

FEBRUARY 18, 2009
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Ronald Martin called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:25 p.m. (immediately after the special presentation of the Antietam Watershed Association, as advertised) with the following in attendance:

Council Members – Benjamin Greenawalt, Jason Stains, Charles McCammon, Ronald Martin, C. Harold Mumma and Craig Newcomer

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager

Denny Benshoff, Maintenance Superintendent

Dan Sheffler, Zoning-Code Enforcement Officer

S. Leiter Pryor, Director of Borough Utilities

Melissa Dively, Borough Solicitor (Salzmann Hughes, PC)

Mark King, Police Chief

Dave Martin, Fire Chief

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 February 4, 2009 meeting, as written. Councilman Greenawalt seconded; the motion passed unanimously.

ACCEPT REPORTS: Councilman Stains made a motion to accept the reports of the Code Enforcement Officer, Police Chief and Fire Chief, as presented. Councilman Greenawalt seconded; the motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Mumma reported that he received an excellent evaluation for Police Chief Mark King, however no action is required at this time. He also noted he will present motions on two (2) other items during the “voting” section of the meeting.

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Martin stated that he will present a motion during the “voting” section of the meeting. In addition, he noted that the next Street Committee meeting will be held on Wednesday, February 25th, at 9:00 a.m.

Mr. Hamberger also advised that the street light has been installed at Becks curve.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: Councilman Newcomer noted that discussion will be held later in the meeting regarding pavers, etc. for downtown.

FINANCE COMMITTEE: No report.

MAYOR'S REPORT: Mayor Starliper reported that he has been meeting with various organizations in the community to request that they advertise Franklin County's upcoming 225th birthday celebration at their own events. "Ben Franklin" will be present at many of the events also.

SOLICITOR'S REPORT: No report. Melissa Dively noted that, with the assistance of Lloyd Hamberger and Kevin Grubbs (along with Dennis Black Engineering), her office met the required deadline for the H2O grant and PENNVEST applications. President Martin thanked Borough staff and the office of Salzmann Hughes for the work they have done on these applications. He commented that the Borough is working very diligently to fund the 7.1 million dollar stormwater problem they are faced with; adding that if they had to borrow the money, it would result in an 8.32 mill tax increase for the Borough's property owners. Solicitor Dively advised that the H2O grant would cover up to 2/3 of the project's cost, and PENNVEST is a very low interest loan. She noted that many applications for funding have been submitted to DCED. Mr. Hamberger added that a resolution authorizing the preparation of a "Letter of No Prejudice" (which is required for these applications because work may need to begin prior to funding approval) will be presented for Council's consideration later in the meeting.

PUBLIC COMMENT - ITEMS ON AGENDA:

Harry Morningstar, Jr. 205 Clayton Avenue - Mr. Morningstar noted that he is Chairman of Main Street Inc.'s Design Committee, and he was speaking on behalf of the Bruce Dreisbach (Downtown Manager). He addressed the "recent and unexpected change" in positions on Borough Council. Main Street Inc. is concerned, and would like to acknowledge the facts and projects achieved under the previous leadership, as follows:

- Rotary parking lot was paved with money raised by Craig Newcomer (from Senator Terry Punt)
- Downtown Business Incentive Grants (\$500,000 has been used for local businesses to expand and attract others; even more are pending)
- A "cohesive" plan for the Square has finally been achieved, and the project will be done shortly (this involved a lot of coordinated effort between Main Street Inc., the Chamber of Commerce and the Borough Council)
- New traditionally-styled lighting fixtures have been installed
- Walkways for foot traffic have been installed from the parking lots to the shopping and business areas (including brick streetprint)
- "Welcome to Waynesboro" signs have been erected
- A Downtown Manager has been hired, along with staff to support his efforts
- A bi-weekly article is published in the local newspaper by Dick Rose
- \$500,000 has been obtained from Senator Punt for genuine brick sidewalks to be installed in the Square and for several blocks on each side (east and west) of the Square

Mr. Morningstar noted that, never before has he seen so many efforts coordinated between Council, Main Street Inc., PENNDOT, Borough staff and Chamber volunteers. He questioned if this is really the time to "shuffle the deck". He feels that a good solid base of leadership is important when trying to attract businesses to the community.

Frank Bittner, 842 Anthony Avenue – Mr. Bittner noted that he spent the last several days cutting clippings from the newspaper, and echoed some of Mr. Morningstar's remarks regarding the advancements being made in Waynesboro – he mentioned the brick pavers, a jake brake ordinance, additional funding for Welty Road, planning for Center Square, a committee established to discuss the inspection of rental properties, and a bi-weekly report from Dick Rose about downtown Main Street. There are many things going on that the Borough and its residents can be proud of. The sad news, however, is that he was quite disappointed at Council's last meeting when a "surprise motion to reorganize occurred when a member of Council was missing". He felt that this move affected the credibility of Council.

Councilman Stains noted that he, too, was “caught off guard” two weeks ago when he read the newspaper and his telephone starting ringing about what went on at the Council meeting. He stated that he works at a juvenile detention center and makes an effort to attend every Council meeting, but incidents arise at times which must take priority. Comments were apparently made about Council “not communicating well with each other” and about issues among the members of Council. He was not aware of any of these issues, but would have liked to have been made aware of them prior to something like this happening. Mr. Stains said that he would not suggest that people took advantage of the fact that he was not at the meeting, but he was disappointed that the vote took place when he was not present. He understands that, by law, Council can reorganize at anytime; but he stated he wished the law required that everyone be present. Since the last meeting, his telephone and inbox (email) have been filled with comments both for and opposed to Council’s reorganization. He reminded Council that they are here for the community and the people they serve; and he hopes that going forward, they are able to make better names for themselves and continue to work toward the goals they all have (or should have) as members of this Council.

That being said, as he wasn’t present at the last meeting, Councilman Stains made a motion for the reorganization of Council for the offices of President and Vice-President. Councilman Mumma seconded. At that time, Solicitor Dively advised that in accordance with the Borough Code and Robert’s Rules of Order, when a motion is made that has to do with the President and Vice-President in their capacity, the motion is handled by the Mayor.

Councilman McCammon commented that “this will go on and on, because he’s (Councilman Stains) not going to be here again, and we’ll do it all over again”.

Councilman Martin asked to speak, and he noted that he wanted everyone to be aware that there was no ulterior motive. Council has been working very diligently; and in the past year, a lot of good things have happened in the Borough. He stated that he “will not see this Council split”, and added that if “the three of you (Councilmen Stains, Mumma and Newcomer) are going to reorganize, I will go along with that vote and step down”. He reiterated that “the last thing I want is for us to be split. I want us to work together, but I want us to all be informed ... that’s all I ask.”

Councilman McCammon noted that “this Council has been split from day one” and added that “they” are aware of why this was done. Councilman Newcomer stated that he had questioned why this was being done at the last meeting, but Mr. McCammon would not respond at that time. Councilman McCammon then stated, “because you two are trying to run the Council”.

Mayor Starliper closed discussion on the matter at this time, and asked for a vote on the motion to reorganize – voting in favor were Councilmen Stains, Newcomer and Mumma; and voting in opposition were Councilmen McCammon and Greenawalt. The motion carried.

Councilman Stains nominated Craig Newcomer to the position of President. Councilman Mumma made a motion to close the nominations. Councilman Stains seconded; the motion passed unanimously. A vote was called to appoint Craig Newcomer as President – voting in favor were Jason Stains, Harold Mumma, Craig Newcomer and Ronald Martin; opposing were Benjamin Greenawalt and Charles McCammon. The motion passed 4-2.

Councilman Stains nominated Harold Mumma to the position of Vice-President and Councilman McCammon nominated Ronald Martin. Councilman Mumma made a motion to close the nominations. Councilman Stains seconded; the motion passed unanimously. Those voting in favor of appointing Harold Mumma as Vice-President were Jason Stains, Harold Mumma and Craig Newcomer; those voting in favor of appointing Ronald Martin as Vice-President were Benjamin Greenawalt, Charles McCammon and Ronald Martin. Being a 3-3 vote, the Solicitor noted that the tie vote would go to the Mayor. Mayor Starliper noted that his vote goes to Harold Mumma.

Councilman Martin commented that Council should "get this out of the way and get back to being united". Following Mr. Martin's comments, Council President Newcomer asked for a motion that Council look into the ordinance to ensure that all members are present for any future reorganization. Solicitor Dively recommended that they make no changes to what is statutorily prescribed for reorganization on the first Monday in January every two years. Mr. Newcomer noted that one councilman has already commented that they "will do it again" when another member is absent; and Councilman McCammon replied affirmatively. At the President's request, Solicitor Dively noted that she will look into the matter further.

Unrecognizable mumblings were heard from several Council members. Councilman Martin then noted that he had asked Craig Newcomer to reorganize in December and Mr. Newcomer said he would get back to him but never did. Mr. Newcomer stated that he had told Mr. Martin that it "wasn't in my best interests right now". Mr. Martin disagreed, noting that he (Mr. Newcomer) said he would get back to him within the week, and "that week went six weeks". Regardless, Mr. Martin stated that "it's over ... now let's get together".

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma noted that Gordon Cruickshanks is recommending hiring Jay Mongan as a Sewer Treatment Plant Trainee, at a salary level of 4A or \$11.58/hour (\$11.00/hour during his probationary period). Councilman Stains seconded; the motion passed unanimously.

Councilman Mumma made a motion to appoint Clint Barkdoll to a vacant position on the Library Board (said term to expire on 02/01/2012). Councilman Stains seconded; the motion passed unanimously.

Councilman Martin made a motion to establish a handicapped parking space at 202 Elder Avenue. Councilman McCammon seconded; the motion passed unanimously.

UNFINISHED BUSINESS

DOWNTOWN (BRICKS/PAVERS AND PAINTING CABINETS): This matter was discussed at Council's last meeting. Mr. Hamberger noted that he talked with Main Street Inc. and they are recommending the English Edge Red Range, which is a smoother brick (the others have a rougher surface). He explained that there are two (2) kinds of brick – concrete and fire-vitrified clay; and the staff is recommending use of the vitrified clay brick, because it has a longer life. There would be an additional cost to the Borough of \$4,500 for this type of brick, and Councilman Martin made a motion to proceed. Councilman Greenawalt seconded; the motion passed unanimously.

Mr. Hamberger noted that the other matter of consideration is painting some of the equipment ancillary to the street lights. As the decorative poles are historic in architecture, 4' stainless steel cabinets adjacent to those would not be aesthetically pleasing. Council was provided a list of items that could be painted (and the costs thereof), but he recommended that the controller boxes and base be painted (at a minimum) for \$5,000. Councilman Martin made a motion to spend \$7,500 to paint the control phase motor and the service cabinets. Councilman McCammon seconded; the motion passed unanimously.

Kevin Grubbs reported that a meeting was held the previous week with the contractor (J. D. Eckman) to discuss the handicapped ramps at each crosswalk in the Square. He explained that they are contracted out to be concrete. Lloyd Hamberger displayed pictures from the City of Hagerstown, showing ramps both with (and without) concrete pavers. No additional cost was discussed. The public was given a chance to view the pictures, and Council decided to move on to the next item on the agenda. Discussion regarding this matter will resume later in the meeting.*

NEW BUSINESS

NOTICE OF RETIREMENT (POLICE DEPARTMENT): Councilman Mumma read a notice of retirement from Police Officer Lynn Lowman, whose last day of work will be April 30, 2009. Councilman Mumma reluctantly

made a motion to accept his notice. Councilman McCammon seconded. Mayor Starliper noted that he and Chief King will have a recommendation (regarding his replacement) for Council in March. President Newcomer stated that Officer Lowman is one of the best officers Waynesboro has, and he will be very missed. He instructed that the Borough Manager prepare a letter of appreciation for his many years of service. The motion then passed unanimously.

SCHEDULE FIRST CDBG HEARING FOR 2009 FUNDS: Mr. Hamberger recommended that Council schedule their first 2009 CDBG hearing for the second meeting in March (March 18th) at 7:15 p.m. Council concurred.

FAIR HOUSING RESOLUTION (NO. 2009-04): Mr. Hamberger presented the annual Fair Housing Resolution (No. 2009-04) for Council's approval. Councilman Mumma made a motion to approve the resolution, as presented. Councilman McCammon seconded; the motion passed unanimously.

RESOLUTION 2009-04

FAIR HOUSING RESOLUTION

LET IT BE KNOWN TO ALL PERSONS of the Borough of Waynesboro that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability is prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the Pennsylvania Human Relations Act. It is the policy of the Borough of Waynesboro to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex, national origin, handicap or disability, or familial status (families with children). Therefore, the Borough of Waynesboro does hereby pass the following Resolution.

Complete copy on file at Borough.

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS:

Amos Miller, 309 W. Sixth Street - Mr. Miller commented that all councilmen devote a lot time to being on Council; and as a taxpayer, he noted his appreciation for their dedication. He stated, however, that when a councilman has to regularly miss meetings, it is not fair that Council must "limp along with one spoke missing out of the wheel". He feels it would be in the community's best interest if this individual "step aside" so that someone could serve who has time to commit to the job. In the spirit of unity (as mentioned earlier in the meeting), Mr. Miller wondered why his councilman (Ben Greenawalt) has never been assigned a committee. President Newcomer noted that he had given Council members an opportunity to serve on a committee, but Councilman Greenawalt didn't reply as to which committee he would like to serve on. Recently, however, he was appointed to the Finance Committee, because he had not yet volunteered to serve on any committee. Mr. Newcomer noted that Mr. Greenawalt must be held responsible for his own actions, and he offered to provide copies of the minutes from the meetings when committee assignments were discussed. Mr. Miller noted that would not be necessary ... he was simply making an observation. Councilman Martin suggested that President Newcomer review the committee assignments again to see if any changes can be made.

Margaret Schmelzer, 128 W. Main Street - Ms. Schmelzer noted that she is deeply saddened and disappointed by Council's actions this evening and in the past. She noted that the people of Waynesboro have elected the Council to represent them; and Council should put their personal and "pet" projects aside and do what they can to make Waynesboro vibrant again. She noted that the entire community should work together for one common goal – that being the betterment of Waynesboro and its people.

Councilman Martin noted he took exception to Ms. Schmelzer's comment ... everyone on the Council has been working – they have all put forth a lot of effort and time, and made large contributions to a very successful

Council since January of 2008. Even though Council members may have disagreements, they will do the best for Waynesboro. He added that much has happened in Waynesboro during the last year. Ms. Schmelzer agreed, but noted that we all "need to keep heading toward that goal".

RESOLUTION RE: LETTER OF NO PREJUDICE: Solicitor Dively presented a resolution for Council's adoption as part of the PENNVEST application her office is preparing. Mr. Hamberger read proposed Resolution No. 2009-05, and Councilman Martin made a motion to adopt it. Councilman McCammon seconded; the motion passed unanimously.

RESOLUTION NO. 2009-05

REIMBURSEMENT RESOLUTION FOR PROJECT COSTS

RESOLVED, the Borough of Waynesboro intends to use its General Funds, to finance on an interim basis, the costs of the South Potomac Street Stormwater Drainage Network which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the borrower, up to the maximum principal amount of \$7,100,000.00.

Complete copy on file at Borough Hall.

FOR INFORMATION ONLY

WAYNESBORO WELFARE ASSOCIATION ANNUAL REPORT: Mr. Hamberger noted that the Waynesboro Welfare Association's Annual Report is available at Borough Hall for review.

LUNCHEON/PRESENTATION BY FREDERICK BRICK WORKS, INC.: Council members and staff were invited by the Quincy Township Supervisors to attend a luncheon/presentation by Frederick Brick Works, Inc. on March 5th. Individuals interested in attending were asked to contact Melinda Knott.

RESUME DISCUSSION REGARDING DOWNTOWN BRICK/PAVERS: Kevin Grubbs asked that discussion resume regarding the use of concrete in the handicapped ramps in the Square. He commented that this decision will "set the tone" for the entire downtown business district. If Council chooses to remove the concrete from the handicapped ramps, he will need to contact PENNDOT as soon as possible. No additional fees were discussed for this option, but a decision should be made quickly. Mr. Hamberger noted that the concrete does add a visual element so people won't miss the handicapped ramp. (If they aren't careful, they could stumble on the downgrade.) Kevin Grubbs agreed that, from a distance, pavers on the ramps would blend in with the sidewalk area. Councilman Martin expressed concern about delaying the project, but Mr. Grubbs noted there would be no delay. Based on Mr. Hamberger's comments, President Newcomer felt that the use of concrete would alleviate future safety problems. Councilman Martin made a motion to use concrete and truncated pavers on the handicapped ramps in the Square. Councilman Stains seconded; the motion passed unanimously.

PAY BILLS: Councilman Mumma made a motion to approve the payment of Voucher List VL-09-04 (Check No. 1181 is voided, and Check Nos. 1157 to 1184 are approved for payment). Councilman McCammon seconded; the motion passed unanimously.

COUNCIL AND STAFF COMMENTS: Kevin Grubbs reminded Council that the Street Committee had discussed creating a "no parking" zone on the north and south sides of the intersection at Gay and S. Broad Streets, and the matter was deferred until this meeting. Councilman Martin suggested that the matter be discussed again at the upcoming Street Committee meeting and be brought back to Council through the "normal channel".

Regarding revisions to the Sidewalk Ordinance, Kevin Grubbs stated it was his intent to provide a draft copy for Council at this meeting. Due to his heavy workload, however, it is not quite finished. He assured Council that he will deliver their copy and a copy to Melissa Dively on Friday for review. Council members should contact him if they would like any changes made, and a final copy will be ready for authorization to advertise at their next meeting.

Solicitor Dively noted that, since the grant/loan applications are complete, they will now be able to put their attention to drafting the proposed jake brake ordinance. Councilman Martin suggested that Kevin Grubbs provide a copy (if available) at the next Street Committee meeting.

Councilman Greenawalt commented that, in January, he had requested Council hold a monthly workshop. As that has not been done yet, he reminded President Newcomer of his request.

Councilman Mumma thanked the public for their attendance at the meeting and invited them to attend often.

Mayor Starliper quoted Oliver Wendell Holmes, “the great thing in this world is not so much as where we stand as to what direction we are moving”.

Councilman Martin stated that Council members get a lot of criticism from the public. He reminded them that an election is nearing, and invited people to “stand up and run”, as many times the Council seats are unopposed.

Mr. Hamberger reported that the Joint Comprehensive Plan has been finalized, and he is attempting to schedule a public hearing with Washington Township regarding the matter. It is anticipated that the hearing will be held during the week of April 6th, but he will report back to Council when he has a firm date.

Councilman McCammon apologized to the public that “this all happened”, but added that “you don’t all know the whole story”.

Council President Newcomer thanked the public for their support, noting that he received many emails and letters regarding the matter. As Council President, he noted it is his job to “keep balance on Council”. He stated his opinion that they have a good Council who can work together and move forward, as they have in the past. Mr. Newcomer also publicly requested that Councilman Greenawalt let him know what committee he would like to be involved with. Mr. Greenawalt agreed. And lastly, Mr. Newcomer wished his father (one of his biggest supporters) a Happy Birthday.

Margaret Schmelzer asked when work on the Center Square project will begin. Kevin Grubbs reported that they plan to break ground in March. In response to her question regarding the sidewalks, Mr. Grubbs noted the Sidewalk Ordinance must first be modified and then the bidding process will proceed. Mr. Hamberger advised that the signed contract has not yet been returned from PENNDOT. It was then noted that the Borough will “have everything ready” on their part so that when the contract comes through, the project can proceed.

Having no further business to discuss, the meeting adjourned at 8:28 p.m. on a McCammon/Greenawalt motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant