

NOVEMBER 16, 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
Sam Wiser, Borough Solicitor (Salzmann Hughes, PC)
Jason Cohen, Assistant Borough Manager
Mark King, Police Chief
Dave Martin, Fire Chief

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

EXECUTIVE SESSION: Council adjourned to an executive session at 7:31 p.m. to discuss matters of litigation. They reconvened to regular session and 7:38 p.m.

APPROVE MINUTES: Councilman Martin made a motion to approve the minutes of the November 2, 2011 meeting, as written. Councilman Greenawalt 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, as presented. Councilman Newcomer seconded; 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 he has received many favorable comments regarding the Dog Park; and they are hoping to complete the second phase (providing water and benches) by mid-spring.

STREET COMMITTEE: Councilman Martin announced that the Street Committee will combine their November and December meetings into one (1) meeting to be held on 12/14 at 9:00 a.m.

INTERGOVERNMENTAL COMMITTEE: Councilman Stains reported on Comcast’s proposed channel changes to be effective on 12/13.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Newcomer reported that the Downtown Committee’s next meeting will be held on 11/22 at 9:00 a.m. He thanked Pat Fleagle and MSI for the

Christmas tree in Center Square, as well as the lighted decorations throughout town. He added “thanks” to the Borough’s Maintenance Department for their assistance in hanging the decorations for the season.

FINANCE COMMITTEE: No report.

MAYOR’S REPORT: Mayor Starliper reported that he, along with Mark King and Dave Martin, attended the Annual Fire Police Dinner Meeting on 11/15. He thanked the organization for their assistance throughout the year.

SOLICITOR’S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Stains made a motion to grant a step increase for Frank Stine to salary level 6C. Councilman Driscoll seconded; the motion passed unanimously.

Councilman Stains made a motion to grant a step increase for Terry Rideout to salary level 6E. Councilman Newcomer seconded; the motion passed unanimously.

Councilman Stains made a motion to grant a step increase for Mike Pryor to salary level 13D. Councilman Newcomer seconded; the motion passed unanimously.

Councilman Stains made a motion to grant a step increase for Gordon Cruickshanks to salary level 18E. Councilman Newcomer seconded; the motion passed unanimously.

UNFINISHED BUSINESS

CONSIDER ORDINANCE RE: AMENDMENT/RESTATEMENT OF MUNICIPAL EMPLOYEES PENSION PLAN: As was discussed at the previous meeting, Mr. Hamberger presented a proposed ordinance to bring the non-uniformed employees’ pension plan into conformance with current IRS regulations. Councilman Greenawalt made a motion to approve the ordinance, as presented. Councilman Martin seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 1022 AND ORDINANCE 1075 WHICH ADOPTED THE BOROUGH OF WAYNESBORO MUNICIPAL EMPLOYEE PENSION PLAN AS AMENDED (THE “PLAN”), IN ORDER TO COMPLY WITH THE PENSION PROTECTION ACT OF 2006, AND THE HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008 EFFECTIVE AS PROVIDED IN THE PLAN AMENDMENT.

Complete copy on file at Borough Hall.

Mr. Hamberger added that this does not change benefits of the plan in any way.

CONSIDER ORDINANCE RE: AMENDMENT/RESTATEMENT OF POLICE PENSION PLAN: Mr. Hamberger also presented a proposed ordinance to bring the police pension plan into conformance

with current IRS regulations. Councilman Greenawalt made a motion to approve the ordinance, as presented. Councilman Newcomer seconded; the motion passed unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 1076 ENTITLED BOROUGH OF WAYNESBORO POLICE PENSION PLAN AS AMENDED ("THE PLAN"), IN ORDER TO COMPLY WITH THE PENSION PROTECTION ACT OF 2006 AND THE HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008 EFFECTIVE AS PROVIDED IN THE PLAN AMENDMENT

Complete copy on file at Borough Hall.

Mr. Hamberger added that this does not change benefits of the plan in any way.

QUINCY TOWNSHIP FIRE AGREEMENT: Mr. Hamberger advised that Quincy Township's meeting will be held the following evening, but Council can (if they wish) approve the proposed Fire Agreement subject to their approval. Councilman Greenawalt made a motion to approve the proposed Quincy Township Fire Agreement, subject to approval by the Quincy Township Supervisors. Councilman Martin seconded; the motion passed unanimously.

NEW BUSINESS

PSAB ALERT RE: MARCELLUS SHALE LEGISLATION: Mr. Hamberger noted that legislature is before the Commonwealth to do numerous things with the Marcellus Shale situation. The thing that concerns municipalities is that the PA Senate passed the Marcellus Shale Act with a provision that prohibits local municipalities to approve zoning to regulate Marcellus drilling. Waynesboro doesn't have any here, but it is a concern for many municipalities in the Marcellus region. Theoretically, without local zoning, they can pull up next to a school and drill a hole as long as the State agrees. The House of Representatives passed the same Bill, and it included that local zoning laws come into effect (so local communities can regulate the Marcellus Shale drilling). Zoning laws require municipalities to permit all types of activities – you cannot exclude any single activity, so you have to make provisions for drilling. Mr. Hamberger added that he took the liberty of calling Senator Alloway (because this is moving rather rapidly) to advise that the Borough opposes anything that prohibits municipalities from regulating Marcellus Shale. Councilman Martin made a motion to go on record stating that the Borough of Waynesboro feels that PA municipalities should be able to regulate, by zoning, all types of activities including drilling. Councilman Driscoll seconded; the motion passed unanimously.

PLANNING COMMISSION ITEMS: Kevin Grubbs advised that Gemcraft is requesting that Council grant a 60-day time extension for review of their subdivision plan (which is currently with the Waynesboro Planning Commission). Councilman Newcomer made a motion to accept the time extension offered by the developer. Councilman Martin seconded; the motion passed unanimously.

FRANKLIN COUNTY AREA TAX BUREAU'S 2012 OPERATING BUDGET AND DELINQUENT FEE SCHEDULE (RESOLUTION NO. 2011-10): Copies of the proposed 2012 operating budget for the Franklin County Area Tax Bureau, along with proposed Resolution No. 2011-10 regarding delinquent tax collection, were presented at Council's last meeting. No comments on the matter were voiced, and Councilman Martin made a motion to authorize Mr. Cohen to vote in favor of the proposed 2012 budget. Councilman Greenawalt seconded. Mr. Cohen commented that the proposed budget shows as much fiscal restraint as is possible and takes collection costs 1.5% lower than were realized prior to the FCATB taking over. A vote was then called and the motion passed unanimously.

Councilman Greenawalt made a motion to approve Resolution No. 2011-10, as presented. Councilman Martin seconded; the motion passed unanimously.

RESOLUTION NO. 2011-10

A RESOLUTION OF BOROUGH COUNCIL FOR THE
BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA
AUTHORIZING AND EMPOWERING THE FRANKLIN COUNTY AREA TAX BUREAU
TO IMPOSE THOSE COSTS AND FEES ASSOCIATED WITH THE COLLECTION OF
DELINQUENT TAXES IN ACCORDANCE WITH ACT 192 OF 2004
AND OTHER PROVISIONS OF ACT 511 OF 1965

Complete copy on file at Borough Hall.

AWARD BIDS: Mr. Hamberger presented the staff's recommendations for various bid awards; and based on those recommendations, the following actions were taken: .

FUEL OIL – Councilman Driscoll made a motion to award the bid for Fuel Oil to Penn Mar Oil. Councilman Newcomer seconded; the motion passed unanimously.

MOTOR FUELS –

- Councilman Greenawalt made a motion to award the bid for 87 Octane Lead Free (Delivered) to Tanner Home and Energy. Councilman Newcomer seconded; the motion passed unanimously.
- Councilman Greenawalt made a motion to award the bid for Off Road Diesel (Delivered) to Penn Mar Oil Company. Councilman Martin seconded; the motion passed unanimously.
- Councilman Greenawalt made a motion to award the bids for the Voucher System (87, 89 and 92 Octane Lead Free and Over the Road Diesel) to Cumberland Valley Fueling. Councilman Stains seconded; the motion passed unanimously.

SNOW PLOWING – Defer bid award.

WATER TREATMENT CHEMICALS –

- Councilman Stains made a motion to award the bids for Liquid Chlorine (#2000 cylinder), Hydrofluorosilicic Acid, Caustic Soda (684 lb. Drum), Caustic Soda (220-gallon tote), Caustic Soda (50% bulk delivery), Caustic Soda (25% bulk delivery), Hydrated Lime, Liquid Polymer and Aluminum Sulfate to Univar USA, Inc. Councilman Greenawalt seconded; the motion passed unanimously.
- Councilman Greenawalt made a motion to award the bid for Sodium Hypochlorite to Brenntag Northeast, Inc. Councilman Martin seconded; the motion passed unanimously.
- Councilman Stains made a motion to award the bids for Activated Carbon and Potassium Permanganate to Thatcher Company. Councilman Driscoll seconded; the motion passed unanimously.
- Councilman Stains made a motion to award the bid for Liquid Chlorine (#150 cylinder) to Coyne Chemical. Councilman Driscoll seconded; the motion passed unanimously.
- Councilman Stains made a motion to award the bid for Sodium Polyphosphate and Blended Liquid Phosphate/Silicate to Shannon Chemical. Councilman Greenawalt seconded; the motion passed unanimously.

PUBLIC IN ATTENDANCE – NON-AGENDA ITEMS: None.

BUDGET MEETING: Mr. Hamberger advised that Council will hold a budget meeting immediately following this meeting. At the end of the budget meeting, they will reconvene to regular session to take action.

PAY BILLS: Councilman Stains made a motion to approve the payment of the Voucher List dated 11/09. Councilman Greenawalt seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: On behalf of Mainstreet Waynesboro, Inc., Pat Fleagle invited Council members to attend the Tree Lighting Ceremony to be held on 11/18, beginning at 5:30 p.m. (The actual tree lighting will take place at 7:20 p.m.) He thanked the following for their assistance: Borough's Maintenance Department for installing the street light decorations, the Izer's for donating the Christmas tree, Long's Tree Service for cutting down the tree, Washington Township and the Borough's police departments for escorting the tree into town, the Waynesboro Fire Police for their assistance with traffic, Dave George for operating the crane to set the tree, the Borough's Maintenance Department for assisting with its placement, Harry Morningstar and Frank Bittner for the new LED lights, and Star Electric for placing the lights horizontally on the tree. The project involved a lot of cooperation.

Chief King reminded Council and the public that Main Street will be blocked off from 5:00 to 8:15 p.m. for the Tree Lighting Ceremony; and again the next day from 1:30 - 3:30 p.m. for the Parade.

Mayor Starliper echoed Mr. Fleagle's comments, adding his appreciation to Mainstreet Waynesboro, Inc. for coordinating the project.

Council then adjourned to a budget meeting at 8:13 p.m. They reconvened to regular session at 9:02 p.m.

Councilman Driscoll made a motion to adopt the tentative 2012 budget and authorize its advertisement; and to approve the proposed 2012 Tax Ordinance – which will include a one (1) mill increase in the tax rate for general Borough purposes, a two (2) mill increase in the tax rate for street improvements, and a 3/10-mill reduction in the tax rates for street lights. Further, he motioned that these items are intended to be considered for adoption by Borough Council at their meeting on 12/14. Councilman Stains seconded; the motion passed 4-2 (Councilmen Greenawalt and Martin opposed).

Having no further business to discuss, the meeting adjourned at 9:04 p.m. on a Greenawalt/Driscoll motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant