

JANUARY 7, 2009
WAYNESBORO, PA 17268
REGULAR MEETING

Council President Craig Newcomer called the regularly scheduled meeting of the Waynesboro Borough Council to order at 7:34 p.m. He apologized for the late start, but noted that Council members held an executive session regarding potential litigation prior to the meeting. The following members were in attendance:

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

Mayor Starliper was absent

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

President Newcomer noted that the Mayor had had surgery earlier this week, and reported that he is doing well.

PLEDGE OF ALLEGIANCE: Councilman Greenawalt led those present in the Pledge of Allegiance.

APPROVE MINUTES: Councilman McCammon made a motion to approve the minutes of the December 3, 2008 workshop and the December 17, 2008 regular meeting, as written. Councilman Greenawalt seconded.

Councilman Martin commented on Frank Bittner's remarks during the December 17th meeting. He clarified that the request regarding a monetary donation for the soldiers' transportation from (and back to) Fort Dix for the holidays was not denied. In actuality, the matter was discussed and no formal action was taken. Mr. Martin requested that that clarification be reflected in those minutes. Councilman McCammon amended his motion for approval of the minutes with the aforementioned clarification. Councilman Greenawalt seconded; and the amended motion passed unanimously.

COMMITTEE REPORTS

PERSONNEL COMMITTEE: Councilman Mumma noted that there are two (2) items to be presented during the "voting" section of the meeting, one of which will be presented by Councilman Stains (as Councilman Mumma will abstain from voting on this matter).

PROPERTY AND PUBLIC SAFETY COMMITTEE: No report.

STREET COMMITTEE: Councilman Martin reported that the Street Committee met on December 31st and discussed the possible abandonment of Myrtle Avenue from Third Street to Fourth Street, as well as the improvement of Fourth Street from Myrtle Avenue to Virginia Avenue; and that project is "moving forward". He will also present one (1) item during the "voting" section of the meeting.

Councilman Martin reported on a meeting held earlier with PENNDOT representatives regarding the Center Square project. It was decided that the poles/arms, etc. will be the decorative-type and black. He noted, however, that the brackets holding the pedestrian crossing signs (and the street signs above) will be aluminum in color. Also, Council had discussed painting the control boxes black, but that would cost an estimated additional \$20,000. Mr. Hamberger stated that Council's approval is needed on the modified lighting (from the Valmont Company) and the use of pavers (instead of stamped concrete) in the sidewalks. Councilman Martin explained that the pavers reportedly have a longer life. He added that stamped blacktop will be used in the crosswalks on the roadway. An amendment to the current ordinance will need to be drafted in order to permit the pavers to be utilized in the Downtown Business District; and Councilman Martin will present a motion on that matter later in the meeting.

INTERGOVERNMENTAL COMMITTEE: No report.

DOWNTOWN REVITALIZATION COMMITTEE: No report.

FINANCE COMMITTEE: No report.

MAYOR'S REPORT: No report.

SOLICITOR'S REPORT: No report.

PUBLIC COMMENT - ITEMS ON AGENDA: None.

VOTING ON ITEMS FROM COMMITTEE REPORTS: Councilman Mumma made a motion to re-appoint Doug Tengler to the Zoning Hearing Board; said term will expire on January 1, 2012. Councilman McCammon seconded; the motion passed unanimously.

Councilman Mumma made a motion to re-appoint Benjamin Greenawalt (as Borough Council's representative) and Deputy Fire Chiefs Jody Sanders and Trayer Stoops to the Franklin County Emergency Service Alliance. Councilman Stains seconded; the motion passed 5-0 (Councilman Greenawalt abstained).

Councilman Stains made a motion to re-appoint O. June Mumma to the Vacancy Board for a term of one (1) year. Councilman Greenawalt seconded; the motion passed 5-0 (Councilman Mumma abstained).

Councilman Martin made a motion to remove the handicapped parking space on Third Street (in front of the former beauty shop) at the south end of the Gold's Gym building. Councilman McCammon seconded; the motion passed unanimously.

Councilman Martin made a motion to authorize the Borough staff to prepare the necessary ordinance to permit pavers to be placed in the sidewalk area in the Downtown Business District; and further, that they indicate to the contractor and PENNDOT that the Valmont decorative posts/arms are acceptable (in lieu of the other company), the color of which is to be black. Councilman McCammon seconded; the motion passed unanimously.

NEW BUSINESS

RECOMMENDATION FROM RECREATION BOARD RE: ROTARY PARK RULES AND REGULATIONS: Mr. Hamberger noted that the Recreation Board has been reviewing/revising the rules and regulations for the Rotary Park to permit dogs and bicycles (on a temporary basis). Council

members received a copy of the proposed revisions, as well as a large number of emails with supporting comments. Mr. Hamberger read the proposed modifications, as follows:

REGULATIONS FOR BICYCLES, ROLLER SKATES AND ROLLER BLADES IN ROTARY PARK:

1. Skateboarding is prohibited in Rotary Park.
2. Bikers, roller skaters and roller bladers must utilize appropriate helmets and protective gear.
3. Stop for pedestrians.
4. Ride/skate/blade to the right of the walkway.
5. Skating, biking or blading is prohibited in the pavilion or in the grass – such activities must stay on the walkway.

REGULATIONS FOR DOGS IN ROTARY PARK:

1. All dogs must be on a six-foot (6') leash.
2. Dog walkers must pick up all solid waste left by their dog(s) in their own containers and properly dispose of the waste outside the park. Do not deposit in the waste containers in the park.
3. Do not leave a dog unattended.
4. Do not permit a dog under your control to approach other dogs or people without invitation or permission.
5. Keep dogs away from exercise areas, play areas, the pavilion, the flagpole, the memorial area, the restrooms or other park buildings/structures.
6. The handler must keep dogs under control and is responsible for the behavior of the dog(s).

Mr. Hamberger added that dogs are prohibited in all other Borough parks. The Recreation Board, in response to the requests of 40-50 residents during a summer meeting, suggested that this could be permitted on a trial basis.

Carolyn Smith, 861 Fairview Avenue - Ms. Smith noted that she is one of the neighbors of the park who contacted the Recreation Board regarding this matter. Many of her neighbors have commented that the “park has died” since dogs and bicycles were no longer allowed. When the park was first established, people were walking their dogs, rollerblading, children playing and riding their bikes – and it was very disappointing when the changes were made to prohibit these activities. She suggested that Waynesboro look at promoting what many communities are doing across the nation – dog parks are cropping up everywhere – after all, “dogs are man’s best friends”. She also suggested that Council consider (in the future) fencing-in an area at Northside Park where dogs can run freely, among other possibilities. She recommended that Council adopt the modification to the rules and regulations for Rotary Park as presented by the Borough Manager.

Carroll Pensinger, 420 W. Eighth Street - Mr. Pensinger questioned singling out Rotary Park – why not allow dogs and bicycles in all the parks? He also asked how these restrictions will be enforced.

Carolyn Smith - Ms. Smith commented that there is no proposed restriction on children’s ages, which was previously reported in *The Record Herald*. She also questioned if riders should be limited to the walkway – what is the problem with riding on the grass?

Frank Bittner, 842 Anthony Avenue - Mr. Bittner noted that he lives adjacent to the park (and has lived at that location for many years). He reminded Council of problems experienced with mowing at Memorial Park years ago because of the many “dog signatures” left behind, and the issue was

considered when the park rules were established. He feels that Rotary Park is used “quite frequently”; and added that if there are modifications being made to the rules, perhaps one prohibiting drinking should be included. Mr. Hamberger clarified that drinking is prohibited in all the Borough’s parks; and Mr. Bittner stated that enforcement is, of course, an issue. He added that, as the Rotary Park is new and surrounded by approximately 30 homes, those residents have an interest in the park. He stated, for his part, he feels the rules should not be changed.

Councilman Martin made a motion to adopt the rules for Rotary Park as recommended by the Recreation Board and presented by the Borough Manager. Councilman Mumma seconded. Council President Newcomer explained that this will be done on a trial basis at the Rotary Park (in response to numerous requests from the residents of the area). Councilman Martin suggested that the rules be in effect until the end of the park season (September), at which time they will be re-visited.

Councilman Mumma asked if anyone had contacted the Rotary Club regarding their opinion, as they were the driving force (with money and manpower) in establishing this park.

Allen Porter, 932 Sunset Avenue - Mr. Porter noted that he spoke with Jim Rock, former President of the Rotary Club, who devoted a lot of time and effort in developing the park. Mr. Rock’s comment regarding the matter was that allowances need to be made for the large part of the population who are dog owners. Mr. Porter stated his support of the compromise in trying to keep dogs away from the playground equipment, pavilion and restroom areas. He is hopeful, however, that people don’t abuse these freedoms.

Councilman Martin then amended his motion that the rules be reviewed and re-visited again in September. Councilman Mumma amended the second.

Carolyn Smith - Ms. Smith noted that Kim Shockey (who is a member of the Rotary Club and a resident of the neighborhood) attended the Recreation Board’s meeting when this was discussed and reported on the matter to the Rotary Club.

Frank Bittner - Mr. Bittner commented that the Rotary Park is not used just for walking – children fly kites, throw frisbees, and play basketball ... how will the off-limit areas be marked and what will the criteria be for the “test months”? President Newcomer noted he is hopeful that people will be responsible dog owners, adding that there is no way of knowing how it will go unless a trial period is allowed.

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

PUBLIC IN ATTENDANCE - NON-AGENDA ITEMS: None.

PETITION FOR THE ABANDONMENT OF MYRTLE AVENUE FROM THIRD TO FOURTH STREETS: Councilman Martin reported that Council received a petition this evening for the abandonment of Myrtle Avenue from Third to Fourth Streets. Parties to the petition were: Bruce Greenshields, Kathryn Zeimetz, Mr. and Mrs. Ronald Finn, and Mr. and Mrs. Harry Morningstar Jr. He noted that the Kings were not parties of this petition. A copy of the petition will be provided to the Solicitor for record, and Ms. Dively noted the process set up through the Borough Code will be followed to address this request.

FOR INFORMATION ONLY

PUBLIC HEARING RE: DOWNTOWN PARKING ORDINANCE: Mr. Hamberger reminded Council that a public hearing regarding the proposed Downtown Parking Ordinance will be held on January 21st at 7:00 p.m.; and Council will consider the ordinance at their meeting to follow.

PENSION PLAN ORDINANCES: Mr. Hamberger noted that proposed ordinances to bring the municipal pension plans into compliance with IRS regulations will be considered at the January 21st meeting also.

NEW COMPUTER SYSTEM UNDERWAY: Mr. Hamberger reported that the Borough's new billing/accounting computer system is underway. Of course, there is a steep learning curve; but once the staff is familiar with it, he feels it will be a much better system than the current one.

REQUEST FOR INCREASE IN COLLECTION FEES (TAX COLLECTOR): Mr. Hamberger noted that the Borough's tax collector is requesting an increase in tax collection fees, and Delmos Oldham was in attendance to explain his request. He noted that the request is for 1/10th of 1% (approximately \$1300), to be effective in 2010. He explained that the office rent and operational costs are steadily increasing; and he has not requested a raise in the 12 years he has been the tax collector. Councilman Martin made a motion to authorize the Borough Solicitor to prepare an ordinance for an increase in the tax collection percentage fee, as requested by the tax collector. Councilman Stains seconded; the motion passed unanimously.

PAY BILLS: None.

COUNCIL AND STAFF COMMENTS: President Newcomer informed Denny Benshoff that a headlight is out on one of the salt trucks.

A member of the audience noted that there are two (2) street lights out at the corner of Franklin and Main Streets. Kevin Grubbs responded that someone ran over the bases prior to the lights being installed. Allegheny Power will install the lights as soon as the weather permits.

Police Chief King reported that a lot of progress has been made on the mobile computers. They are "up and running" with the capability of utilizing CNET and JNET to run registrations and license checks. They need to install two (2) computers in two (2) cars yet, and the software needs to be installed to use the cameras. Chief King also noted that Sgt. Michael Bock is "on the mend" following his surgery.

Having no further business to discuss, the meeting adjourned at 8:15 p.m. on a McCammon/Greenawalt motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant