

AUGUST 5, 2009
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, C. Harold Mumma, Craig Newcomer, Charles McCammon, Ronald Martin and Jason Stains

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benschoff, Maintenance Superintendent
Kevin Grubbs, Head of Engineering Services
Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)
Mark King, Police Chief
Dan Sheffler, Zoning-Code Enforcement Officer

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

APPROVE MINUTES: Councilman McCammon made a motion to approve the minutes of the July 15, 2009 workshop and regular meeting, as written. Councilman Greenawalt seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Mumma reported that he received a favorable performance evaluation for Richard Doll, however no action was required. He will present another item during the “voting” section of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report. Councilman McCammon mentioned that he attended the high school alumni breakfast again this month at Mountain Gate Restaurant.

STREET COMMITTEE: Councilman Martin noted that there are a lot of properties (particularly downtown) where trash is stored in plastic bags until the regular collection day, and he feels this could cause a rodent problem. Mr. Martin requested that Council members consider enacting an ordinance requiring that all trash be stored in durable plastic containers until pick-up.

Councilman Martin reported that a representative from Valley Quarries attended the last Street Committee meeting, and advised that Second Street (from Virginia Avenue to Main Street) could be milled for approximately \$10,000 (they were previously told it would cost \$100,000). In addition, they don't anticipate a large increase in blacktop prices over the winter. This information will be reviewed with regard to work required on both Second Street and Welty Road.

Mr. Martin will also present several items during the “voting” section.

INTERGOVERNMENTAL COMMITTEE: Councilman Stains noted that Council members received copies of attendance records from Northside Pool for the season, adding that they are favorable.

DOWNTOWN REVITALIZATION COMMITTEE: Kevin Grubbs noted that the sidewalk area currently demolished is the extent of the phase being done at this point. They are in the process of installing the sub-base, and the concrete contractor will pour the curb on Monday morning. After that has set up (probably the next day), the stone base will be put in and tamped. The first layer of brick will then be placed the following day.

Councilman Martin noted it was discovered that some of the basements extend beyond the sidewalk, so there will be some areas where they will not be able to place brick pavers to the building. Kevin Grubbs noted that necessary repairs will need to be done at the property owners' expense, and they are working with each of them on an individual basis.

FINANCE COMMITTEE: Councilman Greenawalt reported on Borough revenues, as follows –

	<u>2008</u>	<u>2009</u>	<u>Difference</u>
Real Estate Tax	935,535	963,479	+27,944
Earned Income Tax	521,630	526,140	+4,510
Local Services Tax	80,666	97,115	+16,449
Real Estate Transfer Tax	112,077	85,105	-26,972
Subdivision Fees	25,549	4,574	-20,975
TOTAL:			+956

As a real estate agent, Councilman Martin noted that inquiries and activities in the last two weeks have really “picked up”. He is hopeful that the economy will improve shortly.

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

“On July 25th, I had the privilege of uniting in marriage Amanda Eppich to Bradley Walls. We wish Mr. and Mrs. Walls the very best in their new life together.”

SOLICITOR’S REPORT: Solicitor Dively reported that she has presented proposed agreements for the sidewalk project to Kevin Grubbs, as well as agreements with property owners for the sidewalk issues just discussed.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma made a motion to approve a step increase for D. Bradley Martin to salary level 5A (which is a promotion to the position of Water Plant Trainee II). Councilman Greenawalt seconded; the motion passed unanimously.

In preparation for the upcoming school year, Councilman Martin recommended (and motioned) that parking restrictions be put into effect like the previous year (with residential parking permits being issued), as follows: (1) no parking on either side of Third Street from Clayton Avenue to Myrtle Avenue; (2) no parking on either side of Myrtle Avenue from Second Street to Third Street; (3) no parking on Virginia Avenue from the Fire Company signs to Second Street; (4) no parking on the south side of Second Street from Myrtle Avenue to Enterprise Avenue, including in front of the High School. Further, parking on the north side of Second Street is currently prohibited and would remain the same, as would any other signs in the area; and the two (2) visitor-only signs in front of the High School would be removed. Mr. Martin noted that this restriction (on Second Street) would be in effect year-round because of the traffic as a result of sporting events, etc. and the lack of sight distance at the entrances/exits. Councilman Greenawalt seconded. Kevin Grubbs added that eight (8) visitors' parking spaces and five (5) handicapped parking spaces have been provided on the top level of the High School property (where teachers' parking was previously provided) and the office entrance has been moved to the end. It was clarified that the time limit on these restrictions will be 7 a.m. to 4 p.m. on school days (excepting the south side of Second Street). Councilman Stains had noted concern

about this shifting the parking issues to Clayton Avenue, which Mr. Martin stated will be acted on immediately if it becomes a problem. A vote was called and the motion passed unanimously.

Councilman Martin commented on the three (3) handicapped ramps which require modification at the intersection of Main Street and Fairview Avenue. He made a motion to authorize the Borough Manager to find funding to have this work completed before school starts. Mr. Hamberger noted the work will be funded by the Special Street Fund. Councilman Mumma seconded; the motion passed unanimously.

Councilman Martin made a motion that, effective immediately, any Certificates of Occupancy issued by Accredited Services be presented first to the Borough's Engineering Department to ensure that all requirements of the Land Development Plan have been met. Councilman Stains seconded. Councilman Martin described potential problems with the current procedure; in particular, regarding stormwater management issues. Mike Cermak (Accredited Services) explained that other municipalities are issued Occupancy Permits for their residents, they review the location to ensure that all other requirements/regulations have been addressed, and then they forward the Occupancy Permit to the owner/developer. The motion passed unanimously.

Councilman Martin made a motion that Land Use Permits be required for any blacktop work (even if it is less than 2,500 s.f., which doesn't require a stormwater management plan). He explained recent problems with a property where blacktop was placed in various areas totaling 5,000 s.f., but avoiding the need for a stormwater management plan. Councilman Mumma seconded. Discussion followed regarding requirements of the new ordinance and citations which have been issued for this violation; and the fact that this modification will require an ordinance change. A vote was called and the motion passed unanimously.

UNFINISHED BUSINESS

MEMORANDUM OF UNDERSTANDING (FRANKLIN COUNTY CONSERVATION DISTRICT): Kevin Grubbs reminded Council that representatives from the Franklin County Conservation District attended previous Borough Council and Planning Commission meetings to discuss this proposed Memorandum of Understanding. He explained that it would provide for a joint commitment to control accelerated erosion and to prevent sediment pollution to the waters of the Commonwealth that may result from earth disturbance activities. Councilman Martin made a motion that the proposed document be rejected. Councilman McCammon seconded. Mr. Martin noted his dissatisfaction with the provision for up to 50 calendar days from receipt to act on a plan, which he feels is a "great injustice" for a resident in the Borough of Waynesboro who wants to build a garage for which a stormwater management plan would be required. Solicitor Dively noted that the Clean Water Act also allows 50 days for review. Kevin Grubbs stated this would be "triggered" at 5,000 s.f., and anything less than that would not be investigated unless there were complaints. Councilman Martin reiterated his opinion that this document should not be executed. Discussion ensued regarding any repercussions for other projects if this agreement is not approved. Mr. Grubbs commented that many municipalities have not executed the Memorandum of Understanding since its initiation in 1993, adding that this will not in any way change their good rapport with the County and State facilities. A vote was then called, and the motion to reject the document passed unanimously.

ROTARY PARKING LOT: Kevin Grubbs provided Council with information regarding this matter. As part of their contract, Design Paving (who did the street print at the Rotary parking lot) still needs to sand and seal the joints, plus re-coat the portion connecting the parking lot to the walkway and the main entrance into the parking lot that has worn off since last year. They also suggested applying two additional coatings around the parking lot to extend the life of the coating, at a total additional cost of \$7,704. Scheduling the work around the other downtown projects was discussed, as well as the lighting and tree plantings in the parking lot. Kevin Grubbs was instructed to contact Allegheny Power

regarding the lighting portion of the project, and Council opted to wait until the contract is complete to determine if the additional coating should be done.

DOWNTOWN SIDEWALK UPDATE: Kevin Grubbs advised that new traffic signal poles have been erected on the southeast corner at Broad and Main Streets and the southwest corner of Clayton Avenue and Main Street. He noted they look very nice.

SUB-RECIPIENT AGREEMENTS (MARANATHA AND NEW HOPE SHELTER): *Council President Newcomer recused himself at this time.

Borough Manager Hamberger noted that Council had previously approved funding for Maranatha and New Hope Shelter from the CDBG program; and Mullin & Lonergan Associates have prepared the necessary Sub-Recipient Agreements for both entities. Councilman Martin made a motion to authorize execution of the Sub-Recipient Agreements with Maranatha and New Hope Shelter. Councilman Stains seconded; the motion passed 5-0.

*President Newcomer returned to the meeting.

DOWNTOWN SIDEWALK FUND: Mr. Hamberger noted that, at the last meeting when the brick sidewalks project was discussed, Council authorized him to establish a separate, single-use account for the purpose of depositing donations received from downtown property owners and/or other contributors for extending the brick sidewalks beyond the initial phase. He presented the appropriate bank documents/signatories for the Downtown Sidewalk Fund. Councilman Martin made a motion to authorize execution of the documents presented. Councilman McCammon seconded; the motion passed unanimously.

Councilman Martin requested to make a statement. He noted that “Council has stuck their neck out” on the additional paving downtown. The \$5,000 brick sidewalk property owners will receive would only have cost them \$800-\$900. But if they plan to donate only \$400, for example, it will “burn” the Borough. He urged downtown property owners to pay their fair share. President Newcomer agreed.

NEW BUSINESS

REQUEST TO CLOSE A PORTION OF FRANKLIN STREET AND USE SIDEWALK BY 300 W. MAIN STREET (RIVERS OF LIVING WATER) FOR SEVERAL FUNDRAISING EVENTS: Mr. Hamberger noted that Council had previously approved a request to close a portion of Franklin Street and use the sidewalk by 300 W. Main Street for a fundraising event last month; and they are now requesting permission to do the same on August 15th and September 25th from 12-4 p.m. Councilman Martin made a motion to deny the request, as this will be three (3) times in three (3) months that residents of S. Franklin Street are unable to utilize the street. He also questioned if Council would be setting a precedent by allowing this so often. He urged the group to consider holding the event at a park (or somewhere else) instead of closing a public street. Councilman Greenawalt seconded. It was noted that there were no complaints or problems which arose from the previous event; and since it is rather short notice to deny their request for August 15th, President Newcomer suggested that Council approve the event for August 15th only. Councilman Martin amended his motion to grant permission for the event on August 15th only, as recommended by President Newcomer. Councilman Greenawalt seconded; the motion passed unanimously. President Newcomer noted he will contact their representative to discuss the matter with them further.

REQUEST TO HOLD PICNIC AT MEMORIAL PARK (CROSSWALK CHURCH): Mr. Hamberger presented a request from the Crosswalk Church to hold a picnic at Memorial Park on August 23rd from 11:30 a.m. to 3:30 p.m. He noted, however, that Memorial Park is generally not reserved – it may be

used on a first-come, first-serve basis. In addition, they are requesting to use one of the ballfields, and he noted they will need to coordinate that with the various leagues who utilize the fields. They are also requesting to erect a canopy and provide Antietam Dairy ice cream for those in attendance. Councilman Martin made a motion to respond to the Crosswalk Church that they are welcome to use the park on a first-come, first-serve basis; there is no problem with erecting a canopy; and the ice cream can be provided (but not sold on an individual basis) during the picnic. Councilman Stains seconded; and the motion passed unanimously. Mr. Hamberger added that they will be responsible for clean-up and trash removal.

REQUEST FOR WAYNESBOROFEST PARADE (SEPTEMBER 26, 2009): Mr. Hamberger presented a request from WaynesboroFest to hold a parade on September 26th at 10:30 a.m. and utilize Center Square as a temporary stage with sound system. Councilman McCammon made a motion to approve the request. Councilman Greenawalt seconded; the motion passed unanimously.

REQUEST TO HANG BANNERS ON MAIN STREET LIGHT POLES (MAINSTREET WAYNESBORO, INC.): Mr. Hamberger presented a request from Mainstreet Waynesboro, Inc. to hang banners on the light poles on Main Street from mid-August to the day of the event (October 3rd) to advertise their 5th Annual Market Day celebration. Councilman McCammon made a motion to approve the request. Councilman Stains seconded; the motion passed unanimously.

FACADE IMPROVEMENT PROGRAM APPLICATION (MICHAEL BENEDICT, 47-53 W. MAIN STREET): Mr. Hamberger presented an application for a facade improvement grant for Michael Benedict, who is repairing/renovating the front of his property (and improving handicapped accessibility) at 47-53 W. Main Street. The application has been reviewed and approved by the Borough's Design Review Committee. Councilman Stains made a motion to approve the application, as presented. Councilman McCammon seconded; the motion passed unanimously.

RECORDS RETENTION RESOLUTION (NO. 2009-13): Mr. Hamberger presented proposed Resolution No. 2009-13 for Council's consideration. This resolution was recommended by the Solicitor's office, in accordance with Pennsylvania Municipal Records Manual. Councilman Martin made a motion to approve Resolution No. 2009-13. Councilman McCammon seconded; the motion passed unanimously.

BOROUGH OF WAYNESBORO
FRANKLIN COUNTY, PENNSYLVANIA

RESOLUTION 2009-13

A RESOLUTION OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, DECLARING ITS INTENT TO FOLLOW THE SCHEDULES AND PROCEDURES FOR DISPOSITION OF RECORDS AS SET FORTH IN THE MUNICIPAL RECORDS MANUAL APPROVED ON DECEMBER 16, 2008.

Complete copy on file at Borough Hall.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: None. Councilman Martin mentioned emails received from residents regarding flooding they experienced again on July 30th. He noted that the Borough is diligently working on the project and searching for funding. Information regarding a bond issue was recently provided to Council for review, and Solicitor Dively noted there is still a chance for PENNVEST funding in the third round of review. She noted that the DEP permit for the outfall seems to be the stumbling block at this time. Richard Rose suggested that the state's elected officials be

requested to assist. Letters of support for the project were submitted by each of the representatives, but formal requests for assistance will be provided to each.

FOR INFORMATION ONLY

FRANKLIN COUNTY AREA DEVELOPMENT CORPORATION INDUSTRY APPRECIATION DINNER (SEPTEMBER 10, 2009): Council members were invited to attend the Franklin County Area Development Corporation's Annual Industry Appreciation Dinner on September 10th. RSVP's should be provided to Melinda Knott.

PENNSYLVANIA STATE ASSOCIATION OF BOROUGH FALL LEADERSHIP CONFERENCE (OCTOBER 16-18, 2009): Council members wishing to attend the PSAB Fall Leadership Conference on October 16-18 were requested to inform Melinda Knott as soon as possible.

ENERGY GRANT PROPOSAL (ROTZ & STONESIFER): Mr. Hamberger noted that Rotz & Stonesifer have proposed to apply for an energy grant on behalf of the Borough to reduce energy use at the Sewer Treatment Plant. The only costs would be for administrative duties, which would be included in the grant application. The application is due by August 14th. Councilman Mumma made a motion to proceed with pursuing the grant. Councilman Stains seconded; the motion passed unanimously.

PAY BILLS: Councilman Mumma made a motion to approve the payment of Voucher Lists dated 07/16, 07/24 and 08/05. Councilman McCammon seconded; the motion passed unanimously.

REQUEST TO HOLD "NATIONAL NIGHT OUT": Mr. Hamberger presented a request from the Franklin County Housing Authority to hold their annual "National Night Out" event on August 11th from 4-8 p.m. Hawbaker Avenue will be closed during the activity. Councilman Martin made a motion to approve the request. Councilman McCammon seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Denny Benshoff reported that installation of the inlets and storm sewer work in the Square will begin next week (the water line and new services have already been installed). He also advised that the crosswalk painting may not be completed before school starts because of the other projects his crew is working on.

Police Chief Mark King noted that he has observed a rise in "crimes of opportunity" in the past month. He explained that these involve items being stolen from an unlocked garage or vehicle. He encouraged residents to take time to lock their doors.

Councilman Greenawalt requested that the media provide information to remind residents that trash should not be placed at the curb before 5:00 p.m. on the day prior to collection.

In addition, he mentioned complaints received regarding noise at Break-Away's new addition on S. Potomac Street. President Newcomer noted that he has personally checked on the complaints and found that the "noise" is coming from the residence next door to the complainant.

Councilman Stains requested that the Street Committee look at additional signage which may be needed at the one-way exit from Turkey Hill on C.V. Avenue (motorists have been entering Turkey Hill at that location, which is prohibited). Kevin Grubbs was asked to review the Land Development Plans for the establishment – perhaps a "Do Not Enter" sign is missing. Councilman Stains also requested they look at the intersection of N. Franklin and Commerce Streets, as there are many children playing in the area and cars traveling at excessive speeds. Perhaps a stop sign or "Children at Play" sign is needed.

Mayor Starliper responded to Councilman Greenawalt's request for notifying residents regarding refuse collection by mentioning that the Borough's bi-annual notice was published in *The Record Herald* this past week. Mayor Starliper also informed Council members that he and Chief King have received and reviewed a Memorandum of Understanding from the School District regarding the School Resource Officer. This item will be placed on the agenda for Council's consideration. He noted that the only changes made to the new agreement are beneficial to the Borough.

Council President Newcomer noted for the record that Council held an executive session on the previous Saturday morning regarding the downtown sidewalk project.

Council then adjourned to executive session at 8:56 p.m. to discuss a personnel matter. They returned to regular session at 9:05 p.m. and adjourned the meeting at 9:06 p.m. on a Greenwalt/Stains motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant