

JULY 20, 2011  
WAYNESBORO, PA 17268  
REGULAR MEETING

Council President C. Harold Mumma called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:35 p.m. (immediately following the public hearing 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  
Dan Sheffler, Zoning-Code Enforcement Officer  
Mike Benshoff, Maintenance Foreman  
Kevin Grubbs, Head of Engineering Services  
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)  
Jason Cohen, Assistant Borough Manager

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

**APPROVE MINUTES:** Councilman Greenawalt made a motion to approve the minutes of the July 6, 2011 meeting, as written. Councilman Newcomer seconded; the motion passed unanimously.

**ACCEPT REPORTS:** Councilman Greenawalt made a motion to accept the reports of the Code Enforcement Officer, Police Chief and Fire Chief for June; as well as the Police Chief Report from May, as presented. Councilman Newcomer seconded. Councilman Martin noted his opinion that more enforcement is needed at crosswalks; and Chief King commented that they are doing the best they can. The motion passed unanimously.

### **COMMITTEE REPORTS**

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

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** Councilman Driscoll reported that, even though it has been very hot, the dog park is being used. There have been no issues with dogs’ behavior and the people seem to be getting along. The grass is in good condition, a trash can has been added, and the rules have been posted. He is currently in the process of installing benches; and added that having water on-site would be beneficial (the matter will be discussed with the Waynesboro Borough Authority for next year). Mr. Driscoll also noted that plans will begin soon for the second annual Dog Swim.

Councilman Martin noted that he recently visited the golf course and observed the condition of the former caretaker’s house. It is his opinion that demolition of the house should be considered for a winter project. Mr. Hamberger suggested that Council members view the property prior to the next meeting for further discussion.

**STREET COMMITTEE:** No report. Councilman Martin noted that the next Street Committee meeting will be held on Wednesday, 07/27, at 9:00 a.m.

**INTERGOVERNMENTAL COMMITTEE:** No report.

**DOWNTOWN REVITALIZATION COMMITTEE:** No report. Councilman Newcomer noted that the next Committee meeting will be held on Tuesday, 07/26, at 9:00 a.m. Mr. Hamberger reminded Council members of the proposed meeting regarding the Trinity parking lot to be held on 08/09 at 5:00 p.m.

**FINANCE COMMITTEE:** Councilman Greenawalt reported that taxes received so far this year are somewhat “behind” what was received last year.

**MAYOR’S REPORT:** No report.

**SOLICITOR’S REPORT:** Solicitor Wisner requested that Council hold a brief executive session at the end of the meeting to discuss matters of potential litigation.

**WBA - PENNVEST LOAN AWARD:** Mr. Hamberger announced that the Waynesboro Borough Authority has been awarded a low-interest loan from PENNVEST in the amount of \$11,164,910. This, along with H2O funding, basically fully funds the approximate \$14,000,000 Sewer Treatment Plant Upgrade Project.

Mr. Wisner also reported that they are in the process of preparing bids for Phases II and III of the Borough’s PENNVEST Project (Cemetery Avenue Outfall Project), and are hoping for them to be available to contractors by mid-August. They are currently working through the permitting process; and are hoping to present bids for Council’s consideration in mid-September. Mr. Hamberger added that bids will be opened for the 2011 CDBG Street Paving Projects on 07/28.

**PUBLIC COMMENT - ITEMS ON AGENDA:** Prior to taking any public comments, Council President Mumma reminded the public of the Borough’s policy, as follows: “Public comments will be taken from Waynesboro residents and/or taxpayers of the Borough. Public comments will be limited to five (5) minutes. Public recording of Council meetings will be permitted by individuals, upon requesting same from Borough Council. All recordings by the public will not be part of public record.”

There were no comments from the public.

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Stains made a motion to hire Erica Heebner as a Cashier at Northside Pool for the remainder of the summer. Councilman Martin seconded; the motion passed unanimously.

Councilman Stains made a motion to promote Adam Heebner to Assistant Manager at Northside Pool on a fill-in basis. (Mr. Hamberger noted that the former Assistant Manager took a full-time teaching position.) Councilman Newcomer seconded; the motion passed unanimously.

Councilman Stains noted that he received a favorable performance evaluation for Stacie Noll, and made a motion for a step increase to salary level 10B. Councilman Greenawalt seconded; the motion passed unanimously.

## **UNFINISHED BUSINESS**

**CONSIDER ORDINANCE RE: AMENDMENT TO SUBDIVISION/LAND DEVELOPMENT ORDINANCE:** In addition to information received during the public hearing, Kevin Grubbs noted that the proposed amendment to the Subdivision/Land Development Ordinance was prepared and

approved by Borough Solicitor Sam Wiser. Accordingly, he offered the ordinance to Council for their consideration. Councilman Martin made a motion to adopt the ordinance, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

### ORDINANCE NO.

#### AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 944 OF THE BOROUGH OF WAYNESBORO, ENTITLED "WAYNESBORO SUBDIVISION AND LAND DEVELOPMENT ORDINANCE"

Complete copy on file at Borough Hall.

**DISCUSSION/OUTCOME OF WORKSHOP ON RENTAL INSPECTION PROGRAM:** Mr. Hamberger recommended that several members of Council meet with the Solicitor, staff and representatives of the Rental Inspection Program Committee to answer questions and refine the proposed program prior to Council taking any action. Councilmen Newcomer and Driscoll volunteered; and President Mumma appointed them (along with himself) to represent Council regarding this matter.

**DISCUSSION RE: FLOODPLAIN ORDINANCE:** Mr. Hamberger noted that the Borough is being required by FEMA, DEP, etc. to review/revise their current Floodplain Ordinance. Currently the Floodplain Ordinance is contained in the Zoning Ordinance; but he and the Solicitor are recommending adopting a stand-alone Floodplain Ordinance to be referenced in the Zoning Ordinance. This will save time and money if/when there are amendments in the future. Mr. Wiser added that there are floodplain provisions in the Subdivision and Land Development Ordinance, which also requires a public hearing and extensive advertising for amendments. He and Kevin Grubbs are currently extracting provisions from both ordinances for a stand-alone ordinance that will meet all of FEMA's requirements. He anticipates having a draft copy for Council's review in the near future – the draft will then be submitted to DCED for an initial review; and they will send it to FEMA for review and comments. The adoption process itself will probably not occur until December or January due to all the necessary reviews and advertising requirements.

Mr. Wiser explained that FEMA recently completed, for the Franklin County area and much of Pennsylvania, a new flood insurance study. The previous study (from the 1970's) used assumed data for some tributaries; but newer technology provides much more accurate information regarding floodplains. Landowners in one of the newly-designated floodzone areas can seek assistance from an engineer to take ground data and get a map amendment for removal from the floodplain. FEMA has not yet finalized the floodplain map, but a draft map is available at [www.fema.gov](http://www.fema.gov).

Kevin Grubbs added that the Waynesboro Planning Commission reviewed the draft ordinance and suggested numerous revisions. He requested that Council members provide him with any additional revisions as soon as possible, so that they can continue expeditiously with this process. Mr. Grubbs advised that FEMA's deadline for adoption of the Floodplain Ordinance is 01/19/2012.

**ELECTRONIC UTILITY PAYMENTS:** Jason Cohen noted that this matter was discussed last month and at Council's workshop earlier this evening. He provided six (6) recommendations, all of which have been approved by the WBA (and the WBA forwarded correspondence to Borough Council outlining their opinion on the matter). Mr. Cohen stated he is willing to answer any further questions, but is looking for Council's action and/or direction. Councilman Newcomer made a motion to move forward with electronic utility payments, as recommended. Councilman Driscoll seconded; the motion passed 4-2 (Councilmen Martin and Stains voted in opposition). Mr. Hamberger added that a review will be conducted in 6-7 months, and a report on the findings will be forwarded to Council for any fee modifications which are warranted.

## **NEW BUSINESS**

**ALLEGHENY POWER (STREET LIGHT PLAN AND CONTRACT):** Mr. Hamberger noted that Allegheny Power is still working on data. The matter will be on the agenda at a later date.

**OTTERBEIN CHURCH PROJECT (TRAFFIC STUDY):** Councilman Martin reported that this matter was discussed with Otterbein Church representatives at the last Street Committee meeting. They noted at that time that the estimated charge for a traffic study would be \$9,500. Councilman Martin made a motion to require a traffic study by Otterbein Church for their building project on Welty Road. Councilman Stains seconded.

Councilman Newcomer commented that Council dropped an issue at their last meeting (pedestrian-exclusive light at Second/Mickley/Main) because of the requirement for a traffic study ... and now they are considering imposing a traffic study on someone who has submitted a plan with a specific number of parking spaces and advised how many people will be attending the church services. He questioned the purpose for the study, adding that traffic for a church is much different than for a housing development. Councilman Martin stated that there will be other activities at the property in addition to church services (for example, baseball/softball fields and an area for use by the Waynesboro Stallions football team). Councilman Martin stated that the requirement for a traffic study is in the Borough's ordinance, and he feels it should be followed. Rick Duesler, a representative of Otterbein Church, was present and requested a definitive answer at this meeting so that they can proceed. A vote was then called and the motion to require a traffic study passed 5-1 (Councilman Newcomer voted in opposition).

**30K GUT CHECK RACE (WAYNESBORO RUNNING, INC.):** Kevin Grubbs noted that he received information from Waynesboro Running, Inc. regarding their proposed 30K Gut Check Race to be held on 09/17. They have submitted the items required by PENNDOT to acquire a permit, but are requesting approval from Borough Council to hold the event. Bob Correll, President of Waynesboro Running Inc., has met with Mr. Grubbs and Chief King in preparation for the event. Council members received a copy of the proposed route for the Run in their meeting packets. Councilman Driscoll made a motion to approve the event, as presented. Councilman Greenawalt seconded. Mayor Starliper asked if they have contacted the Waynesboro Fire Police yet regarding their assistance. Mr. Correll noted that they were unable to assist the previous year (because of staffing issues), but he will contact them to determine if they have adequate staffing this year to assist. In addition, his organization will provide much of the traffic control, as well as the Blue Ridge Summit Fire Police. A vote was called and the motion to approve the event passed unanimously.

**TRINITY HOUSE RE-ASSESSMENT:** Borough Solicitor Sam Wiser reported that a re-assessment appeal from 2005 for the Trinity House has not yet been resolved. That matter will be discussed during the executive session to be held at the end of this meeting.

## **PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:**

**Bob King, 235 Myrtle Avenue** - Mr. King was present to discuss a permit that his neighbor (Harry Morningstar, Jr.) obtained from the Waynesboro Police Department to use a firearm to shoot groundhogs/rodents on his property, which is adjacent to Mr. King's residence and in close proximity to the High School property. Police Chief King confirmed that the permit was issued in accordance with Borough Ordinance No. 444. As this ordinance was adopted in the 1950's, Mr. King suggested that Borough Council review it to determine its appropriateness in 2011; and in the meantime, rescind Mr. Morningstar's permit until the review is completed. President Mumma requested that the Mayor, Police Chief and Borough Solicitor review the matter; but added Council that has no grounds to rescind the permit at this time.

**TRACTOR-TRAILER PERMIT PARKING REQUEST:** Councilman Martin noted that Melvin Kendall, who lives on Country Club Road (just past the Borough line), drives a tractor-trailer; and when Council discussed the tractor-trailer permit parking, it was with Mr. Kendall in mind (even though he does not live in the Borough). Councilman Martin made a motion to “grandfather Mr. Kendall in” and issue him a permit to park his tractor-trailer on Enterprise Avenue. Councilman Newcomer seconded; the motion passed unanimously. Solicitor Wisner clarified that Council recognized that this was a pre-existing use and had already been occurring ... and that is the only reason why this permit is being granted. Council concurred.

**REQUEST TO CLOSE STREET (EMMANUEL FULL GOSPEL CHURCH):** Mayor Starliper presented a request from the Emmanuel Full Gospel Church to close Linden Avenue from N. Potomac Street to the alley behind their church on Friday, 07/22, from 6-8:30 p.m. He explained that they will be hosting a family picnic for the children (and their families) who attended Vacation Bible School during the week. This street closure will help to ensure the safety of all when going back and forth from the church lot to the grassy lot across the street for activities. Councilman Newcomer made a motion to approve the request. Councilman Greenawalt seconded; the motion passed unanimously.

**PAY BILLS:** Councilman Stains made a motion to approve the payment of the Voucher List dated 07/08. Councilman Greenawalt seconded; the motion passed unanimously.

**COUNCIL AND STAFF COMMENTS:** Kevin Grubbs gave a report on progress of the Cemetery Avenue Outfall Project. Things are going very smoothly and with minimal problems.

Police Chief Mark King reminded Council and the public that National Night Out will be held on 08/02 from 7-9:30 p.m. at Northside Pool.

Fire Chief Dave Martin reminded Council and the public that the annual Waynesboro Firemens' Carnival will be held the week of 07/25 thru 07/30 at the Quincy Ox Roast property. Any members of Council who wish to volunteer during the week will be appreciated.

Mr. Hamberger reported that he attended a meeting of the Franklin County Long-Range Planning Committee for Transportation earlier this day. They are working on developing a transportation plan for the County, which would include all forms of transportation (i.e. freight, air, rail, bus, buggies, and bike/pedestrian paths). Their next meeting will be in 1-2 months, which he will plan to attend (along with any interested Council members).

Downtown Manager Pat Fleagle noted that the Franklin County Comprehensive Plan Update meeting will be held on 07/25 at 2:00 p.m. at Renfrew.

Councilman Newcomer reported that he will be on vacation in September and will miss the regularly scheduled Council meeting on 09/21.

Councilman Stains requested an update on King Street. Kevin Grubbs reported that the Borough's Maintenance Department is working on base repair between Grant and Potomac Streets (this is one of the five being done this year). Maintenance Foreman Mike Benshoff noted that it should be completed sometime next week.

Mayor Starliper advised Council that the owner of the bridal shop formerly located in the old Beck & Benedict building on Main Street donated two (2) mannequins to the Police Department, which will be used for taser training.

The Mayor also noted it has come to his attention that the Army Reserves left the armory on S. Sixth Street in Chambersburg and moved to Letterkenny Army Depot, and the Chambersburg School

District is to receive this armory in approximately 10 months (after the Army takes care of the removal of lead and asbestos). Comments/concerns were voiced regarding the Waynesboro Armory building and why the Borough hasn't been able to acquire it.

Mayor Starliper noted his appreciation to Councilman Martin regarding his comments on traffic control. He feels the Police Department is doing the best they can, as there were over 2500 calls so far this year and they can't be every place at once. Councilman Martin replied that he doesn't want to see another person hit in a crosswalk; and he doesn't understand how neighboring communities (Fairfield) can control speeding, etc. with a much smaller police force. It was noted that even though the Borough's police force consists of 18 officers, they are not all on-duty at one time. Councilman Martin agreed, but stated he thinks "we can do better ... and we have to want to do better".

Having no further business to discuss, Council adjourned to executive session at 8:34 p.m. They reconvened to regular session at 9:12 p.m.

Councilman Newcomer made a motion to approve Resolution No. 2011-06. Councilman Driscoll seconded; the motion passed unanimously.

#### RESOLUTION 2011-06

A RESOLUTION OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA  
DECLARING A DEFAULT WITH RESPECT TO DLM, LLC, PRINCIPAL, AND LEXON INSURANCE  
COMPANY, SURETY BOND NO. 1012861 WITH RESPECT TO THE PLANNED RESIDENTIAL  
DEVELOPMENT KNOWN AS BRIMINGTON FARM DEVELOPMENT.

Complete copy on file at Borough Hall.

Councilman Driscoll made a motion to adjourn the meeting at 9:17 p.m. Councilman Newcomer seconded; the motion passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant