

JUNE 20, 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, Jason Stains, Wayne Driscoll and Michael Cermak (Darrel Potts was absent)

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  
Kurt Wagaman, Police Corporal

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

**EXECUTIVE SESSION:** Council adjourned to an executive session at 7:31 p.m. regarding current litigation. They returned to regular session at 7:54 p.m.

**COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Newcomer reported that he will present several items during the “voting” section of the meeting. In addition, he has received satisfactory performance evaluations for Jerry Hartman and Steve Biesecker; however no action is required.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** Councilman Driscoll reported that the water line and base have been installed at the Northside Dog Park; and the water fountain should be in operation within the next several days. He added that the first Community Movie Night (held on the rain date last evening) was a success, with approximately 100 people in attendance. The next Movie Night is scheduled for July 5<sup>th</sup> at Northside Pool (in conjunction with WaynesboroFest’s Free Swim), when *Puss in Boots* will be shown.

**STREET COMMITTEE:** No report.

**INTERGOVERNMENTAL COMMITTEE:** No report.

**DOWNTOWN REVITALIZATION COMMITTEE:** Councilman Newcomer reported that a Downtown Revitalization Committee meeting was held the previous day. A new downtown project will be presented by Pat Fleagle (MSI) later in the meeting.

**FINANCE COMMITTEE:** No report.

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

“On May 16<sup>th</sup>, I attended the Board meeting of the Waynesboro Beneficial Fund.

On May 17<sup>th</sup>, I attended the mixer of the Chamber of Commerce at the Waynesboro Mall.

On May 18<sup>th</sup>, along with Manager Hamberger, I attended the Antietam Watershed Association’s 10<sup>th</sup> Anniversary.

On May 25<sup>th</sup>, I performed the marriage of Nicole Staley and Myles Gibson. The very best to them in the future.

On May 28<sup>th</sup>, I participated in the Memorial Day parade and memorial service. Many thanks to the Combined Veterans Council for their organization of this program. Also, many thanks to our veterans who had and are serving our country.

On June 13<sup>th</sup>, I attended the Make-a-Wish luncheon at Whitetail Golf Resort. I attended as a representative of Waynesboro and also a member of the Board of Directors for the past nine years. This organization has been offering a golf outing for the past nine years. Over \$14,000 has been received in their efforts for this year’s outing; and an overall total of \$250,000+ has been donated in 10 years. All monies stay in Franklin County to help a youngster’s wish come true.”

**SOLICITOR’S REPORT:** Solicitor Wisner reminded Council members that the new Borough Code amendments go into effect on 07/16. Accordingly, there will be some procedural changes (nothing major) to follow.

**PUBLIC COMMENT - ITEMS ON AGENDA:**

Pastor Sue D’heedene, Trinity United Church of Christ - Pastor D’heedene noted that discussions have been held between the church and MSI regarding planting trees in the Trinity Parking Lot; and since the Borough is planning to begin paving the next week, she thought it might be a good time to have the openings for the trees cut. Discussion followed regarding the possibility of also installing lights. After mentioning the need to coordinate with West Penn Power for the electricity, however, Pastor D’heedene noted they would not be pursuing the installation of lighting. She also advised that maintenance for the trees will be a joint effort between the church and MSI. It was noted that the newly-executed contract between the Borough and Trinity Church specifies the exact number of parking spaces to be available to each party, and the addition of trees would eliminate six (6) of those spaces. It was suggested that an amendment to the agreement be prepared to reflect the appropriate number of parking spaces. Councilman Newcomer suggested that, as the contract is only for one (1) year, it can be re-negotiated the next year with regard to the change in the number of spaces available. Councilman Cermak made a motion to authorize the Borough’s maintenance crew to do the work necessary to install the trees, and for an amendment to be made to the agreement indicating the reduced number of parking spaces available. Councilman Newcomer seconded; the motion passed unanimously.

Pastor Amy Messler, Church of the Brethren - Pastor Messler noted that approval was previously granted for a free picnic for the community at Memorial Park on 08/11. In response to the church’s offer to provide porta-potties for the event, Jason Cohen’s letter indicated that Council and the staff felt that the existing facilities would be sufficient. She stated that since it was not said that they could not rent porta-potties, the church is planning to do so (including 2 handicapped accessible); and while they may be sufficient in terms of function, the existing facilities are not very hospitable. Accordingly,

as a church, they are interested in supporting Memorial Park, the Recreation Board and the community by offering to re-furbish the bathrooms. Their Witness Team has been looking for a service project to do in the community for some time, and this project would be ideal. If the free picnic is a success (as they think it will be), they would like to use Memorial Park for an annual event; and they would like to have the work on the bathrooms completed in the next year or so. She distributed pictures to Council regarding the proposed project. Mr. Hamberger expressed the Borough's appreciation for their contribution to the community.

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Newcomer made a motion to approve the following personnel items –

- Removal of Todd Sharrah from probationary status
- Step increase for Scott Crum to 12E
- Step increase for Denny Benshoff to 21C (retroactive to appropriate date)
- Step increase for Richard Doll to 6C
- Step increase for George Rowe to Step 3, effective 04/14/2012
- Transfer of Doug Whittington from Maintenance to Sewer Department, retaining current salary level of 6B. He must obtain PA Wastewater certification consistent with current PA DEP requirements within two (2) years of acceptance of position. He will not be eligible for a step increase until such time as he becomes a certified Plant Operator (annual COLA adjustments will apply). Satisfactory progression in DEP-approved course work shall be monitored and documented by six-month performance reviews.

Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Newcomer made a motion to accept Larry Carson's letter of resignation from the Waynesboro Fire Police, effective 06/11/2012. Councilman Greenawalt seconded; the motion passed unanimously.

**CONSIDER APPROVAL OF CONSENT AGENDA:** Mayor Starliper noted a minor change to his report from the 05/16 meeting ... correction that N. Grant Street has been dedicated as a memorial to Sgt. Richard Tieman (not Edward Tieman, as erroneously reported). Councilman Newcomer made a motion to approve the Consent Agenda, with the noted amendment to the minutes contained therein. Councilman Greenawalt seconded; the motion passed unanimously.

**RESOLUTION FOR**  
**COUNCIL MEETING OF JUNE 20, 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 - May 16, 2012 (regular meeting) and June 6, 2012 (rescheduled meeting).
2. Accept reports of the Code Enforcement Officer, Police Chief and Fire Chief - May, 2012.

3. Pay Bills - Voucher Lists dated 05/29, 05/30, 06/08 and 06/11 (and any others following preparation of this agenda).

**Previously Discussed:** N/A.

## **UNFINISHED BUSINESS**

**FINAL MEETING AND RESOLUTION NO. 2012-07 (PLAN OF COMPLETE LIQUIDATION AND DISSOLUTION - WAYNESBORO WAGE TAX BUREAU):** Mr. Hamberger noted that the Waynesboro Wage Tax Bureau was established many years ago to act as the Act 511 tax collector for the taxing entities in the Waynesboro Area School District. Due to new regulations, the Borough was required to contract with a countywide tax collector. Accordingly, the Waynesboro Wage Tax Bureau must be legally dissolved and the tax collector be authorized to pay any appropriate bills. A meeting of the participating entities will be scheduled, and proposed Resolution No. 2012-07 was drafted for Council's authorization. Councilman Greenawalt made a motion to approve Resolution No. 2012-07., as presented. Councilman Cermak seconded; the motion passed unanimously.

### **RESOLUTION NO. 2012-07**

#### **PLAN OF COMPLETE LIQUIDATION AND DISSOLUTION**

This is a plan of Complete Liquidation and Dissolution of the Waynesboro Area Tax Bureau, an unincorporated association comprised of the Waynesboro Area School District, the Borough of Waynesboro, the Borough of Mont Alto, Washington Township and Quincy Township (the "Bureau").

Complete copy on file at Borough Hall.

In addition, Mr. Hamberger recommended that he be appointed as the Borough's representative in this matter. Councilman Cermak made a motion as such. Councilman Driscoll seconded; the motion passed unanimously.

## **NEW BUSINESS**

**REQUEST TO BURN BRUSH PILE:** Mr. Hamberger presented a request from Susan Shearer to burn a brush pile at her property on Cleveland Avenue. Fire Chief Martin noted he felt there would be no problems with the request, and will provide guidance to the property owner on safety precautions. Mr. Hamberger presented proposed Resolution No. 2012-09 to permit an exception to the Borough's open burning prohibition. Councilman Newcomer made a motion to approve the resolution as presented. Councilman Greenawalt seconded; the motion passed unanimously.

### **RESOLUTION NO. 2012-09**

WHEREAS, Section V, Subsection 9 of Borough Ordinance No. 956, known as the "Air Pollution Control Ordinance of 1994", provides that Borough Council may from time to time adopt exceptions to the open burning prohibition in the Borough of Waynesboro by resolution, and

WHEREAS, the Borough of Waynesboro has reviewed the request of Susan Shearer dated May 24, 2012, and wishes to grant such an exception for the property at 574 Cleveland Avenue, and

Complete copy on file at Borough Hall.

**RESOLUTION (RIGHTS-OF-WAY FOR STORMWATER):** Solicitor Wiser presented Council with proposed Resolution No. 2012-08, which authorizes the use of powers of eminent domain, if necessary, to obtain the rights-of-way necessary for the Potomac Street Stormwater Project. He noted that the bids came in higher than what was previously estimated; and as a result, the engineer was tasked to come up with an alternative design that would meet the budgetary requirements of the Borough. This new design will require the acquisition of a new right-of-way. He stressed that this measure will be used only if necessary; but to date, all the property owners have been very cooperative and helpful. Mr. Wiser advised that they would like to close the PENNVEST funding by the end of the year, and are attempting to streamline the process as much as possible. Councilman Newcomer made a motion to approve Resolution No. 2012-08 as presented. Councilman Greenawalt seconded; the motion passed unanimously.

#### RESOLUTION 2012-08

A RESOLUTION OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AUTHORIZING THE EXERCISE OF EMINENT DOMAIN AS MAY BE NECESSARY TO IMPLEMENT THE PROJECT KNOWN AS THE "SOUTH POTOMAC STREET STORMWATER DRAINAGE PROJECT" PURSUANT TO THE AUTHORITY PROVIDED IN THE PENNSYLVANIA BOROUGH CODE, 53 P.S. §46501.

Complete copy on file at Borough Hall.

**EMPLOYEE RETIREMENT REQUEST:** Mr. Hamberger presented a letter from Terry Rideout regarding his planned retirement, effective 07/01. Councilman Greenawalt made a motion to accept his notice of retirement. Councilman Cermak seconded; the motion passed unanimously. Mr. Hamberger was instructed to write a letter to Mr. Rideout in appreciation for his years of service.

**CFAR MARATHON:** Corporal Kurt Wagaman noted that Sergeant Bock asked him to reiterate that progress is being made with the organization planning a half-marathon (13 miles) on 09/15. Kevin Grubbs added that additional meetings will be held to finalize the permit applications once Council's approval has been received. Councilman Driscoll made a motion to approve the event. Councilman Cermak seconded; the motion passed unanimously.

**PLANNING COMMISSION ITEM - DUPLEX PLAN (RINGGOLD STREET):** Kevin Grubbs noted that Council members received two sets of (2) plans for a property on Ringgold Street owned by Tom Kouriliouros. The first is a Subdivision/Land Development Plan to subdivide the lot and construct a duplex. The Waynesboro Planning Commission reviewed this plan on 05/14 and recommended approval, contingent upon completion of the attached revisions. All requested revisions have been completed, and it is the staff's recommendation to approve the revised plans as submitted.

The second set of plans was a previous subdivision of this property. He explained that the original plans were not recorded in a timely manner, and a re-approval of the subdivision plan is needed. He confirmed that no changes have been made to any ordinances that would affect this subdivision plan, and no ordinances have been put in place since approval of the original subdivision. Councilman Greenawalt made a motion to authorize the subdivision plan to be re-signed and recorded. Councilman Cermak seconded; the motion passed unanimously.

**DOWNTOWN GRANT REQUEST:** Pat Fleagle, Director of Economic Development with Mainstreet Waynesboro, Inc., noted that he made a presentation to the Downtown Revitalization Committee the previous day, and Councilman Newcomer requested that he make a similar presentation/request to Council. MSI has used the Downtown Master Plan as their guideline in "making things happen downtown". In addition, the State looks more favorably on grant requests when a detailed plan is already in place. With the help of the Chamber of Commerce (who provided \$5,000), plans have been

developed for a proposed “plaza” on E. Main Street where there are currently two (2) buildings in extreme disrepair. WIDC purchased the properties several weeks ago and is working toward their demolition.

He presented several diagrams and pictures for review, and explained the concept of creating a gathering place as a viable economic center, with additional parking in the rear for employees/patrons of the Main Street businesses.

Along with private investors, Mr. Fleagle advised that various grants are being sought. Accordingly, he requested that Council approve the use of CDBG administrative funding for preparation of the grant application(s). Mullin and Lonergan Associates (the Borough’s CDBG consultants) have submitted a proposal for this work. Mr. Hamberger noted that this is an appropriate use of CDBG monies, and he will discuss the matter further with Karen Parish (of Mullin and Lonergan) regarding available funding.

**PAVING OF N. POTOMAC STREET:** Mr. Hamberger noted that Washington Township Manager Mike Christopher contacted him recently regarding their plans to repave N. Potomac Street from the top of the hill (at the apartments) to Orchard Road. As the Borough/Township lines run through that area, Washington Township is requesting that the Borough participate in the costs of the project (which is estimated to be \$16,000-\$17,000). They are considering force accounting, which was done with the Rotary Parking Lot Project, and could save a substantial amount of money. Councilman Greenawalt made a motion to proceed with the joint project. Councilman Newcomer seconded; the motion passed unanimously.

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

Harry Morningstar, Jr., 205 Clayton Avenue - On behalf of the MSI Design Committee, Mr. Morningstar informed Council members of their plans to replace the banners on the street light poles along Main Street. As grant monies are no longer available, they are creating a new funding program for the banners. He presented a proposed prototype, which was a joint effort of Steve Monn’s Artistic Photography Studio and Wayne Driscoll’s Custom Design Studio, and ties in with the Civil War. The Franklin County Department of Tourism has already purchased 15 of the 38 partnerships offered to individuals/businesses who would like to make a tribute or advertisement on the bottom of the banner. Mr. Morningstar noted that he will provide sponsorship information to the press for publication. Incidentally, Corporal Wagaman (who is a Civil War buff) explained that the statue displayed on the banner is from the 126<sup>th</sup> PA Company E of Waynesboro. It was also noted that the statue is in the Burns Hill Cemetery.

**FOR INFORMATION ONLY**

**REMINDER OF PUBLIC HEARING ON JUNE 27<sup>TH</sup> AT 6:00 P.M. (CONDITIONAL USE):** President Stains reminded Council and the public of the conditional use hearing to be held on 06/27 at 6:00 p.m. regarding the proposed recycling plant on Madison Avenue.

**UPDATE ON STORMWATER PROJECT (PLANS AND BIDS):** Mr. Hamberger noted that plans are being developed, and the staff is hoping to bid the project in the next month or so.

**UPDATE ON POLICE CHIEF VACANCY:** Mr. Hamberger noted that review of the applications for the Police Chief’s vacancy are underway. Recommendations will then be forwarded to Council regarding interviews to be held with the top five (5) or six (6) in mid-July. In the meantime, Corporal Wagaman noted that all is running smoothly in the Police Department.

**INVITATION TO MONT ALTO MUNICIPAL AUTHORITY’S OPEN HOUSE:** Mr. Hamberger noted that Council members received an invitation to attend the Mont Alto Municipal Authority’s Open House at

their newly-renovated Wastewater Treatment Facility to be held on 09/15. Additional information will be forthcoming.

**NOTICE RE: RENEWAL OF NPDES PERMIT (WEST END DEVELOPMENT):** Mr. Hamberger noted that any comments regarding proposed renewal of the NPDES permit for West End Development must be submitted within 30 days.

**COUNCIL AND STAFF COMMENTS:** Councilman Driscoll noted that Northside Pool has been very busy, and he is glad to see it being used.

Councilman Cermak acknowledged the tremendous amount of work, time and effort that many individuals (Steve Monn, Harry Morningstar and Pat Fleagle ... to mention a few) donate to the community. He also requested that thoughts and prayers be given to fellow Councilman Potts during his painful recuperation.

Regarding discussion held earlier in the meeting on the planting of trees in the Trinity Parking Lot, Denny Benshoff noted he could continue on with his plans to pave the parking lot the following week and cut the areas for the trees when the church is ready for them to be planted. The staff was asked to inform Trinity Church of such.

Kevin Grubbs reported that paving will begin the following day on Dickinson and Mt. Airy Avenues; and W. North Street will be re-surfaced on 06/22.

Corporal Wagaman stated that he will meet with Denny Benshoff and members of the Fire Police to finalize logistics for the Car Show on 06/23 (and the closure of Main Street therefor). Pat Fleagle added that, at 11:00 a.m., General Robert E. Lee will be visiting the Square as he did in his retreat from Gettysburg. There will be a pump with a stone wall around it (courtesy of Larry Rush), much as it was at that time.

Fire Chief Martin advised that the volunteers are moving forward with replacement of the 1991 Rescue Truck, and they will be asking for Council's support. He explained that it will be a dual-purpose apparatus, serving for rescue work and as a fire engine/pumper.

Mayor Starliper noted that House Bill 2316, regarding legislation to allow School Resource Officers to be paid by School Districts, is moving along well. He also reported that a new business (Local Exposure) has opened at 70 W. Main Street; and Pat Fleagle noted that Christine's has opened in the former John Wallace Kitchen building. Mr. Fleagle added that they recently held a networking meeting there regarding the Arts Alliance, which is also progressing well. Councilman Driscoll also mentioned that the Antique Adoption Agency has recently opened across from the Post Office.

Mayor Starliper reported that a purchase order was issued for a 2012 Dodge Charger, for the price of \$29,885.56. He noted that the retail price was just over \$38,500.

President Stains congratulated Councilman Driscoll and the entities who sponsored and promoted the Community Movie the previous evening at Rotary Park. He noted that the public did a great job of "policing" the areas where they were sitting with regard to trash pick-up.

President Stains noted he was contacted by Jim Doyle of the South Central Tae Kwon Doe (martial arts studio). They are offering free "Waynesboro Fit" meetings, including P90X and Insanity workouts to the community. He will provide additional information to those interested.

Having no further business to discuss, the meeting adjourned at 9:23 p.m. on a Greenawalt/Cermak motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant