

OCTOBER 3, 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, Jason Stains, Wayne Driscoll and Michael Cermak (Craig Newcomer and Darrel Potts were 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
Jim Sourbier, Police Chief

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

COMMITTEE REPORTS

PERSONNEL COMMITTEE: No report.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Driscoll reported that the Recreation Board had a lengthy discussion at their last meeting with a representative of the Waynesboro Youth League. They will be using the main field at Memorial Park for baseball games on a regular basis next year, which is not a problem because some of the other leagues won't need the field as much. The WYL will be making some improvements to the field in late-October, all of which were approved by the Recreation Board.

STREET COMMITTEE: Councilman Driscoll reported that the staff will be installing a steel bumper protector on the traffic light pole at the southeast corner of the Main/S. Potomac Street intersection. (This pole was hit last week, and it takes quite a while to obtain replacement parts.)

INTERGOVERNMENTAL COMMITTEE: No report. Mr. Hamberger noted that he and Mike Christopher held a negotiating session today, and have reached a tentative agreement on the fire protection contract. He has not yet heard from Quincy Township in response to his request to schedule a meeting regarding their contract.

DOWNTOWN REVITALIZATION COMMITTEE: No report.

FINANCE COMMITTEE: No report. It was noted that a budget meeting will be held immediately following this Council meeting.

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

“On September 25th, along with Manager Hamberger and Assistant Manager Cohen, I attended the CFCBA meeting in New Cumberland. Shelly Houck of the PSAB was the speaker. She spoke on the new Borough Code updates.

On September 26th, Chief Sourbier and I attended a meeting for the purpose of coordinating the November 17th parade with Mainstreet.

On September 28th, along with Chief Sourbier, I attended the Chamber’s TGIF Breakfast at Mountaingate.

On October 2nd, I attended the Waynesboro Area Civitan Club’s Second Anniversary Dinner meeting.”

SOLICITOR’S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: None.

CONSIDER APPROVAL OF CONSENT AGENDA: Councilman Greenawalt made a motion to approve the Consent Agenda. Councilman Cermak seconded. Mayor Starliper advised that he has contacted Mark Hollen regarding the Homecoming Parade, and instructed advisors to contact the Police Chief and Fire Police Captain at least two (2) weeks prior to their event next year; but noted that there is no problem with the event this year. The motion then passed unanimously.

RESOLUTION FOR
COUNCIL MEETING OF OCTOBER 3, 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 - August 29, 2012 (Rental Inspection Meeting) and September 19, 2012 (Regular Meeting).
2. Pay Bills - Voucher Lists to be submitted following preparation of this agenda.
3. _____ NPDES Permit Renewal (Cold Spring Estates).
4. Request from WASHS Student Council to hold Homecoming Parade (October 12, 2012).
5. Re-appointment of Donald Weller to Planning Commission.
6. Appointment of Lori Deples to Library Board (to replace Hannah Savage).

7. Appointment of Virginia Ingels to vacancy on Shade Tree Commission.

Previously Discussed: N/A.

UNFINISHED BUSINESS

RAPID FLASHING BEACON LIGHTS: Kevin Grubbs advised that he spoke with the manufacturer earlier this week. They are still in the process of painting the poles, which should be completed soon. The poles will be shipped with the lights, etc. in the very near future.

UPDATE ON PENNVEST CLOSING AND STORMWATER PROJECT: Sam Wiser noted that the last round of bidding produced bids well within the budgeted amount, which means they can proceed with the PENNVEST closing (rescheduled for 12/13). They are still in the process of completing the Highway Occupancy Permit, as well as obtaining some final easements. Once those documents are available, they will upload the information to PENNVEST and can proceed with the closing.

REPORT ON PENSION MEETING: Mr. Hamberger reported that he met recently with the custodians of the two (2) employee pension plans. He explained that the Borough has a moderate-growth policy, with the preservation of capital as the main goal – so during the down-turn, it didn't go down as bad as everyone else's; but, consequently when there was an up-turn, it didn't go up as fast as others either. There was still, however, quite an acceptable rate of return, and both funds are adequately funded to take care of the employees' needs in the future.

RE-CODIFICATION OF BOROUGH ORDINANCES: Jason Cohen noted that this matter was tabled at the last meeting in order to obtain an explanation for the difference in the budgeted amount and the price quote received. He explained this was because of price increases over a year's time, the addition of several ordinances within that year, and the 2012 budgeted amount was an "educated assumption" based upon previous projects. As \$5,000 was budgeted in 2012 for this work and a not-to-exceed figure of \$8,130 was received from General Code, he recommended that Council budget the additional \$3,130 in the 2013 budget to complete the re-codification (which is anticipated to take approximately 15 months to complete). Mr. Cohen added that the current practice of the Borough is not to include the Pension Plan ordinances in the codification, as there are frequent changes stemming from federal and state regulations. Councilman Greenawalt made a motion to approve the Assistant Borough Manager's recommendation to proceed with re-codification of the Borough's ordinances by General Code. Councilman Driscoll seconded; the motion passed unanimously.

NEW BUSINESS

ELKS MEMORIAL:

Bernie McGarity, 12053 Rinehart Drive - Before Mr. McGarity began, Councilman Driscoll noted that he gave this same presentation at the Recreation Board's last meeting. The Recreation Board was impressed with his proposal and voted unanimously to approve the planned project. Mr. Hamberger added that the Memorial Park Board has also reviewed and agreed to their plans.

Mr. McGarity noted that he is the Commander of the Waynesboro American Legion. Denny Martin of Star Electric identified the need for a "face-lift" for the memorial area while he was installing security cameras at Memorial Park. He brought it to Mr. McGarity's attention and asked for the service clubs' assistance.

Price quotes were solicited from K&M Dri-Lay, Tru-Precision, B&D Landscaping and Green Arbor. They met with the low bidder and identified some other needs while they were on-site. Copies of the proposal and drawing were submitted for Council's review. Since that time, they went back to the contractor and asked him to include the landscaping of both flower beds on the right and left sides of

the memorial. The main project is to remove the battered slate at the base of the memorial around the flagpole and replacement with new modern pavers (the suggested material was also submitted to Council). The resultant bids were taken to the American Legion, and they agreed to fund the entire project (maximum price of \$18,500). He added, however, that the Recreation Board and Memorial Park Board were promised that they would “have the last say” on any work done there. They have also instructed the contractor that he is responsible for any damage to the blacktop walkway that was recently installed by the Borough.

Mr. McGarity noted that they also contacted the last exalted ruler of the Elks Club. He advised that they still have their charter, but do not have an active club at this point. At their upcoming meeting, if a quorum was present, they intend to vote on merging with the Hagerstown Elks Club. Because they are not an active club in Waynesboro, they have no funds or desire to do any maintenance to the memorial (which they originally donated to the community). He stated that the contractor wants to install the pavers during the winter, and they hope to have the entire project completed in time for the Memorial Day services next year. Mr. McGarity also mentioned that B&D Landscaping has voluntarily contributed \$540 towards the landscaping portion of the project. It was noted that the paver colors will be complimentary to the existing flagstone.

Councilmen noted their appreciation to the American Legion for their generous donation. Mr. McGarity commented that the American Legion is requesting that one of the pavers utilized be engraved denoting that the Legion contributed the paving in 2012/2013 (they will submit the appropriate wording to the Recreation Board and Memorial Park Board for approval). Mr. Hamberger stated that much work has been done at Memorial Park over the last several years, and this project will be the “jewel on the crown”.

Mr. McGarity added that the bathrooms at the park are in “deplorable condition”. It is his understanding that the Church of the Brethren has proposed a bathroom renovation project; and when that project is announced, the Legion may contribute to that also. It was suggested that Councilman Driscoll contact a representative of the Church of the Brethren to determine the status of this project.

Councilman Cermak then made a motion to accept the American Legion’s offer. Councilman Greenawalt seconded; the motion passed unanimously. Mr. Greenawalt asked about the markers that were placed by the trees in honor of the area’s WWII veterans. Mr. Hamberger noted that new markers were placed in the ground in front of the trees along the walkway.

MOBILE ADVERTISING: Mr. Hamberger noted that he has received comments about mobile advertising by a business owner who has been placing vehicles along streets and on private property. He noted that Council needs to discuss the matter and decide if they will pursue it or not. Solicitor Wisner clarified that there is an ordinance on the books indicating that once a vehicle is used beyond its purpose as a vehicle, and the purpose becomes that of displaying information as a sign, it is a violation of the ordinance. There are also provisions in the ordinance that prohibit signs within a public right-of-way, which would preclude mobile signs. Discussion followed regarding the difficulty in prosecuting the violation, as it needs to be proven that the truck is there as a sign as opposed to a vehicle moving goods or items. Solicitor Wisner will forward his research information for Council’s review, and the matter can be discussed at their next meeting. Councilman Cermak stated it is his opinion that unless an ordinance is repealed, it stands and should be enforced.

ANNUAL CHAMBER DINNER: Council members received an invitation to the Chamber’s Annual Dinner to be held on 10/11. Individuals interested in attending were asked to inform Melinda Knott.

PUBLIC COMMENT - NON-AGENDA ITEMS: None.

FOR INFORMATION ONLY

UPDATE ON OUTDOOR DINING ORDINANCE: Solicitor Wiser noted that he has included provisions relating to the Zoning Hearing Board in the proposed Zoning Ordinance amendment. It will now be forwarded to the Waynesboro and Franklin County Planning Commissions for their review and comment; and a date will be established for a public hearing in approximately November.

COUNCIL AND STAFF COMMENTS: Councilman Driscoll noted that he is serving as a board member for the newly-formed Arts Alliance of Greater Waynesboro, and attended their first meeting held earlier this week. He explained that this organization will foster and nurture arts of all types in the Waynesboro area. He will keep Council updated on their progress, as he feels it will be a positive asset to the community. He mentioned that, during one of the brainstorming sessions for the Alliance, a person new to the area mentioned that Waynesboro is lacking outdoor dining.

Councilman Cermak thanked the public for their attendance, and noted that the new Police Chief is doing a good job.

Pat Fleagle reminded those present that Market Days will take place on 10/06, beginning at 9:00 a.m.

Councilman Greenawalt thanked Mr. McGarity (American Legion) for their upcoming project at Memorial Park. He stated that the memorial area is in great need of an update. Mr. Hamberger suggested that a ribbon-cutting ceremony be held when the work is complete.

Mayor Starliper reported that Daryl Burns (Fire Police Captain) received a letter from Renfrew thanking them for their assistance during the German Festival, and requesting that they assist during the upcoming Christmas program on 12/07 and 12/08. In addition, the Borough of Mercersburg is requesting assistance on 10/29 for their Halloween parade. Mr. Starliper announced that the “Move Over Law” is in effect – if emergency vehicles are off to the side of the roadway, motorists need to move over to the left and slow down when passing the vehicles. He also reminded the public of the PA law requiring headlights to be on when windshield wipers are.

President Stains acknowledged that Borough Council received a resignation letter from Tom Steiger as the Solicitor for the Zoning Hearing Board, effective immediately. Mr. Hamberger added that the ZHB has appointed Ed Wine of Dick, Stein, Schemel, Wine & Frey, LLP, as a replacement.

Having no further business to discuss, Council adjourned to a budget meeting at 8:06 p.m.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant