

JANUARY 5, 2011  
WAYNESBORO, PA 17268  
REGULAR MEETING

Council President Craig Newcomer 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, C. Harold Mumma, Craig Newcomer, 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  
Sam Wiser, 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 Mumma noted that he will present several items during the “voting” section of the meeting. Mr. Hamberger added that Council will need to discuss a personnel issue during an executive session at the end of this meeting.

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

**STREET COMMITTEE:** Councilman Martin noted that discussion was held previously regarding establishing parking spaces in front of *Adventures in Coffee* on E. Main Street. That cannot be done, however, because the right-of-way lines were moved to accommodate school buses at the St. Andrews School. He will contact the property owner to inform them of the decision to let the area “as is”.

Councilman Martin reported that Chief King attended the recent Street Committee meeting and advised that LTAP will be conducting state training for school crossing guards based on the curriculum he developed for the program.

In addition, Councilman Martin requested that Chief King provide written documentation of complaints his department has received pertaining to the paving lines on Route 16. He explained that, at night the joint seams make one (1) lane of traffic appear to be two (2). Kevin Grubbs has forwarded this information to PENNDOT. President Newcomer recommended that copies also be provided to Senator Alloway and Representative Rock.

Councilman Martin noted that the Borough staff has been requested to do research on various matters concerning private streets. In particular, he explained that certain developments contain private streets (which are not required to be paved to the Code requirement of a 40' width, sidewalks are not required to be installed, and no maintenance/snow removal is provided by the Borough). Kevin Grubbs was asked to provide of list of private streets in the Borough to Council for their review. He added that they

are not looking to eliminate private streets, but to hold them to the same requirements as public streets.

**INTERGOVERNMENTAL COMMITTEE:** Councilman Stains noted that correspondence was received from Comcast regarding the upcoming cable franchise renewal – this will be discussed later in the meeting. In addition, Comcast has moved all HD (high-definition) channels to the 800 range; premium channels remain in the 300 range; and the Discovery Health channel will be removed on January 1<sup>st</sup> and replaced with the Oprah Network.

**DOWNTOWN REVITALIZATION COMMITTEE:** President Newcomer reported that the Committee's next meeting will be held on 01/13 at 10:00 a.m. in Borough Hall's second floor conference room.

**FINANCE COMMITTEE:** Councilman Greenawalt reported that the Franklin County Area Tax Bureau will be mailing out tax forms by the end of January (instead of the first of January as was done in the past). Their next meeting will be held on 01/27 at 5:00 p.m.

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

“On December 28, 2010, I had the privilege of drawing the name for the playhouse/utility building or Santa's house that the Waynesboro Business and Community Partnership sponsored for the Christmas season.”

**SOLICITOR'S REPORT: Sam Wiser reported that he received verbal approval today of D.H. Martin's MBE/DBE effort, which will allow them to proceed with the PENNVEST closing scheduled for 01/25. Additional documents will need to be executed after this meeting.**

**PUBLIC COMMENT - ITEMS ON AGENDA:**

**Frank Bittner, 842 Anthony Avenue - Mr. Bittner noted that articles were published in The Record Herald on 11/22 and 12/18 regarding passing of the Blight Bill. Mr. Hamberger and President Newcomer noted that they cannot answer questions or provide specific information on this matter, as they are not yet familiar with the law. Various Borough officials and staff will attend a training session regarding the matter on 01/27, and can report back to Council afterward.**

**VOTING ON ITEMS FROM COMMITTEE REPORTS: Based on the recommendation of Fire Chief Martin, Councilman Mumma made a motion to appoint Doug Baer and Donald Shockey as members of the Waynesboro Fire Police. Councilman Stains seconded; the motion passed unanimously.**

**Councilman Mumma noted that Jon Fleagle's term on the Waynesboro Borough Authority expired on 01/01/2011, and he is seeking reappointment to a new term expiring on 01/01/2016. Councilman Mumma made a motion to reappoint Mr. Fleagle to the WBA. Councilman Greenawalt seconded; the motion passed unanimously.**

**Councilman Mumma reported that Gary Fike's term on the Shade Tree Commission expired on 03/04/2010. After several unsuccessful attempts to contact Mr. Fike regarding reappointment, it is noted that his term has lapsed. Mr. Mumma noted that there are now several vacancies on the Shade Tree Commission.**

**Councilman Mumma added that a vacancy was also created on the Zoning Hearing Board as of 01/01/2011, as Lori Newcomer did not wish to be reappointed when her term expired. Amos Miller has submitted his written request to be considered for this position, and Councilman**

Mumma made a motion for his appointment. Councilman Greenawalt seconded; the motion passed unanimously.

## UNFINISHED BUSINESS

MODIFIED BY-LAWS (FRANKLIN COUNTY AREA TAX BUREAU): Jason Cohen reported that Council received correspondence from the Franklin County Area Tax Bureau regarding a proposed amendment to Article 3 of their by-laws, which would effectively change the voting structure to provide for one (1) vote for each member jurisdiction as opposed to the current structure in which all member jurisdictions have one (1) vote, except for the Chambersburg Area School District (which has 3) and the Borough of Chambersburg (which has 2). This proposal has been distributed to all member jurisdictions and will come up for a formal vote by the FCATB on 01/27. He is requesting a motion by Council and direction on how to vote regarding that matter. Councilman Mumma made a motion to direct the Borough's representatives to vote in support of one vote per each member jurisdiction. Councilman Driscoll seconded; the motion passed unanimously.

ROOF BIDS: Jason Cohen reported that members of the staff have addressed issues with the rooftop AC unit, and Bonded Applicators was on-site to deal with warranty work to address the leak in the ceiling above the hallway to the rear of Council Chambers. After the next rain, they will be able to better determine if these efforts have been successful.

In addition, Mr. Cohen reported that three (3) bids were received for the roof repairs above the first floor building at the rear of Borough Hall. Council members received a copy of the bid results, the lowest of which was Bonded Applicators who bid \$22,915. The staff's recommendation is to award the contract, pending final review of the bid submission. Councilman Martin made a motion to award the contract pending final review by the staff. Councilman Greenawalt seconded; the motion passed unanimously.

TAX ANTICIPATION NOTE PROPOSALS: Mr. Hamberger reported that five (5) proposals were received for a Tax Anticipation Note in an amount not-to-exceed \$300,000. Mr. Hamberger reiterated that the money will only be drawn down if it is needed ... this depends on the cash flow as a result of the anticipated PENNVEST settlement/reimbursement and incoming tax revenues. Mr. Hamberger reviewed the proposals. Susquehanna Bank submitted the lowest proposal of 1.87% (with a document fee of \$750.00, which they are willing to re-negotiate). Councilman Greenawalt made a motion to authorize the staff to proceed with securing the loan as described. Councilman Martin seconded; the motion passed unanimously. Mr. Hamberger explained that the term of the loan will be 90-120 days (at most). He added that it is "not uncommon" for municipalities to do Tax Anticipation Notes.

PLANNING COMMISSION ITEMS: Kevin Grubbs noted that Council voted on 12/15 to approve the following plans, with contingencies for minor revisions: Saint Andrews Catholic Church, Cold Spring Estates (Phase 7A) and Crown Court. Mr. Grubbs confirmed that all revisions required at that time for these three (3) plans have been completed. No further action is required by Council.

CONSIDER TRAFFIC & PARKING REGULATIONS ORDINANCE FOR ADOPTION: Kevin Grubbs presented, for Council's consideration, a proposed ordinance updating traffic and parking regulations to include all signs erected over the past eight (8) months. The proposed ordinance was duly advertised in *The Record Herald* on 12/28. Councilman Stains made a motion to adopt the proposed ordinance as presented. Councilman Greenawalt seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 688 OF THE BOROUGH OF WAYNESBORO, AS AMENDED, PRESCRIBING TRAFFIC AND PARKING REGULATIONS IN THE BOROUGH OF WAYNESBORO, PRESCRIBING PENALTIES FOR VIOLATION AND REPEALING CERTAIN PRIOR ORDINANCES.

Complete copy on file at Borough Hall.

REIMBURSEMENT AGREEMENT FROM PENNDOT: Kevin Grubbs noted that a standard Reimbursement Agreement was received from PENNDOT “awhile back” with regard to the rapid-flashing beacon light system. It has been through the preliminary approval process and sent to PENNDOT’s Permit Division in Harrisburg. Several revisions were made, and Solicitor Wisner has reviewed/approved the final document. Mr. Grubbs explained that the Borough will front the money to put these units in place, and PENNDOT will reimburse the Borough within 4-6 weeks. Councilman Mumma made a motion to authorize execution of the Reimbursement Agreement by the Council President. Councilman Greenawalt seconded; the motion passed unanimously.

CONTRACT FOR PROFESSIONAL SERVICES: Mr. Grubbs also presented the Contract for Professional Services Agreement for the stormwater improvements being done. This is a standard agreement, which is a portion of the supplements required for the PENNVEST loan. He explained that the professional engineering services are quoted as 10% of the total project (some of which has already been done). Councilman Martin made a motion to authorize execution of the Contract for Professional Services, as presented. Councilman Greenawalt seconded.

Councilman Mumma asked for details regarding reimbursement for the engineering services. Mr. Wisner explained that a disbursement request will be submitted to PENNVEST, and they will require supporting documentation before they disburse funds. Those funds will be disbursed to the Borough, and the Borough will satisfy whatever outstanding invoices there are at that time. Any loan funds not used will be retained by PENNVEST. (Documentation will be required for all dollars spent.)

Mr. Wisner noted that Council passed a reimbursement resolution several months ago which basically said they would use their own funds until such time as the PENNVEST loan is closed; and at that time, the Borough would be eligible for reimbursement for the money spent. Mr. Hamberger noted that this would include all the design work which has been done and monies spent to date. Discussion followed regarding the amount of the contract; which Mr. Wisner clarified is not-to-exceed \$630,000. The motion then passed unanimously.

NEW BUSINESS

APPOINT BOROUGH TREASURER: Mr. Hamberger noted that when Mr. Cohen was hired as Assistant Borough Manager, he was advised that one of his duties would be to serve as Treasurer of the Borough. Councilman Mumma made a motion to appoint Jason Cohen as Borough Treasurer, effective immediately. Councilman Stains seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Curtis Wright, 125 Frick Avenue - Mr. Wright asked for clarification regarding the Burning Ordinance implemented several years ago. Mr. Hamberger stated that the only burning permitted is as approved by Borough Council on a special case-by-case basis or for cooking

purposes. Mr. Wright noted that Green Hill Cemetery burns brush; and Mr. Hamberger explained that they have obtained permission from Borough Council to do so. After further discussion on the matter, it was noted that residents must submit a written request to Borough Council for an exception to the Burning Ordinance. The request is then reviewed, discussed and voted on. If permission is granted by Borough Council, the individual must then obtain a burning permit (and follow requirements set forth) by the Fire Chief.

ELECTRONIC PAYMENT OF UTILITY BILLS: Councilman Martin asked for an update on the feasibility of the electronic payment of utility bills to the Borough. Mr. Hamberger noted that the WBA is considering purchasing an electronic payment module which will enable payments to be implemented with the Borough's new billing software. They plan to initiate a trial run of the new billing software on March 1<sup>st</sup>, and they are hopeful that electronic payments could then begin mid-year. Councilman Martin noted that he has been asked by several residents for this capability.

LEFT TURN ONTO MAIN STREET AT WALNUT STREET: Councilman Martin stated that the Street Committee discussed the prohibited left-turn onto Main Street at Walnut Street (which was placed there in the past because of the traffic at Sheetz). Councilman Martin requested that Council members give thought to removing the prohibition for a later discussion.

#### FOR INFORMATION ONLY

BLIGHT BILL TRAINING: As discussed earlier in the meeting, Mr. Hamberger noted that Council and staff members will attend a Blight Bill training session in York County on 01/27. Those interested in attending were requested to contact Jason Cohen.

#### ADDITIONAL AGENDA ITEMS

CORRESPONDENCE FROM SENATOR ALLOWAY RE: 2011 LEGISLATIVE PRIORITIES: Council President Newcomer read correspondence received from Senator Alloway in which he notes his support of the legislative priorities set forth by the PSAB.

CORRESPONDENCE FROM COMCAST RE: CABLE FRANCHISE RENEWAL: As mentioned earlier, Mr. Hamberger noted that correspondence was received from Comcast regarding the upcoming cable franchise renewal. He explained that they are simply reserving their right for appeals if an agreement is not reached. Comcast will forward a formal letter to the Borough to begin the renewal process at a later date.

APPOINTMENT OF REPRESENTATIVES TO FRANKLIN COUNTY EMERGENCY SERVICES ALLIANCE: Councilman Mumma made a motion to reappoint Councilman Greenawalt, Jody Sanders and Trayer Stoops as the Borough's representatives on the Franklin County Emergency Services Alliance. Councilman Mumma made a motion to reappoint these individuals as mentioned. Councilman Driscoll seconded; the motion passed 5-0 (Councilman Greenawalt recused himself). \*Solicitor Wiser clarified that any Council recusals are required to be submitted, in writing, for the record.

INVITATION TO MAINSTREET WAYNESBORO, INC. "THANK YOU RECEPTION": Council members received an invitation to a "Thank You Reception" at *The News Agency* on Sunday, 01/16, at 3:00 p.m. January 16<sup>th</sup>.

REQUEST RE: WAGS REGISTRATION SIGN PLACEMENT: Dan Sheffler explained that the Waynesboro Area Girls Softball, Inc. has requested permission to display their annual registration sign from 01/06 until 01/16. They have secured permission of several property

owners within the Borough to place the sign on their properties. The sign will be securely anchored. Councilman Greenawalt made a motion to approve the request. Councilman Driscoll seconded; the motion passed unanimously.

2011 HOLIDAY SCHEDULE FOR BOROUGH EMPLOYEES: The proposed 2011 Holiday Schedule was presented for Council's approval. Councilman Mumma made a motion to approve the schedule of holidays for full-time, non-uniformed Borough employees. Councilman Driscoll seconded; the motion passed unanimously.

PAY BILLS: Councilman Mumma made a motion to approve the payment of the Voucher List dated 12/22. Councilman Greenawalt seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Councilman Driscoll noted that this is the first meeting of his second full year as a member of Borough Council, and he has enjoyed working with Council during the past year.

Downtown Manager Pat Fleagle thanked the Borough's Maintenance Department for their assistance with the Christmas decorations downtown. He noted that their cooperative spirit was much appreciated.

Councilman Mumma noted his hopes for a prosperous new year, and thanked everyone for their attendance at the meeting.

Mayor Starliper requested that Solicitor Wisner review a proposed Off-Duty Employment Policy for the Police Department.

Mayor Starliper described a contest being sponsored by *Reader's Digest* in which more than \$5,000,000 in funds and promotional support will be awarded to 100 towns/cities across the U.S. to promote tourism, city works, job growth, economic development, etc. Our community can participate by a cheer/vote available through the *Reader's Digest* website. He noted that our town's entry page can be updated often at [www.readersdigest.com](http://www.readersdigest.com) with photos and stories describing what makes our town "Best in America". He will provide additional information to local newspapers and ask for their assistance.

President Newcomer thanked everyone for attending the meeting, and reminded residents about Christmas tree pick-up this week.

Council then adjourned to executive session at 8:34 p.m. to discuss a personnel matter. They reconvened to regular session at 9:09 p.m. and adjourned the meeting at 9:10 p.m. on a Mumma/Greenawalt motion which passed unanimously.

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Respectfully Submitted,

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Melinda S. Knott  
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Administrative Assistant