

MAY 18, 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
Sam Wiser, Salzman Hughes PC (Borough Solicitor)
Jason Cohen, Assistant Borough Manager
Dave Martin, Fire Chief
Mark King, Police Chief

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

RESIGNATION - COUNCIL PRESIDENT: Craig Newcomer presented the following statement –

“In the best interest of the Borough of Waynesboro I have decided to make a decision for the betterment of Waynesboro. I feel that this will alleviate pressure for the staff and management. As acting president one of my jobs is to make sound decisions for the borough as a whole, and think of all involved. Because of the false allegations against me they should not have to answer for me. In the end all will see that I will prevail through these accusations trusting in God who was there during these allegations. The truth will be revealed. Those of you who know me I thank you for your support you have shown me. I ask that the community look at what I have done in my years on council for Waynesboro and check the fruits of my decisions made to better our community. I will remain on council but resign as acting President of the council so that the boro does not have to carry my burden of a leader entangled in a due process situation. I challenge the press to release this in its entirety as all the good that was in the report that was released on my charges was left out in some papers.”

COUNCIL RE-ORGANIZATION: Mr. Newcomer then requested a re-organization of Council. Councilman Martin made a motion to re-organize. Councilman Driscoll seconded; the motion passed unanimously.

Mayor Starliper opened the floor to nominations for Council President. Councilman Martin nominated Harold Mumma. Councilman Greenawalt made a motion to close the nominations. Councilman Stains seconded; the motion passed 5-0 (Councilman Newcomer abstained).

Mayor Starliper opened the floor to nominations for Council Vice-President. Councilman Driscoll nominated Jason Stains. Councilman Greenawalt made a motion to close the nominations. Councilman Martin seconded; the motion passed unanimously.

Councilman Mumma then presided over the remainder of the meeting.

APPROVE MINUTES: Councilman Greenawalt made a motion to approve the minutes of the May 4th Council meeting, as written. Councilman Stains seconded; the motion passed unanimously.

ACCEPT REPORTS: Councilman Greenawalt made a motion to accept reports of the Code Enforcement Officer, Police Chief and Fire Chief, as presented. Councilman Stains seconded. Councilman Martin requested that the Police Department dedicate any available time to monitor crosswalks and red lights for violations during the upcoming summer months. 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 the Northside Dog Park is under construction and the fence appears to be of good quality. Proposed rules prepared by a sub-committee of the Recreation Board will be discussed during the “voting” section.

Councilman Driscoll advised that the Maintenance Department will be removing the deteriorating stone wall at the golf course within the next two (2) weeks. Discussion was also held at the Recreation Board meeting regarding removal of the former caretaker’s house, and they are open to possibilities for use of the open space at that time. Price quotations for demolition/removal of the house will be obtained. Mr. Driscoll added that his original position on the building was to save it; however, after viewing it again and reconsidering the matter, he feels it would be a better idea to remove it.

Councilman Driscoll also noted it was brought to his attention that the Presbyterian Church on Main Street has applied for a facade improvement grant for work to their steeple. He was requested to review the matter and offer an opinion on whether the steeple would be considered part of the facade. He recommended that it be included, and that the application be processed accordingly. No objections were voiced.

Mr. Hamberger added that the Recreation Board’s next meeting will be held on 05/25 at 7:00 p.m. at Northside Pool.

STREET COMMITTEE: Councilman Martin announced that the Street Committee’s meeting originally scheduled for 05/25 has been rescheduled to 05/31 at 9:00 a.m. The 06/29 meeting has also been changed to 07/05. These changes will be advertised.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Newcomer stated that the next Downtown Revitalization Committee meeting will be held on 05/24 at 9:00 a.m. in Borough Hall. He added that the Downtown Revitalization Committee concurs with Councilman Driscoll’s opinion regarding the church steeple being included in the facade improvement program.

FINANCE COMMITTEE: No report.

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

“On May 11th, I participated for the fifth year in the Adventures in Learning Program at the Waynesboro Middle School. It seems that each year the students are doing well and

seem to enjoy doing it. Many thanks to Assistant Principal Kim Calimer and Social Studies Teacher Scott Biesecker.”

SOLICITOR’S REPORT: Solicitor Wisner reported that the amendment to the Subdivision/Land Development Ordinance has been prepared and will be forwarded to the Waynesboro Planning Commission for comments. It will then be presented to Borough Council for authorization to advertise it for consideration.

Mr. Wisner requested that an executive session be held at the end of the meeting to discuss a matter of potential litigation.

PUBLIC COMMENTS - ITEMS ON AGENDA:

Marjorie Benson, Third/Church Streets - Ms. Benson reiterated her request made several times prior for a stop sign at Third/Church Streets. Councilman Martin noted that this request was discussed several years ago, and it was decided at that time that a four-way stop at Third/Walnut Streets would be more suitable because of better visibility and stopping distance. He stated that a stop sign on Third Street hill (at Church Street) would create a hazard during the winter months, however the Street Committee will review the matter again and report back.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Stains noted that Shawn Adolini has completed the required training/testing on fire apparatus and Fire Chief Martin is recommending he be appointed as a Relief Driver. Councilman Stains made a motion as such. Councilman Greenawalt seconded; the motion passed unanimously.

Based on recommendations by Fire Chief Martin and Fire Police Captain Daryl Burns, Councilman Stains made a motion to appoint Peggy Green as a member of the Waynesboro Fire Police. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Stains noted that a favorable performance evaluation was received for Jody Sanders. He made a motion to grant him a step increase to salary level 12D, effective on his anniversary date. Councilman Greenawalt seconded; the motion passed unanimously.

A favorable performance evaluation was also received for Scott Crum, and Councilman Stains made a motion to grant him a step increase to salary level 12D. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Stains made a motion to appoint Adam Heebner as Head Lifeguard, in accordance with a recommendation by Pool Manager Jared Mummert. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Stains made a motion to hire the following individuals as Lifeguards at Northside Pool: Rachael Sanders, Kate Rowland, Elizabeth Rainey, Ian Ramsey and Cameron Rogers. Councilman Martin seconded; the motion passed unanimously.

Councilman Stains made a motion to hire the following individuals as Cashiers at Northside Pool: Aaron Blair, Connor Weibley and Havanah Symonds. Councilman Greenawalt seconded; the motion passed unanimously.

UNFINISHED BUSINESS

CONSIDER WEED ORDINANCE FOR ADOPTION: Mr. Hamberger noted that the proposed amendment to the Weed Ordinance has been advertised in accordance with Council’s directive at

their last meeting, and is presented for their consideration. Councilman Martin made a motion to adopt the proposed ordinance. Councilman Greenawalt seconded. Councilman Martin commended Dan Sheffler on the fact that many of the unoccupied properties in violation have been mowed and cleaned up. Mr. Sheffler commented that the Borough paid for cleaning up most of those, but they will pursue the appropriate procedure for obtaining reimbursement. The motion then passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA,
AMENDING ORDINANCE NO. 1088 OF THE BOROUGH OF WAYNESBORO, RELATING TO
GRASS AND WEEDS GREATER THAN TEN INCHES IN HEIGHT

Complete copy on file at Borough Hall.

AGREEMENTS FOR PARKING LOTS: Council members received copies of the current leases for the Record Herald and Trinity Church parking lots. Due to maintenance costs involved, Councilman Martin made a motion to “pass” on renewing the lease agreements in the future. Councilman Greenawalt seconded. Councilman Driscoll suggested that the matter be discussed with Mainstreet, Inc. and the downtown merchants prior to making a decision. Downtown Manager Pat Fleagle also requested that a decision on the matter be delayed until he can speak with the MSI Board of Directors and downtown merchants. He added that the primary concern seems to be the Trinity Church lot. Councilman Martin withdrew his motion, Councilman Greenawalt withdrew his second, and the matter will be discussed at the Street Committee meeting to be held on 05/31.

PROPOSALS FOR STREET PAVING: Mr. Hamberger noted that the Street Committee had provided Council members with a list of proposed street projects and costs thereof from the Engineering Department. Mr. Hamberger prepared several charts and a narrative regarding the current and new debt service, for review.

He explained that the Borough has a loan from the Pennsylvania Infrastructure Bank with a remaining balance of approximately \$543,000, which will be paid off in 2015. That loan is being financed with the three-mill tax assessment for street improvements, and there is current surplus of approximately \$45,000 in that account. He anticipates utilizing the surplus now through 2015 to pay the interest-owned financing on the stormwater project. For that project, the Borough will borrow \$6,300,000; and depending when the construction is done, will have to finance it with a bond issue. If the Borough proceeds with the \$1,700,000 in new projects, they will need to borrow enough to pay off the Infrastructure Bank loan or “flip” that note.

Mr. Hamberger suggested that Council review this in-depth at their upcoming work session. Councilman Martin agreed that this should be discussed at a work session, but stated that money should not be taken from the street millage for other projects. Discussion continued; and Council agreed to hold a work session on June 1st at 6:30 p.m. (prior to the next Council meeting) to discuss the matter further.

PROPOSAL FOR ROTARY LOT: Mr. Hamberger noted that Council met at the Rotary parking lot at 6:30 p.m. (prior to the Council meeting) to view the proposal by Darwyn Benedict.

**Councilman Martin recused himself from discussion at this time.*

In an attempt to resolve the issue, Councilman Newcomer suggested a compromise (and all parties present seemed to be agreeable). Kevin Grubbs drew a diagram and explained the proposal – removing two (2) parking spaces directly in front of the private drive and adding two (2) new spaces to the south directly behind the properties along Second Street that border the Rotary parking lot. He

noted that, by going with this plan, they will not have to “black out” any lines, as they can simply cross-hatch the area where parking is removed. He noted concern, however, about the expense put into the brick walkway; and suggested that some form of maintenance agreement be established to cover any damages incurred by larger vehicles turning on the stamped blacktop.

Councilman Newcomer then made a motion to approve the plan described, contingent upon a maintenance agreement being established. Councilman Driscoll seconded. After recommendation by Solicitor Wisner, Councilmen Newcomer and Driscoll amended the motion and second to include “and all costs incurred to be billed to Darwyn Benedict”. The motion passed 5-0. (Councilman Martin did not vote.)

**Councilman Martin returned to the meeting at this time.*

NEW BUSINESS

REQUEST RE: COMMUNITY BLOCK GRANT (CALVARY ASSEMBLY OF GOD): Mr. Hamberger presented correspondence from the Calvary Assembly of God regarding their plans to hold a community block party in conjunction with their annual Vacation Bible School on 06/11 from 10:00 a.m. to 3:00 p.m. They requested Council’s permission to block off the street in front of the church (from where Snider Avenue and Potomac Street join, back to the first alley in front of the church) to ensure safety of the children crossing the street. Police Chief King noted no issues with this request. Councilman Greenawalt made a motion to approve their request, as presented. Councilman Newcomer seconded; the motion passed unanimously.

H2O GRANT FOR SEWER PLANT: Mr. Hamberger announced that the Waynesboro Borough Authority has been successful in obtaining an H2O grant in the amount of \$570,350 for upgrades to the Sewer Treatment Plant. He congratulated Authority Chairman Jon Fleagle (who was in attendance), as well as Representative Todd Rock and Senator Rich Alloway for their support and assistance. Mr. Fleagle also acknowledged the local representatives’ involvement. In addition, he advised Council that interim financing will be put in place by the end of June and an application for a PENNVEST loan has been submitted for consideration. Mr. Fleagle stated that the Waynesboro Borough Authority appreciates Borough Council’s support given with regard to necessary rate increases. Councilman Newcomer made a motion to authorize the Borough Manager to send correspondence to Representative Rock and Senator Alloway regarding their assistance in this endeavor. Councilman Greenawalt seconded; the motion passed unanimously.

On a related matter, Mr. Hamberger reported that plans for the Sewer Plant upgrade call for several “extraneous” requirements due to the Building Code ... specifically, to provide two (2) large ADA-compliant restrooms. The WBA will file an appeal with the Building Code Board of Appeals to request that an ADA-compliant unisex restroom be permitted. He requested that Borough Council waive the \$200 application fee for a variance. Councilman Martin made a motion to waive the fee as proposed by the Borough Manager. Councilman Stains seconded; the motion passed unanimously.

DOG PARK RULES AND REGULATIONS: As stated previously, Councilman Driscoll reported that the fencing for the dog park is under construction, and a sub-committee of the Recreation Board has assisted the staff in preparing proposed rules (and a registration form) for the park. Copies were presented to Council for review, and Councilman Driscoll made a motion to approve both. He noted that there will be a \$5.00 lifetime registration fee per dog, and a registration tag will be issued. Councilman Greenawalt seconded.

Discussion followed, and it was noted that the rules will be posted at each entrance to the dog park and several locations inside. Mr. Hamberger stated that, in order to maintain Northside Park as a non-dog park, access to the dog park must be gained via the north end (i.e. dogs cannot be walked from the pool’s parking lot on the walkway). Service dogs were discussed; however it was noted that

service dogs are permitted wherever people are. Access for water is being considered, and will be pursued at some time in the future. Regarding waste, it was noted that this is a carry-out park and no waste facilities will be provided. It was noted that the rules can be amended by motion of Council at anytime in the future.

Mayor Starliper congratulated Councilman Driscoll on the project. Councilman Newcomer concurred. Further discussion was held regarding policing of the facility and any penalties for violation of the rules. Mr. Hamberger stated that the registration form includes language indicating that park privileges may be revoked for violators. Councilman Driscoll amended his motion to authorize amendment of the documents presented to clarify these items in accordance with the staff's recommendation. Councilman Greenawalt seconded the amendment.

A member of the audience asked about registration requirements for family/friends visiting from out-of-town. As employees will not be on-site to check registration tags, Councilman Driscoll stated these instances will probably be overlooked.

A vote was then called, and the motion passed unanimously.

COUNCIL CHAMBERS AIR CONDITIONING UNIT: Mr. Hamberger reported that the air conditioning unit for Council Chambers is not working and is in need of replacement. Proposals have been obtained, the lowest of which was from Knerr Heating & Air Conditioning (\$6,325). It is the staff's recommendation to proceed, utilizing funds from the Capital Reserve Fund for the cost. Councilman Greenawalt made a motion to approve replacement of the air conditioning unit for \$6,325. Councilman Martin seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Harry Morningstar, Jr., 205 Clayton Avenue - Mr. Morningstar (representing MSI's Design Committee) reported that, over the past several months, volunteers have completed the following projects --

- Swept sidewalks on Main Street from Myrtle Avenue to the bottom of Frick hill
- Planted 200+ ivy plants below 100 trees downtown
- 50+ potted baskets have been hung from the lighting fixtures along Main Street
- Painted parking meter poles and sign posts black

Mr. Morningstar asked for Council's permission to install the remaining six (6) memorial bricks (purchased by donors several years ago) in Center Square. This would complete yet another project. No problems were noted by Council.

Mr. Morningstar explained that the first phase of victorian-style street lights installed were painted with "sub-standard" paint. They are fading and need to be repainted; and a group of volunteers have offered to prep, prime and paint one of the poles to see how it turns out (before painting the remainder of the 12-24). Liability issues were discussed, and Solicitor Wiser suggested that any volunteers sign a waiver/release that they won't hold the Borough responsible for any injury that may occur. The matter was referred to the Property Committee, who should coordinate with the staff and report back to Council at the next meeting.

Pat Fleagle added that a church group has offered to do several additional projects downtown; and he will coordinate with the Borough's staff prior to the projects being commenced. Councilman Greenawalt suggested that the property owners and/or downtown merchants be encouraged to sweep their sidewalks on a regular basis.

Council President Mumma recognized Scout leader John Branson, with his son Andrew (who is working on a merit badge to learn more about local government). He asked what the youth of America can do about gas prices and who is in charge locally for overseeing the price at the pump. Mr. Hamberger noted that there is no branch of the local government that oversees gas prices. President Mumma stated that the youth should “grow up and vote” in an effort to effect changes with regard to gas prices. Mr. Hamberger added that they should also buy vehicles that get high gas mileage.

Jason Bartholow, 132 W. North Street - Mr. Bartholow noted that 118-120 W. North Street (open door) was discussed at the last meeting. Code Enforcement Officer Dan Sheffler reported that he sent a letter to the property owner, but it was returned by the postal service. If Council directs him to do so, he can have a contractor secure the structure. Mr. Wisner noted that a lien can be placed on the property for reimbursement of costs to secure the building, as it would be considered a public nuisance. Discussion followed and Council agreed that a citation should be issued on 05/19, the Borough’s Building Official inspect the property on 05/20, and a contractor secure the building on 05/23.

FOR INFORMATION ONLY

POOL OPENING: Jason Cohen reported that all supplies and chemicals for the pool have been ordered, the staff is at full capacity, and they will be ready to open on the Saturday before Memorial Day (05/28).

PAY BILLS: Councilman Stains made a motion to approve the payment of the Voucher List dated 05/10. Councilman Newcomer seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Councilman Martin noted his appreciation to all who attended the meeting and offered their input, as it helps Council members to make good decisions.

Kevin Grubbs presented a diagram outlining the area on E. Ninth Street where truck trailer parking was approved at the last meeting, and asked for a defined description of the footage on the south side to be designated. It was mentioned during the meeting that the trailer parking begin at the driveway of Beck Manufacturing to Route 997. He voiced his concerns regarding safety for that type of parking on the turn (including sight distance and conditions during the winter months); and proposed designating a 400’ area for trailer parking (which would bring it “just shy” of the turn), as well as prohibiting parking on the north side directly adjacent from that area. Councilman Martin disagreed, noting that that will affect the parking for Red Roof Storage and an apartment at that location. The matter was referred back to the Street Committee for further review.

Solicitor Wisner reminded Council that a brief executive session is needed at the end of the meeting.

Police Chief King noted he received word that the block party at St. Mary’s Episcopal Church to be held on 05/14 was rescheduled for 05/21. Since Council had not approved a raindate with their original request, he asked if they would grant approval for the date change. Councilman Greenawalt made a motion to approve the date change to 05/21, as presented by Chief King. Councilman Stains seconded; the motion passed unanimously.

Mayor Starliper noted he informed Council several meetings ago that they were obtaining price quotes for a new police vehicle – three (3) were received, the lowest of which was from New Holland Auto Group. Mr. Starliper noted that \$33,000 had been budgeted, and he requested Council’s authorization to purchase a 2011 Dodge Charger for a total price of \$30,105.15. Councilman Stains made a motion to approve the purchase. Councilman Newcomer seconded; the motion passed unanimously.

Council went into executive session at 9:02 p.m. and reconvened to regular session at 9:29 p.m.

Council President Mumma announced that Council will hold a “field view” at Fourth Street Extended (off Clayton Avenue) at 6:00 p.m. prior to the next Council meeting, followed by a work session in Borough Hall at 6:30 p.m. at Borough Hall. The Council meeting will then commence immediately following the work session.

Having no further business to discuss, the meeting adjourned at 9:30 p.m. on a Driscoll/Greenawalt motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant