a motion to appoint Mr. Mumma to an unexpired term on the Planning Commission which expires on 10/20/15. Councilman Greenawalt seconded; the motion passed unanimously.

Mr. Hamberger noted that Harold Mumma also expressed an interest in filling a vacancy on the Building Code Board of Appeals. Councilman Newcomer made a motion to appoint Mr. Mumma to a vacant position on the Building Code Board of Appeals. Councilman Greenawalt seconded; the motion passed unanimously.

2012 CDBG HEARING: Mr. Hamberger noted that the Borough's CDBG consultants (Mullin and Lonergan Associates) are recommending holding the first public hearing regarding the 2012 CDBG program during Council's second meeting in February. At that time, Council will receive requests/recommendations from the public regarding the use of funds. He added that, in the recent past, the Borough has utilized most of the funding for streets.

APPOINT RAYELLE LEISHER (ERNST) AS NEW BUILDING CODE OFFICIAL: Mr. Cohen presented information regarding the appointment of Rayelle Leisher (Ernst) as the Borough's Building Official, in place of Michael Cermak who has stepped down from that position. Councilman Newcomer seconded; the motion passed 5-0 (Councilman Cermak abstained).

ADDITIONAL AGENDA ITEMS

AWARD BIDS - HAULING AND LAND APPLICATION OF BIOSOLIDS: Mr. Hamberger noted that the only bidder for the sludge hauling/land application contract was S. L. Enterprises, who bid as follows –

Gayman Grain Storage Farm - \$3.08 cents/gallon
Frank Barr Farm - \$2.95 cents/gallon

Leiter Pryor, Director of Utilities, has recommended the bids be awarded to S. L. Enterprises. Councilman Greenawalt made a motion as such. Councilman Potts seconded; the motion passed unanimously.

APPOINT POOL MANAGER: Councilman Driscoll reported that Jared Mummert has expressed interest in returning as Pool Manager for the 2012 season. Accordingly, he made a motion to hire Jared at the same salary as 2011. Councilman Greenawalt seconded; the motion passed unanimously. Councilman Newcomer suggested that the Personnel Committee would like to meet with Mr. Mummert regarding certain issues prior to the upcoming season.

ANNUAL REPORT OF CIVIL SERVICE COMMISSION: Mr. Hamberger noted that the Borough's Civil Service Commission is required to present Council with an annual report of their activities for the previous year. They reported that the Civil Service Commissioners met on May 5th to change the qualification requirements for paid Fire Apparatus Drivers; and the amendments were finalized in July, 2011. Mr. Hamberger added that the Civil Service Commission will hold an organizational meeting later this month.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: None.

FOR INFORMATION ONLY

REMINDER OF PUBLIC HEARING FOR GEOFAM REZONING REQUEST (FEBRUARY 15, 2012 AT 7:15 P.M.): Mr. Hamberger reminded Council members that a public hearing will be held prior to the next Council meeting, at 7:15 p.m., to discuss the rezoning request for GEOFAM.

NPDES PERMIT (WAYNESBORO AREA SCHOOL DISTRICT): Mr. Hamberger noted that notification was received from the Waynesboro Area School District regarding their application for an NPDES permit. Council members received copies of this notice, as well as Kevin Grubbs' response to them. Any comments from Council members should be forwarded to Mr. Grubbs.

RENEWAL OF AIR EMISSION PERMITS (LANDIS THREADING SYSTEMS): Mr. Hamberger noted that this is a "pro forma" item ... when an industry applies to renew their air emission permits, the

Borough must be notified. The Borough has thirty (30) days to submit any comments.

PAY BILLS: Councilman Newcomer made a motion to approve payment of the Voucher List dated 01/11. Councilman Greenawalt seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Councilman Cermak thanked the public for their attendance. Being a businessman himself for many years, Mr. Cermak commented that advertising is the last thing that should be cut when there are budgetary constraints; and in his opinion, advertising for the Borough includes safety. As the Borough needs people to move into town to broaden the tax base, one way to demonstrate safety of the Borough is by maintaining (if not improving) the Police Department and its equipment. He then made a motion to purchase a new police car (a Dodge Charger) to replace Unit #9, at a cost not-to-exceed \$38,000. Councilman Newcomer seconded. Solicitor Wisner added that the vehicle would either be bid or purchased through an already-recognized state contract of the Central Westmoreland Council of Governments; and the Borough will meet the bidding requirements of the Borough Code. Mayor Starliper noted that Unit #9 would be taken to the Borough's Maintenance Center for parts, as there is still a Crown Victoria in-service. Following discussion on funding the purchase, the Borough Manager was assigned the task of reviewing ending balances, etc. to determine how to fund the purchase. Chief King was asked for his opinion on the matter. Chief King noted that 15-20 years ago, the Borough normally purchased two (2) new cars every other year. Later, they began purchasing one (1) new car each year. However, new vehicles were removed from the budget over the past 2-3 years; and high mileage on the current vehicles is starting to cause an increase in maintenance costs. A vote was then called. The motion passed 5-1 (Councilman Greenawalt opposed).

Fire Chief Martin reported that volunteers of the Fire Department have begun a cooperative partnership with the Ambulance Squad to conduct bingo fundraising events on a weekly basis.

Police Chief King reported that he and Chief Martin met with representatives of the upcoming Builders Show, which will be held in Waynesboro again this March. They are reviewing the matter to ensure safety for the influx of vehicles coming into town, as well as the location itself (the former E-Z Dumper building at Ninth Street and Clayton Avenue).

Councilman Greenawalt explained that he voted against the purchase of a new police cruiser because he doesn't want to see it "bust the Borough's budget" so early in the new year.

Mayor Starliper thanked Council members for their support for the purchase of a new cruiser. He also reminded the public to remain alert and aware of their surroundings at all times; and to contact 9-1-1 if they see anything out of the ordinary.

President Stains thanked the public for their attendance at the meeting. He encouraged residents to remind their neighbors to also attend the meetings, and to voice their opinions and/or comments about what goes on in the Borough.

Having no further business to discuss, Councilman Greenawalt made a motion to adjourn the meeting at 8:43 p.m. Councilman Cermak seconded; the motion passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant