

MARCH 7, 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 and Michael Cermak (Wayne Driscoll was absent)

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Mike Benshoff, Maintenance Foreman
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)
Jason Cohen, Assistant Borough Manager
Mark King, Police Chief

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

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cermak noted that he will present two (2) items during the voting section of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Potts reported that the Street Committee's first meeting was held on 02/22 – and because it was so well-attended, the meeting was moved from the conference room to Council Chambers. The following items were discussed:

- Problems caused by activities held at the Ambulance Squad building on W. Main Street – the staff has been requested to review the matter and determine if anything can be done. Mr. Hamberger advised that a meeting will be held with representatives of the Ambulance Squad and interested parties at some time in the near future.
- Request from Mike Benedict to remove the compact car parking space established in front of his property on W. Main Street – Council had voted to install the space for a 60-day trial period, but this did not resolve the situation. Accordingly, the Street Committee is recommending the staff proceed with the necessary steps to remove the signs for this space. Action will be taken during the “voting” section of the meeting.
- Request to review jaywalking issues – a Jaywalking Ordinance is currently “on the books”. No action is necessary.
- Request to review the status of an unpaved alley to the rear of an apartment building on S. Potomac Street. Will report back on the matter after review.

INTERGOVERNMENTAL COMMITTEE: Council President Stains reported that Comcast is entering the final phase of their network upgrade with the transition of all channels on their lineup to a digital format. Customers who subscribe to Limited Basic only (Channels 2-22) will need to have digital equipment on each TV to continue to receive service – this change will occur on April 17 in our area. With the new equipment, certain Digital Limited Basic channels will now be available to these customers. Customers have been notified of this change in a variety of ways, including newspaper ads, direct mail and on-screen messages.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Newcomer noted that the Downtown Revitalization Committee's next meeting will be held on 03/13 at 9:00 a.m. An official from DCED will be present; and the public is welcome to attend.

FINANCE COMMITTEE: No report.

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

“On February 16th I attended the WTC Committee meeting. As per the newspaper article, the fundraising goal has been set at \$110,000. A lot of that goal is material. The Committee is looking also for work in-kind or workers to volunteer their labor.

On February 18th, along with Council President Stains and Councilman Greenawalt, I attended the Waynesboro Volunteer Fire Company Awards Dinner. One of the highlights was our own Mr. Greenawalt receiving his 50 years award pin. Congratulations.

On February 28th, along with Borough Manager Hamberger and Assistant Manager Cohen, I attended the CFCBA meeting in Lemoyne.”

Mayor Starliper reminded the public to be alert to various scams being conducted in the area, including mailings from the IRS asking for personal information, contractors asking for advance payment and not completing the job, online auction schemes, mystery shopping, etc.

The Mayor stated that the Wayne Band represented Waynesboro in over 20 engagements last year, and they have begun rehearsals for their upcoming season. They will be holding a special concert in memory of long-time Director Asher Edelman, Jr. on 03/25 at 2:00 p.m. at the Evangelical Lutheran Church. Past band members are invited to participate.

Mayor Starliper provided information to Council and the public regarding the “Texting While Driving” ban which goes into effect this evening at midnight.

Mayor Starliper noted that organizers are considering changing the 30K run to 10/06, which is Market Day in downtown Waynesboro. He stated that, due to personnel constraints and street closings, this is not feasible. The staff will contact Bob Correll regarding their concerns.

SOLICITOR'S REPORT: Solicitor Wiser reported that bids are due on 03/19 for the storm sewer work, and there seems to be a lot of interest in the project. A conference call was held with PENNVEST recently, and they are hoping to hold settlement in late-May.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak noted that he received a favorable performance evaluation for Tom Brennan, however no action was necessary. He also

received a favorable evaluation for Gary Zentmyer, and made a motion to grant him a step increase to Salary Level 12D. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Potts made a motion for removal of the two (2) compact car signs/posts in front of 48 W. Main Street (including any necessary legal action). Councilman Greenawalt seconded; the motion passed unanimously.

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

RESOLUTION FOR
COUNCIL MEETING OF MARCH 7, 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 Newcomer, seconded by Councilman Cermak, by a vote of 5-0, 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 - February 15, 2012 (Public Hearing re: CDBG Program, Public Hearing re: GEOFAM Rezoning Request, and Regular Meeting).

2.Approval of request from Combined Veterans Council to hold Memorial Day parade on Monday, May 28, 2012, beginning at 9:00 a.m. (Normal parade route – staging at C.V. Avenue; proceeding on Main Street to Broad Street and south on Broad Street to Memorial Park; and disbanding at Memorial Park for memorial service following the parade).

Previously Discussed: N/A.

UNFINISHED BUSINESS

2012 CDBG PROGRAM: Mr. Hamberger noted the staff is recommending the following allocations for the proposed 2012 CDBG funding – Administration (\$20,000), Streets (\$60,000) and Handicapped Accessibility (\$49,000). He added that the second required public hearing will be held during Council's first meeting in April. Councilman Cermak made a motion to proceed with the 2012 CDBG allocations, as presented. Councilman Newcomer seconded; the motion passed unanimously.

TRINITY PARKING LOT LEASE: Jason Cohen noted that he and Councilman Newcomer have been working on drafting a new lease for the Trinity parking lot. The proposed lease included in Council's packets has been reviewed by the Solicitor, and several modifications were suggested. The staff's recommendation is that Council proceed with providing formal notice to Trinity Church regarding cancellation of the existing lease; and further, approve the proposed lease for execution/forwarding to Trinity Church. Councilman Cermak made a motion as such. Councilman Newcomer seconded.

Councilman Greenawalt voiced his concerns and Councilman Newcomer noted that this lease is “completely different” from before. Mr. Cohen clarified that the rent remains the same; snow removal, striping (in conjunction with the Rotary parking lot) and sweeping remains the same; however the Borough will no longer be responsible for long-term maintenance. Councilman Greenawalt continued to voice his concern regarding use of the parking lot by the Trinity Church; and Councilman Newcomer commented that the Borough will simply be leasing spaces for downtown business and events. It was added that the agreement is for one (1) year, with automatic 30-day renewal periods.

A vote was then called, and the motion passed unanimously.

NEW BUSINESS

ORDINANCE RE: TATTOO PARLORS: Mr. Hamberger reminded the public that the Borough has a Tattoo Ordinance; and tattoo parlors are inspected and licensed on an annual basis. He added that there has been concern regarding individuals under the age of 18 receiving tattoos – that is not addressed in the Borough’s ordinance, but Solicitor Wisner added that the state statutes require that no minor may be tattooed unless a parent consents and is present when the tattoo occurs. Councilman Cermak added clarification that the state law specifies that no piercing can happen to anyone under the age of 16 regardless of parental consent.

Inspections and licensing of tattoo parlors in the Borough is handled by Accredited Services; and Mr. Hamberger indicated that changes may be required in any ordinances which refer to the Board of Health, as that board is now defunct.

FRANKLIN COUNTY AREA TAX BOARD BY-LAWS: Jason Cohen presented Council members with proposed new by-laws for the Franklin County Area Tax Board. He added that changes made were relatively minor. He requested Council’s approval so that he may vote for their approval at the next Board meeting. Councilman Greenawalt made a motion as such. Councilman Newcomer seconded; the motion passed unanimously.

REQUEST FOR EASTER EGG HUNT AT MEMORIAL PARK: A request was received from the Waynesboro Volunteer Fire Department to hold a Easter Egg Hunt at Memorial Park on 03/31 (rain date of 04/07) from 8:00 a.m. to 12:00 noon. Mr. Hamberger commented that the park is not reserved for any event – it was available on a first-come, first-served basis. Councilman Greenawalt made a motion to approve the request, as presented. Councilman Cermak seconded; the motion passed unanimously.

PUBLIC COMMENT - NON-AGENDA ITEMS:

Delmos Oldham (Tax Collector), 20 E. Main Street - Mr. Oldham presented a request for Council’s assistance with a computer programming expense of \$1,200.

Harry Morningstar, 205 Clayton Avenue - Mr. Morningstar indicated that signs of economic recovery are evident, and there is renewed interest in improvements to downtown building facades from business and property owners. MSI has requested that Council consider reinstating funding from the CDBG program for facade improvements; and in fact, MSI also has a similar program. Mr. Morningstar presented 11 “pre-applications” for the Borough’s program, and urged Council to give serious thought to the matter. Mr. Hamberger noted that the Property Committee will review the request.

FOR INFORMATION ONLY

RENTAL INSPECTION PROGRAM (ON MARCH 21ST AGENDA FOR DISCUSSION): Mr. Hamberger reported that the Property Committee has scheduled a meeting with Bob Correll (Rental

Inspection Program Committee) on 03/13 at 7:30 p.m. to discuss the proposed program.

PAY BILLS: Councilman Newcomer made a motion to approve payment of the Voucher Lists dated 02/24, 02/28, 03/01 and 03/07. Councilman Greenawalt seconded; the motion passed unanimously.

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

Mr. Hamberger advised that Denny Benshoff's surgery went well, and he expects to be back to work within several weeks.

Kevin Grubbs noted that a request was received from residents at 144 W. King Street (located at the southwest corner of King and Garfield Streets) for a "No Parking Here to Corner" sign to be placed along the Garfield Street side of their property from the driveway approximately 36' south to the alley. The Engineering Department was requested to send a diagram showing the exact location to Council members for action at the next meeting.

Solicitor Wisner announced that Council held an executive session at 6:30 p.m. regarding matters of litigation. They returned at 7:30 p.m., immediately prior to the Council meeting. Mr. Hamberger added that they will adjourn to another executive session, following the meeting, regarding a personnel matter. No action will be taken afterward.

Pat Fleagle asked if the meeting regarding the Rental Inspection Program will be public. Mr. Hamberger noted it will be a public meeting, however no comments will be taken.

Police Chief King stated that he has "Anti-Texting Law" facts available for Council and the public's information.

Councilman Greenawalt noted his appreciation to the public for their attendance at the meeting.

Councilman Newcomer noted an issue with the traffic light in Center Square. A constituent complained that he was traveling toward the Square on Route 997 (Church Street), his light was yellow and he proceeded thru the Square. When he arrived at the second light, it turned red and he stopped. A vehicle traveling east on Route 16 (Main Street) then attempted to turn right and almost rear-ended him. Kevin Grubbs noted that a 5-6 second delay for the second light would help the situation, as it can be confusing. He added that this request, however, would have to be made to PENNDOT by Borough Council. Councilman Newcomer made a motion to authorize a request be presented to PENNDOT for an additional delay at that location. Councilman Cermak seconded; the motion passed unanimously.

Councilman Potts noted that he has received several complaints regarding 502 W. Main Street, where a fire occurred years ago. The foundation has been covered over by a tarp; but there are now holes in the tarp and wood, and debris is blowing across Main Street from the site. Dan Sheffler reported that he has contacted the property owner, who advised he has a contractor who is to replace the flooring/decking and install another tarp. It was noted that the Borough can only require that the property is safe and secure. After discussion, Mr. Sheffler was instructed to discuss the matter further with the Solicitor.

Councilman Potts reported that the Street Committee's next meeting is scheduled for 03/28 at 9:00 a.m.

Mayor Starliper noted that he was contacted by the Combined Veterans Council regarding the use of a Fallen Heroes of Mid-Atlantic States memorial on a small flatbed trailer at the ceremony following the

Memorial Day parade at Memorial Park. Mr. Hamberger noted that he will contact the individual for additional details and work out the logistics. Council concurred.

President Stains stated that Stewart McCleaf voiced his appreciation to the Borough's maintenance crew for their repair of the drainage issues on his property.

Having no further business to discuss, Council adjourned to executive session at 8:20 p.m. They reconvened to regular session at 9:28 p.m. As President Stains had to leave and Vice-Chairman Driscoll was absent this evening, Councilman Cermak made a motion to appoint Councilman Potts as temporary Chairman. Councilman Greenawalt seconded; the motion passed unanimously. Councilman Potts then called for the meeting to adjourn. Councilman Greenawalt made a motion to adjourn at 9:30 p.m. Councilman Newcomer seconded; the motion passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant