

NOVEMBER 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, Darrel Potts, Jason Stains, Wayne Driscoll and Michael Cermak

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Jason Cohen, Assistant Borough Manager
Denny Benschhoff, Maintenance Superintendent
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
Dave Martin, Fire Chief
Jim Sourbier, Police Chief
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)

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

EXECUTIVE SESSION: Council adjourned to Executive Session at 7:31 to discuss matters of potential litigation. Council reconvened at 7:45.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Cermak reported that he will present six items during the “voting section” of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: Councilman Driscoll had no report.

STREET COMMITTEE: Councilman Potts had no report.

INTERGOVERNMENTAL COMMITTEE: President Stains stated that the Fire Protection Services agreement with Washington Township would be presented for the “voting section” of the meeting.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Newcomer reported that a Downtown Revitalization Committee meeting was held on 11/20/2012 at 3:00pm. He explained that the Committee discussed the existing downtown trees and the current Borough allotment for maintenance, which some believe is insufficient due to the desire to begin growth inhibitor treatment and the Committee wishes to explore grant opportunities for such costs; the Rental inspection Program and its inclusion of the January 2013 agenda; the decorative street lights and their desire to work with the Street Committee to address the condition of the paint; the proposed downtown plaza and the current status of the project, which is that the structural integrity of the adjacent building is being examined; and the responsibility of property owners with respect to (brick) sidewalks. He announced the next Committee meeting would be held on December 11, 2012, at 9:30 am

FINANCE COMMITTEE: Councilman Greenawalt reported that a proposed 2013 budget would be presented for Council's consideration to vote to advertise, in the voting section of the meeting.

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

“On November 13th, I attended the pre-opening social at the Leland of Laurel Run in Waynesboro.

Also on November 13th, along with Chief Sourbier, we attended the Waynesboro Fire Police Annual Dinner. After the dinner, I installed John H. Shindledecker into their organization.

On November 14th, as a member of the Waynesboro Beneficial Fund Board, I attended their quarterly meeting.

On November 15th, I spoke at the Beta Sigma Phi sorority meeting on the Borough of Waynesboro.

On November 16th, I had the privilege to speak at the tree lighting ceremony and to thank Joanna Gaver for her donation of the blue spruce tree to the Borough. We thank her very much.

On November 17th, I participated in the annual parade to help bring the holidays to Waynesboro.

As always, a lot of what Waynesboro is could not be done without a lot of work from volunteers, Borough employees, and Mainstreet, Inc.”

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Cermak noted he had received excellent performance evaluations for both Mike Pryor and John Baumgardner, though no action was required for either. Councilman Cermak noted he had received a very good performance evaluation for Dan Sheffler, Councilman Greenawalt made a motion to move him to salary level 4E, effective on his anniversary date of 10/12/2012. Councilman Driscoll seconded; the motion passed unanimously. Councilman Cermak noted he had received an excellent performance evaluation for B. Rick Bowser, and made a motion to move him to salary level 4E, effective on his anniversary date of 6/24/2011. Councilman Newcomer seconded; the motion passed unanimously. Councilman Cermak noted he had received an excellent performance evaluation for Kim Green and made a motion to move her to salary level 7C, effective on her anniversary date of 11/9/2012. Councilman Greenawalt seconded; the motion passed unanimously. Councilman Cermak made a motion to move Assistant Manager Cohen to salary level 19A, effective immediately. Councilman Driscoll seconded; the motion passed unanimously. with most categories exceeding standards, for Assistant Manager Jason Cohen, and made a motion to accept the review and noted a salary recommendation would be made at a later meeting. Councilman newcomer seconded and the motion passed unanimously.

CONSIDER APPROVAL OF CONSENT AGENDA: Councilman Newcomer made a motion to approve the Consent Agenda. Councilman Greenawalt seconded. Councilman Potts provided clarification on the motion approving removal of the Unloading Zone sign from 13 S. Church St., and replacing the zone with the extension of the previously-existing No parking Here To Corner. The motion passed unanimously.

**RESOLUTION FOR
COUNCIL MEETING OF NOVEMBER 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:

Routine:

1. Approval of minutes - November 7, 2012 (Regular Meeting)
2. Accept reports of the Code Enforcement Officer, Police Chief, and Fire Chief - October 2012.
3. Pay Bills - Voucher Lists dated 11/9/2012 (and any others following preparation of this agenda).

Previously Discussed: N/A.

UNFINISHED BUSINESS

WASHINGTON TOWNSHIP FIRE PROTECTION SERVICES CONTRACT

President Stains noted that a motion to approve the Fire Protection Agreement with Washington Township for 2013 was necessary. Councilman Greenawalt made the motion and Councilman Cermak seconded. Councilman Newcomer asked if the fee had gone up or down, to which Mr. Hamberger replied that it had increased by 3 or 4%. The motion passed unanimously.

UPDATE ON BRIMINGTON FARMS: Solicitor Wisner explained that he had thoroughly reviewed the Borough Code and Motor Vehicle Code, along with Chief Sourbier, regarding enforcement on private streets, and determined that Borough authority is very limited in such settings. He explained that the Borough is typically only allowed to enforce the Motor Vehicle Code on "highways", which are defined as "public streets". He further explained that the Borough can enforce the Motor Vehicle Code on "traffic ways", which meet the definition of private streets, but only in cases of major offenses in which "wanton and willing misconduct" is present, or cases such as D.U.I. or overtaking a school bus. Unfortunately, these options do not allow for any enforcement regarding speeding and the like, nor does it allow for plowing of the streets, which are the main concern of the residents. Chief Sourbier indicated that this would present a very tricky situation for the police to navigate, as "wanton and willing misconduct" is exceptionally hard to prove in cases such as these.

NEW BUSINESS

LERTA: Mr. Hamberger explained that he had met with the School District on this and they seem receptive and will be considering it further. He recommended that the President appoint two representatives to meet with the School District and County on the Borough's behalf.

COMPRESSED NATURAL GAS (CNG) FLEET CONVERSION

Mr. Hamberger explained that based upon recent staff research and meetings, the Borough can certainly anticipate operational savings if the fleet is converted, however the initial capital costs are substantial: \$ 4 - 5

thousand per vehicle upwards of \$1 million for a fueling station. He noted that staff continues to explore the specifics in conjunction with other local public and private entities, and will report back to Council in the future. Councilman Newcomer asked if this is something the Borough could accomplish on its own, and Mr. Hamberger replied that it was probably not due to the tremendous initial investment required.

2013 PROPOSED BUDGET

Councilman Cermak made a motion to advertise the 2013 proposed budget, and Councilman Greenawalt seconded. The motion passed unanimously.

PUBLIC COMMENT - NON-AGENDA ITEMS:

Dick Rose - Mainstreet, Inc. Board Member - Mr. Rose thanked the Borough staff, Police Department, Fire Department, and volunteers for putting up the Christmas decorations and the tree.

Brimington Farm Residents

Brimington Farms residents John Fetchen, Greg Wilmsen, Melissa Russ, and John Eisenberger were present to reiterate their concerns stated at the previous meeting and update Council on happenings since that time.

Mr. Fetchen explained that he had drafted a letter and distributed it to other Home Owners' Association (HoA) members to include with their HoA payment, demanding an annual HoA meeting as described in the HoA contract; snow removal; and an accounting of the funds previously remitted to the HoA.

Mr. Wilmsen stated that he had spoken with Dale Hevessey - DLM - at length, via telephone, via telephone. Mr. Hevessey indicated that DLM abdicated all responsibility and the Borough accepted such responsibility once the performance bond was pulled, and that the HoA was not going to provide snow removal. Mr. Wilmsen stated that about one third of the residents had met, and do not wish to pay for private snow removal. He asked who is ultimately responsible for completion as DLM is saying that the bond will not cover completion. Solicitor Wisner explained that Lexon - as the bonding company - is responsible for such completion, and that the bond amount is anticipated to cover the agreed upon scope of work with Lexon, though that does not include the portions of the development with no housing developed.

Council and the Mayor expressed their empathy for the residents' situation and reiterated that the Borough has been out in front of this matter and will continue to pursue it to its conclusion. The Mayor also suggested contacting Rep. Shuster's office, though Mr. Eisenberger explained that he had already contacted Sen. Alloway, Rep. Rock, and Rep. Shuster, to no avail, and he now intended to contact Sen. Casey.

FOR INFORMATION ONLY

OUTDOOR DINING ZONING AMENDMENT

Mr. Hamberger noted that the Outdoor Dining amendment to the Zoning Ordinance has been advertised and will be up for Council's consideration for adoption on December 5, 2012, following the hearing scheduled to immediately precede the scheduled meeting.

MEMORIAL PARK UPGRADE GRANT PROJECT RIBBON CUTTING

Mr. Hamberger reminded Council that a ribbon cutting will take place at Memorial Park on November 30, 2012 at 3:30 pm.

COUNCIL AND STAFF COMMENTS: Councilman Driscoll noted that he shared the frustration of the Brimington Farms residents and appreciated their attendance.

Councilman Cermak thanked everyone for coming, and thanked Mainstreet, Inc. For their work on the Christmas parade.

Mr. Sheffler noted that he had a hearing scheduled for the following week regarding a property on Fairview Ave. For which 32 weed citations have been issued.

Mr. Grubbs noted that a Planning Commission workshop was scheduled for December 3, 2012 at 7:00 pm, to begin discussions regarding updating of the SALDO and Zoning Ordinance.

Mr. Cohen informed Council that per previous discussions, a requested change to the Ordinance governing tractor trailer permit parking on 9th Street and Enterprise Ave. Was being advertised for adoption and would be presented for Council's approval in December. The change would require that the permit be clearly displayed when the vehicle is parked in those locations.

Chief Martin reminded everyone to be careful this holiday, particularly with respect to deep frying turkeys.

Chief Sourbier noted that he would certainly rather post a patrol car in Brimington Farms at all times and is frustrated that he can not do more, but asked the residents to please remember that crime can still be addressed, so do not hesitate to report such activity, and he will continue to address the matters to the best of the Department's ability.

Councilman Greenawalt wished everyone a happy Thanksgiving.

Councilman Potts noted that there would be no November Street Committee meeting.

Mayor Starliper thanked the Fire Department, the Police Department, the Maintenance Department, and Borough staff for their contributions to the parade, and wished everyone a happy Thanksgiving.

Having no further business to discuss, Councilman Greenawalt made a motion to adjourn, seconded by Councilman Cermak. The motion passed unanimously and Council adjourned at 8:55.

Respectfully Submitted,

Jason H. Cohen
Assistant Manager