

DECEMBER 14, 2011  
WAYNESBORO, PA 17268  
REGULAR MEETING

Council President C. Harold Mumma 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, C. Harold Mumma, Wayne Driscoll and Ronald Martin

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager  
Denny Benschoff, Maintenance Superintendent  
Dan Sheffler, Zoning-Code Enforcement Officer  
Kevin Grubbs, Head of Engineering Services  
Tom Finucane, Salzman Hughes PC (Borough Solicitor)  
Jason Cohen, Assistant Borough Manager  
Mark King, Police Chief  
Dave Martin, Fire Chief

**MOMENT OF SILENCE:** Mayor Starliper requested that the audience observe a moment of silence in remembrance of the eight (8) teenagers in Adams and Lancaster Counties who lost their lives during the past week.

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

**APPROVE MINUTES:** Councilman Greenawalt made a motion to approve the minutes of the November 16<sup>th</sup> meeting, as written. Councilman Stains seconded; the motion passed unanimously.

**ACCEPT REPORTS:** Councilman Stains made a motion to accept the reports of the Code Enforcement Officer, Police Chief and Fire Chief, as presented. Councilman Driscoll seconded; the motion passed unanimously.

### **COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Stains noted that he will present numerous items during the “voting” section of the meeting.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** No report.

**STREET COMMITTEE:** Councilman Martin reported that the Street Committee met earlier this day. He will present an item during the “voting” section, but also reported on several items for Council’s information:

- 1) Joel Flood requested a status report on the flashing yellow lights to be installed at the crosswalks on S. Potomac at Gay and Second Streets. Kevin Grubbs advised that they are in the final stage of approval at PENNDOT. Mr. Flood also requested that a “Do Not Enter” sign be erected, as cars are turning off Main Street onto C.V. Avenue and into the Turkey Hill parking lot. Borough staff will review the matter and report back to Council.

- 2) Work done previously by the Maintenance Department on Franklin Street (between King and Commerce Streets) has settled and has resulted in water pooling. The staff will review this matter for a resolution.
- 3) Denny Benschhoff suggested that residents on Clyde Street be requested to park on one side only during snowstorms, because the plow can't get down the street when cars are parked on both sides. The Street Committee doesn't feel that signs would be required, and the staff will send letters to the residents requesting their cooperation.
- 4) Kevin Grubbs noted that cars traveling on Cleveland Avenue have been observed going straight on Cleveland Avenue (where it is one-way) instead of turning right onto Fifth Street. The staff will review the matter and determine if signage is necessary indicating that "all traffic must turn right".

**INTERGOVERNMENTAL COMMITTEE:** Councilman Stains read information from Comcast regarding new fitness programming.

**DOWNTOWN REVITALIZATION COMMITTEE:** Councilman Newcomer noted that plans for the downtown were discussed at the Committee's last meeting, and items will be presented to Council at a future meeting.

**FINANCE COMMITTEE:** No report.

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

"On November 18<sup>th</sup>, I had the privilege of introducing Mr. and Mrs. Donald Izer and their daughter Kim. The Izers donated the tree for the Waynesboro residents. This tree was given to Kim when she got married and was planted and cared for, for over 20 years.

On November 19<sup>th</sup>, I participated in the annual Holiday Parade. Many thanks to the Waynesboro Chamber for this event.

December 4<sup>th</sup>, I attended the "Laying of the Wreath" at the Civil War Memorial at Burns Hill. Once again, Mainstreet Inc. (as well as the Sons of the American Legion and K & M Dri-Lay) did a great job.

December 13<sup>th</sup>, I attended the Waynesboro Fire Police meeting and swore-in a new member, Bryan Starliper.

Attended several meetings in relation to the 9-11 Tribute activities."

Mr. Starliper added that he has updated information on plans for the 9-11 memorial, as well as a copy of the solicitation letter mailed to area businesses regarding donations to offset the costs. He reported also that a rock from Shanksville and a memorial item from the Pentagon will be received at some time in the near future.

**SOLICITOR'S REPORT:** No report.

**PUBLIC COMMENT - ITEMS ON AGENDA:** None.

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Stains noted that a position reclassification was approved for Vicky Grubbs at the 11/02 meeting, however he made a motion that the reclassification be retroactive to her six-month review date in May. Councilman Newcomer seconded; the motion passed unanimously.

Councilman Stains made a motion to grant the 2011 COLA (cost-of-living adjustment) to Jason Cohen, as this was inadvertently missed at the beginning of 2011. Councilman Martin seconded; the motion passed unanimously.

Councilman Stains made a motion to accept Bruce Greenshields' resignation from the Waynesboro Planning Commission. Councilman Martin seconded; and noted that a letter should be forwarded to Mr. Greenshields recognizing his service, as well as his attendance at Borough Council and Street Committee meetings. The motion passed unanimously.

Councilman Stains made a motion to accept David B. (Bradley) Martin's resignation from the Water Treatment Plant. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Stains made a motion to hire Todd Sharrah as a Water Plant Operator (to fill the vacant position created by Mr. Martin's resignation) at salary level 8A (\$15.06/hour). Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Stains made a motion to grant a step increase for Peggy Martin to salary level 5D. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Stains made a motion to grant a step increase for S. Leiter Pryor to salary level 21C. Councilman Martin seconded; the motion passed unanimously.

Councilman Stains made a motion to grant a step increase for Donald Kaiser to salary level 5B. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Stains made a motion to reappoint William Pflager to a full term on the Waynesboro Borough Authority; said term to expire on 01/01/2017. Councilman Martin seconded; the motion passed unanimously.

Councilman Stains noted that Doug Tengler's term on the Zoning Hearing Board is due to expire on 01/01/2012. Mr. Tengler has noted that he does not wish to be reappointed at this time. Accordingly, Councilman Stains made a motion to accept Mr. Tengler's resignation from the Zoning Hearing Board. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Stains made a motion to approve a step increase for Lloyd Hamberger to salary level 22E. Councilman Martin seconded; the motion passed unanimously.

Councilman Stains noted that he received a letter of resignation from Angela Smith from her position on the Recreation Board; and he made a motion to accept the resignation. Councilman Driscoll seconded; the motion passed unanimously.

Mr. Hamberger announced that there are currently vacant positions on the Recreation and Zoning Hearing Boards. Citizens interested in serving on either of these boards were asked to contact him. Council members requested that an updated listing of the Boards/Commissions be provided to them for reference.

Councilman Martin reported that Kevin Grubbs received correspondence from the Waynesboro Area School Board regarding the installation of a crosswalk on Third Street (above S. Phillips Avenue). Mr.

Grubbs has responded to them that it is not just a matter of painting at this location; and he will report back to Council at a later meeting regarding any progress on this matter.

Councilman Martin explained that there is a continual problem with water drainage from the hill behind Roadside Avenue onto N. East Avenue. During the winter months, that water may freeze and create a traffic hazard. In addition, water from the drains under two (2) of the houses at that location is also going across Roadside Avenue at the intersection of N. East Avenue. Councilman Martin made a motion to utilize Liquid Fuels money (approximately \$2,000-\$3,000) to install a drain above the existing wall at the residents' driveway and a catch basin at the intersection for drainage into the existing stormwater system. Councilman Stains seconded; the motion passed unanimously.

## **UNFINISHED BUSINESS**

**AWARD SNOW PLOWING BID:** Mr. Hamberger noted that this bid was deferred from the last meeting for the staff's review. Denny Benschhoff reported that this contract will engage only during a "big" snow, when additional skid-loaders are needed. Councilman Newcomer made a motion to award the snow plowing bid to D. L. George & Sons Construction Company. Councilman Stains seconded; the motion passed unanimously.

**ADOPT PROPOSED 2012 BUDGET:** Mr. Hamberger noted that the proposed 2012 budget has been advertised and placed on public display in accordance with Commonwealth of PA rules. He noted that the budget includes a one (1) mill tax increase for general purposes, a two (2) mill tax increase for street improvements and a 3/10 mill tax decrease for street lights; and added that the increase is being used solely for capital projects (not operating costs). Councilman Driscoll made a motion to adopt the proposed 2012 budget, as presented. Councilman Stains seconded. Councilman Martin commented that this is "not the time to raise taxes". He feels that the current tax rate in the Borough is already high; and this increase is "taxing people out of their homes". A vote was called, and the motion passed 4-2 (Councilmen Martin and Greenawalt opposed). Councilman Newcomer reiterated that the tax increase is due to work on the stormwater management program which Councilman Martin was in favor of.

**CONSIDER ORDINANCE FOR ADOPTION (2012 TAX ORDINANCE):** Mr. Hamberger noted the 2012 tax rates will be as follows:

- 18.18 mills for general purposes
- 2.0 mills for street lights
- 5.0 mills for street improvements

He presented proposed Ordinance No. 2011-10 for Council's consideration. Councilman Driscoll made a motion to adopt Ordinance No. 2011-10, as presented; and further, that all Act 511 taxes currently in effect should remain in effect. Councilman Stains seconded; the motion passed 4-2 (Councilmen Martin and Greenawalt opposed).

### **ORDINANCE NO.**

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, COMMONWEALTH OF PENNSYLVANIA, fixing the tax rate for the fiscal year 2012

Complete copy on file at Borough Hall.

**QUINCY TOWNSHIP FIRE AGREEMENT:** Mr. Hamberger presented the proposed agreement with Quincy Township for fire protection. He noted that Quincy has requested a one (1) year contract, with the intention of negotiating a longer term contract during 2012. Councilman Stains made a motion to

approve the agreement, as presented. Councilman Driscoll seconded; the motion passed unanimously.

**RENEW/EXTEND TAX ANTICIPATION NOTE:** Mr. Hamberger explained that the Borough has already contracted work out (on the S. Potomac/Cemetery Avenue stormwater project) for a cost of \$900,000; another bid will be opened in the near future; and bills for operating costs need to be paid. (PENNVEST will then provide reimbursement several months later.) He noted that the current Tax Anticipation Note in the amount of \$980,000 needs to be renewed/extended to the amount of \$2,000,000. He presented proposed Resolution No. 2011-12, prepared by Solicitor Wisner, regarding this matter. Councilman Greenawalt made a motion to approve Resolution No. 2011-12, as presented. Councilman Driscoll seconded; the motion passed unanimously. Mr. Hamberger noted his appreciation to the firm of Salzmann Hughes for their assistance on the PENNVEST and interim financing.

### RESOLUTION 2011-12

#### RESOLUTION AUTHORIZING TAX AND REVENUE ANTICIPATION NOTE

Complete copy on file at Borough Hall.

### **NEW BUSINESS**

**2012 SALARY SCHEDULE:** Mr. Hamberger presented proposed 2012 salaries for the Borough's non-uniformed employees, which will include a 1% cost-of-living increase. Councilman Greenawalt made a motion to approve the 2012 Salary Schedule, as proposed. Councilman Newcomer seconded; the motion passed unanimously. (It was noted that this should include the salary adjustments approved earlier in the meeting; and Mr. Hamberger will make the appropriate modifications and present Council with a revised copy.)

**PRESENTATIONS:** Mayor Starliper made presentations to Dave Martin (on behalf of the Waynesboro Volunteer Fire Department) and Rutters for their donations toward the Police Department's National Night Out event. In addition, a service award will also be presented to Barbara Bock for donating CPR masks (including infant masks) for each police vehicle.

**PLANNING COMMISSION ITEMS:** Kevin Grubbs reported that the Waynesboro Planning Commission held a meeting on 12/12. During that meeting, they reviewed the revised Brimington Farm Parcel A Subdivision and recommended its approval. A request was also received from John Conrad (agent for Wells Fargo Bank, who has the financial interest for that subdivision) that Council postpone review of the Brimington Farm Subdivision Plan until their January meeting, due to scheduling complications. Mr. Grubbs advised that this will not present a time constraint, because of the 60-day extension granted previously by Council. Councilman Martin made a motion to grant the request for review of the Brimington Farm Parcel A Subdivision at Council's January meeting. Councilman Greenawalt seconded; the motion passed unanimously.

Kevin Grubbs explained that the Waynesboro Planning Commission reviewed the Otterbein Ministries Land Development Plan for their next proposed church complex on Welty Road during their 11/14 meeting. At that time, they recommended approval of the plan, contingent upon several revisions being completed prior to Council's consideration. He reported that those required revisions have been completed; however there are still several outstanding minor issues with regard to stormwater. He confirmed with the review consultant that these are only small calculations which would have no direct effect on the Land Development Plan itself (this was explained in his 12/08 letter to Council). Councilman Newcomer made a motion to approve the Otterbein Ministries Land Development Plan, contingent on the minor revisions being resolved. Councilman Greenawalt seconded; the motion passed unanimously.

**REZONING REQUEST (GEOFAM, INC. - E. NINTH STREET):** Kevin Grubbs reported that he received a request from John George, President of Geo-Fam, to rezone a tract of land along E. Ninth Street (between Clayton Avenue, along Old Mill Road and Cemetery Avenue, and the wooded area adjacent to the Borough's Maintenance Center) from RM (Medium Density - Residential) to I (Industrial). The \$2,000 rezoning review fee has been paid. Councilman Greenawalt made a motion to proceed with the rezoning request. Councilman Driscoll seconded; the motion passed unanimously. Mr. Grubbs noted that he will proceed with requirements for the rezoning request, including advertising, posting, etc.

**ADOPTION OF LEAVE POLICIES:** Jason Cohen noted that the Borough's insurance cooperative was recently approached by its reinsurer with a request that all its clients have policies in place to explicitly define that our employees are eligible for medical benefits provided they are on a given type of leave. As such, a thorough review of several leave policies was conducted – those being the Family and Medical Leave Act (FMLA) Policy, the Work-Related Injury (Workers' Compensation) Leave of Absence Policy, the Military Leave of Absence Policy & the Uniformed Services Employment and Reemployment Rights Act (USERRA), and the Disability Leave of Absence Policy. He added that the Military Leave and the FMLA policies are written in conjunction with statutory requirements, except for the fact that these dictated responsibilities with respect to coverage while employees are on leave (which is in conformance with current policies in place). Short of that, there have been no substantial changes to the policies. The policies have been reviewed by the Solicitor, the workers' compensation insurance agent, the medical insurance company and the labor attorney. Councilman Greenawalt made a motion to adopt the leave policies, as presented. Councilman Stains seconded; the motion passed unanimously.

**FUND BALANCE DESIGNATIONS RE: GASB STATEMENT NO. 54 (RESOLUTION NO. 2011-11):** Jason Cohen noted that the Borough's auditor is recommending this resolution be adopted in order to comply with General Accounting Standards Board (GASB) Statement No. 54. This basically dictates in what order the Borough will spend down the fund balances based upon their status (restricted or unrestricted); and if they are unrestricted, further delineating whether they are committed, assigned or unassigned. Mr. Cohen clarified that this involves no change to the Borough's current procedures. Councilman Martin made a motion to approve Resolution No. 2011-11, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

**RESOLUTION NO. 2011-11**

**FUND BALANCE DESIGNATIONS IN ACCORDANCE WITH  
GOVERNMENTAL ACCOUNTING STANDARDS BOARD  
(GASB) STATEMENT NO. 54**

Complete copy on file at Borough Hall.

**AUGER BORING RESULTS (S. POTOMAC STORMWATER PROJECT):** Kevin Grubbs reported that preliminary results were received for the rock and subsurface investigations along S. Potomac Street in the area south of Third Street to Cemetery Avenue. He explained the process of the study, adding that a considerable amount of rock was found (particularly on the east side). The work stayed within the budgeted amount of \$8,000 for the initial augering; but the final end of that study (if Council chooses to do so) will be actual corings in 14 different locations. It is anticipated that this contract will be within \$6,000 to \$8,000. Councilman Greenawalt made a motion to approve the final step in the process, as described by Kevin Grubbs. Councilman Martin seconded. Discussion followed regarding the design changes made, resulting in a savings of nearly one million dollars (\$1,000,000). The staff is also seeking approval from PENNDOT for a change in material, which will result in an additional savings due to less heavy equipment being required. A vote was called and the motion passed unanimously.

**NEW FLOODPLAIN ORDINANCE (AUTHORIZE ADVERTISEMENT):** Kevin Grubbs presented the proposed Floodplain Ordinance, which Sam Wiser has worked on for the past year. The Waynesboro Planning Commission reviewed a draft copy and submitted a list of proposed revisions. Those have been made and the revised copy was sent to FEMA. Pre-approval from FEMA was received, and the final stages of the approval process include holding a public hearing. That hearing has been scheduled for 01/03 at 7:15 p.m.; and Council will consider the proposed ordinance for adoption at its meeting that evening beginning at 7:30 p.m. Councilman Martin made a motion to authorize advertisement of the proposed Floodplain Management Ordinance, as presented. Councilman Stains seconded. It was clarified that, once the Floodplain Ordinance has been adopted, Council can make changes without FEMA's approval. The motion then passed unanimously.

**2011 AUDIT PROPOSAL FROM SMITH ELLIOTT KEARNS & COMPANY:** Mr. Hamberger presented a proposal from Smith Elliott Kearns & Company to conduct the Borough's 2011 audit for a not-to-exceed figure of \$20,300 (which includes a \$600 increase from 2010). Councilman Greenawalt made a motion to approve the audit proposal presented by Smith Elliott. Councilman Driscoll seconded. Councilman Martin questioned if any other accounting firms have expressed an interest in doing auditing services for the Borough. Mr. Hamberger noted they have not, adding that government accounting/audits are a "rare" business. The motion passed unanimously.

**REQUEST FROM WAYNESBORO AREA GIRLS SOFTBALL, INC. (WAGS) RE: REGISTRATION SIGN PLACEMENT:** A request was received from WAGS regarding placement of their registration sign at several locations throughout the Borough from 01/03 to 01/15. As this has been permitted in the past, Councilman Greenawalt made a motion for its approval. Councilman Newcomer seconded. Discussion arose regarding the specific locations where these signs will be placed. Councilman Greenawalt amended his motion to include, "subject to Dan Sheffler's final approval". Councilman Newcomer seconded the amendment; the amended motion passed unanimously.

**PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:** None.

### **FOR INFORMATION ONLY**

**SAFETY COMMITTEE RE-CERTIFICATION:** Mr. Hamberger reported that the Borough's Safety Committee reviews workers' compensation claims, and makes recommendations for training and safety modifications at the Borough's facilities. He added that the Committee (chaired by Gordon Cruickshanks) consists of several representatives from each department, and is a very effective committee. Because they are recertified by the State on an annual basis, the Borough receives a 5% reduction in their workers' compensation premium. He commended the employees who serve on the Safety Committee for their efforts.

**PREVAILING WAGE LEGISLATION:** Mr. Hamberger noted that this is basically a moot point, as a vote on the legislation has already been taken. He has urged local representatives to fight for prevailing wage legislation.

**ARMORY:** Jason Cohen provided correspondence to Council regarding his recent visit with Major Fluck of the PA National Guard in response to the Borough's previously-expressed interest in purchasing the Armory. He noted that the PA National Guard (in conjunction with the Department of General Services) has been formally authorized by the legislature to liquidate the Armory. The appraised market value for the property has been determined to be \$570,000. A 20% discount is being offered on the purchase price if the purchaser agrees to a historical covenant; and a lease-to-own program is available as well. The Borough staff has been in touch with local representatives regarding any assistance they may offer; and contact information will also be provided to Fire Chief Martin.

**PAY BILLS:** Councilman Stains made a motion to approve the payment of Voucher Lists dated 11/28, 11/30, 12/09 and 12/13. Councilman Newcomer seconded; the motion passed unanimously.

**COUNCIL AND STAFF COMMENTS:** Mr. Hamberger thanked Council members for the time and effort they put forth regarding the 2012 budget.

Councilman Driscoll commended Councilmen Mumma and Martin for the thorough jobs they have done while on Council, adding that he has enjoyed working with both of them.

Councilman Martin commented that the last four years, “as we used to say in the pizza business”, have “been a slice”. .

Dan Sheffler advised that he will obtain clarification from WAGS regarding the proposed locations for placement of their registration signs, and will forward the information on to Council.

Fire Chief Martin instructed the public to “be cautious” about fire safety during the holidays.

Councilman Greenawalt wished those in attendance a “Merry Christmas and Happy New Year”.

Councilman Newcomer thanked Councilmen Mumma and Martin for the time they spent serving the Borough.

Councilman Stains also congratulated Councilmen Martin and Mumma for the hard work they put forth during their terms.

Mayor Starliper noted his appreciation to both Councilmen Martin and Martin for their service, and wished them the best in their “retirement-type life”.

Mayor Starliper reported that he received a mailing recently regarding a home service that tests residents’ water quality. Any clarifications needed regarding water quality should be directed to Leiter Pryor, Director of Borough Utilities.

The Mayor advised that the PA law is changing on 12/24 for teen drivers/learner’s permit holders with regard to seat belts. He also wished those in attendance a Merry Christmas and Happy New Year ... and “a safe one on both accounts”.

President Mumma thanked Mr. Hamberger and Mr. Cohen for their efforts on the 2012 budget, and the department heads for “suffering through their deductions”. He noted he will miss the Borough. .

Having no further business to discuss, the meeting adjourned at 8:55 p.m. on a Newcomer/Greenawalt motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant