

FEBRUARY 4, 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 and Ronald Martin (Jason Stains was absent)

Mayor Richard Starliper

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

**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 January 21<sup>st</sup> public hearing and regular meeting, as written. Councilman Greenawalt seconded; the motion passed unanimously.

**ACCEPT POLICE CHIEF REPORT (DECEMBER, 2008):** Councilman Martin made a motion to accept the Police Chief's report from December, with questions. Councilman Greenawalt seconded.

Mr. Martin cited the following statistics from the year-end report, and questioned why there was a decrease: in 2007, there were 1,061 parking meter tickets issued and in 2008, there were only 685; and in 2007, there were 75 DUI arrests, and in 2008, there were only 42. Chief King responded that he felt the Department was lacking in certain training areas, and has sent several officers to Standardized Field Sobriety class (which focuses on DUI detection). He added that one officer alone has already made 8 or 9 DUI arrests so far this year. Councilman Martin quoted figures of 719 in 2007 and 580 in 2008 for traffic warnings issued; and he requested that Chief King review these items to determine if there is a need for improvement. Councilman Greenawalt noted that the report indicates there were only 2 parking meter tickets issued for the month, and Mayor Starliper stated it is difficult to cite motorists when the parking meters are not cleared of snow. Chief King also explained that he has been short-staffed on many shifts and a third officer is not always available to work the downtown area on a regular basis.

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

### **COMMITTEE REPORTS**

**PERSONNEL COMMITTEE:** Councilman Mumma reported that he received a favorable evaluation for D. Bradley Martin, however no action was required. He also received several others which require action, and he will present motions regarding those during the "voting" section of the meeting.

**PROPERTY AND PUBLIC SAFETY COMMITTEE:** Councilman McCammon made a motion that Council reorganize at this time. Councilman Greenawalt seconded. Councilman McCammon called for any questions, and President Newcomer asked for the purpose of the reorganization. Councilman McCammon replied, “we feel it’s time that we reorganize”. Councilman McCammon called for a vote – voting in favor were Councilmen Greenawalt, McCammon and Martin. Discussion followed on proper voting procedures, and President Newcomer reiterated his question regarding the purpose of the reorganization. Councilman McCammon noted that the vote was 3-2 to reorganize, and President Newcomer called for a default. He stated that Councilman Stains was not present, but Solicitor Dively concurred that the motion to reorganize had passed.

Councilman McCammon then asked for nominations for the position of President. Councilman Greenawalt nominated Ronald Martin. Councilman Mumma nominated Craig Newcomer. Councilman McCammon suggested that the nominations be closed, but Solicitor Dively noted that sufficient time must be allowed for any additional nominations. Hearing no further nominations, Councilman McCammon called for a vote. In the process of the vote, however, Solicitor Dively explained that the Mayor should handle the voting process.

Mayor Starliper noted that two (2) nominations were made for the position of President. Voting in favor of Ronald Martin were Benjamin Greenawalt, Charles McCammon and Ronald Martin; opposing were Craig Newcomer and Harold Mumma. Voting in favor of Craig Newcomer were Harold Mumma and Craig Newcomer; opposing were Benjamin Greenawalt, Charles McCammon and Ronald Martin. The vote being 3-2, Mayor Starliper announced that Ronald Martin is the new President of Waynesboro Borough Council (effective immediately).

Mayor Starliper asked for nominations for the position of Vice-President. Councilman Greenawalt nominated Charles McCammon, and Councilman Newcomer nominated Harold Mumma. Voting in favor of Charles McCammon were Benjamin Greenawalt, Charles McCammon and Ronald Martin; opposing were Craig Newcomer and Harold Mumma. Voting in favor of Harold Mumma were Craig Newcomer and Harold Mumma; opposing were Benjamin Greenawalt, Charles McCammon and Ronald Martin. On a 3-2 vote, Mayor Starliper announced that Charles McCammon is the Vice-President.

Councilman McCammon then reported that the new street light at Beck’s curve has been installed.

**STREET COMMITTEE:** Council President Martin commented that the Solicitor and staff are looking at a “jake-brake” ordinance for within the Borough. No action is required at this time, however he asked if there were any objections before the Solicitor begins working on it. No objections were noted.

President Martin also noted that Welty Road is in bad shape. Mr. Hamberger has been requested to contact Congressman Shuster to see if any funds are available for this project. As there is an upcoming legislative breakfast with Congressman Shuster scheduled for February 24<sup>th</sup>, Mr. Martin requested that as many councilmen as possible attend. RSVP’s should be noted to Melinda Knott. Discussion ensued regarding Otterbein Church’s plans to build, and Allen Porter (a member at Otterbein) commented that their ultimate plans are to build, but not soon. On a related matter, Mr. Hamberger also noted that he has had preliminary discussions with Congressman Shuster’s staff regarding a funding request/description for the stormwater project; and a resolution regarding this matter will be presented later in the meeting for Council’s approval.

**INTERGOVERNMENTAL COMMITTEE:** No report. Mr. Hamberger read Comcast’s memo regarding the addition of three (3) channels to the line-up.

**DOWNTOWN REVITALIZATION COMMITTEE:** No report. Councilman Newcomer noted that pavers and decorative pole accessories for downtown will be discussed later in the meeting.

**FINANCE COMMITTEE:** No report.

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

“In the last couple of weeks I have met and spoken with a number of individuals and organizations in reference to Franklin County's 225<sup>th</sup> birthday. Among those were the Blue Ridge Summit Lions Club, Mainstreet Inc., Greater Waynesboro Chamber of Commerce, Borough of Waynesboro, Waynesboro Rotary Club and the Summer Jubilee organization. The main purpose is to receive input as to upcoming events and volunteers to help with promoting our County's 225<sup>th</sup> birthday. If anyone would like to help, please contact me.

On January 30<sup>th</sup>, I attended the Chamber's breakfast. One of the speakers was our own School Resource Officer Travis Carbaugh, along with Mike Bercaw. Their topic was alcohol prevention in the schools. Also on the agenda was a program on cooperative education.

On February 3<sup>rd</sup>, Boy Scout Troop #19 invited me to talk to them about our local government.”

**SOLICITOR'S REPORT:** Melissa Dively noted that she is working on the proposed jake-brake ordinance, but added that the funding applications take precedence.

Ms. Dively also noted, for the record, that Council held an executive meeting on January 30<sup>th</sup> regarding police matters.

**PUBLIC COMMENT - ITEMS ON AGENDA:** Tax Collector Delmos Oldham noted his appreciation to Council for considering his request for an increase in the collector's fees, as well as the assistance he was rendered recently with ice removal at his office.

**VOTING ON ITEMS FROM COMMITTEE REPORTS:** Councilman Mumma made a motion to grant a step increase for Robert Biesecker to Fire Apparatus Driver Level III (\$12.36/hour). Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Mumma made a motion to grant a step increase for Chris Eyler to salary level 8D (\$15.49/hour). Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Mumma noted that Michael Snyder resigned from the Library Board, and they are recommending that Hannah Savage be appointed as his replacement (said term would expire on 02/01/2010). In addition, Jason Piatt's term is due to expire on February 1<sup>st</sup>. He has been contacted and has agreed to serve an additional term; his new term would expire on 02/01/2012. Mr. Mumma added that Andrew Benchoff's term is also due to expire on February 1<sup>st</sup>, however he does not wish to be re-appointed. The Library Board is currently seeking an individual to fill this vacant position. Councilman Mumma made a motion to approve the aforementioned actions regarding the Library Board. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Mumma presented correspondence from the Borough's Safety Committee recommending that Melinda Knott be granted four (4) hours personal leave for her outstanding recordkeeping efforts, which were vital in qualifying for the Borough to receive a discount on their employees' insurance premiums. Councilman Mumma made a motion to grant four (4) hours of personal leave to Melinda

Knott, pursuant to the Safety Committee's recommendation. Councilman Greenawalt seconded; the motion passed unanimously.

Council President Martin noted that Kevin Grubbs discussed difficulties he has been experiencing with PENNDOT's inspector at the last Street Committee meeting. He is requesting that Council write a letter to Dave Rock and Scott Christie (PENNDOT officials) indicating their concerns. Mr. Hamberger noted that he has discussed the matter with several other municipal managers, and they are also experiencing problems. Councilman Greenawalt made a motion to authorize that a letter be written to PENNDOT regarding the matter. Councilman McCammon seconded; the motion passed unanimously. Mr. Hamberger added that he has also contacted Senator Rich Alloway and Representative Todd Rock for their support.

Councilman Martin noted that temporary "no parking" signs were erected on Third Street for the Greenshields' property. Their garage has been built and they have advised that the signs can now be removed. Accordingly, Councilman McCammon made a motion to remove the signs. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin reported that Dick Rose requested that 25 mph signs be erected on W. Fifth Street from S. Potomac Street to Hamilton Avenue, and Craig Mahrle requested they be erected on Gay Street from Walnut Street to S. Potomac Street. Councilman McCammon made a motion to erect the signs, as requested. Councilman Greenawalt seconded. Mayor Starliper noted that there are currently four (4) speed bumps and at least seven (7) parking lots on Gay Street. He suggested putting in another speed bump (near Nu-Way Cleaners) rather than more signs, especially since the signs may have to be placed on private property. Kevin Grubbs recommended that he and Denny Benschhoff review the matter prior to any action being taken. Councilman McCammon then amended his motion to approve erection of the signs on W. Fifth Street, with action on the request for Gay Street being deferred. Councilman Greenawalt seconded the amended motion. Mayor Starliper stated that he doesn't see a need for the signs on W. Fifth Street either. A vote was called and the motion passed 4-1 (Councilman Mumma opposed).

Councilman Martin reported that the Street Committee met with Mark King and Travis Carbaugh regarding a sight problem at the driveway entrance to the Middle School. In an attempt to increase visibility at this location, Kevin Grubbs recommended that "no parking" signs be posted for 60' to the east and 40' to the west, from 7:00 a.m. to 4:00 p.m., Monday thru Friday, during the school year. Councilman McCammon made a motion to approve the recommendation. Councilman Greenawalt seconded; the motion passed unanimously.

Councilman Martin noted that Attorney Tim Misner's office requested that action be taken to improve the sight conditions on Gay Street (at the intersection of S. Broad Street), due to the recent reconfiguration of the CVS parking lot and the cars now parking along Broad Street. He noted that Kevin Grubbs is recommending that "no parking" signs be erected 20' to the north and south of the intersection (one space). Councilman McCammon made a motion to approve the recommendation. Councilman Newcomer reminded Council members of the 48-hour notice required for items to be voted on. Councilman McCammon withdrew his motion for approval. Councilman Greenawalt seconded. The matter will be deferred until Council's next meeting.

## **UNFINISHED BUSINESS**

**CONSIDER ORDINANCE RE: TAX COLLECTOR INCREASE FOR ADOPTION:** Mr. Hamberger noted that the proposed ordinance was advertised for Council's consideration at this meeting. Councilman McCammon made a motion to adopt the proposed ordinance, as presented. Councilman Greenawalt seconded; the motion passed unanimously. Mr. Hamberger noted that the increase in fees will not take effect until 2010, but he will need clarification from the Solicitor on the "effective date" to be inserted into the ordinance.

## ORDINANCE NO.

AN ORDINANCE AMENDING ORIGINAL ORDINANCE NO. 324, ENTITLED AN ORDINANCE FIXING COMMISSION OF TAX COLLECTOR, AS INCORPORATED IN THE CODE OF ORDINANCES OF THE BOROUGH OF WAYNESBORO ON JUNE 16, 1949, AS AMENDED BY ORDINANCE NO. 407, ORDINANCE NO. 489 AND ORDINANCE NO. 934 ENACTED MARCH 20, 1991.

Complete copy on file at Borough Hall.

**PAVERS AND DECORATIVE POLE ACCESSORIES IN DOWNTOWN:** Mr. Hamberger noted that discussions have been held regarding the use of decorative pavers on the sidewalks in Center Square and the fact that the same should be used on the sidewalks downtown (which will be completed with grant money from Senator Punt). A meeting has been arranged with PENNDOT and the contractor (J. D. Eckman) for the following Tuesday to discuss the project. Kevin Grubbs noted that PENNDOT has approved use of the Pine Hall clay paver, which is available through Nitterhouse Concrete in Chambersburg. They have agreed to pay \$195.00/s.y.; and are requesting that the Borough pay the difference of \$.49/s.f. (for a total cost to the Borough of \$4,670.19).

Present at the meeting was David Kirkpatrick, President of K-M Dri-Lay. Mr. Kirkpatrick noted that the original contract for the project specified a concrete paver. He explained the concrete is not extremely durable over a long period of time. He has recommended the use of a clay paver, which is much more durable and will look better longer than concrete. He feels that the minimal price difference is well worth the additional 15-30 year longevity of this product. Mr. Hamberger noted it is the staff's recommendation to proceed with the clay pavers, and he "will look for the money" and report back.

Mayor Starliper suggested that the Borough enter into agreements with the property owners whose sidewalks are being replaced to ensure that they maintain them properly. Kevin Grubbs noted that many municipalities have done this, and Solicitor Dively was asked to research the matter further. President Martin requested that Mr. Hamberger also contact Bruce Dreisbach (Main Street Manager) to gather some ideas from him.

Mr. Martin added that Council needs to make a decision on the equipment for the traffic lights that will be mounted to the decorative poles. He noted that cost information was provided to Council members for painting the control base motor, the control pole motor, and eight (8) service cabinets, at a cost of approximately \$7,500. Mr. Hamberger noted that a decision should be made soon, as the equipment needs to be ordered. Council will consider the matter and discuss it further at their next meeting.

Frank Bittner questioned if the pavements on the Square will all be at one elevation. Kevin Grubbs replied that a slope of 1/4" per foot is required for run-off. He briefly described the amount of curbing that will be revealed, the drains that will be installed, and the required relocation of the existing trees – these issues will all be addressed at the meeting with PENNDOT next week.

**MYRTLE AVENUE EXTENDED:** Council President Martin noted that a petition had been received from three (3) of five (5) property owners to abandon Myrtle Avenue Extended from Third to Fourth Streets. As there is no required timeframe regarding this request, the Street Committee is recommending the matter be deferred.

Councilman Newcomer asked what Myrtle Avenue has to do with Fourth Street? Mr. Martin replied that it has nothing to do with Fourth Street ... the Street Committee has discussed asking the Borough staff to rough-grade, cut some trees, and place some millings there to establish (at a minimal cost) where Fourth Street may be utilized some day. Mr. Newcomer noted it is his understanding that a new

development coming in would have to pay to develop Fourth Street. Mr. Martin noted, at this time, there is no one (that he is aware of) developing Fourth Street. His only thought was to establish Fourth Street to ensure that the Borough is not giving up any rights to it. Mr. Newcomer asked the Solicitor if there is any type of notification that could be given to establish those rights without spending taxpayers' money?

Solicitor Dively noted that she was researching the matter regarding response to the petition. She advised that the Borough Code states, "Council shall hold a hearing". She cautioned Council that, as they have received a petition to vacation, they should do so "reasonably promptly". No particular timeframe is noted in that section of the Borough Code, but it requires that Council provide 15 days' personal notice to all owners of abutting real estate who have not joined in the petition.

Discussion ensued regarding the establishment of Fourth Street. It was clarified that the street is unimproved, but has been ordained. Kevin Grubbs noted that surveying work has been done, and the Borough's Maintenance Department has repaired potholes from time to time. Denny Benshoff added that they also put in blacktop (approximately 6-7' wide) from Myrtle Avenue to the end of Fourth Street to keep it from "washing out". Ms. Dively noted that she would rather not offer an opinion at this time, as she would like to do more fact-finding.

Councilman Newcomer then made a motion to hold a public hearing on the second meeting in March at 7:00 p.m. Discussion followed regarding the drawings that need to be prepared by the Engineering Department (and the fact that their workload is extremely heavy at this time), and the Solicitor was asked if April would be too long to wait. She replied that the petitioners should be advised of these facts; and as they were present in the audience, President Martin asked their opinions. All seemed to be in agreement with that timeframe, and Councilman Newcomer amended his motion to hold the public hearing on April 1<sup>st</sup> at 7:00 p.m. Councilman Mumma seconded; the motion passed unanimously.

**RESOLUTION TO AUTHORIZE APPLICATION FOR FUNDING ASSISTANCE:** Solicitor Dively presented a proposed amendment to the resolution previously authorized for the H2O grant application through the Commonwealth Financing Authority. She advised that the percentage amount of the grant is larger than originally anticipated (it is now upwards to 2/3 of any project). This resolution would note that Council is authorizing an application for the full amount (\$7,100,000), and the CFA would figure out what amount they were willing to offer. Councilman Newcomer made a motion to approve proposed Resolution No. 2009-03. Mr. Hamberger noted that, since Council's reorganization, the names for the President and Vice-President will need to be modified in the resolution. Councilman McCammon seconded; the motion passed unanimously.

#### RESOLUTION NO. 2009-03

#### A RESOLUTION OF THE BOROUGH OF WAYNESBORO TO AUTHORIZE THE APPLICATION FOR ASSISTANCE FROM THE COMMONWEALTH FINANCING AUTHORITY

Complete copy on file at Borough Hall.

#### **NEW BUSINESS**

**PLANNING COMMISSION ITEMS:** Kevin Grubbs stated that the Planning Commission meeting scheduled for February 9<sup>th</sup> has been canceled, due to the lack of business.

**AGREEMENT FOR PARTICIPATION IN THE CENTRAL WESTMORELAND COUNCIL OF GOVERNMENTS VEHICLE PURCHASING PROGRAM:** Mr. Hamberger noted that, by renewing the existing agreement with the Central Westmoreland Council of Governments, the Borough will be

authorized to purchase vehicles through their Cooperative Purchasing Program. Councilman Greenawalt made a motion to approve execution of the agreement, as presented. Councilman McCammon seconded. Mr. Hamberger noted that the cost of this renewal is approximately \$150.00/year. The motion then passed unanimously.

**REQUEST FROM GREENCASTLE RELAY FOR LIFE TO HANG PURPLE BOWS ALONG MAIN STREET:** Mr. Hamberger read the letter from the Greencastle Relay for Life requesting to place purple bows on the parking meters along Main Street from April 15, 2009 thru May 15, 2009. He noted that Council has approved this in the past, and there have been no problems. Councilman McCammon made a motion to approve the request, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

**REQUEST TO GIVE PRESENTATION (ANTIETAM WATERSHED OF PA):** Mr. Hamberger noted that Dr. Stephen Rettig would like to give a presentation, on behalf of the Antietam Watershed Association, regarding an implementation grant for corrective actions to improve and protect the Antietam Creek. He suggested that members of the Waynesboro Borough Authority and Planning Commission also be invited to attend. Councilman McCammon made a motion that the presentation be given at 7:00 p.m. prior to the next Council meeting. Councilman Greenawalt seconded; the motion passed unanimously. After further discussion, Councilman McCammon amended his motion that the presentation be given at 6:45 p.m. (instead of 7:00 p.m.) that evening. Councilman Greenawalt seconded the amended motion; the motion passed unanimously.

**AWARD BIDS – POOL CONCESSION STAND:** Mr. Hamberger noted that bids were opened for the pool concession stand rental. Two (2) bids were received, both of which were based on a percentage of gross sales: Della Koons - 9% and Dave Wishard (Velvet Café) - 15%. Councilman Greenawalt made a motion to award the contract to Mr. Wishard. Councilman Newcomer seconded; the motion passed unanimously. Mr. Hamberger was advised to send Della Koons a letter thanking her for her service in years passed.

#### **FOR INFORMATION ONLY**

**INVITATION FROM SUMMIT HEALTH TO ATTEND PRESENTATION ON COMMUNITY HEALTH NEEDS (FEBRUARY 25, 2009):** Council members were invited to attend a presentation on the findings of a county-wide assessment of the health needs of Franklin County residents on February 25<sup>th</sup>, at 1:00 p.m. RSVP's are requested by February 10<sup>th</sup>.

**INVITATION TO LEGISLATIVE BREAKFAST WITH CONGRESSMAN BILL SHUSTER (FEBRUARY 19, 2009):** Council members were also invited to attend a Legislative Breakfast with Congressman Bill Shuster on February 19<sup>th</sup>, at 7:00 p.m., as was mentioned earlier in the meeting. Members wishing to attend were asked to contact Melinda Knott as soon as possible.

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

**Amos Miller, 309 W. Sixth Street** - Mr. Miller relayed an incident during a recent walk down Fairview Avenue (shortly after turning onto W. Seventh Street). A car came around the corner and was extremely close to he and his wife, because they were forced to walk in the street where there was no sidewalk. He realizes that asking for sidewalks in non-residential areas is not going to happen, but this is a safety issue. He doesn't know of a solution to that problem, but stressed to Council the need to assure that the taxpayers' money (indirectly) being spent downtown is not wasted and the property owners who are receiving new sidewalks are required to maintain them. He suggested that perhaps a bond could be submitted; and if the sidewalks are not maintained by the owners, the bond money could be utilized for the Borough to provide the required maintenance.

**PAY BILLS:** Councilman McCammon made a motion to approve the payment of Voucher List VL-09-03. Councilman Greenawalt seconded; the motion passed unanimously.

**COUNCIL AND STAFF COMMENTS:** Mr. Hamberger noted that, since new officers have been elected, it will take approximately two (2) weeks for the appropriate documents to be completed at the bank and signature stamps prepared. He asked if there would be any problem if the previous officers sign checks until the formalities have been finalized. President Martin noted that would be no problem, provided they agree.

Mayor Starliper suggested that, when considering an agreement/policy for the property owners downtown, the individual designated responsible for maintaining the sidewalks should be noted (along with a telephone number and/or email address). Solicitor Dively stated that, upon further consideration of the matter, she would recommend that Council update their Sidewalk Ordinance and ordain responsibility for sidewalk maintenance. Mr. Hamberger agreed, adding that the ordinance will need to be revised anyway to permit pavers.

Councilman Newcomer spoke regarding his feelings on the recent reorganization, which are summarized as follows:

There are reasons for running for office; and it is apparent and sad that there are a few members on Council who are more interested in their own personal gain. He is saddened by the recent decision which was slanted by an unbalanced Council tonight. He will continue to represent the citizens of Waynesboro (as he always has), and fight for their interests and what he feels are morally correct decisions that he stands for. Mr. Newcomer thanked the public and staff for their support during his term as President; and wished the new President god-speed and good luck.

President Martin stated that he will review and be in touch with Council members regarding the various committees. He is hopeful that they can "all share the burden, and be very open and communicate with everybody so everybody is part of the decision-making".

Having no further business to discuss, the meeting adjourned at 8:48 p.m. on a McCammon/Greenawalt motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant